



**City of Grain Valley
Board of Zoning Adjustment
December 2, 2025, at 6:30 P.M.
OPEN TO THE PUBLIC**

*Located in Grain Valley City Hall – Council Chambers
711 Main Street – Grain Valley, Missouri*

ITEM I: CALL TO ORDER

ITEM II: ROLL CALL

ITEM III: APPROVAL OF MINUTES

- **July 16, 2024**

ITEM IV: PUBLIC HEARING:

The following item requires a public hearing and has been duly advertised for this meeting. Staff will present information on item first, then input from the applicant and then public testimony will be taken. The public hearing will then be closed, and the Board will discuss and vote on the item.

1. **Driveway Area Variance-** Requesting a variance for driveway materials to be asphalt rather than concrete currently required by code. The property is described as lot 28, Sni-A-Bar Crossing at Sni-A-Bar Farms, 4th Plat, Grain Valley, Jackson County, Missouri AKA 903 SW Shorthorn Drive.

ITEM V: Action Item:

1. **Driveway Area Variance-** Requesting a variance for driveway materials to be asphalt rather than concrete currently required by code. The property is described as lot 28, Sni-A-Bar Crossing at Sni-A-Bar Farms, 4th Plat, Grain Valley, Jackson County, Missouri AKA 903 SW Shorthorn Drive.

ITEM VI: NEW BUSINESS

- **Election of a chairperson**

ITEM VII: ADJOURNMENT

PLEASE NOTE

PEOPLE REQUIRING ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE MEETING SHOULD CONTACT THE CITY CLERK AT 816-847-6210 AT LEAST 48 HOURS BEFORE THE MEETING. UPON REQUEST, THE MINUTES FROM THIS MEETING CAN BE MADE AVAILABLE BY CALLING 816-847-6210.

New

Active

Application Review Status

Pre-Review	Reviewing	09/10/2025
Planning and Zoning	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Variance	\$350.00	09/10/2025	Card Visa *8926	\$350.00
Subtotal	\$350.00	Total Paid		\$350.00
Amount Paid	\$350.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Variance Type
Area Variance


Please explain the requested variance


I am requesting approval to construct a residential driveway using asphalt paving material rather than concrete, as currently required by ordinance. This variance will allow me to build a safe, durable, and functional driveway while also reducing undue financial hardship.

Please provide a legal description of the variance

Construction of a residential driveway on Lot 28, Sni-A-Bar Crossing at Sni-A-Bar Farms, 4th Plat, Grain Valley, Jackson County, Missouri, using asphalt paving material in lieu of the concrete paving material required by ordinance.

Additional Attachments

 Johanna Rustia_Application Cover Letter.pdf

 Exhibit C – 2017 Replat.pdf



 Exhibit B – Deed.pdf

 Exhibit A – Plat Evidence_1949.pdf

 Exhibit A – Plat Evidence_1950.pdf

Property Street Address

903 SW Shorthorn Dr

City

Grain Valley

State

MO

Zip Code

64029

First Name

johanna

Last Name

rustia

Phone Number

(646) 262-2900

Email

johanna.rustia@gmail.com

Street Address

35-25 9th St

City

Astoria

State

NY

Zip Code

11106

Is the applicant also the property owner?

Yes

The variance requested arises from a condition which is unique and peculiar to the property in question and which is not ordinarily found in the same zone or district, and further, is not created by an action or actions of the property owner or applicant.

My property is part of a subdivision recorded well before 1996, which creates a unique condition. Unlike newer subdivisions where concrete was always required, applying the same rule here places an unusual burden that is not typical for comparable lots.

The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

The proposed asphalt driveway will be safe, durable, and appropriate for the residential character of the neighborhood. Asphalt has a smooth, uniform finish that gives a clean appearance, and over time it weathers to a softer gray that blends in naturally. Its strength and resilience also ensure it will remain attractive and well-kept, avoiding the cracking and patchwork repairs that can detract from the look of concrete.

Strict Application of the provisions of the City's zoning regulations of which the variance is requested will constitute practical difficulties for the property owner. Missouri Courts have stated that the following factors are helpful in determining practical difficulties: (1) How substantial the deviation (variance) is in relation to the requirement; (2) Whether there will be a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties; (3) Can the problem be corrected by a feasible alternative to the grant of a variance; (4) Whether fairness can be achieved for all by allowing the variance.

Requiring concrete creates a significant financial hardship because the cost is more than double that of asphalt. This burden makes it impractical for me to proceed, especially with winter approaching and a tenant depending on safe access. There is no reasonable alternative that addresses these difficulties without a variance.

The variance requested will not adversely affect the public health, safety, morals, or general welfare of the community.

An asphalt driveway will fully protect public safety by providing stable, all-weather access. It avoids delays that could leave my tenant and property exposed to unsafe conditions during winter.

The granting of the variance will not be opposed to the general spirit and intent of the ordinance from which the variance is sought.

The ordinance's intent is to ensure driveways are strong and long-lasting. Asphalt achieves this purpose while also reducing undue financial hardship. Granting relief balances the intent of the law with the practical realities faced by homeowners in older subdivisions.

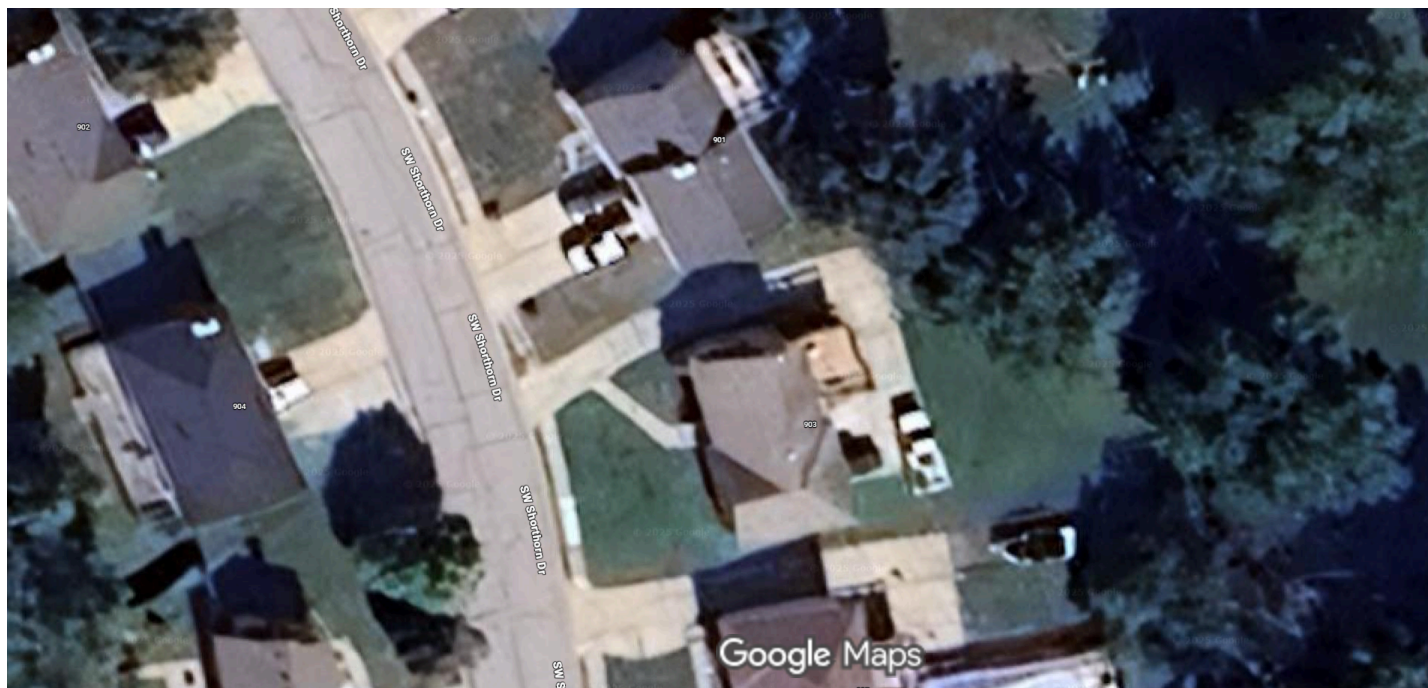
Substantial justice (i.e., is it fair to all affected parties) will be done by the granting of this variance. (Why is this request fair to all affected?)

Fairness requires allowing this variance so that I can maintain safe, functional access without shouldering an unreasonable cost. Granting relief causes no harm to neighbors or the community, but denial would place an unnecessary and inequitable burden on me.

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Johanna Rustia - 09/10/2025 12:32 pm



09/10/2025

Grain Valley Community Development Department
711 Main Street Grain Valley, MO 64029

Dear Members of the Board,

I am submitting my application for an **Area Variance** to allow the construction of a residential driveway at 903 SW Shorthorn Rd, Grain Valley, MO 64029 using asphalt paving material rather than concrete, as currently required by ordinance.

The City's ordinance requires concrete driveways for subdivisions platted after 1996. My property, however, is part of a subdivision originally platted well before that date, and I have included documentation to establish this.

The cost of a concrete driveway is prohibitively high and creates a serious hardship for me as a homeowner. Asphalt offers a safe and durable alternative that allows me to move forward responsibly and complete the work before winter weather creates further complications for both me and my tenant.

Supporting materials are attached as Exhibits, organized to show the chain of evidence:

- **Exhibit A – Plat Evidence**
1949 Plat: Plat Book 13, Page 28 (recorded April 14, 1949).
1950 Plat: Plat Book 14, Page 7 (recorded May 10, 1950).
(These documents establish that the subdivision was originally recorded prior to 1996.)
- **Exhibit B – Deed**
Instrument #2016E0041728
(Confirms my ownership and provides the legal description for Lot 28, Sni-A-Bar Farms 4th Plat.)
- **Exhibit C – 2017 Replat**
Plat Book 188, Pages 18–21 (recorded February 7, 2017).
(Shows the most recent recorded plat for the subdivision, tying it forward from the original plats to the present.)

Certified copies of the plats have been requested from the county recorder. Pending receipt, PDF versions are included now. I will also bring a few additional supporting materials to the hearing so the Board has the full picture.

Thank you for your time and consideration.

Sincerely,

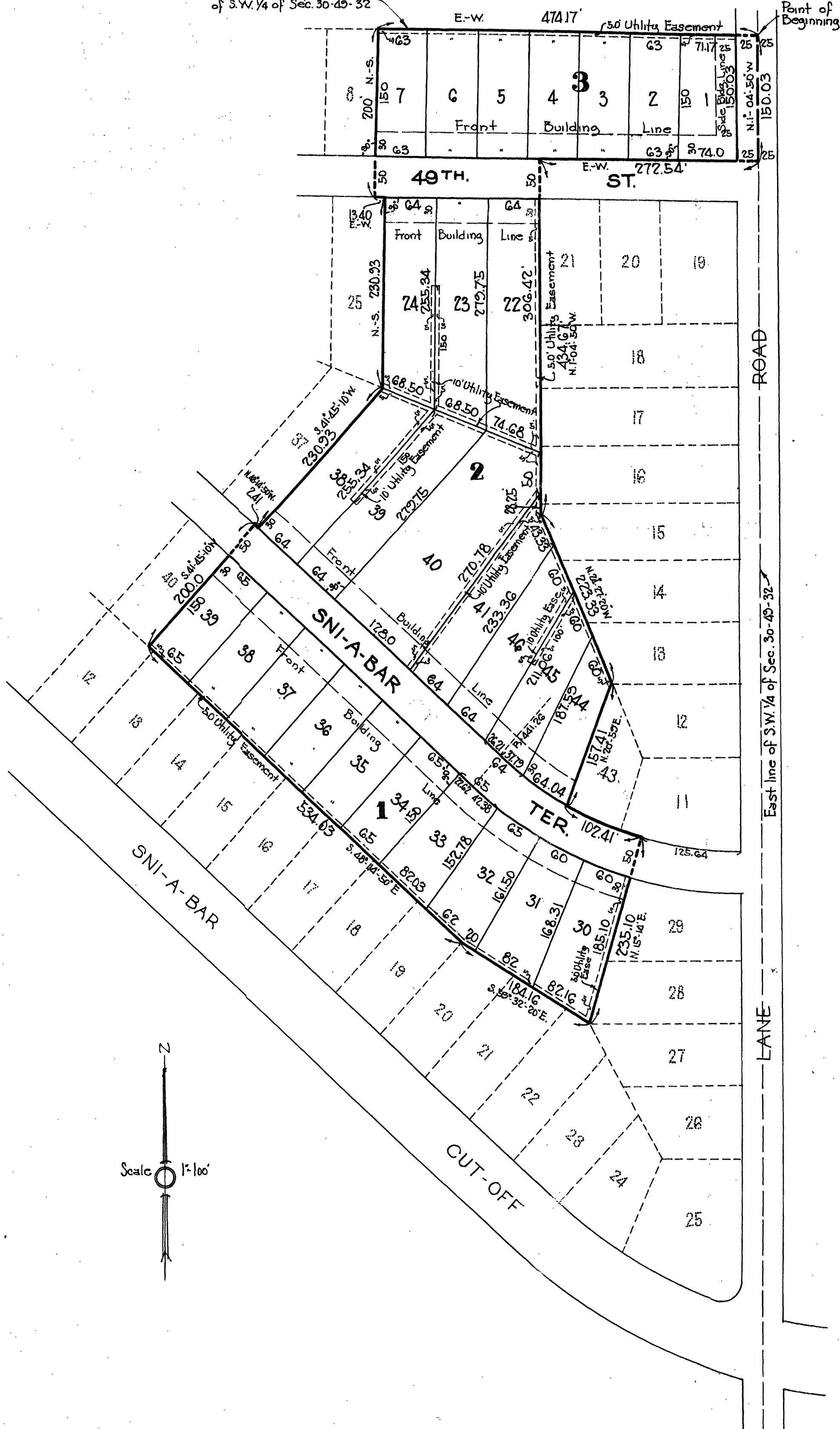


Johanna Rustia

SNI-A-BAR HILLS

This is a subdivision of all that part of the Southwest Quarter (S.W. 1/4) of Section 30, Township 49, Range 32, in Jackson County, Missouri described as follows: Beginning at a point in the East line 1037.85 feet South of the Northeast corner of said Quarter-Section; thence West and parallel with the North line of said Quarter-Section 474.17 feet to the Northeast corner of Lot 8, Block 3, Sni-A-Bar Hills according to the recorded plat thereof; thence South along the East line of said Lot 8 and its prolongation South, 200 feet to a point in the North line of Lot 25, Block 2 in said addition; thence East along said North line, 1340 feet to the Northeast corner of said Lot 25; thence South along the East line of said Lot 230.23 feet to the most Easterly corner of Lot 37 in said Block 2; thence S. 41° 45' 10" W. along the Southeasterly line of said Lot 37 and its Southwesterly prolongation, 230.23 feet to the most Southerly corner of said Lot 37; thence N. 48° 14' 50" W. along the Southerly line of said Lot 37, 2.41 feet; thence S. 41° 45' 10" W. along the Northeastery prolongation of the Southeasterly line of Lot 40, Block 1, in said addition and along the Southeasterly line of Lot 40, 200 feet to the most Southerly corner thereof; thence S. 48° 14' 50" E. along the Northeastery line of Lots 12 to 13 inclusive, 534.03 feet to the most Easterly corner of said Lot 13; thence S. 59° 32' 20" E. along the Northeastery line of Lots 20, 21, and 22 in said Block 1, 184.16 feet to the Southwest corner of Lot 28 in said Block 1; thence N. 15° 14' E. along the Westerly line of Lots 28 and 29 in said Block 1, and its Northerly prolongation, 235.10 feet to a point in the Southerly line of Lot 11, Resurvey of Lots 1 to 10 inclusive, Block 2, Sni-A-Bar Hills, which point is 125.64 feet Westerly from the Southeast corner of said Lot 11, measured along said Southerly line; thence Northwestery along a curve to the right from the last described course as a normal, having a radius of 441.26 feet, being along the Southerly line of Lots 11 and 43 in said resurvey of Block 2, 102.41 feet to the Southwest corner of said Lot 43; thence N. 20° 53' E. along the Westerly line of said Lot 43, 157.41 feet to the Southwest corner of Lot 13 in said Resurvey of Block 2; thence N. 24° 27' 20" W. along the Westerly line of Lots 13, 14, and 15, 223.33 feet; thence N. 1° 04' 50" W. along the West line of Lots 15, 16, 17, 18, and 21 in said Resurvey of Block 2, and its prolongation North, 434.67 feet; thence East 272.54 feet to a point in the East line of the Southwest Quarter (S.W. 1/4) of said Section 30; thence N. 1° 04' 50" W. along said East line, 150.03 feet to the point of beginning.

Line 1037.85' S. of the N. line
of S.W. 1/4 of Sec. 30-49-32



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 and plat shall hereafter be known as "SNI-A-BAR HILLS"

The streets and roads shown on this plat have previously been dedicated to public use as thorough fares.

An easement or license is hereby granted to Jackson County, and to all public utility companies duly incorporated and existing under the laws of the state of Missouri to enter upon, construct and maintain poles, wires, anchors, pipes, sewers, conduits, etc., upon those areas outlined and designated on this plat as "Utility Easement."

In testimony whereof Howard R. Winter and Helen F. Winter, his wife, and George M. Siemens Jr. and Mina Mary Siemens, his wife, to me known to be the persons described in and who executed the foregoing instrument and who acknowledged that they executed the same as their free act and deed.

Howard R. Winter
Howard R. Winter

George M. Siemens Jr.
George M. Siemens, Jr.

Helen F. Winter
Helen F. Winter

Mina Mary Siemens
Mina Mary Siemens

State of Missouri }
County of Jackson } s.s.

On this 10th day of March 1949, before me personally appeared Howard R. Winter and Helen F. Winter, his wife, and George M. Siemens, Jr. and Mina Mary Siemens, his wife to me known to be the persons described in and who executed the foregoing instrument and who acknowledged that they executed the same as their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal at my office in said county and state the day and year last above written.

My commission expires June 25-1952

Vada J. Bayle
Notary Public in and for Jackson County, Missouri

APPROVED:

As to planning and zoning
Jackson County Planning Commission

By: *James J. Howney*
Engineer

APPROVED:

As to roads and streets
Jackson County Highway Engineer

By: *W. Leonard*

✓
✓
PLAT BOOK No. 13 PAGE 28

Filed for Record tax 14
day of April A. D. 1849
at 1 o'clock 09 Minutes P.
Recorded in Book _____ at Page _____
DAN T. MCKEEVER Recorder
By A. G. Montague
Recorder's fee 18.00

STATE OF MISSOURI) ss.
COUNTY OF JACKSON)
IN RECORDER'S OFFICE

I, DAN T. MCKEEVER, Recorder of Deeds within and for the County aforesaid, do hereby
certify that the foregoing instrument of writing was on the 14 day of April
A. D. 1849, at 1 o'clock 09 minutes P. M., duly filed for record in
this office, and with the certificate of acknowledgment thereon endorsed, is recorded in the
records of this office, in PLAT BOOK No. 13 at page 28

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of said office, at
Independence, Missouri, the day and year last aforesaid.

DAN T. MCKEEVER, Recorder, By J. P. Meyers Deputy



ELECTRONICALLY RECORDED
JACKSON COUNTY, MISSOURI
05/12/2016 10:29:23 AM
WD FEE: \$ 24.00 2 Pages

INSTRUMENT NUMBER:
2016E0041728

SPECIAL WARRANTY DEED

File No.: 20122

THIS SPECIAL WARRANTY DEED, made and entered into on this 5TH day of May, 2016, by and between **TruHome Solutions, LLC**, party of the First Part, of the County of Johnson, State of Kansas GRANTOR, and **Johanna Rustia**, Party of the Second Part, **35-25 9th St, Astoria, New York 11105**, of the County of Queens, State of New York, GRANTEE.

WITNESSETH:

That for the consideration hereinafter described, the said Party of the First Part has sold and bargained and does hereby bargain, sell and convey and confirm unto the said Party of the Second Part, the following described real estate situated and being located in the County of **Jackson** and State of **Missouri**, to-wit:

Lot 28, ABAR ADDITION, SNI-A-BAR FARMS 4TH PLAT, a subdivision in Grain Valley, Jackson County, Missouri.

TO HAVE AND TO HOLD the aforesaid real estate, together with the appurtenances and hereditaments belonging or in any wise appertaining, unto the said Party of the Second Part, their heirs and assigns, in fee simple.

AND the Party of the First Part does hereby covenant that with the said Party of the Second Part, that it is lawfully seized and possessed of the fee of the aforescribed real estate; that it has good right to sell and convey the same; that the same is unencumbered, except as mentioned hereinabove; that the title and quiet possession thereto it will warrant and defend the same against all lawful claims of all persons claiming by, through and under the said grantor but not otherwise.

THE CONSIDERATION for this conveyance is as follows: One (\$1.00) Dollar cash in hand paid to the First Party and other good and valuable consideration to the First Party passing, the receipt of all of which is hereby acknowledged.

TruHome Title Solutions, LLC
14215 E. 42nd Street
Independence, MO 64055
20122

SPECIAL WARRANTY DEED

File No.: 20122

THIS SPECIAL WARRANTY DEED, made and entered into on this 5TH day of May, 2016, by and between **TruHome Solutions, LLC**, party of the First Part, of the County of Johnson, State of Kansas GRANTOR, and **Johanna Rustia**, Party of the Second Part, **35-25 9th St, Astoria, New York 11105**, of the County of Queens, State of New York, GRANTEE.

WITNESSETH:

That for the consideration hereinafter described, the said Party of the First Part has sold and bargained and does hereby bargain, sell and convey and confirm unto the said Party of the Second Part, the following described real estate situated and being located in the County of **Jackson** and State of **Missouri**, to-wit:

Lot 28, ABAR ADDITION, SNI-A-BAR FARMS 4TH PLAT, a subdivision in Grain Valley, Jackson County, Missouri.

TO HAVE AND TO HOLD the aforesaid real estate, together with the appurtenances and hereditaments belonging or in any wise appertaining, unto the said Party of the Second Part, their heirs and assigns, in fee simple.

AND the Party of the First Part does hereby covenant that with the said Party of the Second Part, that it is lawfully seized and possessed of the fee of the aforescribed real estate; that it has good right to sell and convey the same; that the same is unencumbered, except as mentioned hereinabove; that the title and quiet possession thereto it will warrant and defend the same against all lawful claims of all persons claiming by, through and under the said grantor but not otherwise.

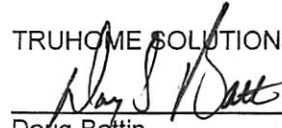
THE CONSIDERATION for this conveyance is as follows: One (\$1.00) Dollar cash in hand paid to the First Party and other good and valuable consideration to the First Party passing, the receipt of all of which is hereby acknowledged.

TruHome Title Solutions, LLC
14215 E. 42nd Street
Independence, MO 64055

20122

IN WITNESS WHEREOF, the said Grantor(s) has caused these presents to be executed by its duly authorized officers on this the date and year first above written.

TRUHOME SOLUTIONS, LLC




Doug Battin
Vice President/Asst. Secretary

State of Kansas
County of Johnson

On this 5th day of May, 2016, before me, the undersigned, a Notary Public, in and for the County and State, personally appeared Doug Battin as Vice President/Asst. Secretary of TruHome Solutions, LLC, known to me to be the person who executed the within Special Warranty Deed on behalf of said corporation and acknowledged to me that (s)he executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last written above.



Notary Public

My Commission Expires: 2/6/18



NOTARY PUBLIC - STATE OF KANSAS

Tara Green

My appt. Exp. 2/6/18

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

02/07/2017 10:43:27 AM

INSTRUMENT TYPE: PLAT FEE: \$66.00 4 PGS
NON-STANDARD FEE: EXEMPT



INSTRUMENT NUMBER / BOOK & PAGE

2017E0011700

Book: 168 Page: 18-21

Robert T. Kelly, Director, Recorder Of Deeds

Jackson County Recorder of Deeds Exempt Document

This document has been recorded under exempt status
pursuant to RSMo 59.310.4.

This certificate has been added to your document
in compliance with the laws of the
State of Missouri.



Robert T. Kelly, Recorder of Deeds

415 E. 12th Street, Room 104
Kansas City, MO 64106

112 W. Lexington, Suite 30
Independence, MO 64050

This page has been recorded as a permanent part of your document. Please do not remove.

**Division of Finance – Collection Department**

Jackson County, MO

Tax Certificate415 E 12th Street

Kansas City, MO 64106

Taxpayer Services: (816) 881-3232

Business Taxes: (816) 881-3186

INSTRUCTIONS TO TAXPAYER

1. Have Part I of this Tax Certificate completed by the GIS Department.
2. Take to Taxpayer Services at either the Kansas City or Independence Courthouse. They will complete Parts II and III.
3. You cannot record your plat until these steps are completed.

PART I: TO BE COMPLETED BY GIS DEPARTMENT

Use ONE form for each parcel number

Legal Description: (RTS or Sub)

SNI-A-BAR CROSSING AT SNI-BAR FARMS - 4TH PLATCurrent Parcel ID: 40-310-15-14-00Years: 14-16GIS Staff: GARY BINDLEYDate: 02-01-2017**PART II: TO BE COMPLETED BY COLLECTION DEPARTMENT**

Return to GIS Department if unable to follow payment history back three (3) years. Attach document if paid. Attach bill if taxes due.

YEAR	AMOUNT DUE	DATE PAID	VERIFIED BY
2014	0	Exempt	crk
2015	0	Exempt	crk
2016	0	Exempt	crk

PART III: TO BE COMPLETED BY AUTHORIZED COLLECTION DEPARTMENT SUPERVISOR

(This is to certify that, according to the records of the Collection Department, the State, County, and School Taxes for Real Property have been paid in full for _____ and all prior years for the above described property.)

Date: 02-07-17Supervisor: Denise Reynolds

CITY OF GRAIN VALLEY
Board of Zoning Adjustment
PUBLIC HEARING

The Grain Valley Board of Zoning Adjustment will hold a public hearing at 6:30 PM on December 2nd, 2025, at Grain Valley City Hall, in the Council Chambers, at 711 Main Street to receive input concerning the following request:

Driveway Area Variance- Requesting a variance for driveway materials to be asphalt rather than concrete currently required by code. The property is described as lot 28, Sni-A-Bar Crossing at Sni-A-Bar Farms, 4th Plat, Grain Valley, Jackson County, Missouri AKA 903 SW Shorthorn Drive.

All interested parties are encouraged to attend.



STAFF REPORT – Driveway Materials Variance
9030 SW Shorthorn Drive
December 1, 2025

ACTION: Driveway Area Variance- Requesting a variance for driveway materials to be asphalt rather than concrete currently required by code. The property is described as lot 28, Sni-A-Bar Crossing at Sni-A-Bar Farms, 4th Plat, Grain Valley, Jackson County, Missouri AKA 903 SW Shorthorn Drive.

BACKGROUND: The current driveway is concrete material. The applicant / owner of the property is requesting a variance for materials to use asphalt. Per section 400.290 Subsection 5.A.2

“All new construction in "R-1," "R-1A," "R-1B," "R-1C" and "R-2" zoning that is platted after the adoption of this Chapter shall have concrete drives and parking.”

PURPOSE: The purpose of the code is to provide uniformity and a construction standard to uphold city values and property maintenance. The applicant has filed an application for a variance to use asphalt materials instead of concrete that is required.

ANALYSIS: Staff contends the applicate has not proven a hardship exists that is unique to the property that would warrant a variance to be granted.