



# City of Grain Valley

## Board of Zoning Adjustment

### Meeting Minutes Summary

3/15/2023  
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#### ITEM I: CALL TO ORDER

- The Board of Zoning Adjustment of the City of Grain Valley, Missouri met on March 15, 2023, in the City Hall Council Chambers.
- The meeting was called to order at 6:45 PM by Chair Steve Shatto.

#### ITEM II: ROLL CALL

- *Present: Steve Shatto*
- *Present: Mark Clark*
- *Present: Jim Wyzard*
- *Absent: Joe Panza*
- *Absent: Lynne Berend*
- ***There was a quorum to open the meeting and conduct the public hearing. City Attorney Anthony Hernandez advised the Board that the City Ordinance states four members are required to approve a variance. Testimony can be taken during the public hearing, but the Board will need to continue meeting to a date when at least four members are present to decide on the variance.***

#### ITEM III: APPROVAL OF MINUTES

- Board member Clark made a motion to approve the minutes from the December 15, 2022 meeting. The Board approved the minutes by vote 3-0.

#### ITEM IV: PUBLIC HEARING

Chair Shatto opened the following public hearing:

- 1) VAR2023-01 John Riotte – Requesting a variance to Section 400.230 C.9 pertaining to allowable fence materials in a residential zoned subdivision. The applicant used a hog metal panel framed with cedar wood along the east property line or rear yard and on the gates that are on the front side of the property. The existing lot is located near the southwest corner NE Hoot Owl Street and NE Andeon Street and is legally described as Lot 20 in

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#### Board Members Present

Mark Clark  
Mike Coon  
Steve Shatto

#### Board Members Absent

Lynne Berend  
Joe Panza

#### Staff Officials Present

Mark Trosen – CD Director  
Anthony Hernandez – City Attorney



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Hoot Owl Estates Plat, a subdivision in the Northwest Quarter of Section 26, Township 49 North, Range 30 West in Grain Valley, Missouri aka 1603 NE Andeon Street.

- Director Trosen entered the following exhibits into the public record:
  - 1) Use Variance Application
  - 2) Applicant Plot Plan
  - 3) Aerial Map
  - 4) Staff Report
  - 5) Photos of the Fence
  - 6) Hoot Owl Estates

Director Trosen reviewed the Staff Report. Director Trosen reviewed the five factors that the applicant should prove that a use variance exists because of an “unnecessary hardship”. Director Trosen stated that the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potential impact upon other property in the neighborhood.

Director Trosen stated that the Board could consider imposing a condition to this variance request by allowing the hog panel fence along the east property line since it is adjacent to undeveloped land but require the two west gates be changed and constructed to wood privacy or picket board gates.

- John Riotte introduced himself as the property owner and applicant and stated that he and his wife reside at 1603 NE Andeon Street. Mr. Riotte said that although he had described them as hog panels, they are horse panels. Mr. Riotte offered as an exhibit two display boards that show what a typical hog panel looks like and the other board illustrates photos of the fence installed with horse metal panels in cedar wood frames.

Mr. Riotte stated that the horse panel is a heavier gage and looks better. He said the fence secures the yard, maximize the views to the east and west and allows the dog to see out instead of barking. He said that we also had neighbors write letters as well as appear tonight in favor of the fence and variance. Mr. Riotte offered as exhibit and read the letter from William Nixon at 1605 NE Andeon Street. Mr. Riotte offered as exhibit and read the letter

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**Board Members Present**

Mark Clark  
Mike Coon  
Steve Shatto

**Board Members Absent**

Lynne Berend  
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from Justeen and Cameron Humphrey at 209 NE Hoot Owl Street in support of existing fence.

Mr. Riotte said that when they built the fence for the dog, they wanted to provide privacy but allow the dog to view the property to the east. Mr. Riotte explained what had happen on the application with the fence company. He said that he wanted to install something different, a more rural look. He said they spent around \$6,000 on the fence.

Board member Clark asked Mr. Riotte if the Board asked him to change the gates on the west side, how would that impact him negatively. Mr. Riotte said the hardship would be the cost to replace and figuring out how the fence would be constructed since it basically fits as a puzzle now. Jacki Mata, Mr. Riotte's wife, testified that the gates are constructed for the dog so that he can look out. She said that they had the fence up for about a month before they were made aware that a variance is needed. She said wrought iron would not look right and then you would have three sets of materials used in one fence. She said that it is a custom fence with the cedar wood being constructed around the horse panel.

- Katie Crum introduced herself and said that she owns the modern farm house at 1602 NE Andeon Street which is across the street. Ms. Crum said that she was glad that they had gone through the permitting process and that we as neighbors in a new subdivision find this very important. She said she encourages the Board to look at creative building materials in modern architecture and there are environmentally friendly materials that are being used in both softscapes and hardscapes. She described the fence as gorgeous and emphasized the Z-brace on the gate and commented that she used that concept throughout her custom built home. She would be mortified if that fence would be changed into a chain link. She thinks this is a launching point for the community to think outside the box. She said that she watches the sunrise from her front door and for the gates to have the horse panel allows her to see it without blocking her view. She is the only one that looks directly into the house. She said that she sees the hardship in requiring the property owner to change it.
- Laura Frasher introduced herself and said that she owns the house at 1601 NE Andeon Street. She said that she is jealous that she didn't think of this type of fence first and she loves it. She is next door and asked the Board to not require the property owner to change the fence.

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**Board Members Present**

Mark Clark  
Mike Coon  
Steve Shatto

**Board Members Absent**

Lynne Berend  
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- Lamar Orndorff introduced himself and said that he owns the house at 205 NE Hoot Owl Street. He said the fence is eye-catching, very attractive and adds to the neighborhood. He is in favor of the fence staying because it adds value to the neighborhood.
- Mr. Trosen stated that the two display boards offered by Mr. Riotte are marked as Exhibit 7, the letter from Mr. Nixon is marked as Exhibit 8 and the Humphrey's letter is marked as Exhibit 9.
- Chair Shatto closed the public hearing.
- Board member Clark made a motion to table the variance request until a date can be established for more BZA members to be present and decide the request based on the information and testimony presented tonight. The motion passed by a vote of 3 to 0.

#### **ITEM VIII: PREVIOUS BUSINESS**

- None

#### **ITEM IX: NEW BUSINESS**

- Although the election of a Chairperson was on the agenda, no action was taken until more members can be present.

#### **ITEM X: ADJOURNMENT**

- Board member Clark motioned to adjourn the meeting. The Board approved the motion by a vote of 3 to 0.

*-The Meeting Adjourned at 7:10 PM-*

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#### **Board Members Present**

Mark Clark  
Mike Coon  
Steve Shatto

#### **Board Members Absent**

Lynne Berend  
Joe Panza

#### **Staff Officials Present**

Mark Trosen – CD Director  
Anthony Hernandez – City Attorney