



Unified Government of Wyandotte County and Kansas City, Kansas

Board of Zoning Appeals

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Chairman Jeff Carson

*Vice Chairman Karen, Brandie Armstrong, Duane Beth, Beverly Easterwood
Jim Ernst, Jake Miller, J. Mark Mohler, Mary Beth Schwartz, Joseph Straws III, and Aaron Ward.*

AGENDA

Monday, May 12, 2025

6:00 PM

1 CALL TO ORDER/ROLL CALL

2 BOARD OF ZONING APPEALS STATEMENT

3 AGENDA

3.1 Zoning Appeal Application(s)

3.1.1 BOZA2024-027 - JESUS SANTOYO

Synopsis: Variance to keep three (3) accessory structures at 2542 South 12th Terrace (in conjunction with SP2024-088).

Tracking #: 21450

3.1.2 BOZA2025-011 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Variance for minimum acreage requirements of the A-G Agriculture District at 11440 Leavenworth Road (in conjunction with PLAT2025-004).

Tracking #: 21451

3.1.3 BOZA2025-012 - MIKE MCCOWN

Synopsis: Variance from minimum required parking for a contractor warehouse and storage facility at 13100 and 13130 State Avenue (in conjunction with COZ2025-004).

Tracking #: 21452

3.1.4 BOZA2025-013 - ROBERT BECKER

Synopsis: Variance from minimum required parking and setbacks associated for the Legends 267 Apartment Complex at 1879 Village West Parkway.

Tracking #: 21453

4 Adjourn

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site

language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Office of the Clerk by emailing or calling UGclerkrequest@wycokck.org or 913-573-5260 at least 48 hours in advance of the meeting.

Persons may address the Commission during the time set aside for Public Comment on each item scheduled or at any time by suspension of the rules. All persons must address the commission and state their name and address for the record. Comments shall be limited to three (3) minutes for each participant. Per the Commission Rules of Procedure, comments should not include any rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.

Some commissioners, staff, and the public may attend remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, all speakers are asked to please announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Connect to Zoom from your computer, tablet or smartphone at: <https://wycokck.zoom.us/j/86190643051>

Meeting ID:861 9064 3051

Phone one-tap: +17193594580, 85343973031# US, +12532050468, 85343973031# US

Join via audio:

+1 719 359 4580 US +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 309 205 3325 US +1 312 626 6799 US (Chicago) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US 888 475 4499 US Toll Free 877 853 5257 US Toll Free

International numbers available: <https://wycokck.zoom.us/j/kdIKjxwSim>

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Raise and lower your hand to be acknowledged by dialing *9.

To raise your digital hand from your PC or Mac, click the button labeled “Raise Hand” at the bottom of the window on the right side of the screen.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 12, 2025

Re: Board of Zoning Appeals Petition BOZA2024-027

GENERAL INFORMATION

Applicant Information:

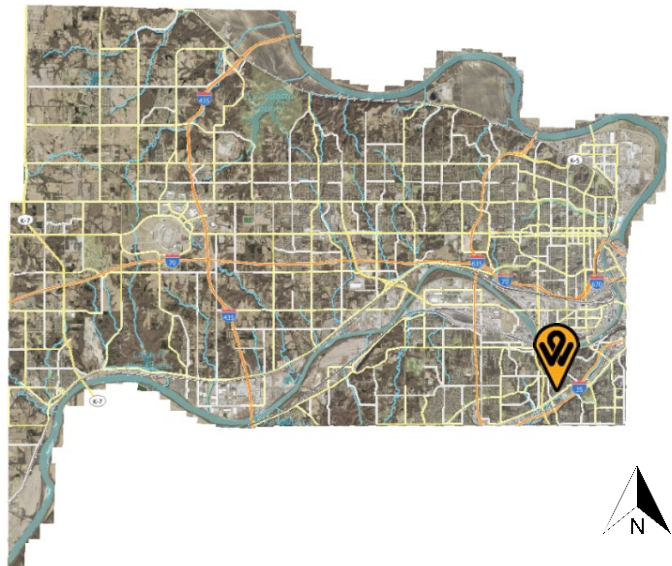
Jesus Santoyo
2542 South 12th Terrace
Kansas City, KS 66103

Subject Property:

2542 South 12th Terrace
Kansas City, KS 66103

Requested Action and Purpose:

This appeal has been filed to keep three (3) accessory structures. Sec 27-609(2) states for any dwelling unit there may be permitted a detached accessory building. Such building shall not be located, in front of the house, less than two (2) feet from any alley, nor closer than three (3) feet to any side or rear property line. In the case of corner lots, a detached accessory building shall not be within 20 feet of the side street. The total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. Appellant requests three (3) accessory structures, a violation of two (2) accessory structures (in conjunction with SP2024-088).



Commission Districts: Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning District(s): R-1(B) Single Family District

Comprehensive Plan Area: PlanKCK Comprehensive Plan

	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family home
South	R-1(B) Single Family and C-1 Limited Business District	Commercial building (restaurant)
East	R-1(B) Single Family District	Single-family home
West	R-1(B) Single Family District	Single-family home

Total Tract Size: 0.25 Acre

Neighborhood Characteristics: The subject property is located within the Shawnee Heights Statistical Neighborhood and Block Group #0450003. This property is on the corner of South 12th Terrace and Oak Grove Road, where single-family homes and vacant parcels are the predominate features to the north, west and east. About one-half (½) block to the south is Merriam Lane, which is a commercial corridor in southwest Rosedale, before the roadway turns into Southwest Boulevard.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the property as Low-Density Residential, which allows single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Townhomes and side-by-side rowhouses at an intersection at the end of a block and/or with frontage on a commercial, mixed-use or neighborhood corridor is allowed.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates South 12th Terrace and Oak Grove Road as Local Streets.

Parking Requirement:	Section 27-455(d) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Applicant is providing two (2) off-street parking spaces.
Landscaping Requirement:	Section 27-700(a) states one (1) shade tree per dwelling unit is required in the front or corner side yard. One (1) tree is required. One (1) tree is provided.
Advertisement:	<u>The Wyandotte Echo</u> – September 19, 2024 Letters to Property Owners – September 20, 2024, October 8, 2024, November 4, 2024, December 3, 2024, January 9, 2025, February 11, 2025 and April 16, 2025
Public Hearings:	February 10, 2025, April 14, 2025, and May 12, 2025
Public Support:	None to date.
Public Opposition:	None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. In 2024, citation for pigeons and pigeon coops on the property. Case open.
2. In 2004, citation for fire damage. Case closed.

Outstanding or Related Permit and Cases:

1. SP2024-088 – Special Use Permit to keep pigeons and detached accessory structures (coops/lofts) to house pigeons (to be heard by the City Planning Commission on October 14, 2024).
2. In 2010, an electrical permit was issued by Building Inspection to repair/replace meter can.
3. In 2005, a residential building, electrical, mechanical, and plumbing permit was issued by Building Inspection for interior and exterior remodel.

Previous Planning Actions:

1. None

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jesus Santoyo, is requesting a variance from the Board of Zoning Appeals to keep a three (3) detached accessory structures (a carport, shed, and coop), a violation of two (2) accessory structures at 2542 South 12th Terrace. The total square footage between the shed and coops is 252 square feet. The carport is 240 square feet.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

1. ***The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

This variance arises from the applicant's request for multiple accessory structures in the R-1(B) Single Family District. The Applicant is requesting a shed and a pigeon coop in addition to the accessory carport that was built by the previous owner. In the submitted application materials, the construction of the proposed shed and coop have already occurred, but the total number of pigeons has not been determined. Therefore, the variance requested does not arise from a condition unique to the subject property and is ordinarily found within the R-1(B) zoning district; upon beginning construction on the second accessory building, the property owner had created a condition by their own actions (self-imposed hardship).

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

The proposed location of the carport, shed and pigeon coop may adversely affect the rights of adjacent property owners if the three (3) foot setback requirement is not met along the north and west property lines. Based on aerial photography, the coop is not on the property in question, but rather an adjacent property that is vacant. There is potential that the number of pigeons kept in the coop could create issues of noise or air pollution, which would negatively affect the adjacent property owners.

3. ***The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

Strict applicant of the maximum floor area of an accessory building(s) under Section 27-309(2) would require two (2) of the existing detached accessory structures to be removed. The accessory building total floor area maximum for the R-1(B) District may not exceed 30 percent of the area of the rear yard, but in no case may exceed 1,000 square feet. The combined square footage of all structures on the property is 452 square feet, which accounts for 9 percent of the rear yard. Having an accessory building of 1,000 square feet or less is the standard for single-family residences within the Unified Government. As there is already pigeons and coop on the property, strict application of the ordinance from which the variance is requested will not constitute unnecessary hardship upon the property.

4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.*

In order for the requested variance to not adversely affect the public order, convenience, and prosperity, the proposed accessory structures shall not clutter nor visually dominate the subject property, and must serve a specific, identifiable purpose that cannot be accomplished by complying with Section 27-609(2). As the subject property is one-quarter ($\frac{1}{4}$) acre, the carport is in the side yard, corner off Oak Grove Road and the pigeon coop are in the side yard, in plain view of South 12th Terrace. The applicant has stated that the use of these structures is to keep pigeons, however, the keeping of pigeons should be kept on larger parcels setback further from standard suburban sized lots.

5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.*

The spirit and intent of Section 27-609(2) is to prevent accessory buildings from visually dominating a site in lieu of the primary residence, to prevent a cluttered look on a residential property, to provide residents and adjacent neighbors access to air, light, and space, and for fire safety purposes. The granting of this variance for the number of accessory dwellings would be opposed to the general spirit and intent of the zoning ordinance, especially since the applicant already has more than the allowed number of accessory structures.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2542 South 12th Terrace, Kansas City, Kansas 66103 on April 30, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

KEY ISSUES

Number of Accessory Structures
Building Permits

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

NOTE: After repeated phone conversations and e-mails with the applicant, the applicant did not respond to the Staff's comments and questions.

1. Based on aerial photography, it appears that two (2) coops are on an adjacent property, specifically 2532 South 12th Terrace, which is owned by the Wyandotte County Landbank. All activity must remain on 2542 South 12th Terrace.
 - a. Are you in the process of acquiring 2532 South 12th Terrace from the Landbank?
2. The applicant must coordinate with Wyandotte County Conservation District to develop a Conservation Plan for land management. This Variance will not proceed with a recommendation from Planning Staff until a Conservation Plan is created.

Staff Response: The Wyandotte County Conservation District did not provide the applicant or Planning Staff a Conservation Plan due to staffing volume.

3. Contact Animal Control to see if there any additional measures needed to keep pigeons on the property.
4. When was the shed constructed?
 - a. Why were permits not obtained?
5. When were the coops/lofts constructed?
6. Based on the sizes of the coops, together they are over 120 square feet which would require a building permit. The coops shall be combined into one (1) structure rather than two (2) separate coops.
7. Revise and resubmit a site plan that shows the coops and all detached structures on your property. Additionally, provide the distances between each structure and the property lines.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2024-027** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. Staff has conversed with the applicant via phone and e-mail regarding replying to the draft staff report comments, but the applicant has not responded to Staff's questions and comments;
2. The variance does not meet Statutory Requirement #1. The variance for the additional detached accessory structures – shed and pigeon coop is not a condition unique to the property. The property owner constructed these structures without first obtaining a variance or building permit from the Building Inspection Division;
3. The variance does not meet Statutory Requirement #2. Based on aerial photography, the pigeon coops were not built on the subject property, but rather the adjacent property to the north, a vacant parcel owned by the Wyandotte County Land Bank. The current location of these coops will adversely affect the rights of adjacent property owners because the coops are not wholly on the subject property;
4. The variance does not meet Statutory Requirement #3. The variance will not constitute an unnecessary hardship because the shed and coop are already constructed. Furthermore, if the Appellant constructed a coop less than 120 square feet, a variance is not required; and,
5. The variance does not meet Statutory Requirement #4. The variance could adversely affect the public health of nearby property if the Appellant has an excessive number of pigeons. The Appellant has not clarified how many pigeons currently reside on the property.

If the Board of Zoning Appeals are to **APPROVE** Appeal **BOZA2024-037**, Staff recommends that the following conditions apply:

1. This Board of Zoning Appeals case is being heard in conjunction with **SP2024-088**. Any approval by the Board of Zoning Appeals on this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition **SP2024-088** by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
2. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
3. Contact Animal Control to see if there any additional measures needed to keep pigeons on the property;

4. Submit a plot plan with the building permit application to the Building Inspection Division;
5. Relocate the pigeon coops wholly onto 2542 South 12th Terrace and off 2532 South 12th Terrace, which is owned by the Wyandotte County Landbank;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at 913-573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinances. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
9. Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria State Statute
Neighborhood Meeting Documents

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	February 10, 2025 Held Over April 14, 2025 Held Over May 12, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **DENY** Appeal **BOZA2024-027**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2024-027** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

ATTACHMENTS

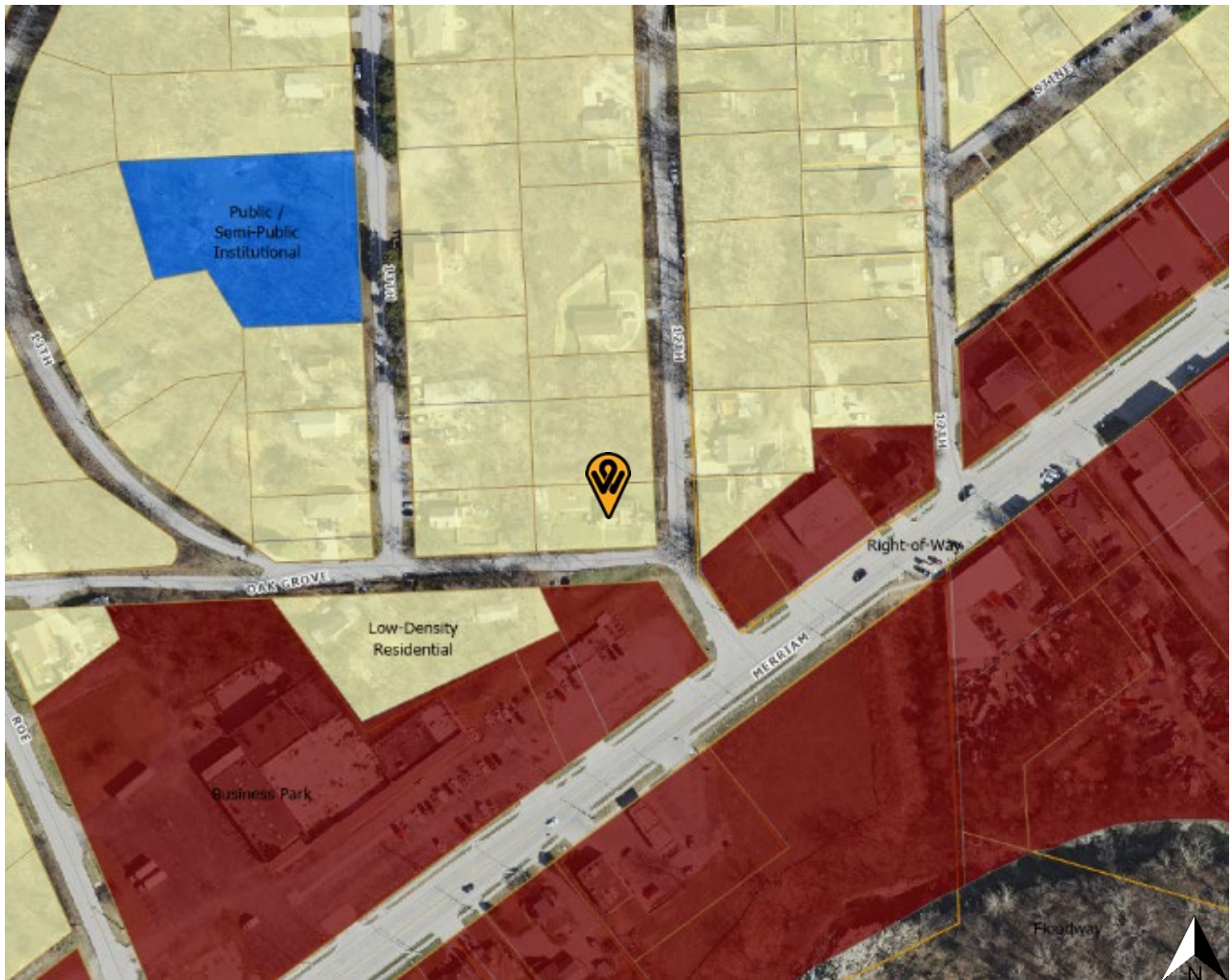
AERIAL MAP



ZONING MAP



LAND USE MAP



Kansas State Statutes

This section outlines the five (5) statutes in which variances are reviewed upon. The applicant must review these statutes and explain how their application applies and conforms to these five (5) statutes.

1

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

My Pigeons does not harm anyone, I have them in one location, they come and go. I feed them and there home are clean on a weekly basic. No different of having a dog chain up dog, but my pigeons are trained and clean. And does not bother anyone.

2

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

My pigeons stay on my property and do not bother my neighbors

3	The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. I Do not think this will be in issue, but I really want and ask for permission to keep my pigeons and a place to keep them safe.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. No, I keep my place clean at all times
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. Having my chicken coops in the area where I have them does not affect the structure of my house or my neighbors at all.

End of Questionnaire

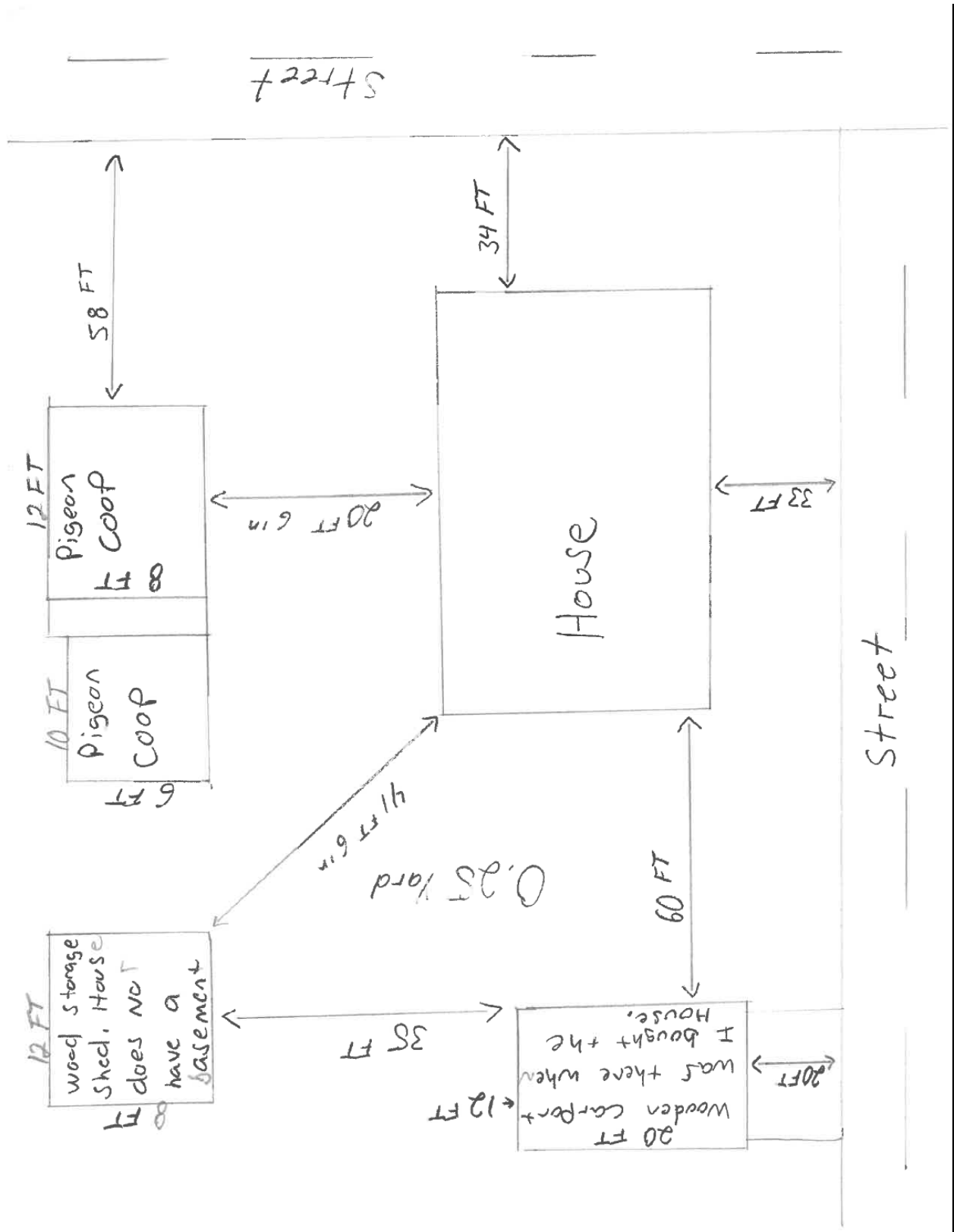
Review the application to ensure all applicable fields are completed.
Any incomplete fields may result in your application not being processed.

The meeting i did with the neighbors
i did that yall asked for was
Wednesday 30th of April at 7pm
i sent the letters how yall asked
me to and unfortunately no one
went i was waiting over 30
minutes and no one came

Wednesday, April 30, 2025 7:00pm
Meeting BOZA2024-027

John Mrs. Sherrill McBrown 2532
~~the time~~ 2545
Linda Bayle 1247 OAK GROVE
Luis Lopez 2544 Oak Grove

These are my neighbors
signatures that don't have
any problem with my pigeons





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
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Phone: (913) 573-5750
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Email: planninginfo@wycokck.org

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 12, 2025

Re: Board of Zoning Appeals Petition BOZA2025-011

GENERAL INFORMATION

Applicant Information:

Austin Thompson
Representative, Surveyor
Atlas Land Consulting
14500 Parallel Parkway
Basehor, KS 66007

Subject Property:

11440 Leavenworth Road
Kansas City, Kansas, 66109

Requested Action and Purpose:

Approval of a Variance for minimum
required acreage in the A-G
Agriculture District.

Commission Districts:

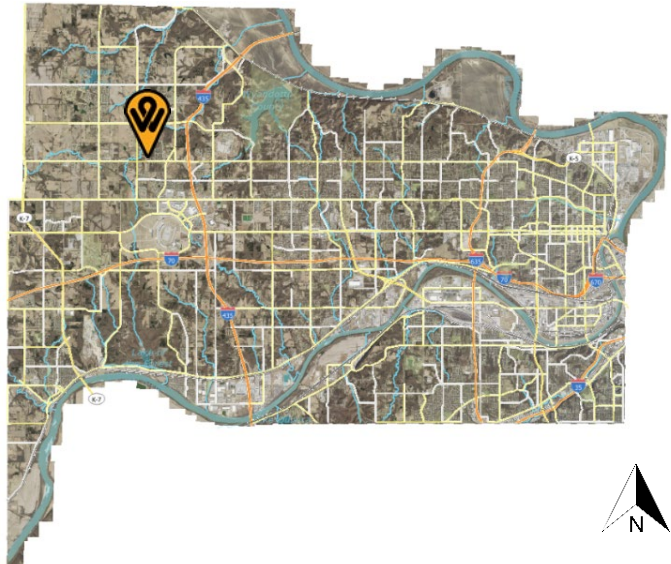
At-Large Commissioner, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-Family Residential Subdivision
South	A-G Agriculture District	Westside Family Church
East	A-G Agriculture District	Agricultural Homesteads
West	R-1 (WYCO) Single Family District	Large-Lot (~3 acre) single-family homesteads

Total Tract Size: 6.78 Acres

Neighborhood Characteristics: The subject property is located within the Piper area directly off of Leavenworth Road. The neighborhood consists of a mix of large-lot single-family residences between one (1) and 15 acres, a winery, and a large church. Neighbors enjoy a mix of rural, agricultural, and residential activity. This stretch of Leavenworth Road is transitional between what is considered rural western Wyandotte and the rapidly expanding Piper area core. The street remains asphalt with one (1) lane in each direction, is densely wooded, and driveways are primarily gravel, although infrastructure has been built to accommodate the growing residential development on adjacent streets.

Comprehensive plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Suburban Residential which is designed to facilitate typical single-family detached residential units on what are typically referred to as quarter-acre lots. It is expected that this area would grow with suburban development to create an edge between the mixed-use village center and the high intensity activities around the Legends Area. This region has seen some development towards that land-use designation, although it is still transitional and has not accelerated at the rate the area plan has anticipated.

Major Street Plan: The goDotte County-Wide Mobility Strategy designates Leavenworth Road as a Minor Arterial and the adjacent North 115th Street as a Major Collector.

Parking Requirement:	The lots are proposed to remain designated as AG Agricultural and per Section 27-452(e) require two (2) off-street parking. The existing residential property has two (2) off-street parking spaces and two (2) covered parking spaces, meeting this requirement. Any new residential construction on the newly-created parcel would be subject to these regulations during permit approval.
Landscaping Requirement:	Each property is required to have one (1) shade tree in the front or side yard per Section 27-700(a). The properties are heavily wooded on the frontage and side yards, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – None Required <u>Letters to Property Owners</u> – March 21, 2025, April 18, 2025
Public Hearing(s):	May 12, 2025
Public Support:	None to date.
Public Opposition:	Staff received one (1) phone call in opposition, with desires to maintain landscape buffers.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson of Atlas Land Consulting, is requesting an appeal of the minimum required acreage for the A-G Agriculture zoning designation in conjunction with the Preliminary and Final Plat of Crowe Estates. The A-G Agriculture use designation is desired so the future developer of the property has the ability to better care for the land with additional accessory structures, which has difficult terrain due to the Connor Creek waterway and that the current property owner may enjoy some small-scale agricultural uses without the need for additional variances.

Section 27-452(a) requires agricultural lots to be a minimum of five (5) acres in lot area. The proposed parcels are 3.67 and 3.11 acres, a deviation of 1.33 and 1.89 acres, respectively.

This Variance is being heard in conjunction with PLAT2025-004 for the Preliminary and Final Plat of Crowe Estates.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property since its development.

Building, Zoning, or Code Enforcement Complaints:

1. 2021: ABT21-0797 – tall weeds and grass (closed)
2. 2020: 20225-05021 – tall weeds and grass (closed)
3. 2018: 18225-02644 – tall weeds and grass (closed)

Outstanding or Related Permit and Cases:

1. 2022: NSF22-0075 – New Single-Family Residence (completed)

Previous Planning Actions:

1. There are no previous planning actions associated with the subject property.

KANSAS STATUTORY REQUIREMENTS

1. ***The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The applicant wishes to subdivide the property with a proposed Plat (PLAT2025-004), however the topography of Connor Creek, the associated drainage easement, and placement of the sanitary sewer line make the north end of the subject property renders it largely undevelopable for a structure. It is unlikely that the property could be further subdivided for any use that allows lots under five (5) acres due to these topographical challenges, which are unique to the property as opposed to the densely-subdivided and more intense residential development around it.

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

The neighborhood is comprised of a mix of agricultural and residential uses, with adjacent agriculturally-zoned parcels zoned under one (1) acre and numerous agriculturally-zoned parcels under the required five (5) acre minimum. It is not foreseen that permitting agricultural uses at the property would have any adverse impact on the adjacent property owners or residents if properly managed.

- 3. *The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

The strict application of the zoning ordinance would result in the property owner being unable to subdivide the property, as the property's natural features are prohibitive of more dense development permitting smaller lots. If denied, the property owner would not be able to sell the western part of their property and would be required to continuously maintain it.

- 4. *The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

There are not any foreseen adverse effects to the public if agriculture activities are managed appropriately. Any substantial land clearing, new structure, or animal activity on the property will be subject to permits and associated ordinances, while easements for drainage mitigation for Connor Creek are already in place.

- 5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The spirit of the ordinance is to maintain large acreage and open space that is typically common of traditional agricultural uses as a buffer for suburban residential development and space to do agricultural uses buffered from neighbors. The zoning ordinance has not been updated to reflect more modern and transitional agricultural uses in exurban areas for acreages less five (5) acres but on lots larger than the typical "quarter-acre" residential subdivision. The two (2) resulting lots will still be subject to the larger setbacks and restrictions of agriculturally-zoned properties in order to maintain the visibility buffer.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meet on March 24, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Line
Setbacks
Drainage Easement
Landscaping
Agricultural Use, Rural Open Space
Landscape Buffer

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. As Leavenworth Road is a Class B Minor Arterial designated throughfare and the adjacent North 115th Street as a Class C Major Collector, sidewalks are required to be installed along frontage per Section 27-288. Any sidewalk already existing shall be repaired if damaged during construction.

Applicant Response: Applicant is requesting the Board of Zoning Appeals consider the approval of our request without the requirement to install 400 feet of sidewalk. Currently, no sidewalk facilities exist within several miles of the subject property. This sidewalk would serve only the two (2) homes constructed directly adjacent to the sidewalk and would not promote pedestrian access or equality in any way. The requested sidewalk does not promote connectivity as there are no sidewalks within the vicinity for more than a mile in each direction. The construction of this sidewalk would pose a serious financial burden to the property owner. The owner is simply requesting to split an existing 7.5-acre tract of land into two equally sized properties. This request is not for a subdivision with several lots, which would necessitate the construction of sidewalks. Due to the topography and existing drainage patterns, further development of this property is incredibly unlikely.

2. The driveway apron and approach of the existing residence shall be upgraded from gravel to an improved surface of either asphalt or concrete per UG standards.

Applicant Response: The applicant will upgrade their driveway to an improved surface per UG standards.

3. Landscaping at the intersection of Leavenworth Road and North 115th street shall be maintained in the corner visibility triangle to increase visibility.

Applicant Response: Acknowledged.

4. Staff is currently determining the implications of driveway access on the west lot (Crowe Estates Lot 2) and its proximity to the intersection. Staff may determine that a driveway entrance to Lot 2 may be required on North 115th Street rather than allowing an approach on Leavenworth Road.

Applicant Response: Acknowledged.

5. Although not an official regulatory floodway or Special Flood Hazard Area, recent best available data on the Base Level Elevation (BLE) of Connor Creek may illustrate associated flood risk. A drainage easement has been incorporated as a risk mitigation measure for future flooding, however, it is recommended that structures on this property obtain flood insurance through the National Flood Insurance Program (NFIP). Visit <https://www.floodsmart.gov/get-insured> for more

information.

Applicant response: Applicant will consider.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

County Surveyor and Geospatial Comments:

- 1. See the Separately emailed memos for details.

Applicant Response: Acknowledged

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the that the Board of Zoning Appeals **APPROVE** case **BOZA2025-011** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. **This Board of Zoning Appeals case is being heard in conjunction with PLAT2025-004. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition(s) PLAT2025-004 by the Unified Government City Planning Commission and upon any ordinance publications required by law;**
- 2. **A 50-foot setback is maintained by ordinance at the north of the property however to address neighbor concerns to the north, an open space easement of 50-foot shall be recorded on the plat. This should remain a timberstand to visually screen the northern properties from any agricultural uses on the property;**
- 3. **If/when road improvements occur on Leavenworth Road between North 109th Terrace and 115th Street, a minimum six (6) foot sidewalk is constructed along the Leavenworth Road right-of-way;**
- 4. **Accessory structures are required to meet minimum setbacks from property lines;**
- 5. **Earthen fill in excess of 50 cubic yards requires a Special Use Permit under Section 27-593(b)(15)(a) unless otherwise tied to a building permit. The scope of any grading, excavation, or land disturbance must be specifically tied to the scope of the permit, and any grading or excavation outside of the permit scope shall be considered in violation;**

6. The Connor Creek Waterway shall not be disturbed, graded, re-routed, redirected, or otherwise altered in any mannerism without review by Floodplain Administrator and Public Works;
7. The site-distance triangle must be maintained for intersection visibility and safety, including any fencing or landscaping that might otherwise be permitted;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,
12. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Base Flood Elevation Model
Neighborhood Meeting Information
Plat Exhibit
Staff Site Visit Photos Dated March 18, 2025
Summary of Opposition

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 12, 2025

STAFF CONTACT: Kallie McLaughlin, Planner, Floodplain Administrator
kdmclaughlin@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-011** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

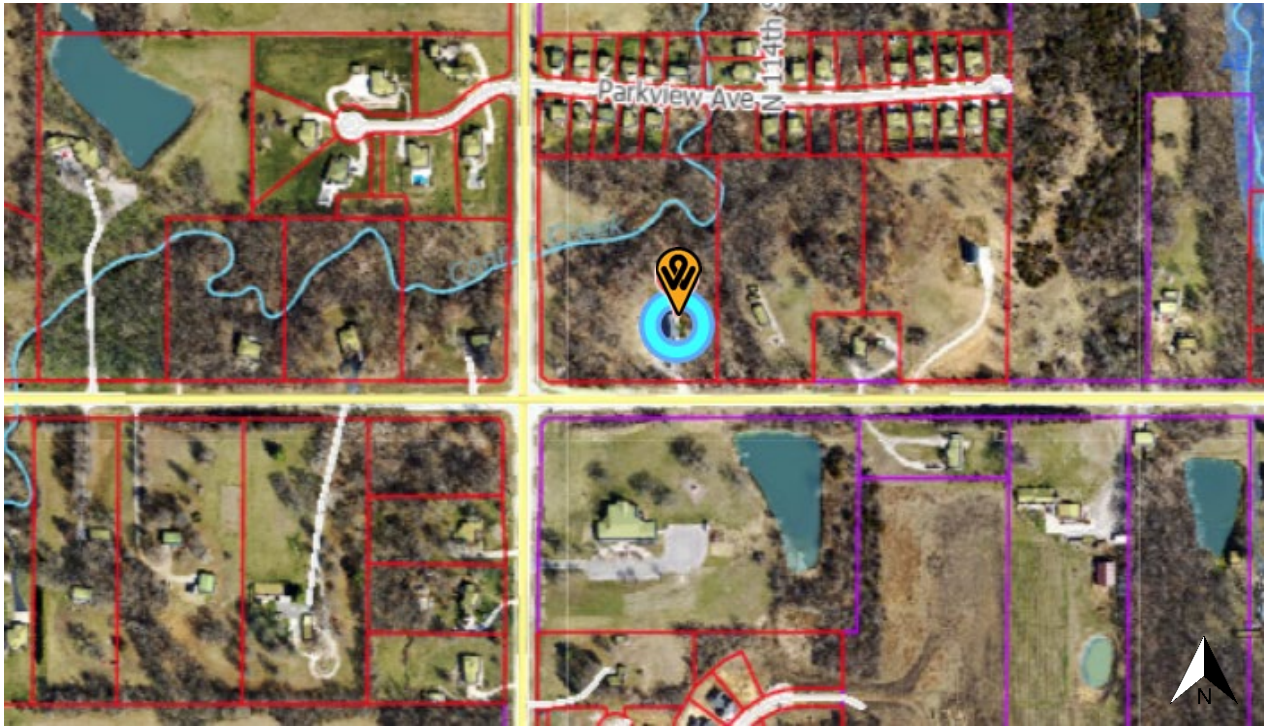
1. _____;
2. _____; And
3. _____.

OR

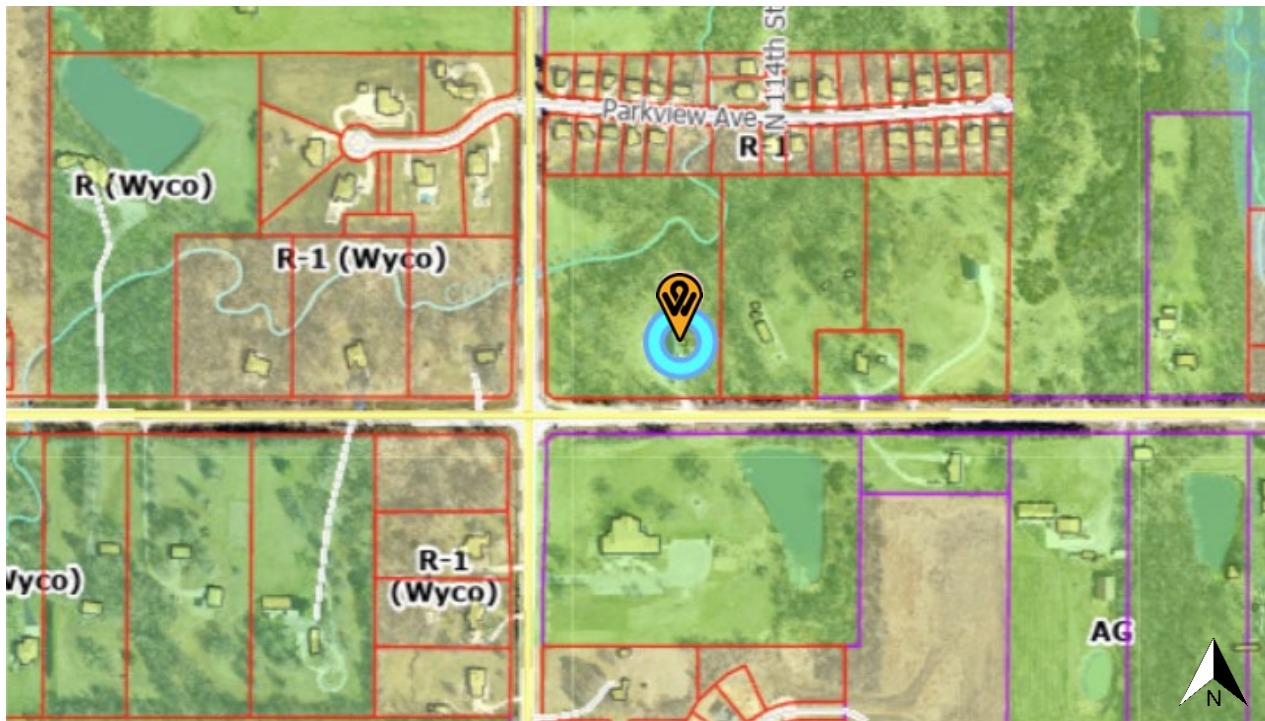
I move the Board of Zoning Appeals **DENY** Case **BOZA2025-011**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

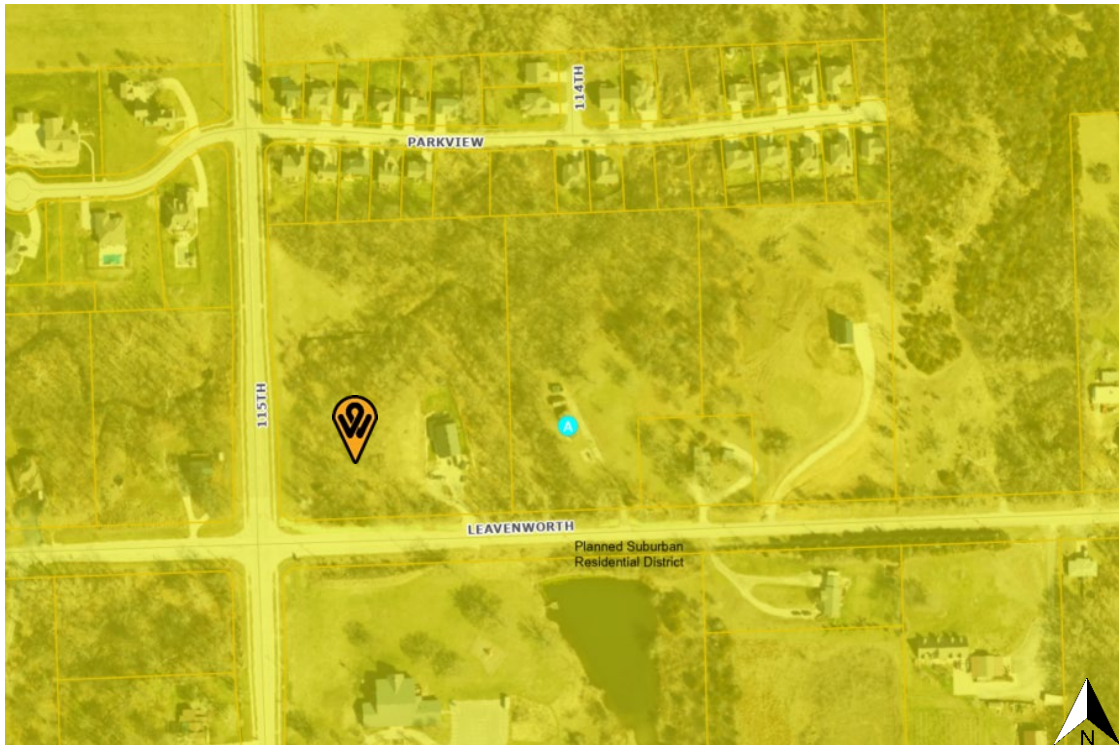
AERIAL IMAGERY



ZONING MAP

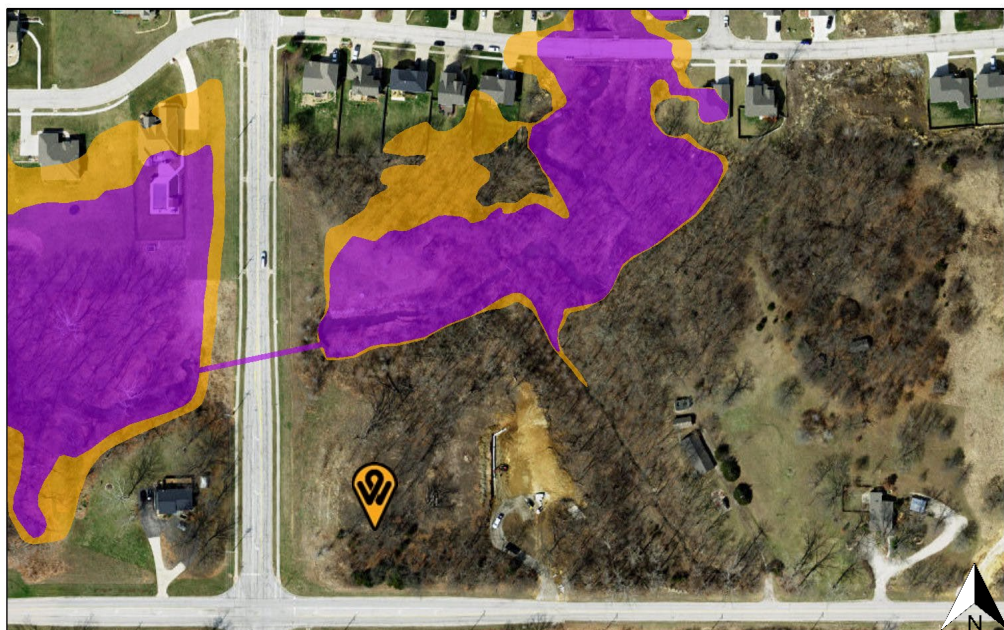


LAND USE MAP



BASE FLOOD ELEVATION MODEL

Viewer Map



March 21, 2025

BLE Floodplains

Basic BLE

Enhanced BLE

0.2% BLE

Kansas & Missouri River - Effective SFHA

1:2,257
0 0.01 0.03 0.06 mi
0 0.02 0.04 0.09 km
MARC/local jurisdictions, Maxar

Me
Copyright 2014

NEIGHBORHOOD MEETING INFORMATION

March 7, 2025
Atlas Land Consulting
14500 Parallel Road Unit R
Basehor, KS 66007

We have filed an application with the Department of Urban Planning and Land Use

BOZA2025-011 and PLAT2025-004
11440 LEAVENWORTH RD KANSAS CITY, KS 66109

The purpose of this letter is to explain the request for a variance for the case at the address above.

The owner is requesting a variance to the minimum land area requirement of five-acres within the AG Zoning District in order to divide his property into two parcels. The proposed land division is included as an attachment to this letter. The meeting will occur virtually on Monday, March 24, 2025 @ 7:00PM. If you are unable to attend the meeting, you may send an email with your questions to krystal@alconsult-llc.com.

Krystal Voth invited you to a Google Meeting:

BOZA2025-011 11440 LEAVENWORTH RD KANSAS CITY, KS 66109

MARCH 24, 2025 7:00pm

Monday March 24 · 7:00 – 8:00pm

Time zone: America/Chicago

Google Meet joining info

Video call link: <https://meet.google.com/yya-trxp-pmx>

Or dial: (US) +1 573-401-1334 PIN: 370 044 504#

More phone numbers: <https://tel.meet/yya-trxp-pmx?pin=2447642349151>

I look forward to hearing from you, if you have any questions.

Please Contact:

Krystal Voth
krystal@alconsult-llc.com
(913)-702-8916
14500 Parallel Rd Unit R, Basehor, KS 66007

Sincerely,



NEIGHBORHOOD MEETING INFORMATION

Mar 24, 2025 | [Aaron Crowe Neighborhood Meeting](#) BOZA 2025-011

Attendees: Krystal Voth, Atlas Land Consulting
Jason Williams, Neighbor

Notes

- The meeting took place from 7:00PM until 7:50PM on Google Meet

Discussion Items

- Mr. Jason Williams attended the meeting from 7:00PM until 7:13PM. He had general questions about future development and asked if a "subdivision" would be developed. I explained that the applicant had requested a variance to maintain the ag zoning and showed the proposed subdivision.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Lavenworth) SS:

Comes now Krystal A. Voth, of lawful age, sound mind and upon his/her oath states as follows:

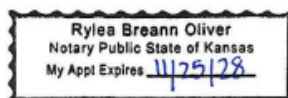
1. That I am the petitioner for Petition # BOZA 2025-011 + PKT 2025-004
2. That I conducted a neighborhood meeting on March 24, 2025.
3. The notice to nearby property owners was sent on March 7, 2025.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Krystal A. Voth
Affiant

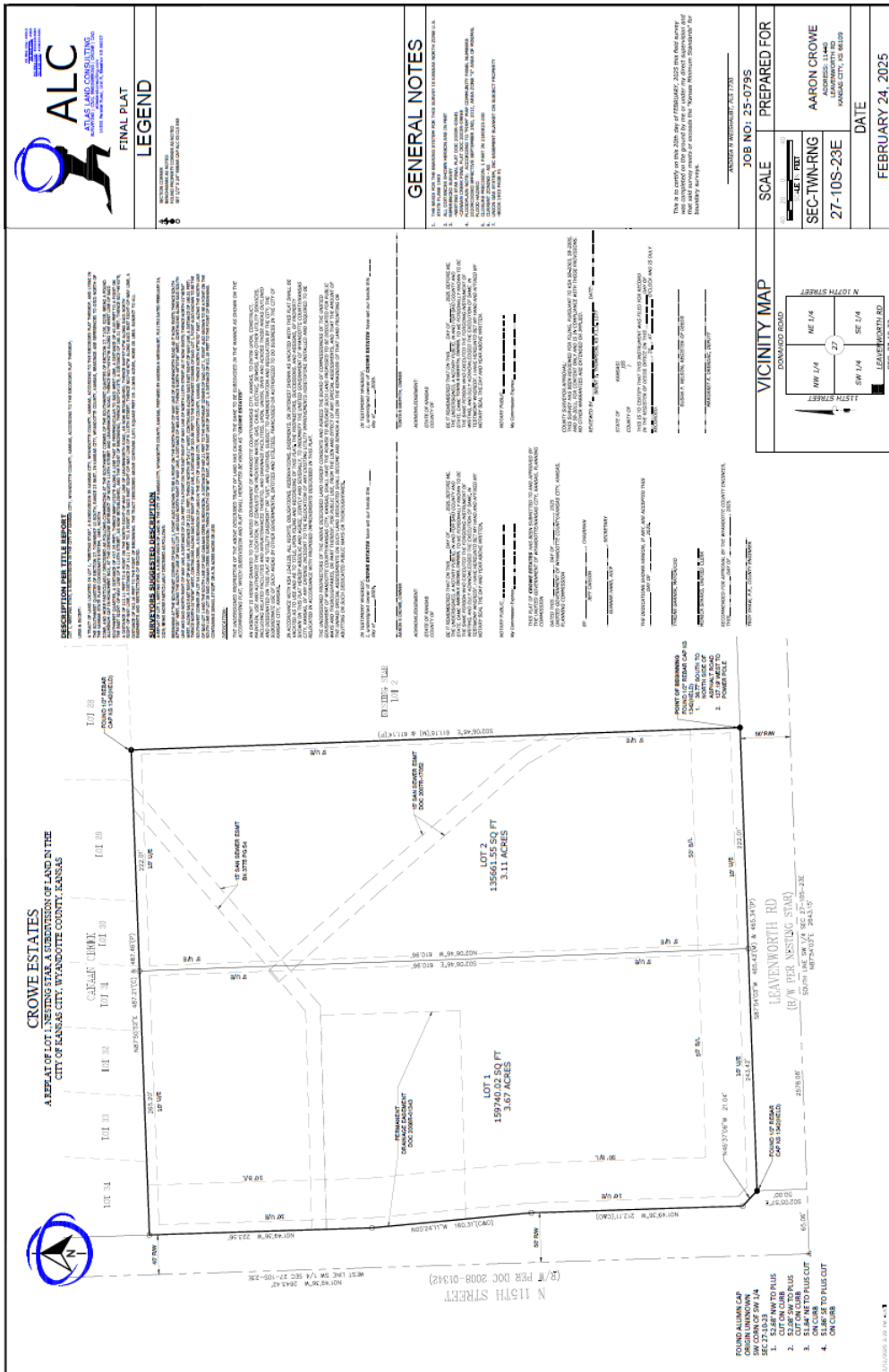
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of March, 2025.

My commission expires 25 of November, 2028.



Rylea Oliver
Notary Public

14



STAFF SITE VISIT PHOTOS DATED MARCH 18, 2025



STAFF SITE VISIT PHOTOS DATED MARCH 18, 2025



SUMMARY OF OPPOSITION

BOZA2025-011 comments



Hand, Gunnar
To McLaughlin, Kallie
Cc Morris, Rose

Kallie,

Please add the below input to the case file for BOZA2025-011 and the PLAT. The neighbor to the north was in opposition to the project because:

1. They want to protect the street as open space and a buffer to the agriculturally zoned property to the south;
2. They want an open space buffer along the southern edge of their subdivision (northern edge of the subject property) to protect them from agricultural uses; and,
3. They want clarification on what the project is proposed for. Is there a plan for livestock now or even without current land entitlements.

Thanks,

Gunnar Hand, AICP 913.573.5750
Director of Planning + Urban Design ghand@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NEIGHBORHOOD MEETING INFORMATION

March 7, 2025
Atlas Land Consulting
14500 Parallel Road Unit R
Basehor, KS 66007

We have filed an application with the Department of Urban Planning and Land Use

BOZA2025-011 and PLAT2025-004
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Krystal Voth invited you to a Google Meeting:

BOZA2025-011 11440 LEAVENWORTH RD KANSAS CITY, KS 66109
MARCH 24, 2025 7:00pm
Monday March 24 • 7:00 – 8:00pm
Time zone: America/Chicago
Google Meet joining info
Video call link: <https://meet.google.com/yya-trxp-pmx>
Or dial: (US) +1 573-401-1334 PIN: 370 044 504#
More phone numbers: <https://tel.meet/yya-trxp-pmx?pin=2447642349151>

I look forward to hearing from you, if you have any questions.

Please Contact:

Krystal Voth
krystal@alconsult-llc.com
(913)-702-8916
14500 Parallel Rd Unit R, Basehor, KS 66007

Sincerely,



NEIGHBORHOOD MEETING INFORMATION

Mar 24, 2025 | [Aaron Crowe Neighborhood Meeting](#) BOZA 2025-011

Attendees: Krystal Voth, Atlas Land Consulting
Jason Williams, Neighbor

Notes

- The meeting took place from 7:00PM until 7:50PM on Google Meet

Discussion Items

- Mr. Jason Williams attended the meeting from 7:00PM until 7:13PM. He had general questions about future development and asked if a "subdivision" would be developed. I explained that the applicant had requested a variance to maintain the ag zoning and showed the proposed subdivision.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
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Comes now Krystal A. Voth, of lawful age, sound mind and upon his/her oath states as follows:

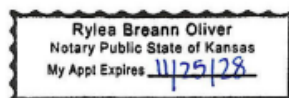
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Further affiant saith not.

Krystal A. Voth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of March, 2025.

My commission expires 25 of November, 2028.



Rylea Oliver
Notary Public



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 12, 2025

Re: Board of Zoning Appeals Petition BOZA2025-012

GENERAL INFORMATION

Applicant Information:

Mike McCown
Applicant
MLBC-2 LLC
20924 Floyd Street
Bucyrus, Kansas 66013

Subject Property:

13100 and 13130 State Avenue
Kansas City, Kansas 66109

Requested Action and Purpose:

This appeal has been filed to build and operate a self-storage facility. Section 27-467(e) uses in this district require paved off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Appellant is requesting four (4) parking spaces, a violation of 395 spaces.

Commission Districts:

At-Large Commissioner, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

CP-2 Planned General Business



District (proposed to be CP-3
Planned Commercial District)

Comprehensive Plan Area:

Prairie Delaware Piper Area Plan

	Adjacent Zoning	Adjacent Uses
North	RP-5 Planned Apartment District	Townhomes
South	None (City of Bonner Springs)	Wooded, undeveloped land
East	CP-2 Planned General Business District	Casey's Gas Station
West	RP-2 Planned Two Family District	Delaware Ridge wooded common space and duplexes

Total Tract Size:

5.39 Acres

Neighborhood Characteristics:

The subject property is located within the Prairie-Piper Statistical Neighborhood and Block Group 0448032. The neighborhood consists of an established mixed residential subdivision to the north and west, Delaware Ridge neighborhood, which is comprised of single-family homes, duplexes and townhomes. There is a self-storage facility on the east side of North 130th Street, across from Casey's gas station/convenience store. Across State Avenue to the south is a heavily forested parcel, which is within the City of Bonner Springs.

Comprehensive Plan Designation:

The Prairie Delaware Piper Area Plan designates the subject property Planned Commercial, which allows for commercial retail, limited commercial services, and convenience retail.

Major Street Plan:

The goDotte County-Wide Mobility Strategy designates State Avenue as a Major Arterial and North 130th Street a Minor Collector.

Parking Requirement:

Section 27-467(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 399 parking spaces are required. Four (4) spaces are provided, a violation of 395 parking spaces subject to this variance.

Landscaping Requirement:

Section 27-467(g) Trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

Section 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. 59 trees are required to be planted, however this does not include trees required for screening and buffering, along the street right-of-way, or parking lot islands.

Advertisement:

The Wyandotte Echo – April 17, 2025
Letters to Property Owners – April 18, 2025

Public Hearing:

May 12, 2025

Public Support:

None to date.

Public Opposition:

None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no building, zoning or code enforcement complaints on the subject property.

Outstanding or Related Permit and Cases:

1. COZ2025-004 – Rezoning from CP-2 Planned General Business to CP-3 Planned Commercial District to build a multi-building, 99,800 square foot climate controlled and contractor flex use storage facility (scheduled to be heard by CPC on May 12, 2025).
2. 2009 – 93000-00654 – Building Permit – Casey's Gas Station.

Previous Planning Actions:

1. Approval of a Final Plan Review (PR-2008-13) and Final Plat (Delaware Ridge Commercial) for 35,318 square foot shopping center in 2008.
2. Approval of a Preliminary Plan Review (PR-2007-33) for a 35,318 square foot shopping center in 2007.

PROPOSAL

Detailed Outline of Requested Action: The representative, Mike McCown with MLBC-2 LLC, is requesting a variance to have a reduction in off-street, on-site parking for a multi-building, 99,800 square foot climate controlled and contractor flex use storage facility on 5.39 acres. 399 spaces are required, the Appellant is providing four (4) spaces, a violation of 395 spaces.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The property is not unique. The parcel is greater than four (4) acres located in the western portion of the city. The proposed development will be on the western edge of commercial development on State Avenue, south of the Delaware Ridge residential neighborhood. The applicant is choosing to develop the site in such a way that the proposed building cannot accommodate the required parking per code. The majority of the patrons will bring their personal or work vehicles and park in front of their specific storage unit to load or unload materials, equipment, or personal affects.

- 2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners as the adjacent uses are commercial businesses and will not detract from their normal day-to-day operations, except if and when patrons begin to park inconveniently throughout the site for their own convenience because only four (4) spaces are available.

3. ***The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

If the application is denied, the applicant will be required to reduce the size of their building to accommodate additional parking required by Code and/or the Board of Zoning Appeals or redesign their site plan to meet the requisite parking for the development.

4. ***The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

The variance desired may adversely affect the convenience of customers entering and exiting the site as there are two (2) points of ingress/egress, but are shared with Casey's gas station. With two (2) businesses sharing an uncontrolled intersection to the east and a right-in/right-out to the south, vehicle stacking and maneuvering through the site is a safety concern.

5. ***The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The intent of the ordinance is to ensure that there is enough off-street parking for a particular land use on the property. In this instance, the applicant requests a deviation for over four-fifths, approximately 98.9% of their required parking. The applicant must demonstrate that four (4) parking spaces is enough on-site parking with analysis of a parking summary based on other self-storage facilities of similar size and scale.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on April 22, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Buffering and Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-004. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon approval of petition BOZA2025-012 by the Board of Zoning Appeals.

Applicant Response: Acknowledged.

2. The impact of a denied variance is that the property owner would need significantly alter their development proposal by reducing the size and scale or pivot entirely for uses permitted by right in CP-2 Planned General Business District.

Applicant Response: Acknowledged.

3. Provide a parking summary of other self-storage facilities that the applicant has constructed.

Applicant Response: Summary of other self-storage facilities is attached at the end. Three (3) locations analyzed: one located across North 130th Street from the site in question, which consists of a total of six (6) parking spots. The Public Storage buildings on the site include a 23,000 square foot building and three (3) 3,500 square foot buildings. Another site analyzed in the summary is located in Overland Park, StorageMart, which consists of 11 parking spots and four (4) buildings on the site, totaling 75,850 square feet. The third and final location analyzed is Ensign Storage located in Bonner Springs which consists of two (2) parking spots and 13 storage buildings and one (1) main office building totaling approximately 570,000 square feet.

4. The four (4) parking spaces for the development are in front of the rental office. Where will customers park their vehicles to access their unit in a three (3) story, 345-unit self-storage facility? Four (4) parking spaces are inadequate for this central facility, much less the remaining 38 contractor storage units around the perimeter of the site.

Applicant Response: Acknowledged.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-012** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2025-004. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition COZ2025-004 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
4. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Lighting cannot exceed one (1) footcandle at the property line;
5. All utility connections, this includes green electrical boxes, and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
6. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
7. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their

office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
14. The Department of Planning + Urban Design shall not give approval for any final Certificate of Occupancy (CO) before the completion of all required work. The applicant, permit holder, and/or property owner shall complete all items required, including, but not limited to: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective

responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. As necessary, a landscape bond may be allowed, however, all other requirements must be completed prior to issuance of a Final CO.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statute
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 12, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-012** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Board of Zoning Appeals **DENY** Appeal **BOZA2025-012**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Kansas State Statutes

This section outlines the five (5) statutes in which variances are reviewed upon. The applicant must review these statutes and explain how their application applies and conforms to these five (5) statutes in as much detail as possible.

1

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

Section 27-467(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 SF of building area. This is a general ratio that is not appropriate for the specific uses of contractor storage or climate controlled self storage which do not require more than a few parking spaces based on limited vehicular traffic generation.

2

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

The granting of this variance will not adversely affect the rights of adjacent property owners. The proposed parking is sufficient to accommodate the proposed use.

3	The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. The strict application of this provision would result in excess parking, pavement, and reduced green space which would not be utilized. The strict application of this provision would not allow for this type of development to be constructed, in a feasible manner.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The granting of this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. The granting of this variance will not be opposed to the general spirit and intent of the zoning ordinance. The goal of the zoning ordinance is to ensure adequate parking is provided for each use. This use is unique and does not include a unique required parking ratio in the code. The proposed plan will provide adequate parking for the proposed use.

End of Application

Please review again to ensure all applicable fields are completed.
Any incomplete or insufficient fields may result in your application not being processed, per [Section 27-198](#).

See other required materials and information in the remaining pages of this packet.



Date: April 28, 2025

To: City of Kansas City, Kansas

From: Daniel Finn, P.E., Phelps Engineering, Inc.

Re: Responses to City Comments
PEI #240846

STAFF COMMENTS AND SUGGESTIONS

General Planning:

1. This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-004. Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon approval of petition OBZA2025-012 by the Board of Zoning Appeals.
Applicant Response: Acknowledged.
2. The impact of a denied variance is that the property owner would need significantly alter their development proposal by reducing the size and scale of pivot entirely for uses permitted by right in CP-2 Planned General Business District.
Applicant Response: Acknowledged.
3. Provide a parking summary of other self-storage facilities that the applicant has constructed.
Applicant Response: Summary of other self-storage facilities is attached at the end. Three locations analyzed; one located across N 130th Street from the site in question which consists of a total of 6 parking spots. The Public Storage buildings on the site include a 23,000 sqft building and three 3,500 sqft buildings. Another site analyzed in the summary is located in Overland Park, StorageMart, which consists of 11 parking spots and four buildings on the site totaling in 75,850 sqft. The third and final location analyzed is Ensign Storage located in Bonner Springs which consists of 2 parking spots and 13 storage buildings and one main office building totaling in approximately 570,000 sqft.
4. The four (4) parking spaces of the development are in front of the rental office. Where will customers park their vehicles to access their unit in a three (3) story, 345-unit self-storage facility? Four (4) parking spaces are inadequate for this central facility,

PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com

much less the remaining 38 contractor storage units around the perimeter of the site.
Applicant Response: Acknowledged.

Standard Conditions:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
Applicant Response: Acknowledged.
2. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
Applicant Response: Acknowledged.
3. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Lighting cannot exceed one (1) footcandle at the property line.
Applicant Response: Acknowledged.
4. All utility connections, this includes green electrical boxes, and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.
Applicant Response: Acknowledged.
5. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers
 - b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet off clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.**Applicant Response: Acknowledged.**

6. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
Applicant Response: Acknowledged.
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
Applicant Response: Acknowledged.
8. All existing and future driveways must feature curb cuts that are constructed to UG standards.
Applicant Response: Acknowledged.
9. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by infor@wycokck.org to confirm if they need right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
Applicant Response: Acknowledged.
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
Applicant Response: Acknowledged.
11. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
Applicant Response: Acknowledged.
12. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is

required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Applicant Response: Acknowledged.

13. The Department of Planning + Urban Design shall not give approval for any final Certificate of Occupancy (CO) before the completion of all required work. The applicant, permit holder, and/or property owner shall complete all items required, including, but not limited to: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements deviations, or variances are obtained in advance of beginning of any work. As necessary, a landscape bond may be allowed, however, all other requirements must be completed prior to the issuance of a Final CO.

Applicant Response: Acknowledged.

14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (Checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Applicant Response: Acknowledged.

Planning Engineering:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

- B) Items that are conditions of approval:

2) None

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

3) None

Applicant Response: Acknowledged.

bing maps

Ensign Storage

Address: 399 N 130th St, Bonner Springs, KS 66012

Phone: +1 913-721-0073

Website: <https://www.ensignstorageks.com/>

Hours

Monday - Friday 9:00 AM - 5:00 PM

Saturday 9:00 AM - 12:00 PM

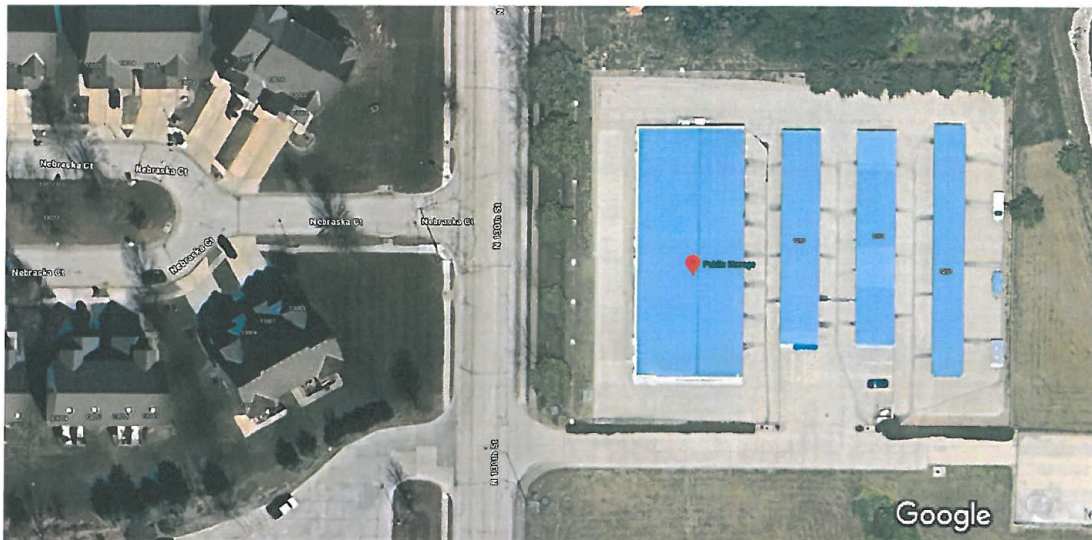
2 parking spots





Public Storage

6 Parking Spots at this location.



Imagery ©2025 Airbus, Map data ©2025 Google 20 ft



Public Storage

4.8 ★★★★★ (258)

Self-storage facility • 

Overview

Reviews

About



Directions



Save



Nearby



Send to
phone



Share

-  1201 N 130th St, Kansas City, KS 66109
-  **Open** · Closes 10 PM
See more hours 
-  publicstorage.com
-  (913) 521-3750
-  4499+3H Kansas City, Kansas

 [Suggest an edit](#)

Photos & videos

All Room By owner St &

[+ Add photos & videos](#)

Questions and answers

Anyone have the corporate number!?

[Answer this question](#)

5 years ago

[More questions](#)

[Ask the community](#)

Review summary



4.8

[258 reviews](#)

StorageMart

Address: 9220 W 135th St, Overland Park, KS 66221

Phone: +1 913-430-5060

Website:

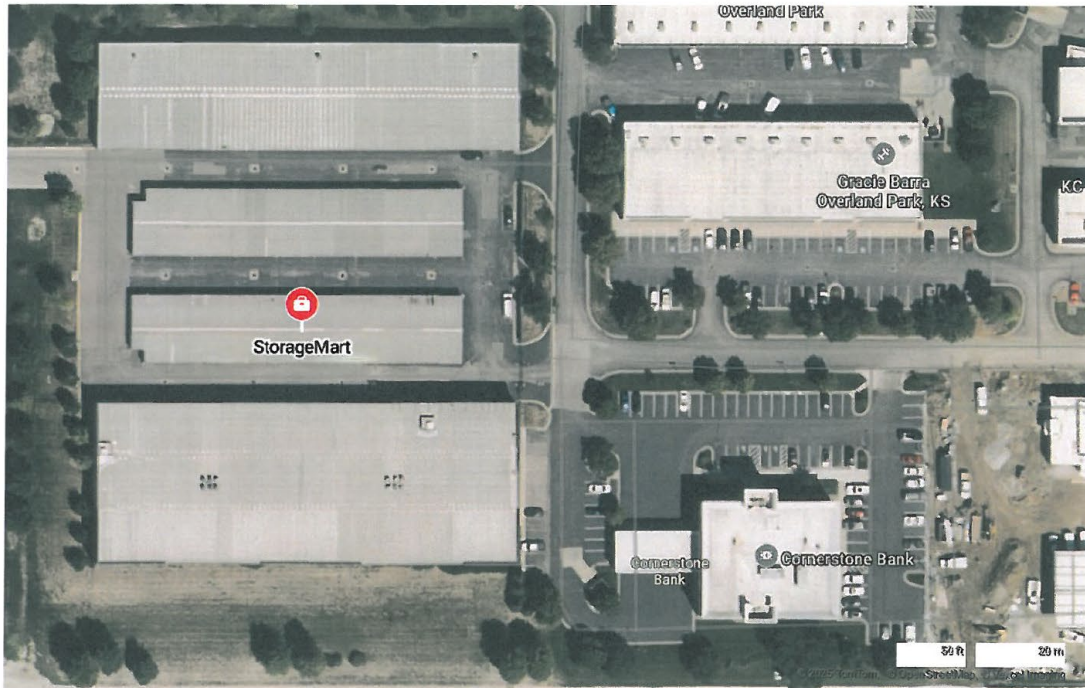
https://www.storage-mart.com/kansas-city/overland-park/66221-135th-street?utm_source=bing&utm_medium=organic&utm_campaign=maps-1612

Hours

Monday - Friday 9:30 AM - 6:00 PM

Saturday 9:30 AM - 3:30 PM

11 parking spots at this location





Date: April 23, 2025

Meeting Date: April 22, 2025, 6:00 PM

Location of Meeting: Virtual via Zoom

Project: BOZA2025-012
Delaware Ridge Storage.
13100 and 13130 State Avenue, Kansas City, KS

Neighborhood Attendees: none.

Development Team: Judd D. Claussen, P.E. – Phelps Engineering
Scott Jones – AP KCK, LLC

-
1. Scott & Judd started meeting at 6 pm. After 20 minutes of waiting, no one joined. The meeting ended at 6:20pm.

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1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Judd D. Claussen, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # BOZA 2025-012
2. That I conducted a neighborhood meeting on 4-22-2025.
3. The notice to nearby property owners was sent on 4-8-2025.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

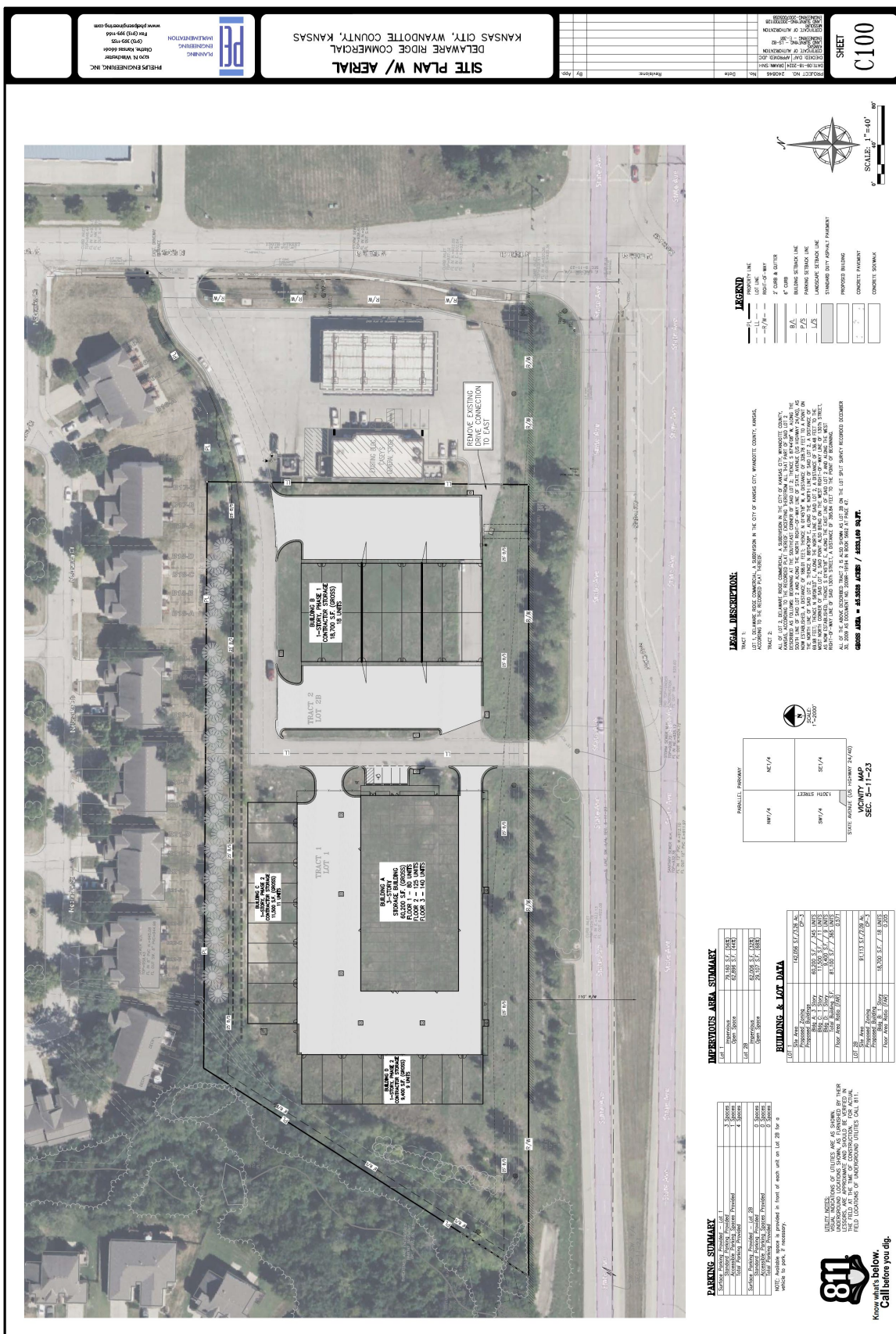
Judd D. Claussen
Affiant

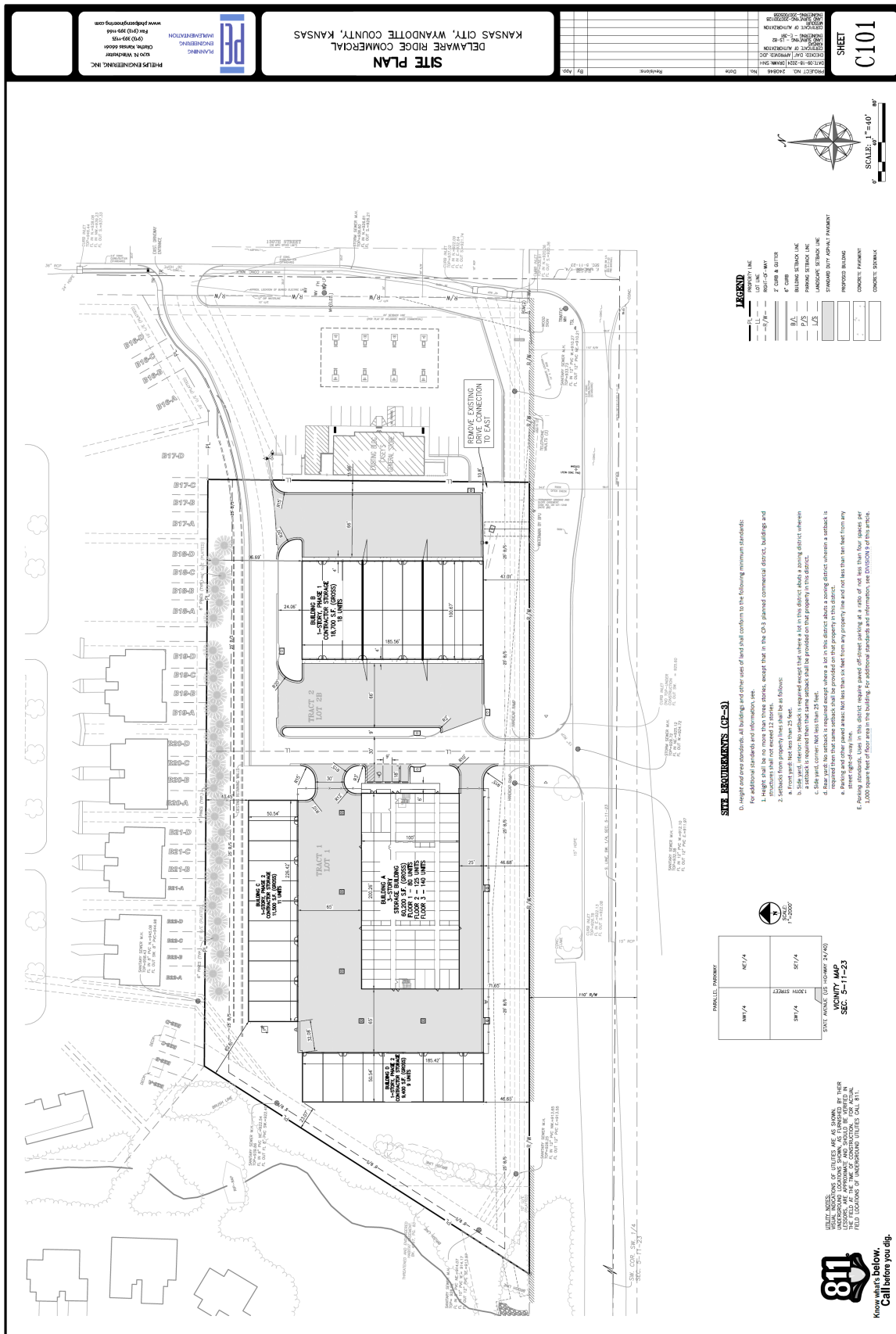
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of April, 2025.

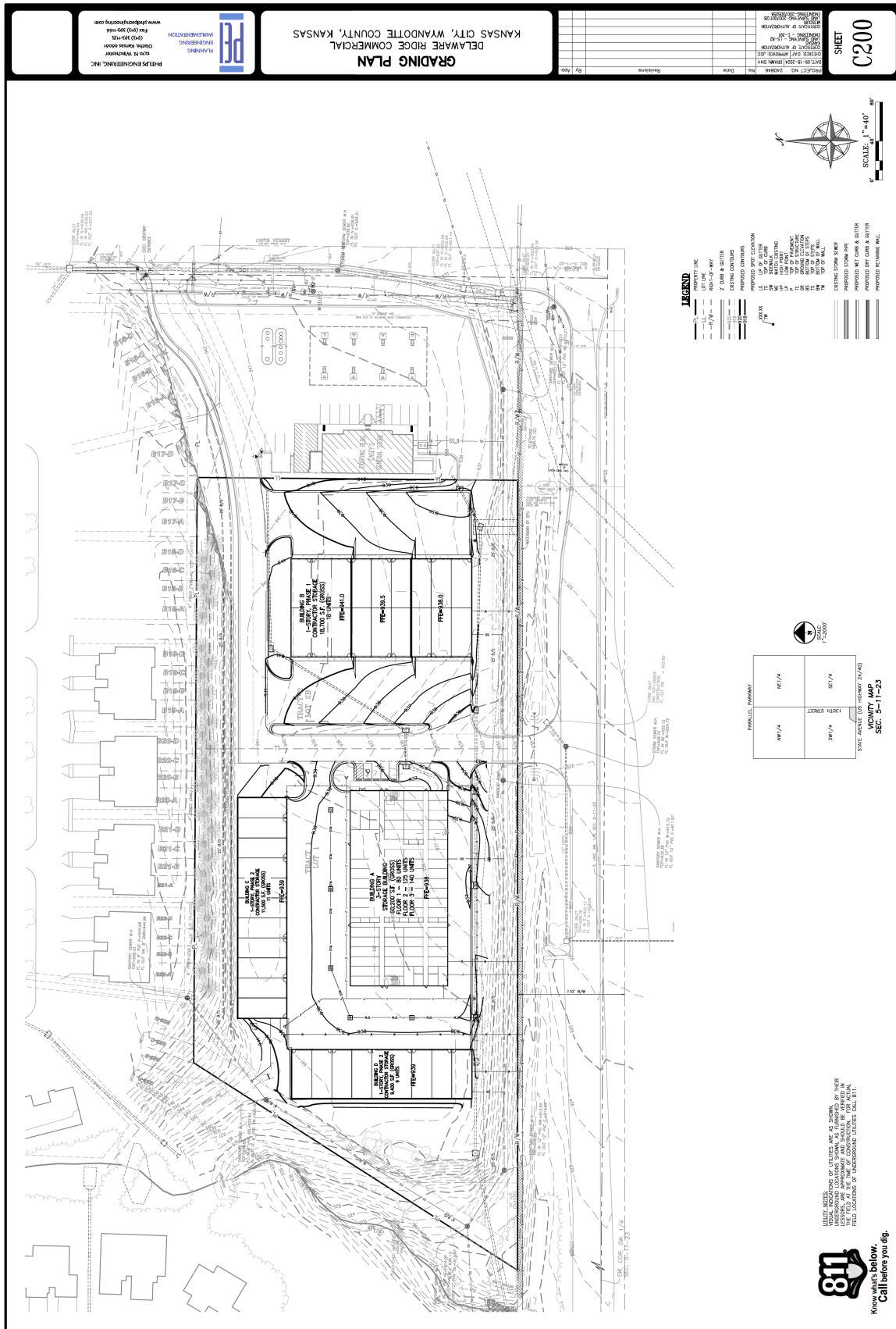
My commission expires 5 of 16, 2028.



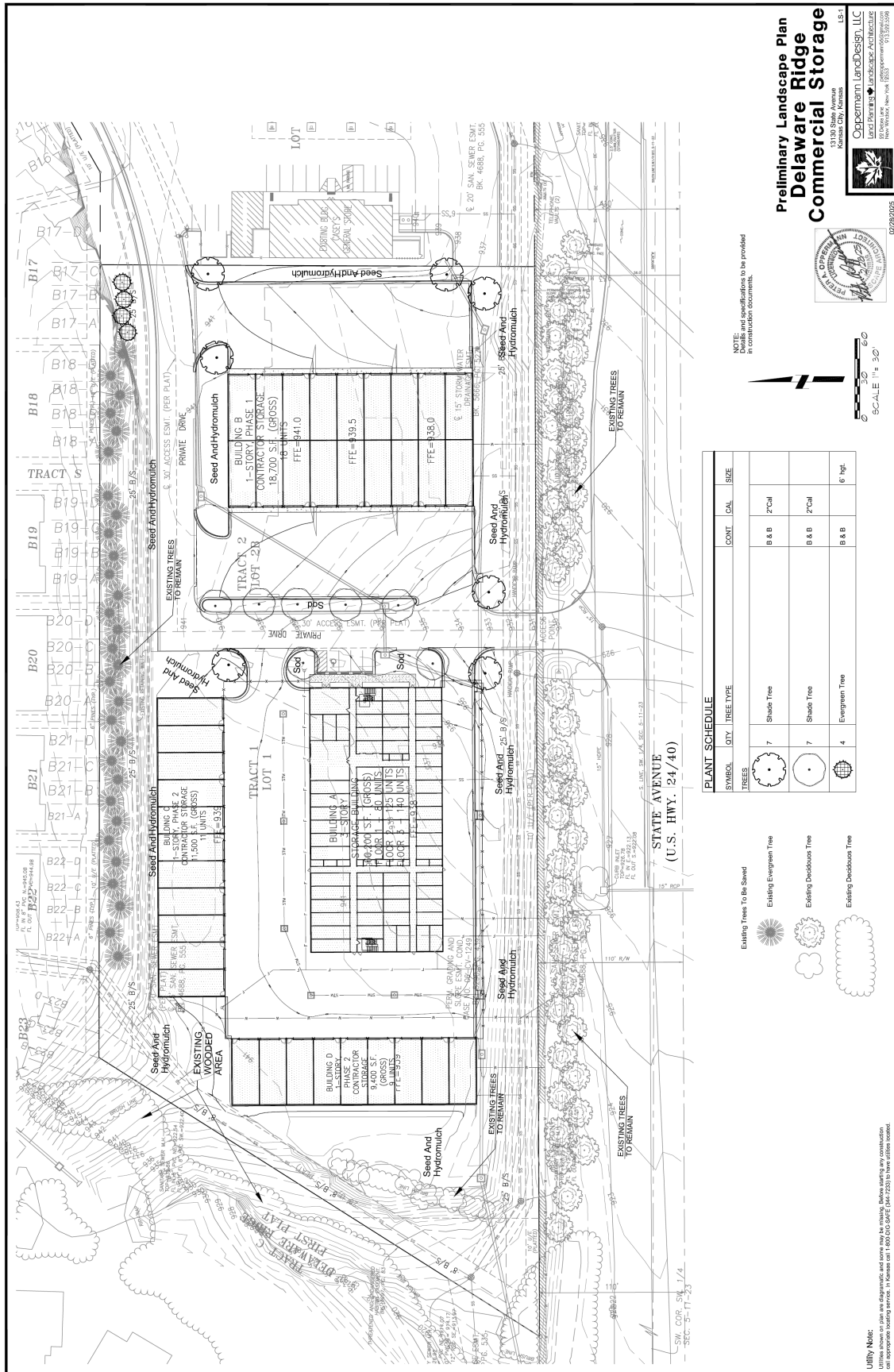
Shelia Ewing
Notary Public







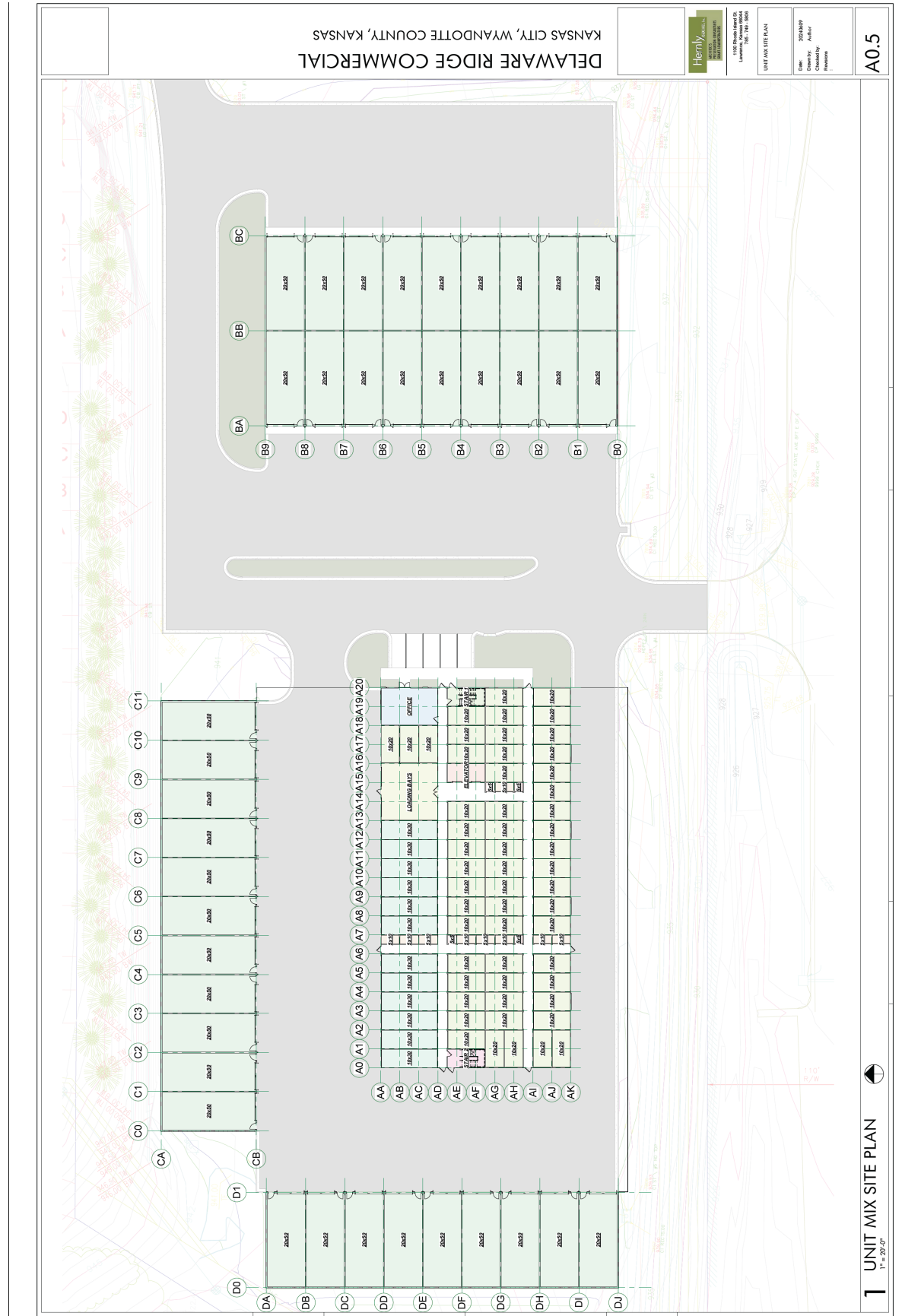




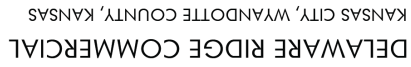
Preliminary Landscape Plan
Delaware Ridge
Commercial Storage

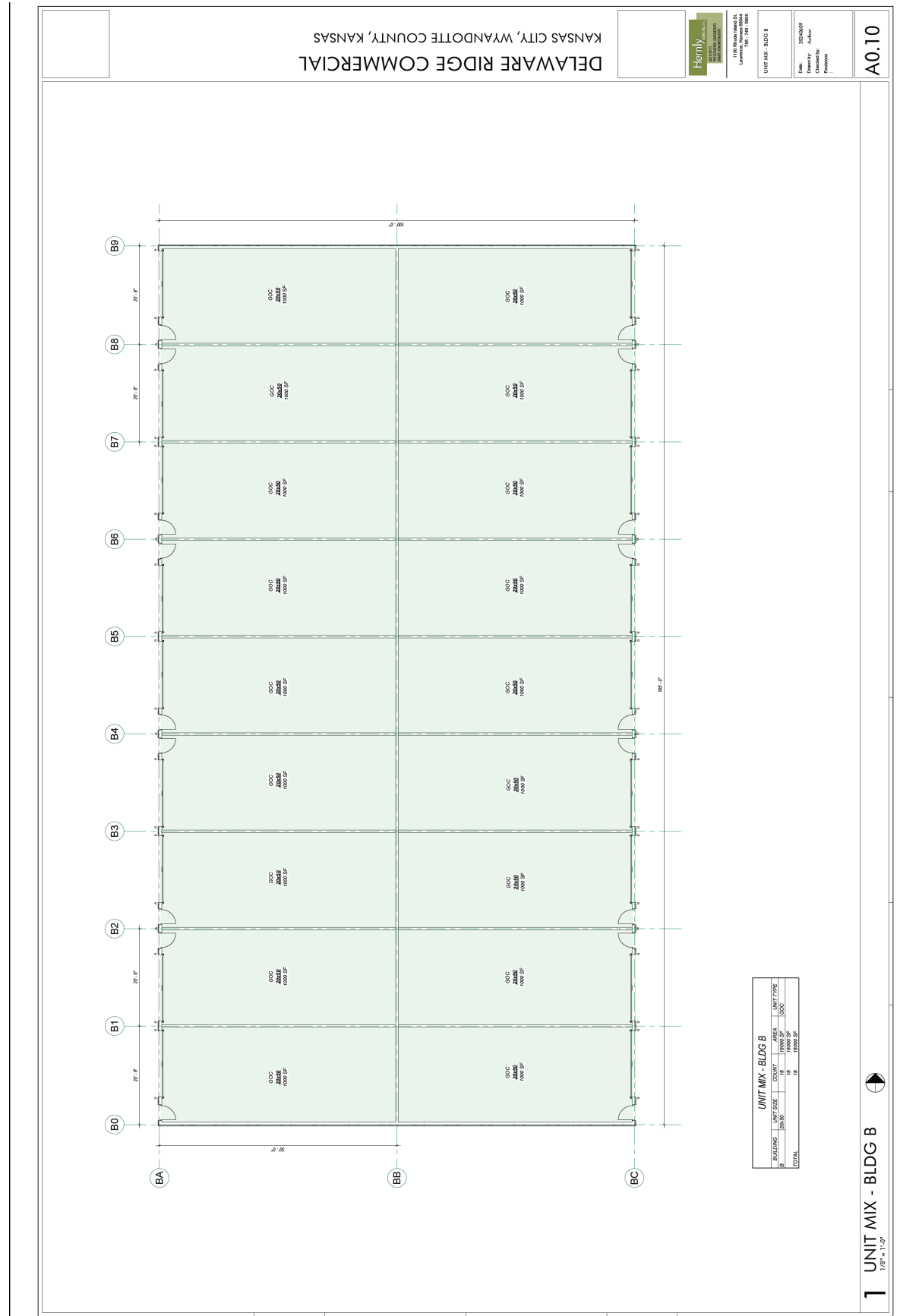


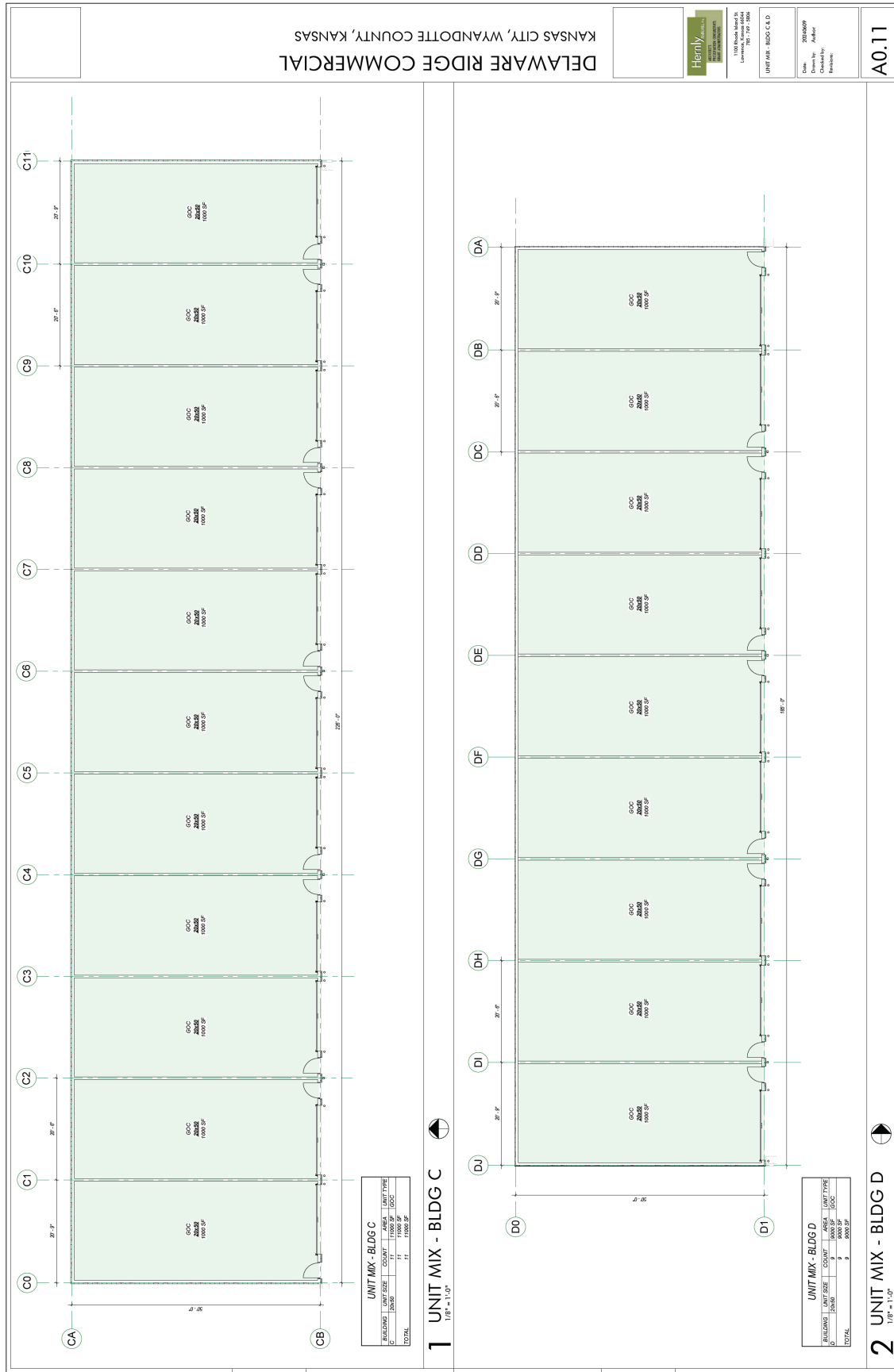
SCALE 1" = 30'

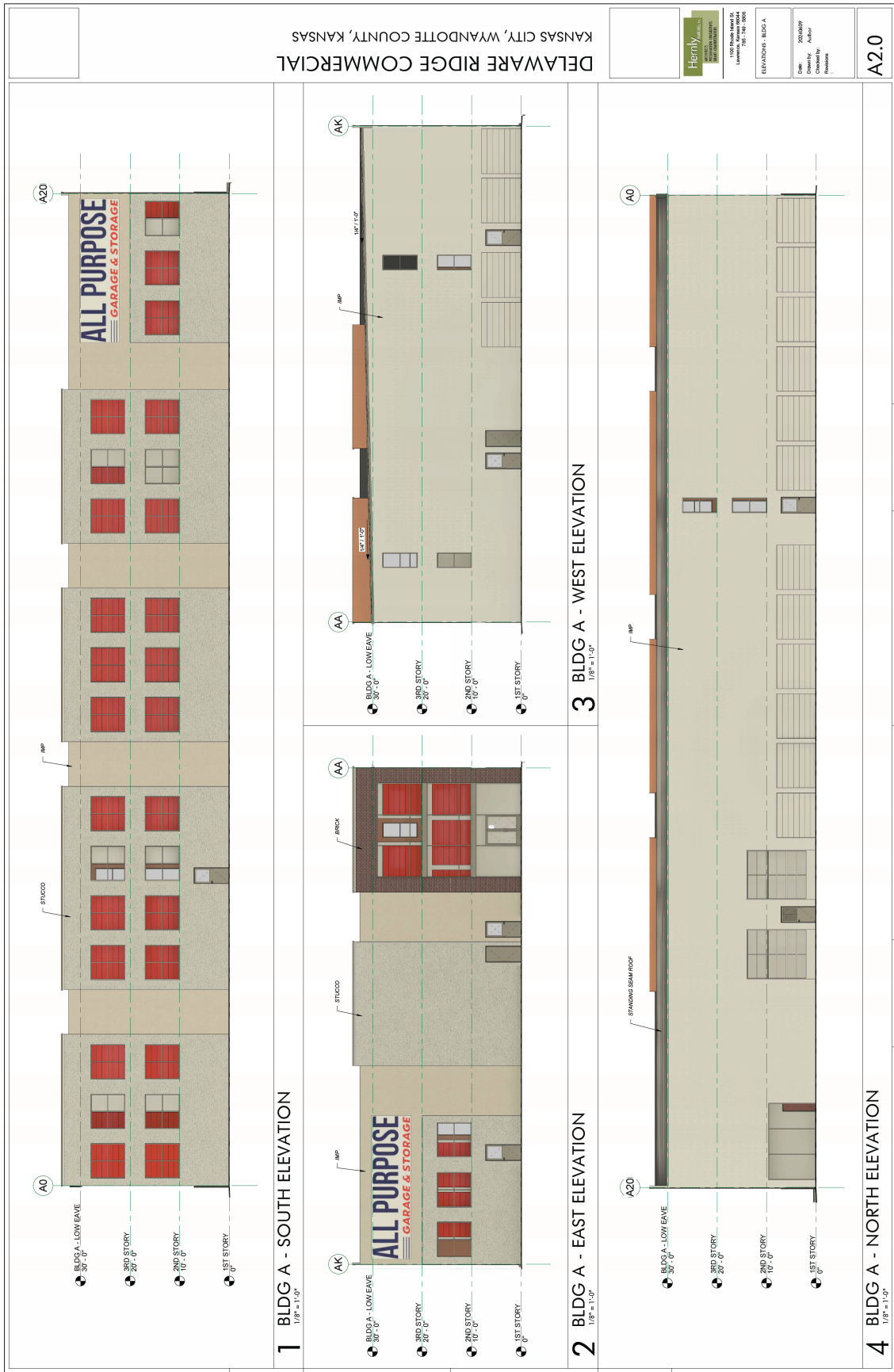


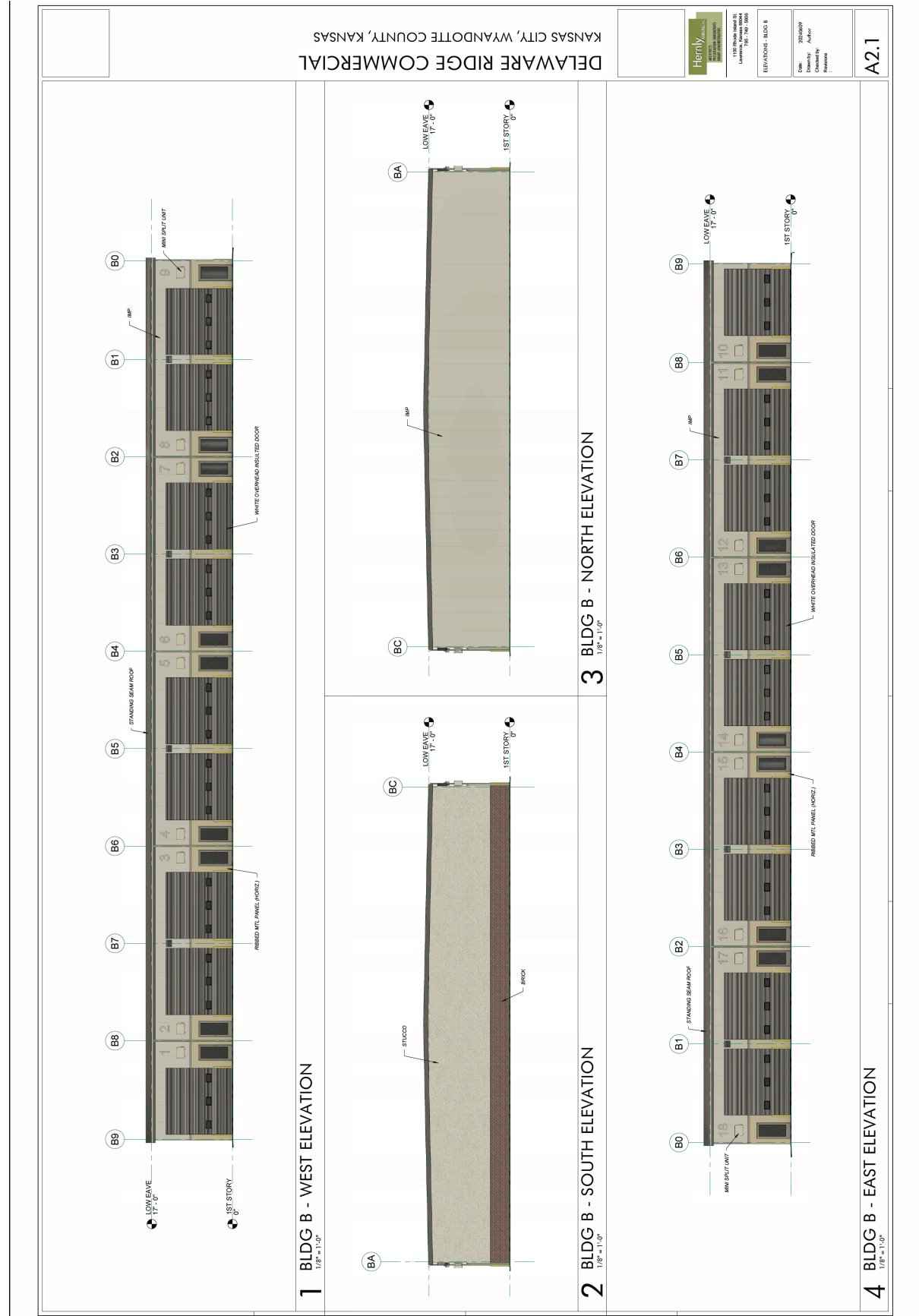


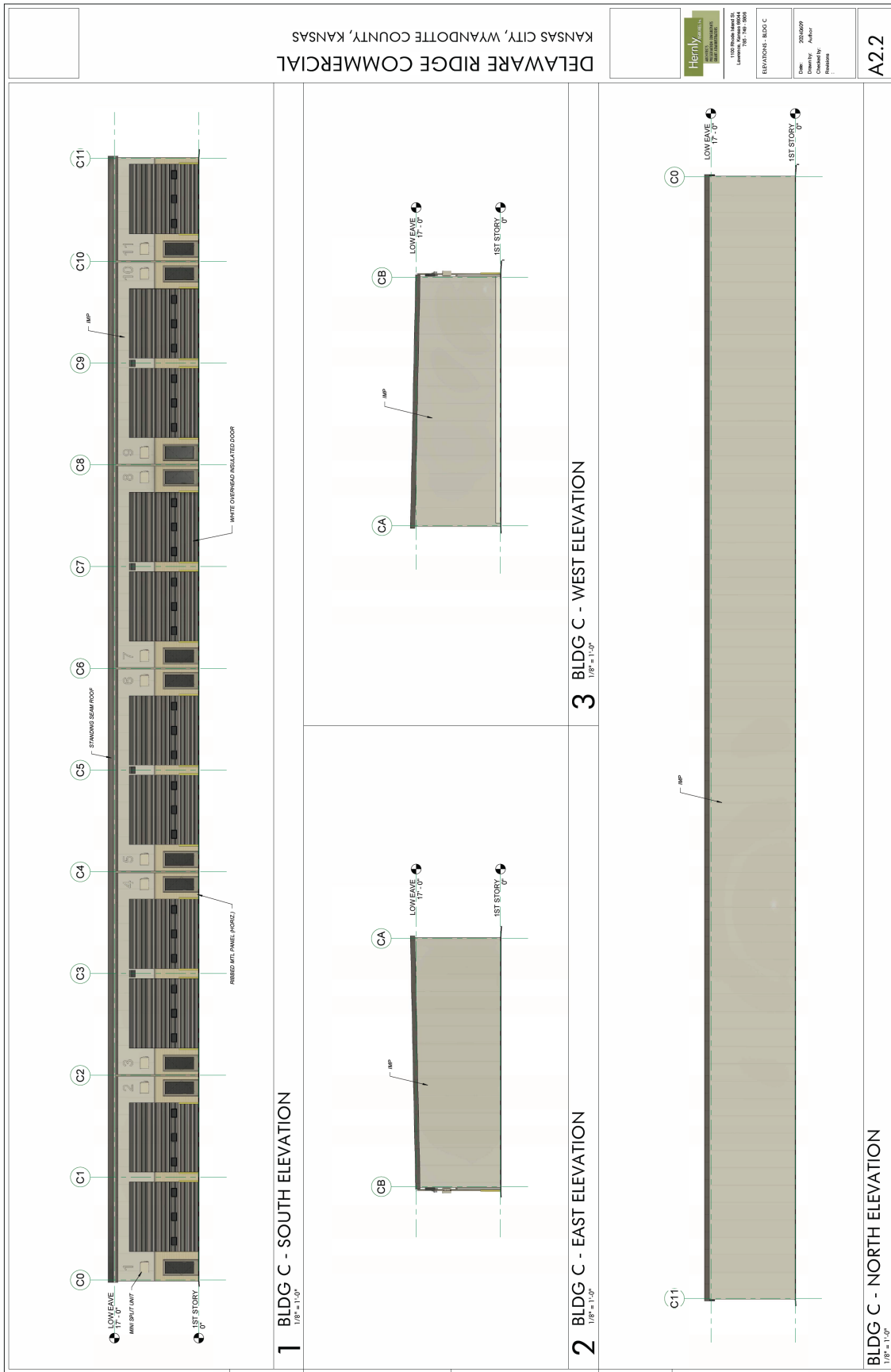


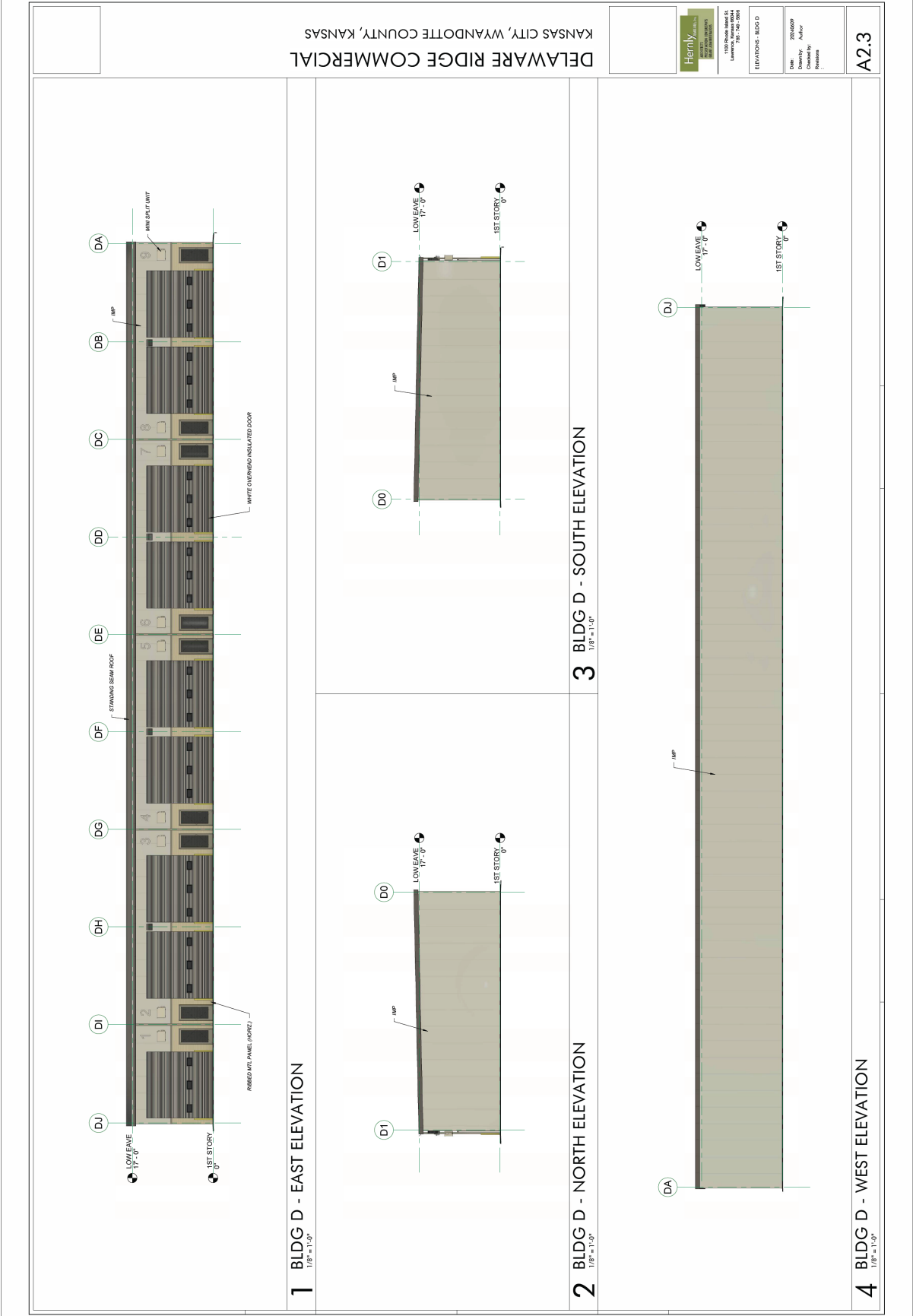


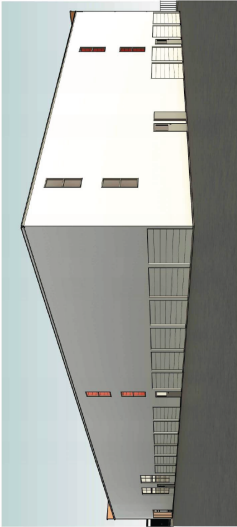
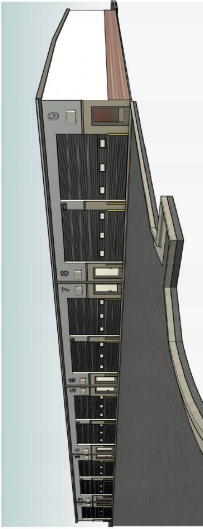
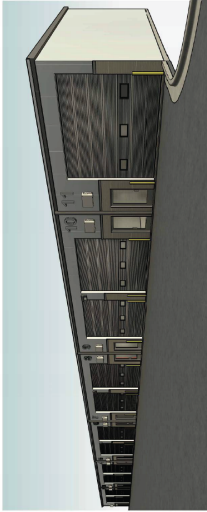










			1 BLDG A - SOUTH EAST PERSPECTIVE 2 BLDG A - NORTH WEST PERSPECTIVE 3 BLDG B - SOUTH WEST PERSPECTIVE
			4 BLDG C - SOUTH EAST PERSPECTIVE 5 BLDG D - NORTH EAST PERSPECTIVE
DELaware RIDGE COMMERCIAL KANSAS CITY, WYANDOTTE COUNTY, KANSAS			HERNLY ARCHITECTS 1100 Wynwood Street, Suite 200 Lawrence, Kansas 66044 781.842.7800 PERSPECTIVES DATE: 05/06/2025 DESIGNED BY: ARCHITECT CHECKED BY: PROJECT MANAGER A7.0



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 12, 2025

Re: Board of Zoning Appeals Petition BOZA2025-013

GENERAL INFORMATION

Applicant Information:

Robert Becker
Applicant
Legends 267 LLC
75 Northwest Business Park Lane
Riverside, Missouri 64150

Subject Property:

1879 Village West Parkway
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a variance for building setbacks, open space and off-street parking for a 267-unit multi-family apartment building (Legends 267).

Commission Districts:

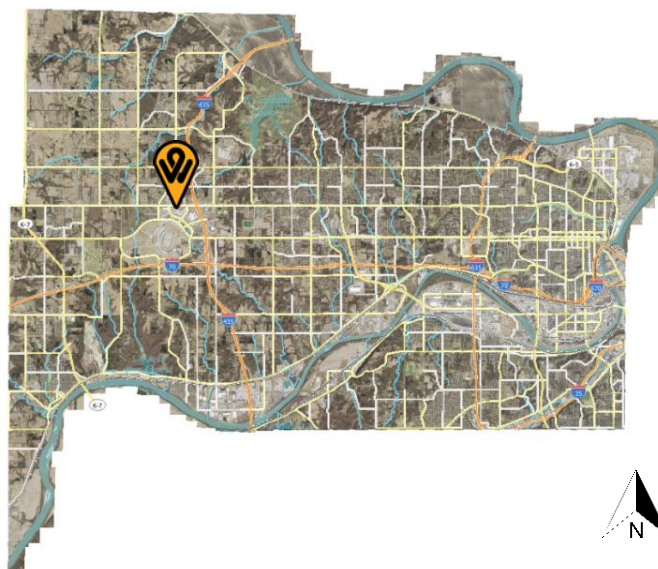
At-Large Commissioner, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

RP-6 Planned High-Rise Apartment
District

Comprehensive Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	Plaza at the Speedway (Commercial shopping center)
South	CP-2 Planned General Business District	Hotel (Residence Inn by Marriott)
East	CP-2 Planned General Business District	Legends Parking Garage
West	CP-2 Planned General Business District	Target

Total Tract Size: 2.45 Acres

Neighborhood Characteristics: The subject property is within the I-435 West Statistical Neighborhood and is not within a neighborhood group. The subject property is also within the Legends/Speedway Area of Kansas City. This neighborhood consists of large retail stores, entertainment, restaurants, and hotels. Although there are sidewalks located along Parallel Parkway and throughout the Legends/Speedway Area, this is a predominately auto-oriented neighborhood; the proposed residential development, however, marks a potential shift towards greater walkability. The subject property is the only residential use within the neighborhood.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property High-Density Residential, which allows attached owner and renter occupied mid-rise and high-rise residential developments.

Major Street Plan: The goDotte Countywide Strategic Mobility designates Parallel Parkway as a Major Arterial and Village West Parkway as Major Collector.

Parking Requirement: Section 27-461(d) requires one (1) parking space for each dwelling unit that has one (1) bedroom or less. One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. The subject property will have 202 single-bedroom units and 65 double-

bedroom units, requiring a total of 300 parking spaces. 281 parking spaces are provided, a violation of 19 parking spaces.

Landscaping Requirement:

Section 27-461(f) Trees are required at not less than one (1) per 4,500 square feet of site area.

Section 27-700(b)(1) All multifamily residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit. 46 trees and 267 shrubs are required.

Advertisement:

The Wyandotte Echo – April 17, 2025
Letters to Property Owners – April 18, 2025

Public Hearing:

May 12, 2025

Public Support:

None to date.

Public Opposition:

None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no building, zoning or code enforcement complaints on the subject property.

Outstanding or Related Permit and Cases:

1. DRC21-0041 - Building Permit – Legends 267 apartment complex.

Previous Planning Actions:

1. Approval of a variance (BOZA2023-006) for signage by the Board of Zoning Appeals on May 8, 2023.
2. Approval of a Change of Zone (COZ-0004), Master Plan Amendment (MPL-2020-14) and Final Development Plan (PR2020-033) by the Unified Government Board of Commissioners on January 28, 2021.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Robert Becker with Legends 267 LLC, is requesting a variance for building setbacks, open space and off-street parking. Section 27-461(c)(2)b. states the side yard, interior setback shall not be less than 10 feet between any building and any property line, plus an additional three (3) feet for each story over four (4) to a maximum requirement of 25 feet. Appellant is requesting 19.6 feet, a violation of 2.4 feet

Section 27-461(c)(2)d. states the rear yard setback shall not be less than the height of the building. Appellant is requesting 26.6 feet, a violation of 66.5 feet.

Section 27-461(c)(3) The building floor area shall not exceed three (3) times the area of the site (floor area ratio 3.0), and an area equal to at least 40 percent of the site area shall be maintained as non-vehicular open space. The Appellant is requesting a floor area ratio 4.77 and 21.63 percent of open space, a violation of 1.77 and 18.37 percent.

Section 27-461(d) states one (1) parking space shall be provided for each dwelling unit that has one (1) bedroom or less; provided, however, that buildings designed solely for senior and retired persons need provide no more than one (1) parking space for each three (3) dwelling units. One and one-half (1½) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more; provided, however, that buildings designed solely for senior and retired persons shall provide parking as required by the Planning Commission. Appellant is providing 281 parking spaces, a violation of 19 parking spaces.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The parcel is bounded by Parallel Parkway to the north, Village West Parkway to the west, Residence Inn's parking lot to the south and The Legend's parking garage to the east truly preventing the building from being pushed in either direction. The PlanKCK Comprehensive Plan encourages this type of development to support multi-modal connectivity and along major transit corridors, which this applicant attempted to do. The only way to increase density on the site is to raise the height of the building and build parking below grade. The result is a decrease in setbacks and open space that is below the district's requirement.

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

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners as the adjacent uses are commercial businesses and will not detract from their normal day-to-day operations. The development will not have spillover effects onto other properties as there is also parking available in the Legend's parking garage, which has a vehicle/pedestrian bridge connecting the two garages.

3. ***The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.***

Denial of the application will constitute an unnecessary hardship upon the property owner represented in the application because they constructed the building based on the City's approval.

4. ***The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare as the rear of the building is along the same plain as the Legends parking garage and the interior side yard has a bridge connecting the two garages, which provide a resident and guest benefit. Additionally, the percentage deficit of non-vehicular open space is being incorporated into the rooftop terrace, patio and pool for the residents.

5. ***The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

The spirit and intent of the zoning ordinance is to ensure that there is enough space between property lines to facilitate fire protection, air and light for adjacent property owners. There is public right-of-way on two (2) sides of the apartment building and a parking lot physically between Legends 267 and Residence Inn by Marriott, so there is ample access points for KCKFD and emergency vehicles to provide service. Secondly, there is sufficient open space for residents, typically for on-site amenities, but also having space that is pervious for stormwater management, primarily along Parallel and Village West Parkways.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on April 22, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the CPC approval

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. For reference, the apartment building (Legends 267) was built per the approved plans by the City Planning Commission in regards to setbacks and open space.
2. Based on the Change of Zone and Final Development site plan (sheet C02) that was approved by the City Planning Commission, 300 parking spaces were required based on 202 one (1) bedroom units and 65 two (2) bedroom units. The table indicates 659 parking spaces were provided, however, during construction of the garage and apartment building, only 281 parking spaces were provided. Please explain the discrepancy.

Applicant Response: During the construction of the apartments, additional space was needed in the garage to house utility meters and other necessary equipment in order to furnish utilities to the apartment units above to satisfy BPU's requirements. This led to the loss of parking spaces. There was some confusion on the parking requirements, as the Development Agreement sets forth a minimum of 270 private parking spaces.

3. How many square feet are the rooftop terrace and pool area?

Applicant Response: West Courtyard Square Footage: 9,945 square feet. East Courtyard Square Footage (this is the pool area courtyard): 9,000 square feet. Rooftop Terrace: 840 square feet. The total is 19,785 square feet.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-013** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. Regarding on-site landscaping, subject to Bond #67710, work completion deadline is August 25, 2025, expiration date is August 26, 2026; and,
2. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statute
Applicant Response Letter
Neighborhood Meeting Documents
Site Survey
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 12, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-013** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

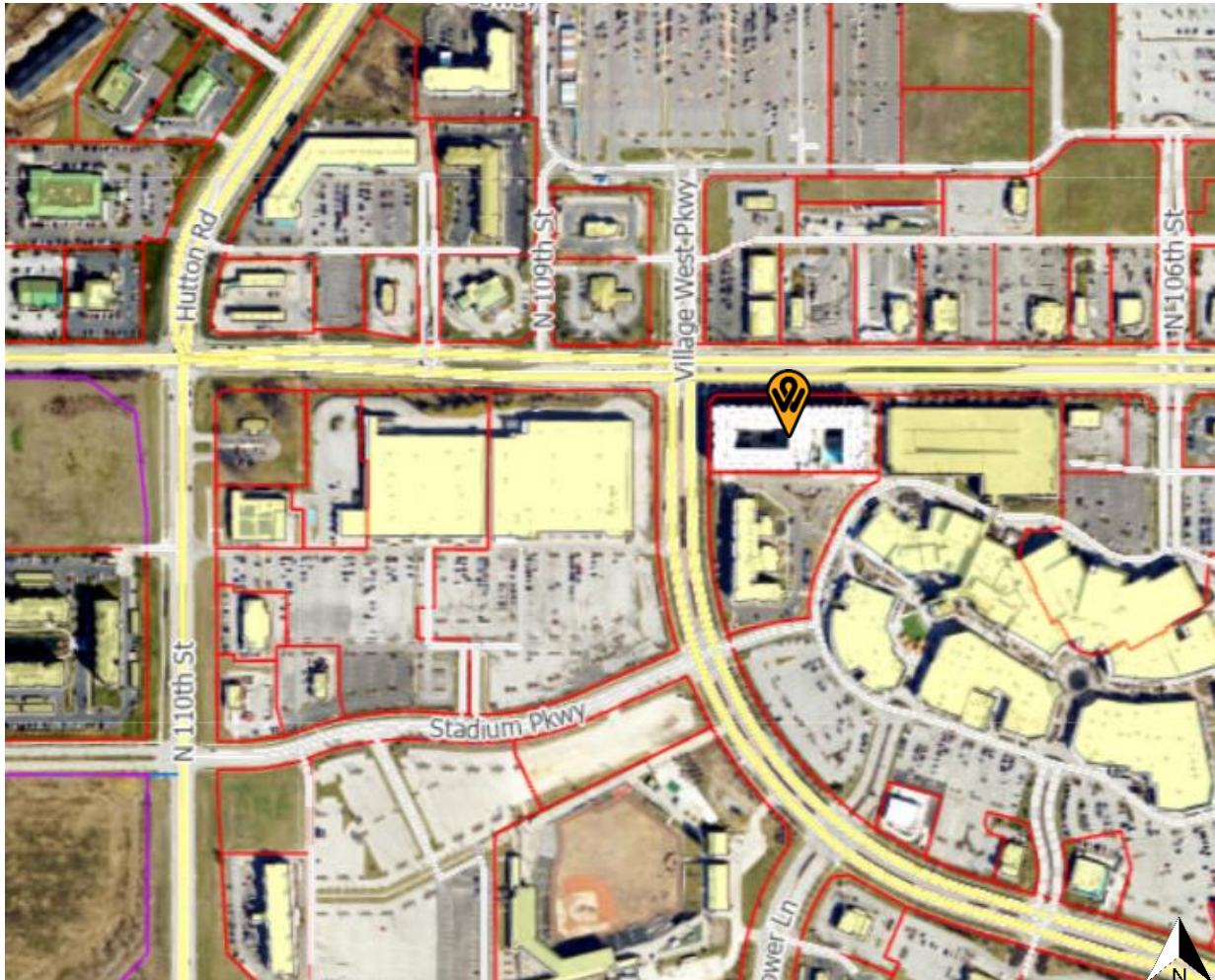
1. _____;
2. _____; And
3. _____.

OR

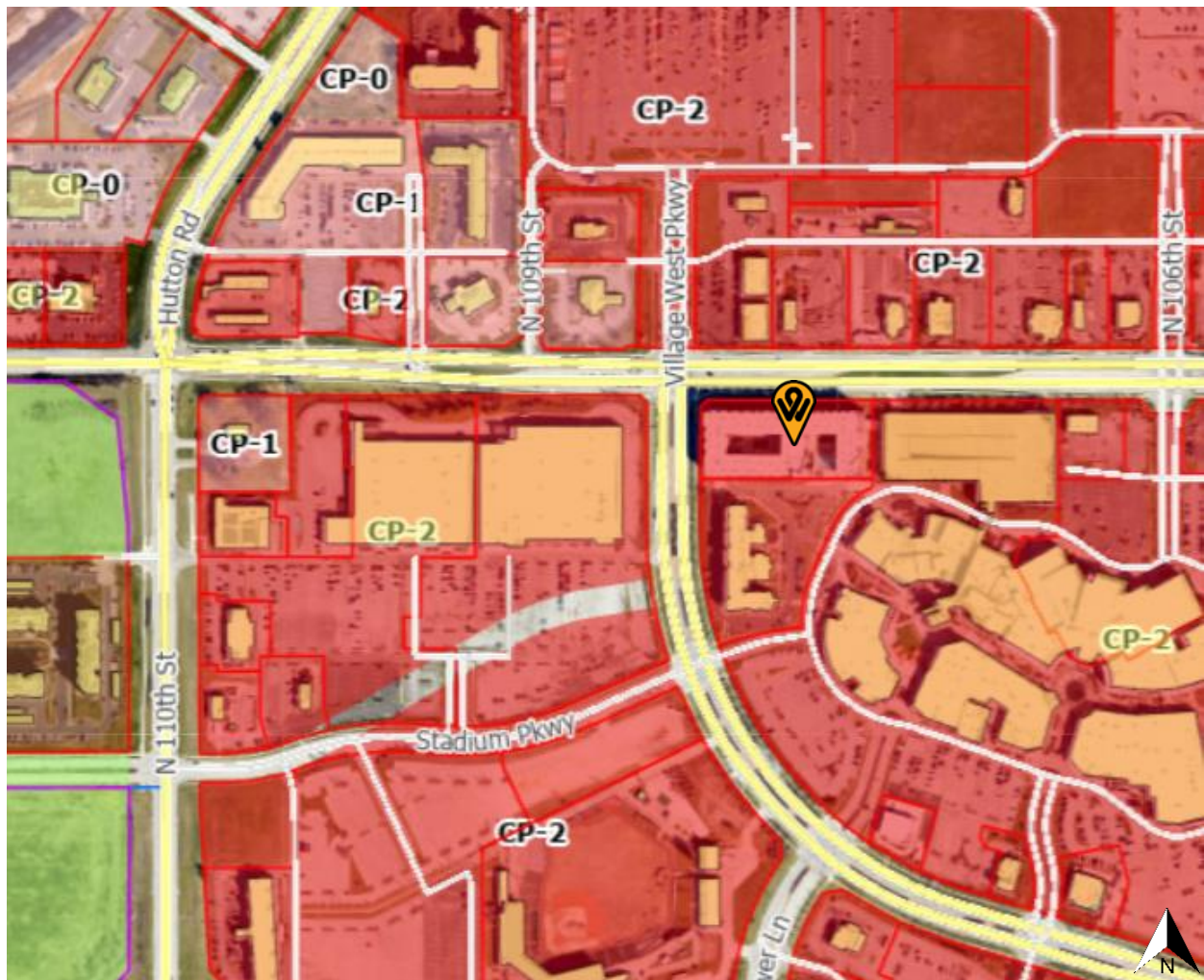
I move the Board of Zoning Appeals **DENY** Appeal **BOZA2025-013**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

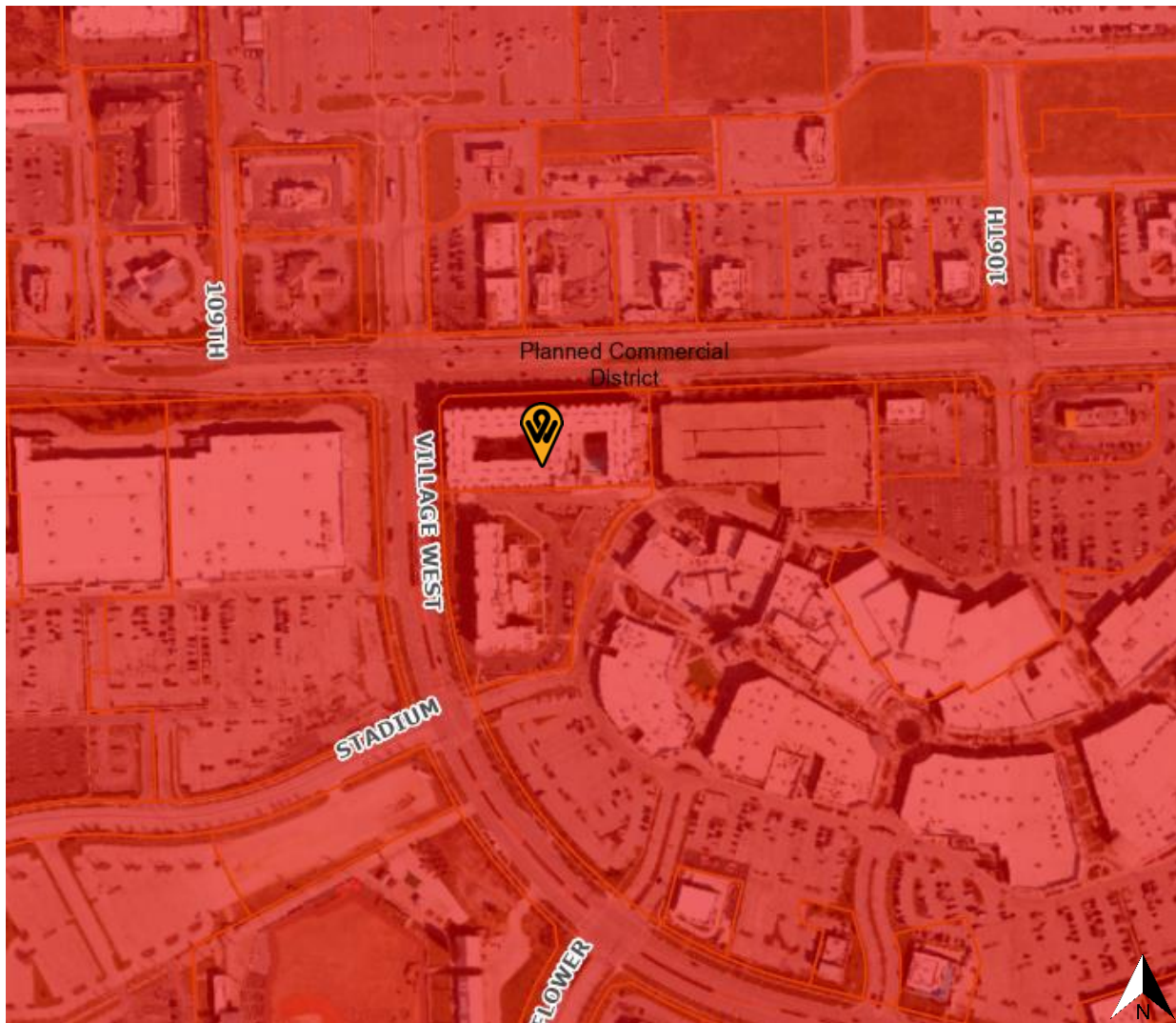
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



**Board of Zoning Appeals Application
Legends 267 Apartments' Narrative Attachment**

5. Explain the reason for your variance request or appeal of the staff administrative decision:

Applicant is requesting variances to reflect the previously approved deviations for the setbacks and open space on the property. Applicant believes these deviations have already been approved but in an abundance of caution is filing this application.

Specifically, Applicant is requesting the following variances from the requirements of the underlying R-6 district:

- a. The property's existing side setback of 19.5 feet along the east lot line does not meet the 22 feet required in R-6; and
- b. The property's rear setback of 0 feet along the south lot line does not meet the 93.1 feet required in R-6; and
- c. The property's existing nonvehicular open space does not meet the 40% required in R-6.

Applicant requests these variances because the Legends 267 Apartments was rezoned in 2021 to a planned development zoned RP-6. As part of that rezoning, preliminary and final development plans were approved by the Planning Commission and Board of Commissioners (attached). The plans reflect the deviations identified above and the structure was built according to plans. Ultimately, the Certificate of Occupancy was issued on August 28, 2024 (attached).

In late February 2025, Byron Toy issued a Zoning Verification Letter for the Legends 267 Apartments. In follow-up correspondence, Mr. Toy indicated that a variance should be obtained from the Board of Zoning Appeals for the structure's east setback (attached).

The Applicant was informed that the southern setbacks and open space also deviate from the underlying R-6 code requirements.

Kansas State Statutes

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.**

The variance requested arises from the design of the structure built to suit the unique location and size of the property. Applicant, with the characteristics of the location in mind, previously sought and obtained a rezoning for the property to RP-6 so that deviations from the underlying R-6 district could be obtained as part of the preliminary and final plan approval.

The Unified Development Ordinance of the Unified Government states that “[t]he planning commission and the unified government board of commissioners may, in the process of approving preliminary and final plans, approve deviations in a planned district from the minimum standards in the underlying district...” Section 27-211(f) of the UDO.

Applicant submitted preliminary and final development plans in conjunction with the rezoning to the planned district. The preliminary and final development plans reflect the conditions that Applicant now seeks a variance for.

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

The rights of the adjacent property owners or residents will not be adversely affected because the UDO contemplates and permits deviations from the setback and open space requirements for the underlying zone of a planned development. In this case, the apartments have already been constructed and the preliminary and final plans approved.

3. The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

The property owner relied on the previously approved preliminary and final plan approvals to build the apartments. A denial of the variance or order to bring the property in compliance with the underlying zone will cause unnecessary hardship and expense because the property was built with setbacks and open space according to the preliminary and final development plans which are contemplated and permitted in a planned development.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The variances requested are for previously approved setback and open space requirements. A certificate of occupancy has been issued and there is no indication that the setback and open space deviations from the underlying district have affected the public health, safety, morals, order, convenience, prosperity, or general welfare. The addition and continued operation of the apartments will positively affect the public health, safety, morals, order, convenience, prosperity, and general welfare of the community by maintaining the homes of the tenants.

5. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

The variances requested are contemplated and permitted by Section 27-211(f) of the UDO for planned districts.

April 25, 2025

VIA ELECTRONIC MAIL

EDR@wycokck.org

Byron Toy, AICP
Lead Planner
Department of Planning + Urban Design
Unified Government of Wyandotte County / Kansas City Kansas
701 N. 7th Street
Kansas City, Kansas 66101

Dear Byron:

I have reviewed the draft Staff Report. Your comments, and responses thereto, are set forth below.

1. Based on the Change of Zone and Final Development site plan (sheet C02) that was approved by the City Planning Commission, 300 parking spaces were required based on 202 one (1) bedroom units and 65 two (2) bedroom units. The table indicates 659 parking spaces were provided, however, during construction of the garage and apartment building, only 281 parking spaces were provided. Please explain the discrepancy.

Applicant's Response:

During the construction of the apartments, additional space was needed in the garage to house utility meters and other necessary equipment in order to furnish utilities to the apartment units above to satisfy BPU's requirements. This led to the loss of parking spaces. There was some confusion on parking requirements, as the Development Agreement sets forth a minimum of 270 private parking spaces.

2. How many square feet are the rooftop terrace and pool area?

Applicant's Response:

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East Courtyard Square Footage (this is the pool area courtyard) = 9,000 sq ft
Rooftop Terrace = 840 sq ft

Total = 19,785 sq ft.

Unified Government of Wyandotte County, Kansas
April 25, 2025
Page 2

Please let me know if there is any additional information needed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John P. Mullane', with a long horizontal flourish extending to the right.

John P. Mullane

JPM:kab

cc: Byron Toy (via e-mail btoy@wycokck.org)
Rose Morris (via e-mail rmorris@wycokck.org)
Luke Becker (via e-mail lbecker@beck-cal.com)
Bob Becker (via e-mail rbecker@lukedrailly.com)
Aaron G. March, Esq. (via e-mail amarch@rousepc.com)
Rachelle M. Biondo, Paralegal (via e-mail rbiondo@rousepc.com)

4920-4361-8106, v. 2

MINUTES

Application Number: BOZA2025-013

Date and Location: 4/22/25; Via Zoom

Meeting called to order at: 4:00 p.m.

Project: Legends 267; Variance Application

Introductions: Team Introduction – John Mullane, Bob Becker, Luke Becker, Rachelle Biondo

Attendees: “RFS”
FSLRO-10700-Parallel-Kansas City, LLC Did not want to provide additional name/contact information (owner of neighboring property); See attached screenshot of Zoom meeting attendees

Presentation by applicant and/or team:

- a. Presentation of Development Plan; No construction
- b. Already built and occupied (no changes)
- c. Cleaning up prior application process to provide for required variances that should have been formally obtained at time of original application
- d. See attached PowerPoint Presentation

Questions and answers: No questions; only wanted to obtain information

Meeting adjourned at: 4:31 p.m.

Minutes taken by: Rachelle M. Biondo

4909-8776-8369, v. 1
31123\070870\4909-8776-8369

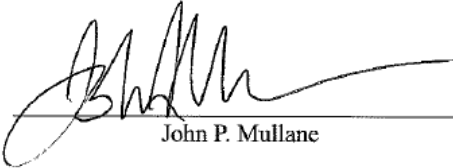
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now JOHN P. MULLANE, of lawful age, sound mind and upon his/her oath states as follows:

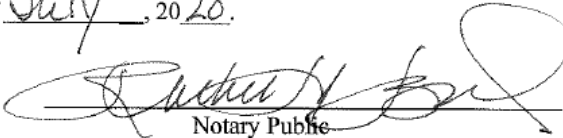
1. That I am the petitioner for Petition # BOZA2025-013 (Legends 267).
2. That I conducted a neighborhood meeting on April 22, 2025.
3. The notice to nearby property owners was sent on April 8, 2025.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

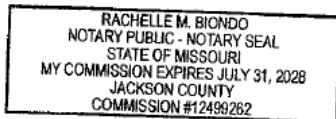
Further affiant saith not.


John P. Mullane

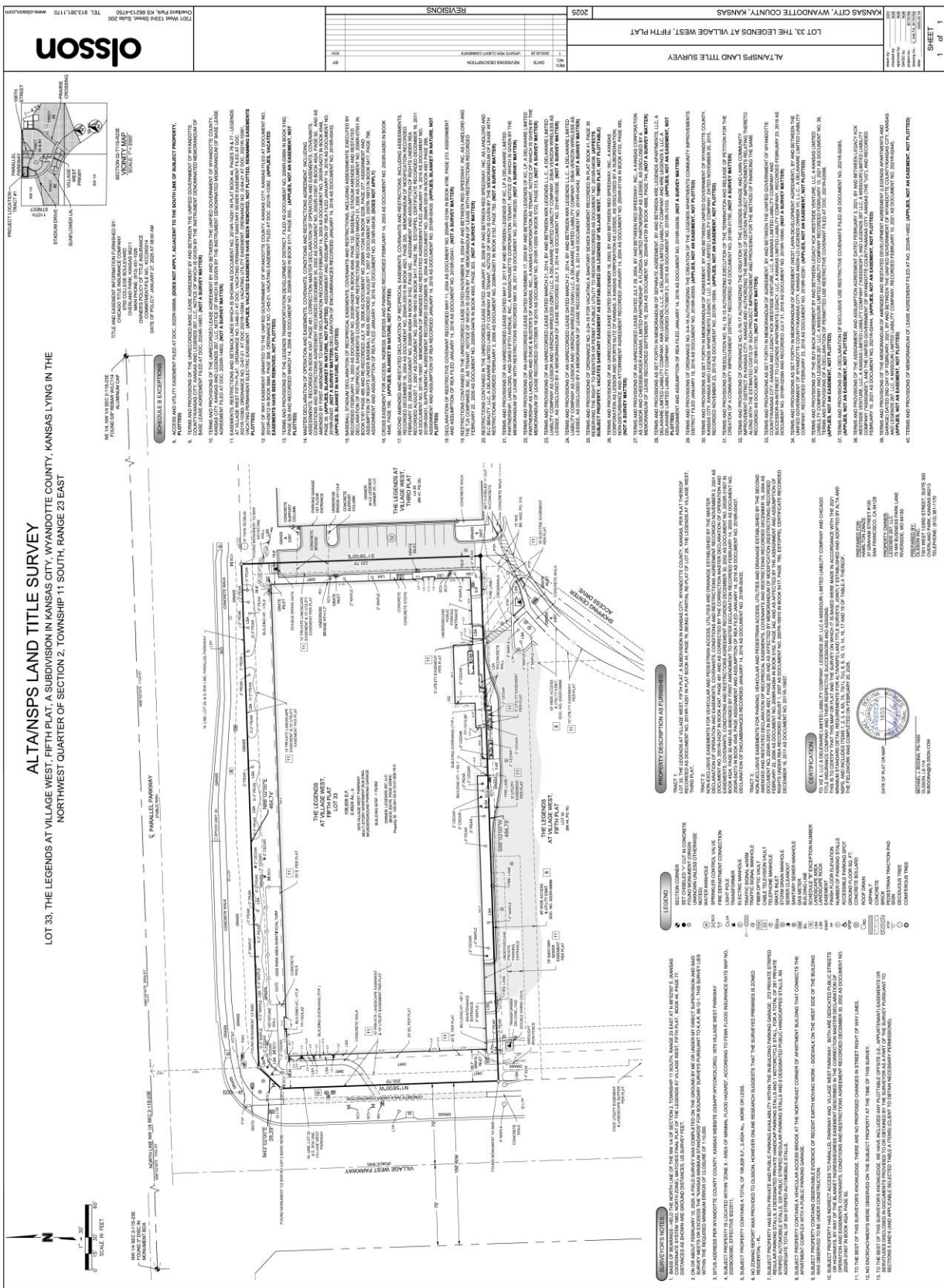
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of April, 2025.

My commission expires the 31 of July, 2028.


Notary Public



4898-4128-1841, v. 1
31123\070870\4898-4128-1841



[illegible][illegible]

AT VILLAGE WEST APARTMENTS
THE LEGENDS
PARALLEL PARKING AND
VILLAGE WEST PARKWAY
KANSAAS CITY, KS
BECK-CAL, LLC
75 NW BUSINESS PARK LANE
RAVERSIDE, MO 64150

SITE PLAN

Sheet
reference
number: C02

PROJECT CHARACTERISTICS		CURRENT ZONING		PROPOSED ZONING		CPZ
	PROPERTY AREA					RW
	PRE-DEVELOPMENT INTERVIEWS AREA					2.45 ACRES
	POST-DEVELOPMENT INTERVIEWS AREA					1.79 ACRES
	OPEN SPACE AREA					1.92 ACRES
	TOTAL NUMBER OF DWELLING UNITS					0.53 ACRES
	UNITS PER ACRE					287 UNITS
						108 UNITS/ACRE
BUILDING SUMMARY						
	PARKING LEVEL 1					70,609 S.F.
	PARKING LEVEL 2					70,125 S.F.
	PARKING LEVEL 3					79,500 S.F.
	AMTMENT LEVEL 1					54,118 S.F.
	AMTMENT LEVEL 2					52,609 S.F.
	AMTMENT LEVEL 3					56,941 S.F.
	AMTMENT LEVEL 4					56,941 S.F.
	AMTMENT LEVEL 5					52,961 S.F.
	TOTAL BUILDING AREA					509,271 S.F.
	FLOOR AREA RATIO					4.77
PARKING SUMMARY						
	PARKING REQUIRED					
	1 PER 1 BEDROOM UNITS + 202 UNITS					202 SPACES
	2.5 PER 2 BEDROOM UNITS + 60 UNITS					90 SPACES
	TOTAL PARKING REQUIRED					290 SPACES
	TOTAL PARKING PROVIDED					
	PARKING LEVEL 1					248 SPACES
	PARKING LEVEL 2					218 SPACES
	PARKING LEVEL 3					192 SPACES
	TOTAL PARKING PROVIDED					660 SPACES (WITH 14 ACCESSIBLE SPACES)

A002 of 10





