



# Jackson County, Missouri

## Request for Legislative Action

**REQUESTED MEETING DATE:** \_\_\_\_\_ **SPONSOR:** \_\_\_\_\_

*To be completed by the County Counselor's Office:*

**NUMBER:** 5846

**ASSIGNED MEETING DATE:** 04/15/2024

**STAFF CONTACT:** Randy Diehl **PHONE:** 816-881-4577

**EMAIL:** rdiehl@jacksongov.org

**DEPARTMENT:** Public Works

**TITLE:** RZ-2024-673 – Shawn C & Lauren M Copeland

**SUMMARY:**

Requesting a change of zoning from District AG (Agricultural) on 1.75 ± acres to District RS (Residential Suburban). The purpose is to decrease the building setback requirements at 9919 S. Howard Road.

Staff recommends approval because the change in zoning is consistent with the intent and purpose of the County Plan and complies with the Unified Development Code requirements.

The Jackson County Plan Commission held a public hearing on March 21, 2024, and accepted testimony pertaining to the rezoning request. There were one person in opposition to the request.

The Plan Commission voted 4 to 1 to recommend APPROVAL to the County Legislature.

**FINANCIAL IMPACT:** NO

YES

Amount

Fund

Department

Line-Item Detail

\_\_\_\_\_

**ACTION NEEDED:** ZONING (UDC)

**ATTACHMENT(S):**

**RZ-2024-673**

**ATTACHMENT 1: PROPERTY DESCRIPTION**

**Description:**

Lot 22A, Timber Meadows Resurvey of Lot 22 and the West 40 feet of Lot 23, a subdivision in Jackson County, Missouri

RZ-2024-673

ATTACHMENT 2: ZONING SUPPORT DOCUMENTATION

Attachments

Plan Commission Public Hearing Summary from March 21, 2023

Staff Report

Zoning map of surrounding area

Names and addresses of surrounding property owners

Letter to surrounding property owners

Application

Aerial of location

Pictures provided by neighbor

**Randy Diehl gave the staff report:**

**RE: RZ-2024-673**

**Applicant:** Shawn & Lauren Copeland

**Location:** 9919 S. Howard Road

**Area:** 1.75 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** The purpose is to decrease the building setback requirements.

**Current Land Use and Zoning in the Area:**

The zoning in the area is Agricultural and Residential.

Timber Meadows 4<sup>th</sup> Plat was created in 1979, prior to the adoption of the Unified Development Code in 1995. These lots are Legal Non-Conforming. As of 1995, residential lots under 10 acres are now required to be rezoned to a residential zoning.

In 1985 Lot 22 and part of Lot 23 were replatted to create two separate lots.

The applicant wishes to decrease the side yard setbacks for future construction. The rezoning will reduce the side yard setbacks from 30 feet to 15 feet, the rear yard setbacks from 50 feet to 20 feet. The front setback is platted at 65 feet and will remain the same.

**County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

**Recommendation:**

This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2024-673.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Mr. Antey: We have another legal non-conforming being brought into compliance with the development code.

Mr. Diehl: That is correct. It's the same type of request has the first case we heard today.

**Mr. Antey: *Are there any questions for Randy?***

There were none.

**Mr. Antey: *Is the applicant here?***

Shawn Copeland: 9919 S Howard Road.

**Mr. Antey: *Do you have anything to add to the report?***

Mr. Copeland: No, I don't.

**Mr. Antey: *Is there anyone else who is in favor of this application?***

There were none.

**Mr. Antey: *Is there anyone who is opposed or has questions regarding this application?***

Phillip Owensby: 1200 NE Todd George Road. I own the property to the north. I brought some pictures. I have two problems with this: I don't know what he's building. Right now, he's putting in a pad and he's built up the ground about three feet about 10 feet from the property line.

Mr. Antey: We're talking about the side, correct?

Mr. Owensby: Yes. He's built it up along the white fence.

Mr. Antey: At this point what we are looking at today is whether to bring this lot into compliance with the development code. What that is doing is allowing the setbacks to diminish from the Agricultural zoning to the Residential zoning. The building would need to comply with the 15 foot setback.

Randy Wilson: 9822 S Howard: I'm here help Phillip and to represent the owner of the property across the street as well. The elevation of (the Copeland) property is higher than Phillips. All the drainage will come right into his property.

We don't know what's being built, don't know about the runoff. Where's the property line, how tall is the building going to be.

Mr. Antey: There is a restriction on how tall the roof can be.

Mr. Wilson: It's 35 feet.

Mr. Antey: That's something that we don't have control of.

Mr. Wilson: Something too tall will restrict the sun and he will have a swamp there.

Mr. Antey: Even if it was moved back to 30 feet at that height, it still wouldn't matter.

Mr. Wilson: The pictures show that change in elevation.

Mr. Owensby: We've had this problem before. I had to dig a trench. This is going to throw all that water onto me.

Mr. Crawford: Do you have a homeowner's association?

Mr. Wilson: I believe these are two different developments.

Mr. Crawford: We are charged today with bringing the lot into compliance and that also reduces the setbacks.

Mr. Wilson: It appears the gravel is directly south of the house and there is plenty of room to move it.

Mr. Owensby: What is the requirement for the building from the property line?

Mr. Antey: On the side, the proposal is changing from 30 feet to 15 feet.

Mr. Wilson: The foundation or the overhang?

Mr. Owensby: He's 10 feet from the back fence.

Mr. Diehl: The structure itself, not the pad site, is subject to setbacks.

Mr. Monaco: If this had been zoned originally, would the (side) setbacks have been 15 feet?

Mr. Diehl: Yes. If this was created after 1995, we would not be here today.

Mr. Wilson: Is there any way to make surety bond?

Mr. Diehl: When he makes an application for the building permit, all that will be reviewed before the permit is issued.

Mr. Owensby: He's already started.

Mr. Diehl: You have the same rights to level off your ground prior to permitting. Groundwork does not require a permit.

Mr. Antey: Would the applicant like to respond?

Mr. Copeland: There will not be any change in the amount of water, with or without a building.

Mr. Antey: When you took the trees out, what's there?

Mr. Copeland: Right now, it's just dirt, but will be grass afterward. My gutters are piped into the ditch. My runoff runs underground into the ditch in front of my house. The gutters for the building will be the same way.

Mr. Crawford: How big of a building are you proposing?

Mr. Copeland: 40 by 60. It will have gutters as well.

Mr. Lake: Why did you pick that location?

Mr. Copeland: My septic tank and field are in the back. And I want it to line up with the driveway. I can't put it on top of my lateral lines.

Motion to take under advisement.

Mr. Lake moved to take under advisement. Mr. Monaco seconded.

*Discussion under advisement*

Mr. Crawford moved to approve. Ms. Ryerkerk seconded.

Mr. Lake	Deny
Mr. Monaco	Approve
Mr. Crawford	Approve
Ms. Ryerkerk	Approve
Chairman Antey	Approve

Motion Carried 4 – 1

## STAFF REPORT

### PLAN COMMISSION

March 21, 2024

RE: RZ-2024-673

**Applicant:** Shawn & Lauren Copeland

**Location:** 9919 S. Howard Road

**Area:** 1.75 ± acres

**Request:** Change of zoning from District AG (Agricultural) to District RS (Residential Suburban)

**Purpose:** The purpose is to decrease the building setback requirements.

#### **Current Land Use and Zoning in the Area:**

The zoning in the area is Agricultural and Residential.

Timber Meadows 4<sup>th</sup> Plat was created in 1979, prior to the adoption of the Unified Development Code in 1995. These lots are Legal Non-Conforming. As of 1995, residential lots under 10 acres are now required to be rezoned to a residential zoning.

In 1985 Lot 22 and part of Lot 23 were replatted to create two separate lots.

The applicant wishes to decrease the side yard setbacks for future construction. The rezoning will reduce the side yard setbacks from 30 feet to 15 feet, the rear yard setbacks from 50 feet to 20 feet. The front setback is platted at 65 feet and will remain the same.

#### **County Plan:**

The County Plan Development Diagram illustrates this area within the Urban Development Tier (UDT).

#### **Recommendation:**

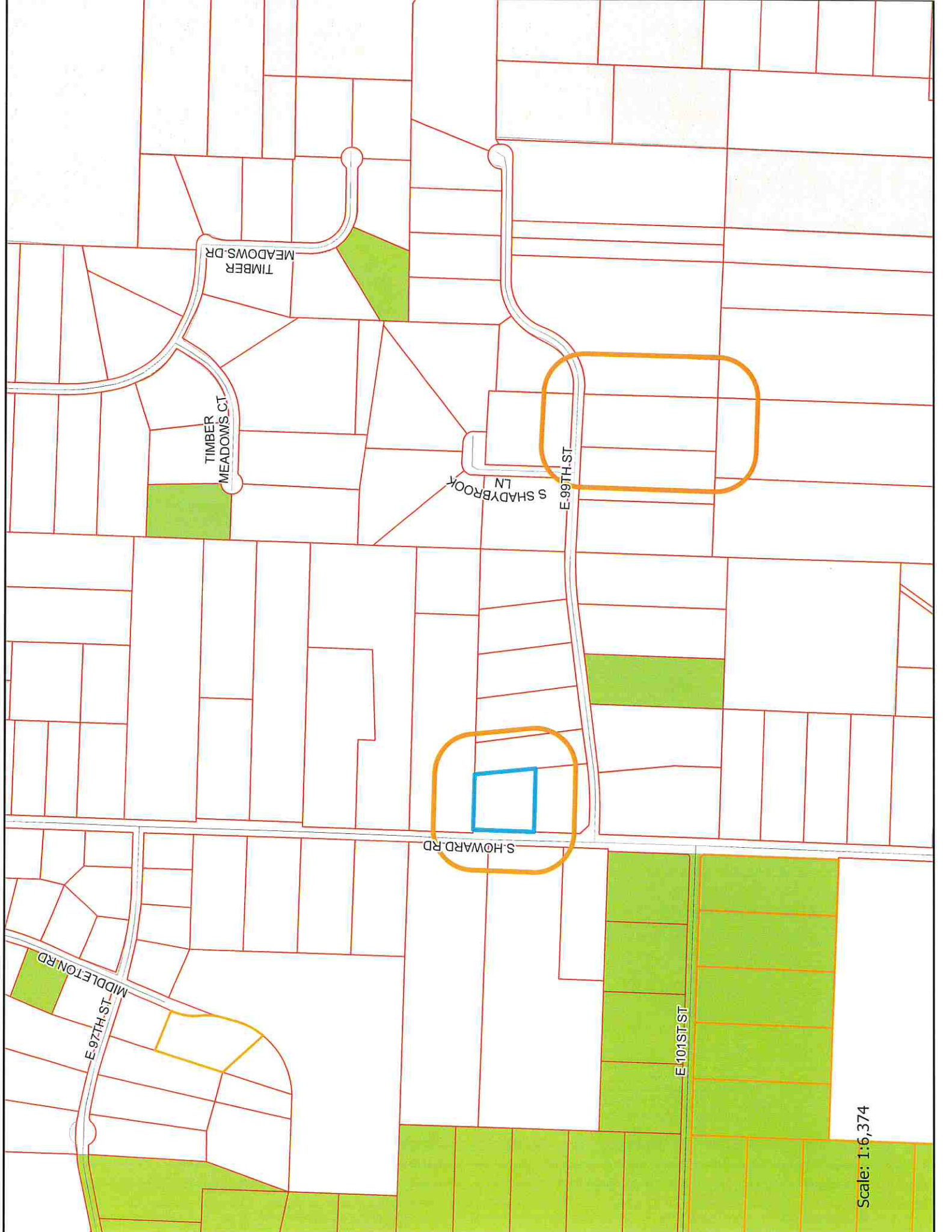
This request for rezoning is consistent with the intent and purpose of the County Plan.

Staff recommends APPROVAL of RZ-2024-673.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator





TIMBER MEADOWS DR

TIMBER MEADOWS CT

S SHADYBROOK LN

E 99TH ST

S HOWARD RD

E 101ST ST

E 97TH ST

MIDDLETON RD

Scale: 1:6,374

RZ-2024-673

Property Owners Within 185 feet

parcel	owner	address	city	state	zip
53-700-01-09-00-0-00-000	OWENSBY PHILLIP & NADINE	1200 NE TODD GEORGE RD	LEES SUMMIT	MO	64086
53-700-01-31-01-0-00-000	MILLER HAROLD M JR & JANET K	25304 E 99TH ST	LEES SUMMIT	MO	64086
53-700-01-32-02-0-00-000	WALDEN MANOR LLC	PO BOX 191	LEES SUMMIT	MO	64063
53-700-02-01-00-0-00-000	NULLINER OTIS J & MILDRED ELAINE	9912 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-02-03-00-0-00-000	NOLAND MICHAEL T & JUDITH R	10008 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-02-04-00-0-00-000	NOLAND MICHAEL T & JUDITH R	10008 S HOWARD RD	LEES SUMMIT	MO	64086
53-700-01-32-01-0-00-000	COPELAND SHAWN C & LAUREN M	9919 HOWARD R	LEES SUMMIT	MO	64086



## JACKSON COUNTY Public Works Department

Jackson County Technology Center  
303 West Walnut Street  
Independence, Missouri 64050  
jacksongov.org

(816) 881-4530  
Fax: (816) 881-4448

March 6, 2024

RE: Public Hearing: RZ-2024-673  
Shawn & Lauren Copeland

Dear Property Owner:

You are hereby invited to participate in a public hearing to be held by the Jackson County Plan Commission on a request by Shawn & Lauren Copeland for a change of zoning from District AG (Agricultural) on 1.75 ± acres to District RS (Residential Suburban). The purpose is to decrease the building setback requirements at 9919 S. Howard Road.

Please note that this request for a change of zoning affects only the property mentioned above. Adjacent properties will not be affected by the change of zoning. Taxes are based on the land use of a property not the zoning.

You are being notified pursuant to 24003.5 Chapter 240 (Unified Development Code) of the Jackson County Code, as being an adjacent property within 185' of the subject property.

The public hearing on this matter will be held by the Plan Commission on Thursday, March 21, 2024, at 8:30 a.m. in the Large Conference Room, 2<sup>nd</sup> Floor, Historic Truman Courthouse, 112 W. Lexington, Independence, MO.

If you know of any interested party who may not have received a copy of this letter, it would be appreciated if you would inform them of the time and place of the hearing.

If you have any questions concerning this matter, please contact the Development Division at 881-4577.

Sincerely,

A handwritten signature in blue ink, appearing to read "Randy Diehl".

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

*Frank White, Jr., County Executive*

**JACKSON COUNTY, MISSOURI  
APPLICATION FOR CHANGE OF ZONING  
DO NOT PRINT DOUBLE SIDED**

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**APPLICANT INFORMATION:**

1. Application must be filed with the Jackson County Planning and Development Division, 303 W. Walnut, Independence, Missouri 64050 by the date on the Plan Commission Calendar.
  2. Application must be typed or printed in a legible manner.
  3. All applicable sections must be completed. If you need more space to provide information, please use separate 8 1/2"x11" paper, reference the application number and attach it to the application. Incomplete applications will not be accepted and will be returned to the applicant.
  4. Attach application for subdivision approval, consistent with the requirements of UDC Section 24003.10, as may be required.
  5. The filing fee (non-refundable) must accompany application.  
(Check payable to: Manager of Finance) -  
\$350.00 – Change of Zoning to Residential ≠  
\$500.00 – Change of Zoning to Commercial or Industrial
- 

**TO BE COMPLETED BY OFFICE PERSONNEL ONLY:**

Rezoning Case Number RZ- 2024- 673

Date filed \_\_\_\_\_ Date of hearing \_\_\_\_\_

Date advertised \_\_\_\_\_ Date property owners notified \_\_\_\_\_

Date signs posted \_\_\_\_\_

**Hearings:**    Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

                  Heard by \_\_\_\_\_ Date \_\_\_\_\_ Decision \_\_\_\_\_

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**BEGIN APPLICATION HERE:**

**1. Data on Applicant(s) and Owner(s):**

- a. Legal Owner of Property: Shawn C Copeland and Lauren M Copeland  
Current Mailing Address: 9919 Howard Rd Lee's Summit Mo 64086  
Phone: 816-885-2164 email: scopeland@mccraylumber.com
- b. Applicant (If different from the legal owner) \_\_\_\_\_  
Current Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_



2. Location: 9919 Howard Rd Lee's Summit MO 64086

3. Present Zoning AG Requested Zoning R

4. AREA (sq. ft. / acres) 1.87 Acres

5. Legal Description of Property: (Attach copy of Deed or legal description)

6. Present Use of Property: Building a Pole Barn

7. Proposed Use of Property: Personal use - store 4 wheelers / toys / wood shop

8. Proposed Time Schedule for Development: Summer July or so

9. What effect will your proposed development have on the surrounding properties?

NONE everybody already has Pole Barns

10. Is any portion of the property within the established flood plain as shown on the FEMA Flood Boundary Map? NO

If so, will any improvements be made to the property which will increase or decrease the elevation? \_\_\_\_\_

11. Describe the source which provides the following services:

a. Water Provider Public Water Supply district # 13 of Jackson County

b. Sewage disposal: Onsite Waste Water  Public Sewer \_\_\_\_\_

c. Electricity every

d. Fire protection Lee's Summit

e. Police Protection Lee's Summit / Jackson County Sheriff

12. Describe existing road width and condition: Black top Road is good

13. What effect will proposed development have on existing road and traffic conditions? NONE no extra vehicles coming here

14. Are any state, federal, or other public agencies approvals or permits required for the proposed development? No

If so, describe giving dates of application and status (include permit numbers and copies of same, if issued): \_\_\_\_\_

\_\_\_\_\_

The LEGAL OWNER(s) of the property must be signatory to this application.  
Applications will not be accepted to move forward without the proper signatories.  
Verification of ownership will be made using the Tax Rolls and the Recorder of Deeds database.

Verification: I (We) hereby certify that all of the foregoing statements contained in any papers and/or plans submitted herewith are true to the best of my (our) knowledge and belief.

Signature	Date
Property Owner(s) <u>Shawn C Copeland</u>	<u>2-28-24</u>
<u>Lauren M Copeland</u>	<u>2-28-24</u>

STATE OF Missouri  
COUNTY OF Jackson

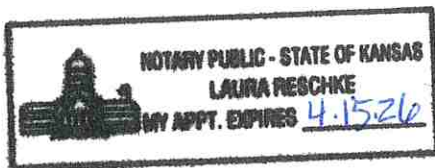
On this 28<sup>th</sup> day of February, in the year of 2024, before me the undersigned notary public, personally appeared Laura Reschke

known to me to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public 

Commission Expires 4/15/26







S HOWARD RD

Scale: 1:684



STATE OF MISSOURI  
COUNTY OF JACKSON  
RECORDED  
CATHEN  
DIRECTOR OF RECORDS  
1985 OCT -7 11 10:58.0  
found 3/8" iron pin  
M.W. corner NE 1/4  
Section 36-48-31

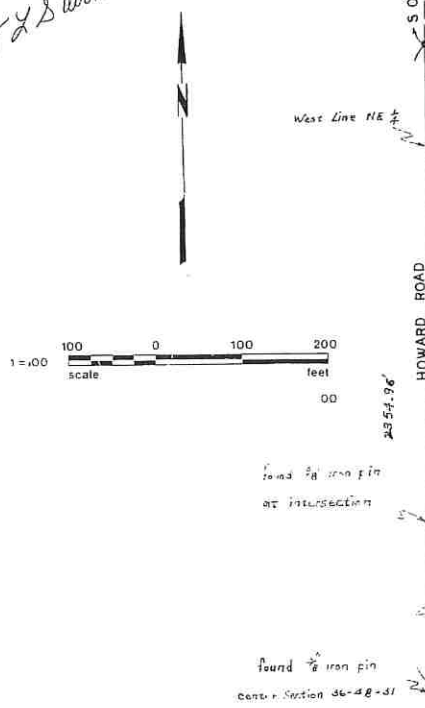
J651397

# TIMBER MEADOWS

## RESURVEY OF

### LOT 22 & THE WEST 40 FEET OF LOT 23

3.00  
25.00  
28.00  
S. Swanson



#### Legal Description:

08-4231

All of Lot 22 and the westerly 40 feet of Lot 23 of Timber Meadows, more particularly described as: Commencing at the NW corner of the NE 1/4 of Section 36, Township 48, Range 31 in Jackson County, Mo.; thence S 9°-08'-23" W along the West line of said NE 1/4 a distance of 297.0 feet thence N 89°-35'-35" E a distance of 40.0 feet to the NW corner of the original Lot 22 of Timber Meadows, Fourth Plat, a subdivision of record in Jackson County, Mo., said NW corner being the true point of beginning of the following described tract: thence N 89°-35'-35" E along the North line of said 4th Plat a distance of 253.89 feet; thence S 7°-19'-20" E (deed), S 7°-15'-50" E actual a distance of 519.67 feet to the North right-of-way line of 99th Street; thence Southwesterly along a bearing of S 81°-07'-02" W an arc distance of 147.5 feet with an initial tangent bearing of S 81°-07'-02" W an arc distance of 228.83 feet; thence continuing along said North right-of-way West a distance of 91.75 feet to the East right-of-way of Howard Road; thence N 0°-08'-23" E along said East right-of-way a distance of 531.31 feet to the point of beginning.

**DEDICATION:** The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall hereinafter be known as, "TIMBER MEADOWS, RESURVEY OF LOT 22 AND THE WEST 40 FEET OF LOT 23."

**EASEMENTS:** An easement or license is hereby granted to Jackson County, Missouri to locate, construct and maintain, or authorize location, construction and maintenance of conduits, gas, water and sewer lines, poles, wires and anchors and all or any of them over, under or along the strip designated as "Utility Easement" or the abbreviation, "U.E."

**STREETS:** Street right-of-ways shown on this plat not heretofore dedicated to public use as thoroughfares are hereby so dedicated.

**DRIVEWAY RESTRICTIONS:** No driveway may be constructed in this subdivision in such a manner as to require vehicles using said driveway to be backed into Howard Road. The construction of a driveway for Lot 22-A is limited to the North 10 feet of said lot. The Jackson County Public Works Department will refuse permits for the construction of any driveway not conforming with this restriction.

Approved as to Planning and Zoning:  
By Dennis R. Taylor Date 10-1-85  
Director of Planning and Zoning  
Jackson County, Missouri

Approved as to Street Locations and Widths:  
By David J. Smith Date 9-26-85  
Director, Public Works  
Jackson County, Missouri

Approved Elva L. Beltz EVA L. BELTZ Date 10-1-85  
Jackson County Assessor

In testimony whereof, Gary L. & Brenda Lea Adams, the undersigned, have caused these presents to be signed and sealed this 25th day of September, 1985.  
Gary L. Adams  
Brenda Lea Adams

Jerry B. Lyon  
Barbara A. Adams  
Barbara A. Adams  
9-26-85

State of Missouri  
County of Jackson) SS  
On this 25th day of September, 1985 before me appeared Gary L. and Brenda Lea Adams and Jerry Lyon and Kenneth Lyon to me personally known, and who executed the foregoing instrument and who acknowledged that they executed the same as their free act and deed.  
Barbara A. Adams  
Barbara A. Adams  
9-26-85

**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY: that the within plat of Timber Meadows, Resurvey of Lot 22 & West 40 feet of Lot 23 is based on an actual survey made by me or by my direct supervision and that said survey meets or exceeds the current Minimum Standards for Property Boundary Surveys as established by the Department of Natural Resources, Division of Geology or Land Survey of the State of Missouri. I further certify that the bearings shown on this plat are based on deed line of NE 1/4 = N 0°-08'-23" E, that the section and sectional subdivision corner monuments and survey boundary corner monuments were either found or set as indicated on this plat; that the lot corner and street centerlines have been marked with permanent monumentation as indicated on this plat; that I have complied with all State and Jackson County statutes, ordinances and regulations governing the practice of surveying and the platting of such divisions to the best of my professional knowledge and belief.  
Signed Walter Roy Spang  
Date Sept 25, 1985  
Walter Roy Spang  
Surveyor

I 382589

08-4238

STATE OF MISSOURI  
RECORDS DEPARTMENT

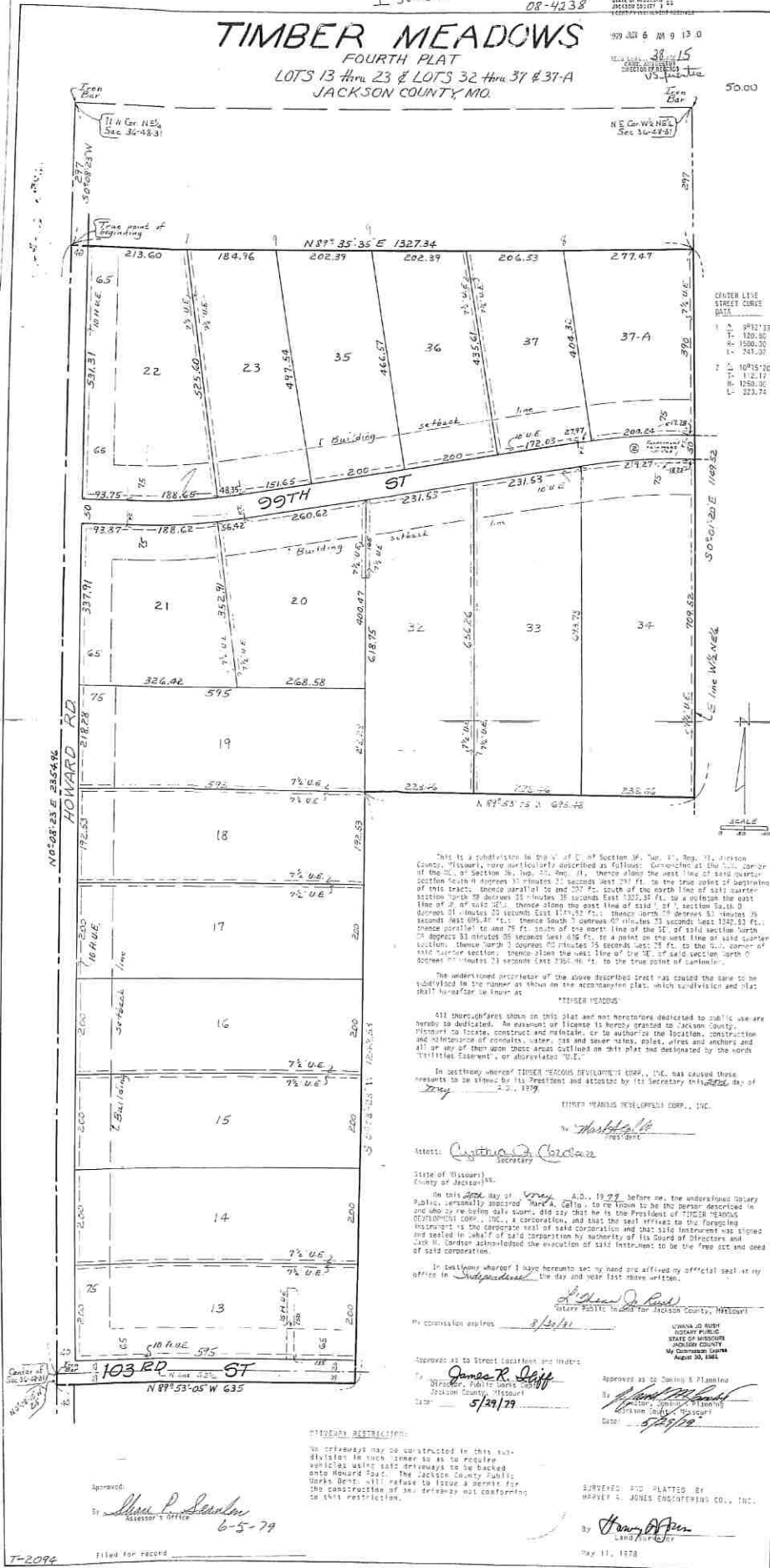
1928 JUN 6 AM 9 13 D

# TIMBER MEADOWS

FOURTH PLAT

LOTS 13 thru 23 & LOTS 32 thru 37 & 37-A

JACKSON COUNTY, MO.



This is a subdivision in the W 1/2 of E 1/2 of Section 36, Twp. 31, Rng. 11, Jackson County, Missouri, more particularly described as follows: Commencing at the true point of beginning of Section 36, Twp. 31, Rng. 11, thence along the west line of said quarter section 36 N 89° 53' 05" E 1327.34 ft. to the true point of beginning of the tract; thence parallel to and 33 ft. south of the north line of said quarter section 36 N 89° 53' 05" E 1327.34 ft. to a point on the east line of T 1/2 of said 36; thence along the east line of said T 1/2 of said 36 N 89° 53' 05" E 1327.34 ft. to a point on the east line of T 1/2 of said 36; thence along the east line of said T 1/2 of said 36 N 89° 53' 05" E 1327.34 ft. to a point on the east line of said quarter section 36; thence north 83 degrees 53 minutes 35 seconds East 695.44 ft.; thence south 83 degrees 53 minutes 35 seconds East 695.44 ft. to a point on the west line of said quarter section; thence north 83 degrees 53 minutes 35 seconds East 695.44 ft. to the true point of beginning of said quarter section; thence along the west line of the NE 1/4 of said quarter section north 83 degrees 53 minutes 35 seconds East 695.44 ft. to the true point of beginning of said quarter section.

The undersigned proprietor of the above described tract has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

TIMBER MEADOWS

All thoroughfares shown on this plat and not heretofore dedicated to public use are hereby so dedicated. An easement or license is hereby granted to Jackson County, Missouri, to locate, construct and maintain, or to authorize the location, construction and maintenance of conduits, water, gas and sewer lines, poles, wires and anchors and all or any of them upon these lands outlined on this plat and designated by the words "Utilities Easement", or abbreviated "U.E."

In testimony whereof TIMBER MEADOWS DEVELOPMENT CORP., INC. has caused these presents to be signed by its President and attested by its Secretary this 28th day of May, 1928.

TIMBER MEADOWS DEVELOPMENT CORP., INC.

By Harold H. Hoff  
President

Attest: Clayton O. Corcoran  
Secretary

State of Missouri) ss.  
County of Jackson)  
On this 28th day of May, A.D. 1928 before me, the undersigned Notary Public, personally appeared Harold H. Hoff, a citizen of the State of Missouri, who by reciting said oath, did say that he is the President of TIMBER MEADOWS DEVELOPMENT CORP., INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and that Clayton O. Corcoran acknowledged the execution of said instrument to be the free act and deed of said corporation.

In testimony whereof I have hereunto set my hand and affixed my official seal in my office in Jackson this day and year last above written.

By Harold H. Hoff  
Notary Public in and for Jackson County, Missouri

My commission expires 3/20/31

VERNON J. BUSH  
Notary Public  
STATE OF MISSOURI  
Jackson County  
My Commission Expires  
August 30, 1928

Approved as to Street Location and Index:

By James R. Jeff  
Recorder, Public Works Dept.  
Jackson County, Missouri  
Date 5/28/28

Approved as to Zoning & Planning  
By James R. Jeff  
Recorder, Public Works Dept.  
Jackson County, Missouri  
Date 5/28/28

### TIMBER RESTRICTIONS

No driveway may be constructed in this subdivision in such manner as to require service, utility, gas, telephone, or to authorize the location, construction and maintenance of conduits, water, gas and sewer lines, poles, wires and anchors and all or any of them upon these lands outlined on this plat and designated by the words "Utilities Easement", or abbreviated "U.E."

Approved:  
By Miss P. Seaman  
Assistant's Office  
6-5-28

SURVEYED AND PLATTED BY  
HARVEY L. JONES ENGINEERING CO., INC.

By Harvey L. Jones  
Land Surveyor  
May 11, 1928

T-2094

Filed for Record



