



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, July 14, 2025

6:00 PM

1 CALL TO ORDER/ROLL CALL

2 REPORTS

3 BOARD OF ZONING APPEALS STATEMENT

4 AGENDA

4.1 Zoning Appeal Application(s)

4.1.1 BOZA2025-006 - ROGER AVALOS

Synopsis: Variances for front, rear, and side setbacks for a home addition at 3601 Freeman Avenue.

Tracking #: 21698

4.1.2 BOZA2025-007 - ROGER AVALOS

Synopsis: Variance for side yard setback for a home addition at 4745 Woodend Avenue.

Tracking #: 21699

4.1.3 BOZA2025-014 - AMY NELSON

Synopsis: Variance for conversion of an accessory structure to a home addition at 4023 Delavan Avenue.

Tracking #: 21700

4.1.4 BOZA2025-015 - TYE ZEHNER WITH STRICKLAND CONSTRUCTION

Synopsis: Variance for minimum parking required for construction of new self-storage building at 11319 Parallel Parkway (in conjunction with PLAT2025-015, MPL2025-007, and COZ2025-011).

Tracking #: 21701

4.1.5 BOZA2025-016 - GUY TINER

Synopsis: Variance for the minimum width-to-depth ratio at 10800 Hollingsworth Road and 4950 Hutton Road. (in conjunction with PLAT2025-016 and COZ2025-012).

Tracking #: 21702

4.1.6 BOZA2025-017 - AURORA GOMEZ

Synopsis: Variance for size of accessory structure and side yard and rear yard setbacks at 1513 South 18th Street.

Tracking #: 21703

4.1.7 BOZA2025-018 - EMMA LUDWIG WITH MIDWEST SIGN COMPANY, LLC

Synopsis: Variance for wall signs at Panera at 1717 Village West Parkway.

Tracking #: 21704

4.1.8 BOZA2025-019 - TYE ZEHNER WITH STRICKLAND CONSTRUCTION

Synopsis: Variance for off-street parking reduction for a self-storage facility at 2712 and 2740 North 103rd Terrace (in conjunction with COZ2025-017 and PLAT2025-022).

Tracking #: 21705

4.1.9 BOZA2025-020 - BRANDON CLAPP WITH ENCELADUS INVESTMENTS LLC

Synopsis: Variance for front yard, side yard, rear yard and paving setbacks and lot area and non-vehicular open space at 849, 851, and 855 Sandusky Avenue (in conjunction with PLAT2025-020).

Tracking #: 21706

5 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/u/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

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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-006

GENERAL INFORMATION

Applicant Information:

Roger Avalos
Architect, Representative
RA Engineering, Inc
1211 Minnesota Avenue
Kansas City, Kansas 66102

Subject Property:

3601 Freeman Avenue
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of Variances for front, side,
and rear Setbacks for the
construction of a home addition.

Commission Districts:

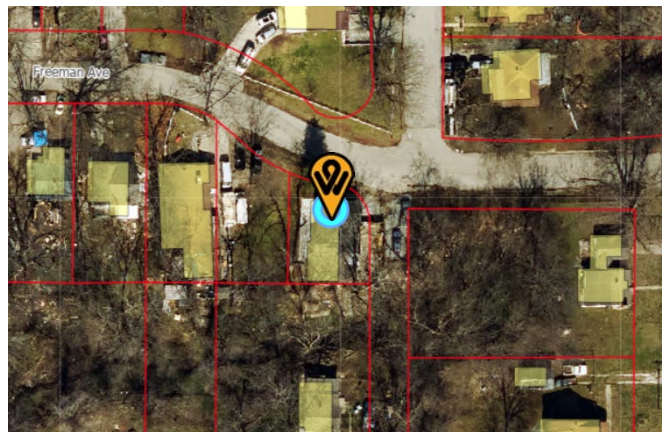
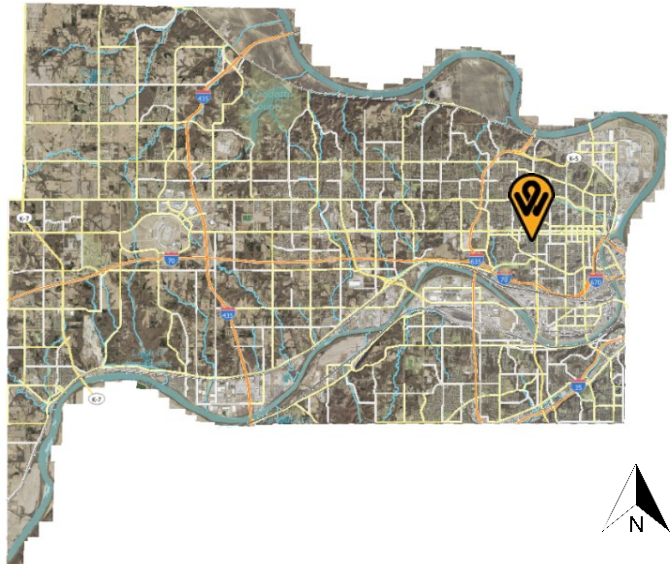
At-Large Commissioner District #1:
Melissa Bynum
Commissioner District #4:
Dr. Evelyn Hill

Existing Zoning District(s):

R-1(B) Single Family District

Plan Area:

Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Unimproved alleyway, single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.09 Acre

Neighborhood Characteristics: The subject property is located within the Northwest Statistical Neighborhood and is part of the Kensington Community Neighborhood Group. The neighborhood consists of single-family homes with narrow lots, mature trees, asphalt streets, and minimal stormwater improvements.

Comprehensive Plan Designation: The Northeast Area Plan designates this property as Lower-Medium Density Residential, which single-family homes, townhomes and duplexes.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Freeman Avenue as a Local Street.

Parking Requirement: Section 27-455(d) states that two (2) off-street parking spaces shall be provided for each dwelling unit. The proposal includes a long driveway capable of multiple cars, which meets this requirement.

Landscaping Requirement: Section 27-700(a) states that one (1) shade tree shall be provided in the front or side yard of the property. The subject property has one (1) shade tree in the front yard, meeting this requirement.

Advertisement: The Wyandotte Echo – March 20, 2025
Letters to Property Owners – March 21, 2025, April 7, 2025, and June 3, 2025

Public Hearing(s): July 14, 2025

Public Support: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2020 – 2020-00017041 – Premise Check.

Building, Zoning, or Code Enforcement Complaints:

1. 2025 – ENV25-0463 – Vehicle on Unimproved Surface (open/new).
2. 2025 – STR25-0080 – Structural Modifications w/no Permit – (open).
3. 2025 – BSR25-0019 – Stop Work Order for Modifications w/no Permit – (open).
4. 2024 – CAC24-2835 – Citation for Unaddressed violations – (open – balance due).
5. 2024 – BSR24-0075 – Stop Work Order for Structural Modifications (closed/prior owner).
6. 2024 – STR24-0381 – Structural Modifications w/no Permit (closed/prior owner).
7. 2020 – 20225-02853 – Excessive Junk and Trash at Property – (Abated).
8. 2020 – 20299-00738 – Citation for Unaddressed Violations – (open – balance due).
9. 2020 – 20225-01062 – Tall Grass/Weeds and Trash – (citation issued).
10. 2019 – 19212-00133 – Tall Grass/Weeds and Trash – (closed).
11. 2018 – 18225-02490 – Tall Grass/Weeds and Trash – (closed).
12. 2018 – 18225-00904 – Tall Grass/Weeds and Trash (closed).

Outstanding or Related Permit and Cases:

1. 2021 – GAS21-0151 – Gas Pressure Test to Restore Service (completed)

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roger Avalos with RA Engineering, is requesting the following Variances at 3601 Freeman Avenue for home renovations at the subject property.

Variance 1: Section 27-455(c)(2)(a) states that the setback from the front property line shall be not less than 25 feet. The Appellant is requesting a front setback of 9 feet, six (6) inches; a violation of 15 feet, six (6) inches.

Variance 2: Section 27-455(c)(2)(c) states that the side yard, corner setback shall be not less than 25 feet. The Appellant is requesting a setback of 8 feet, a violation of 17 feet.

Variance 3: Section 27-455(c)(2)(d) states that the rear yard setback must be not less than 25 feet. The Appellant is requesting a setback of one (1) foot, six (6) inches; a violation of 23 feet, six (6) inches.

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 applicant is requesting variances to address renovations at the subject property. The subject property is typical of others found in the neighborhood, which are comprised of narrow lot, single-family residences. The applicant purchased the home with work completed without a permit and later added additional work to the home without the proper permits. Therefore, Staff finds that there is not a unique condition to the subject property, and it is created by the action of the property owner.

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

There is some degree of renovation that could occur without adversely affecting the rights of adjacent property owners, however not in the mannerism in which that is proposed. There is an existing public sanitary line that is directly underneath the subject property's prior unpermitted additions and proposed modifications. Building over the public sanitary line does not permit for adequate maintenance of the line should it be required, thus affecting adjacent properties serviced by the sanitary line and it is building inspection's policy to no longer allow private additions over an existing sanitary line.

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 provisions of the ordinance will not allow the property owner to maintain the rear garage (added in 2006 without permit) nor will it allow them to keep the modifications proposed, some of which are mid-completion. The inability to expand the property's footprint may result in overcrowding for the owner's family. If some or all the variances are denied, some property modifications may still be possible, but perhaps not in the proposed configuration. The applicant may also sell the property.

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

It is undetermined that the front and side setbacks (Variance 1 and 2) would adversely affect adjacent properties, as elevations were not provided. Should the elevations present harmonious development, the variances are not perceived to adversely affect the public health, safety, or welfare, as homes in this subdivision were built prior to the established setback ordinances and are predominantly legal non-conforming. The rear setback (Variance 3) is perceived to affect the public health and general welfare, as the existing non-permitted garage and the proposed improvements lie over an existing sanitary sewer line.

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 promote adequate open space between dwelling units, natural stormwater detention, and to provide a rear yard for accessory use. If approved, Variances 1 and 2 will reduce the amount of open space and stormwater detention, which may accelerate stormwater's erosion into the creek directly behind the property. If approved, Variance 3 will further complicate any efforts to maintain the sanitary sewer under the property's rear line.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person on June 27, 2025, at 3601 Freeman Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Setbacks
Open Space
Utility Maintenance
Stormwater Discharge
Non-Permitted Structures
Excessive Gravel

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. The rear garage was added in approximately 2006, without a permit, and is currently over the sanitary sewer line. The proposed renovations at the rear are also over the sanitary sewer line. Staff understands the desire to expand the property, however the existing garage needs to be relocated to where it does not impede the sanitary sewer line (including the driveway). The rear and front setbacks are much more detrimental to the property than the side setback, and the property should expand more towards the side rather than the rear or front, including garage access. A covered parking space is not a requirement for the

district due to site constraints typical of the neighborhood, therefore the constraints making the garage placement difficult are not unique to the property.

Applicant Response: The rear garage and proposed renovations will be relocated so they do not obstruct the sanitary sewer line.

2. The current usage of the fence appears to encroach the property lines and into the alleyway. The property shall be staked and the fence removed beyond the property lines.

Applicant Response: The property lines will be staked and the fence will be removed outside the property lines.

3. Gravel is not a permitted parking surface. Gravel shall be removed and restored to sod in the public right-of-way. Where parking is desired, it must be upgraded to an improved surface with a right-of-way permit, covering no more than 40% of the front yard.

Applicant Response: The gravel will be removed and the public street will be grassed. The surface will be improved with a road permit and will not cover more than 40% of the front yard.

4. It appears that there is a pipe hanging over the rear fence, which may have some discharge into the stormwater detention creek bed. What is the purpose of this pipe and is it discharging rainwater?

Applicant Response: Pipe hanging over the rear fence is provisional. The storm drains will be placed correctly.

5. Please provide elevations of the proposed renovations to evaluate the impact of the proposed renovations, even if partially constructed.

Applicant Response: The elevations are attached.

6. All debris and trash must be removed from property, including the rear fence where spilling into the stormwater channel.

Applicant Response: All debris and trash will be removed from the property.

7. Curbs must be restored in front of the property, around the property edge to the alleyway, and where damaged at the adjacent neighbors property at 1540 N 36th Street from off-street parking.

Applicant Response: The curbs in front of the property, around the edge of the property up to the alley and where damaged will be restored.

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) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- 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** case **BOZA2025-006** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **This variance does not meet Statutory Requirement #1. The variance for setbacks is not a condition unique to the property and the Applicant's actions created the need for the variance by adding onto the residence without first obtaining a Variance, then obtaining a building permit from the Building Inspection Division;**
2. **These variance does not meet Statutory Requirement #2. This original residence was constructed in a manner that did not comply with the current R-1(B) standards for setbacks standards, however the additions constructed by the property owner on the rear of the property do not comply with the district's regulations. A violation of the rear yard setback contributes to a greater denial of the adjacent property owner's right to open space in their rear yard, as the addition is one and one-half (1½) feet from the property line;**
3. **These variance does not meet Statutory Requirement #3. Requiring a violation that was not granted a variance to be demolished may exhibit a financial cost for Property Owner-Applicant, but it does not constitute unnecessary hardship because it maintains compliance and the proper order of zoning entitlement procedure. If consultation with Planning Staff had occurred prior to construction, a variance would have been required, but procedurally, the variance would be heard by the Board of Zoning Appeals and depending on the outcome, plans would have been submitted to Building Inspection Division for review of a building permit;**
4. **These variances do not meet Statutory Requirement #4. The granting of the variance for an unpermitted addition, which violates the zoning ordinance, would impact public health, safety, convenience and general welfare because the addition was constructed over an existing sanitary sewer line;**
5. **These variances do not meet Statutory Requirement #5. The intent of the ordinance, specifically the R-1(B) Single Family District is to provide adequate space between the dwelling and abutting property lines and the public right-of-way, affording open space, light and air for the residence.**

Encroaching into these setbacks is opposed to the spirit and intent of the zoning code.

If the Board of Zoning Appeals were to **APPROVE BOZA2025-006**, Staff recommends that the following conditions apply:

- 1. The current usage of the fence appears to encroach the property lines and into the alleyway. The property shall be staked and the fence removed beyond the property lines;**
- 2. Gravel is not a permitted parking surface. Gravel shall be removed and restored to sod in the public right-of-way. Where parking is desired, it must be upgraded to an improved surface with a right-of-way permit, covering no more than 40% of the front yard;**
- 3. All debris and trash must be removed from property, including the rear fence where spilling into the stormwater channel;**
- 4. Curbs must be restored in front of the property, around the property edge to the alleyway, and where damaged at the adjacent neighbors property at 1540 N 36th Street from off-street parking;**
- 5. Section 27-317(a) Electrical power, telephone service, and cable television shall be provided by underground wiring for all new wiring;**
- 6. 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;**
- 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 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;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. 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;**
- 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;**
- 11. 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,**

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
Sanitary Sewer Line Map
Five (5) Criteria Set by State Statute
Applicant Response Letter
Neighborhood Meeting Documents
Setback Exhibit
Building Elevations
Aerial Photos – Various Years
Google Street View Photos
Site Photographs taken by Planning Staff on March 18, 2025

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-006** 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 **BOZA2025-006**, 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



SANITARY SEWER MAP



STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. The rear garage was added in approximately 2006, without a permit, and is currently over the sanitary sewer line. The proposed renovations at the rear are also over the sanitary sewer line. Staff understands the desire to expand the property, however the existing garage needs to be relocated to where it does not impede the sanitary sewer line (including the driveway). The rear and front setbacks are much more detrimental to the property than the side setback, and the property should expand more towards the side rather than the rear or front, including garage access. A covered parking space is not a requirement for the district due to site constraints typical of the neighborhood, therefore the constraints making the garage placement difficult are not unique to the property.

Applicant Response: The rear garage and proposed rear renovations will be relocated so they do not obstruct the sanitary sewer line.

2. The current usage of the fence appears to encroach the property lines and into the alleyway. The property shall be staked and the fence removed beyond the property lines.

Applicant Response: The property lines will be staked and the fence will be removed outside the property lines.

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Applicant Response: The gravel will be removed and the public street will be grassed. The surface will be improved with a road permit and will not cover more than 40% of the front yard.

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Applicant Response: Pipe hanging over the rear fence is provisional. The storm drains will be placed correctly.

5. Please provide elevations of the proposed renovations to evaluate the impact of the proposed renovations, even if partially constructed.

Applicant Response: The elevations are attached.

6. All debris and trash must be removed from property, including the rear fence where spilling into the stormwater channel.

Applicant Response: All debris and trash will be removed from property

7. Curbs must be restored in front of the property, around the property edge to the alleyway, and where damaged at the adjacent neighbors property at 1540 N 36th Street from off-street parking.

Applicant Response: The curbs in front of the property, around the edge of the property up to the alley and where damaged will be restored.

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.

The variance is created by an action of the property owner.

2

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

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

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 application of the provisions of the zoning ordinance whose variance is requested will constitute a hardship for the property owner represented in the application.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. That the desired variation will not have a negative effect in any case.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. That the variance will no be opposed to the general spirit and intent of the zoning ordinance.
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.	

MINUTES:

Application Number: BOZA2025-006

Date and Location: June 27, 2025, -3601 Freeman Ave, Kansas City, KS 66102.

Meeting called to order at: 6:00pm

Names of people in attendance:

1. YOOL, RAFAEL ALVARADO – Petitioner Owner
2. ADRIANA SOLANO - Neighbor
3. ROBERTO VALENZUELA - Neighbor
4. OSCAR RODRIGUEZ - Neighbor
5. SANTIAGO, LUIS MARTINEZ - Neighbor
6. LILIANA VALENCIA -Neighbor

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

YOOL, RAFAEL ALVARADO as petitioner, stated the following:

Ordinances City established:

-The setback from the front property line shall be not less than 25 feet. Current Front setback of 9 feet, six (6) inches.

-The rear yard setback must be not less than 25 feet. Current yard setback of one (1) foot, six (6) inches.

The side yard and corner setback shall be not less than 25 feet. Current setback of 8 feet.

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

There were no questions or objections from the participants.

Declaration of the neighbors attached.

Meeting adjourned at: 7:05 pm

Minutes taken by: **YOOL, RAFAEL ALVARADO**

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now YOOL, RAFAEL ALVARADO, of lawful age,
sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **BOZA2025-006**
2. That I conducted a neighborhood meeting on **June 2.**
3. The notice to nearby property owners was sent on **May 19.**
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

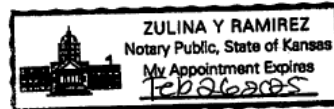
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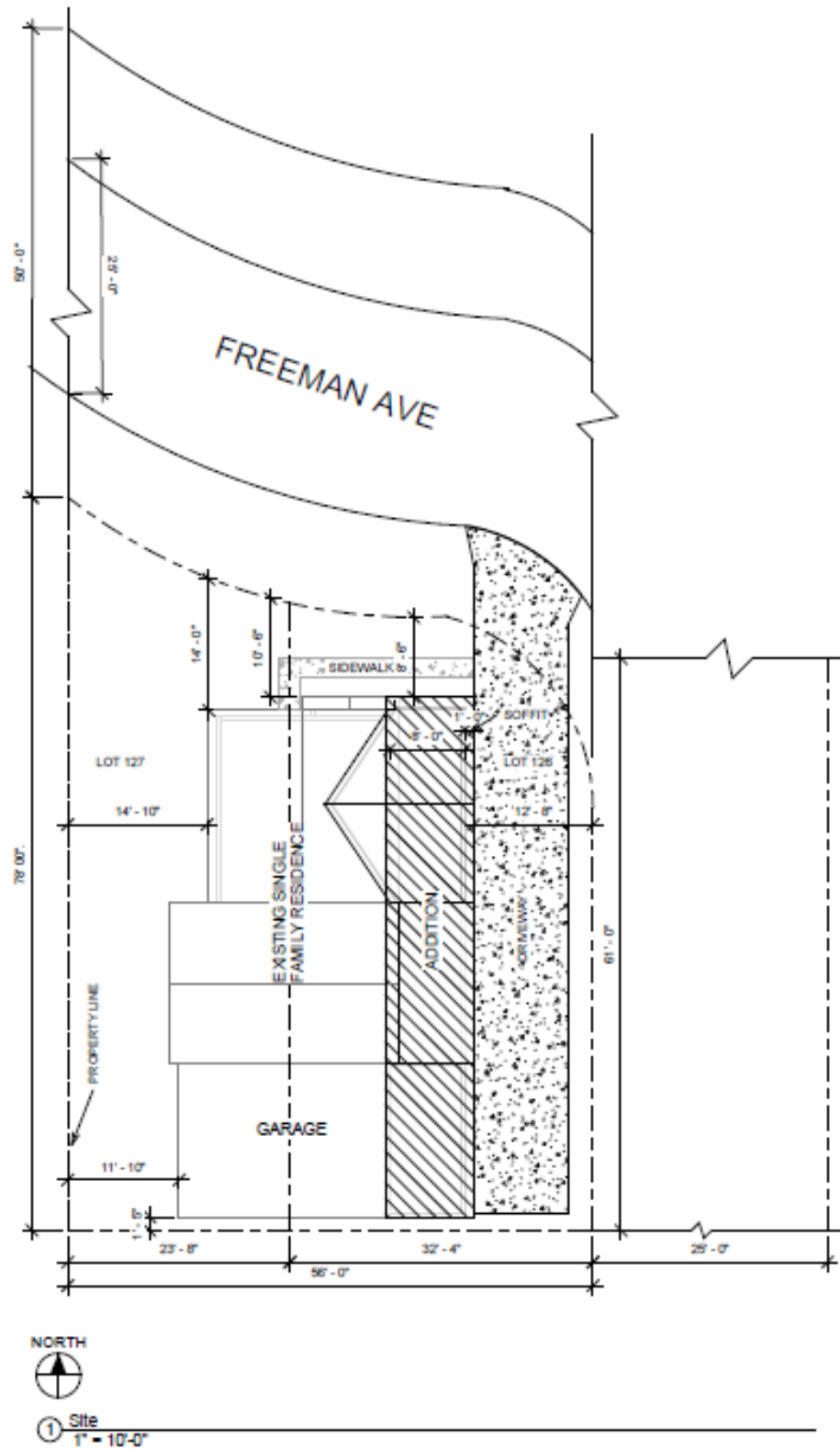


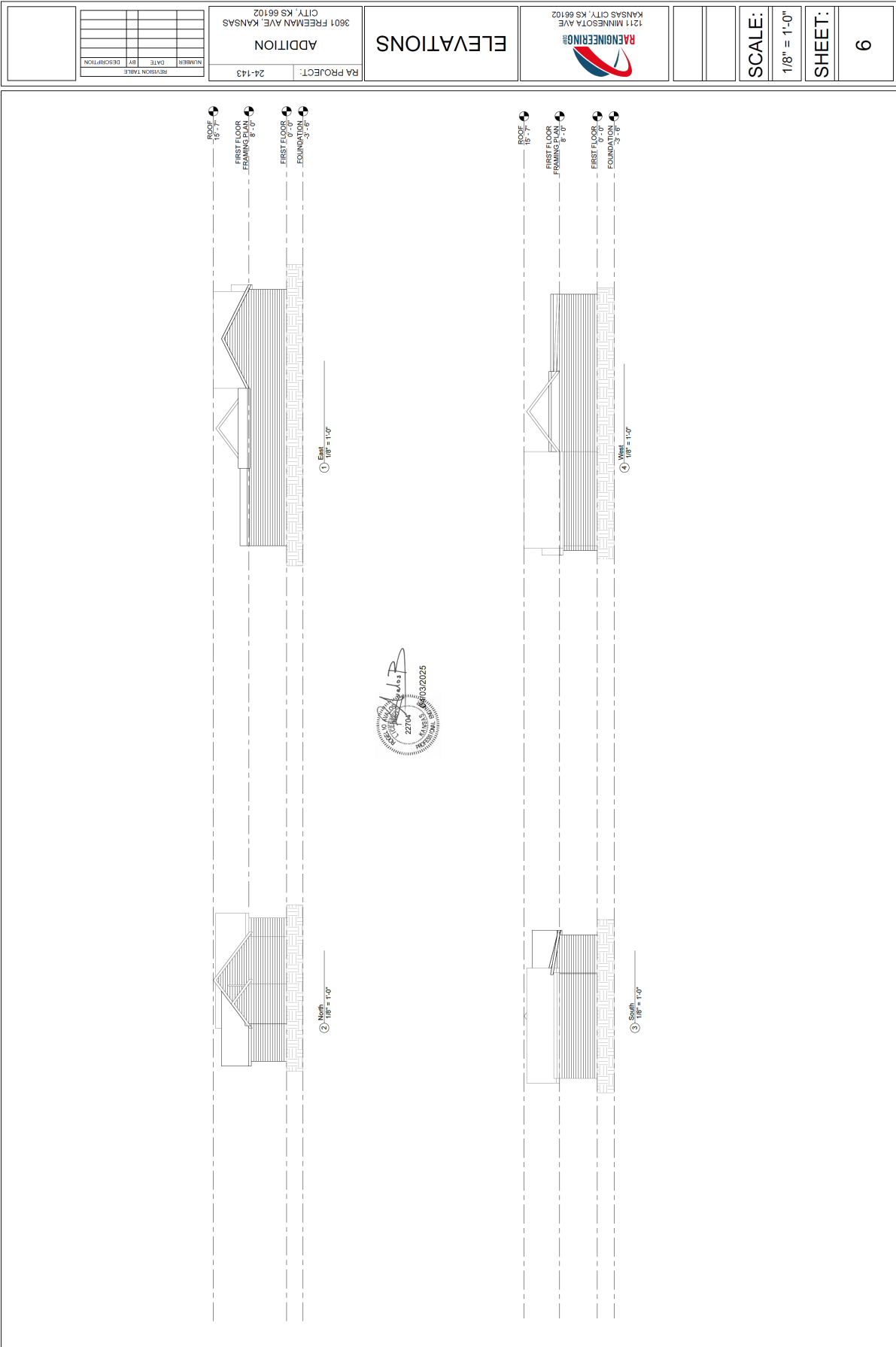
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 3 day of
June, 2025.

My commission expires 3 of June, 2025.


Notary Public

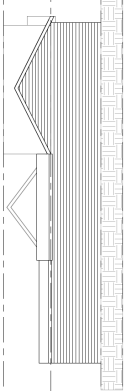




ROOF
15'-7"

FIRST FLOOR
FRAMING PLAN
8'-0"

FIRST FLOOR
FOUNDATION
3'-6"

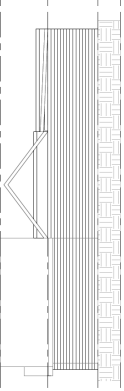


① East
1/8" = 1'-0"

ROOF
15'-7"

FIRST FLOOR
FRAMING PLAN
8'-0"

FIRST FLOOR
FOUNDATION
3'-6"

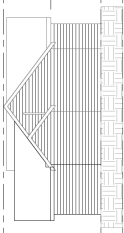


④ West
1/8" = 1'-0"

ROOF
15'-7"

FIRST FLOOR
FRAMING PLAN
8'-0"

FIRST FLOOR
FOUNDATION
3'-6"

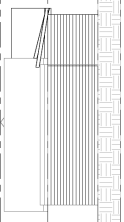


③ North
1/8" = 1'-0"

ROOF
15'-7"

FIRST FLOOR
FRAMING PLAN
8'-0"

FIRST FLOOR
FOUNDATION
3'-6"



⑤ South
1/8" = 1'-0"

22704

24 AUG 3 2025

REGISTERED PROFESSIONAL ENGINEER

STATE OF KANSAS

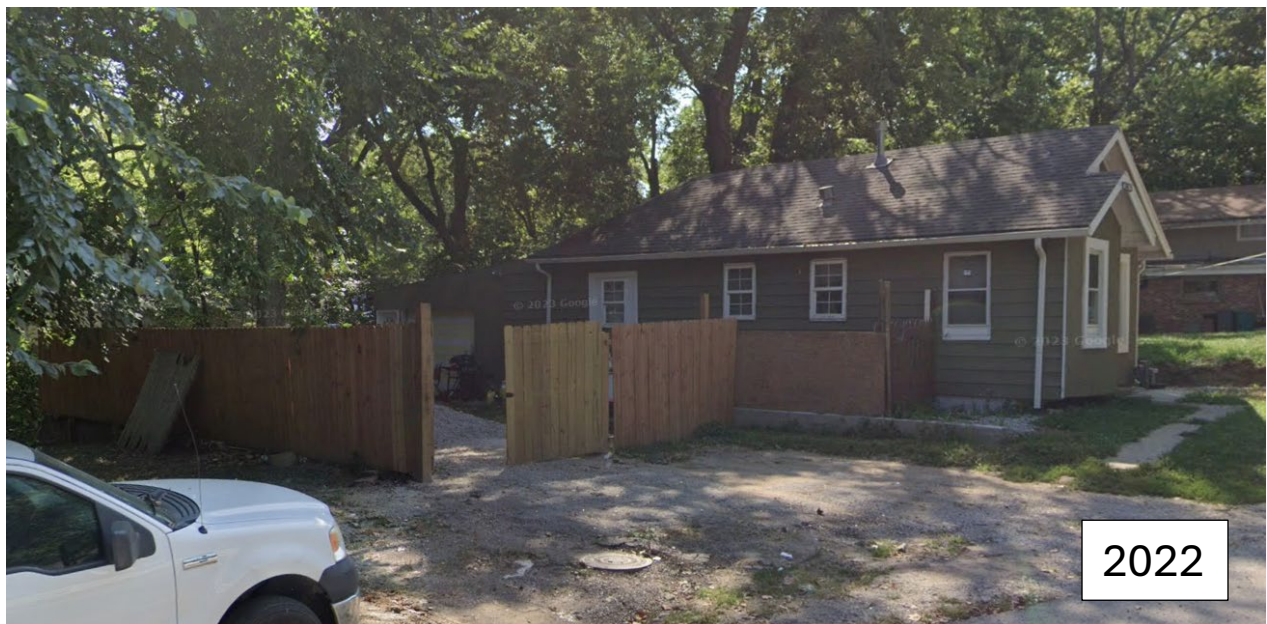
AERIAL PHOTOS – VARIOUS YEARS



AERIAL PHOTOS – VARIOUS YEARS



GOOGLE STREETVIEW PHOTOS



STAFF SITE VISIT PHOTOS DATED MARCH 20, 2024



STAFF SITE VISIT PHOTOS DATED MARCH 20, 2024





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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-007

GENERAL INFORMATION

Applicant Information:

Roger Avalos
Architect, Representative
RA Engineering, Inc
1211 Minnesota Avenue
Kansas City, Kansas 66102

Subject Property:

4745 Woodend Avenue
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of a Variance of the side yard setback for construction of a home addition.

Commission Districts:

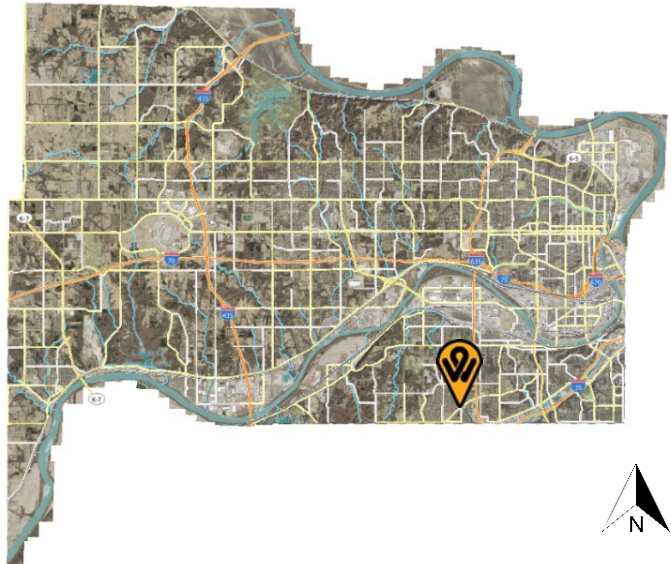
At-Large Commissioner District #2:
Tom Burroughs
Commissioner District #6:
Phil Lopez

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residence
South	R-1 Single Family District	Single-family residence
East	R-1 Single Family District	Single-family residence
West	R-1 Single Family District	Single-family residence

Total Tract Size: 0.13 Acre

Neighborhood Characteristics: The subject property is located within the Highland Crest Subdivision, Turner Statistical Neighborhood, and is part of the Turner Neighborhood Group. The neighborhood consists of single-family homes with mature trees, asphalt streets, and curbs for stormwater improvements.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows for primarily single-family development with clustered development and open space.

Major Street Plan: The goDotte County-Wide Mobility Strategy designates Woodend Avenue as a Local Street.

Parking Requirement: This lot is designated as R-1 Single Family Residential and per Section 27-454(e) requires two (2) off-street parking, one (1) of which shall be a garage or carport. The subject property has a single-space car carport to be replaced by a single-space attached garage, meeting this requirement.

Landscaping Requirement: Section 27-700(a) states that one (1) shade tree shall be provided in the front or side yard of the property. The subject property has one (1) shade tree in the front yard, meeting this requirement.

Advertisement: The Wyandotte Echo – March 20, 2025
Letters to Property Owners – March 21, 2025, March 21, 2025, April 7, 2025, and June 3, 2025

Public Hearing(s): July 14, 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 on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – ENV23-1682 – Couches on Curb (closed)
2. 2022 – STR22-0366 – Paint Maintenance Required (closed)
3. 2019 – 19201-00670 – Missing Siding (closed)
4. 2016 – 16395-00109 – SWO – Enclosed Carport without Permits (open)

Outstanding or Related Permit and Cases:

1. There are no outstanding permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roger Avalos with RA Engineering, is requesting the following variances at 4745 Woodend Avenue for the construction of a new garage at the subject property. The structure is an existing carport that was enclosed without a permit in 2016. The applicant wishes to take down the carport and replace it with an attached garage.

Variance 1: Section 27-454(d)(2)(b) states that the side yard, interior setback shall be not less than 7 feet. The applicant is requesting the side yard, interior setback to be three (3) feet, a violation of four (4) 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.***

The applicant is requesting a variance to address renovations at the subject property. The subject property is typical of others found in the neighborhood, which are comprised of typical suburban single-family residences. The applicant

is required to maintain an off-street covered parking by zoning ordinances, although there are other options available to comply with this ordinance that do not require a variance, such as a detached garage offset at the rear of the property, which is subject to accessory structure setbacks and not the setbacks of a single-family home. Adjacent properties have utilized this plan to meet the requirements of the district, therefore the property is not unique in question and the desire to maintain this plan, rather than utilize a plan not requiring a setback, is created by the applicant.

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

The adjacent property owner to the east will be largely unaffected by the change, however the property owner to the west will now have an enclosed, permanent structure close to their property. While the carport existed in this space, it was an open-air structure. A garage increases the need for fire-proofing as it is within a few feet of the adjacent property. The need for fireproofing will be addressed in the building permit for the garage, should the Variance be 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 strict application of the provisions of the ordinance will not allow the property owner to construct a garage in the proposed position on the property. The applicant can remove the improper enclosure around the carport and continue to utilize it to meet code requirements or place a detached garage towards the rear of the property as an accessory structure. There is minimal difference between constructing the proposed garage to the zoning code as opposed to a renovation in a way that requires a variance, therefore it is not anticipated that the denial of the variance would constitute an unnecessary hardship.

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

The setback may adversely affect the neighbor directly west of the subject property, as the structure is now expanded beyond its original footprint and thus the need for fireproofing in a way different from when it was previously an open-air carport. However, a single-family attached garage is often seen as a desirable amenity and aside from the construction issue mentioned above, should not adversely affect the neighboring property.

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 promote adequate open space between dwelling units. The carport provided significantly more open space between the two units, as the proposed garage is a fully-enclosed structure. When combined with the non-permitted renovation at the rear, there is modest reduction in open space.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4745 Woodend Avenue on June 27, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Setbacks
Open Space
Utility Maintenance
Stormwater Discharge
Non-Permitted Structures
Excessive Gravel

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Please confirm that the existing enclosed carport is being removed and is being replaced by a brand-new attached expansion of the existing single-family home.

Applicant Response: The existing carport is being removed and is being replaced by a new attached garage.

2. The applicant has already completed a renovation at the subject property without permits. This renovation needs to be captured in the building permit for the garage, or a stop work order will be requested. Should the variance be denied, a building permit for the rear renovation is still required.

Applicant Response: This renovation in the rear of the property will be included in the building permit.

2. Gravel is not a permitted parking surface. The driveway shall be upgraded to an improved surface in accordance with UG standards, including obtaining a Right-of-Way permit.

Applicant Response: Parking surface will be concrete and a Right-of-Way permit will be acquired.

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** case **BOZA2025-007** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **This variance does not meet Statutory Requirement #1. The variance for setbacks is not a condition unique to the property and the Applicant's actions created the need for the variance by removing the existing carport and adding the garage onto the residence without first obtaining a Variance, then obtaining a building permit from the Building Inspection Division;**
2. **This variance does not meet Statutory Requirement #2. This original residence was constructed in a manner that complied with the current R-1 standards for setbacks standards, however the additions constructed by the property owner on side of the property with the district's regulations. A violation of the side yard setback contributes to a greater denial of the adjacent property owner's right to open space in their side yard, as the addition is four (4) feet from the property line;**
3. **These variance does not meet Statutory Requirement #3. Requiring a violation that was not granted a variance to be demolished may exhibit a financial cost for Property Owner-Applicant, but it does not constitute unnecessary hardship because it maintains compliance and the proper order of zoning entitlement procedure. If consultation with Planning Staff had occurred prior to construction, a variance would have been required, but procedurally, the variance would be heard by the Board of Zoning Appeals and depending on the outcome, plans would have been submitted to Building Inspection Division for review of a building permit;**
4. **This variance does not meet Statutory Requirement #4. The granting of the variance for an unpermitted addition, which violates the zoning ordinance, would impact public health and safety, as structure limits light available for the abutting property;**
5. **This variance does not meet Statutory Requirement #5. The intent of the ordinance, specifically the R-1 Single Family District, is to provide adequate space between the dwelling and adjacent property lines, affording open space, light and air for the abutting residence. Encroaching into this side yard setback is opposed to the spirit and intent of the zoning code.**

If the Board of Zoning Appeals were to **APPROVE** BOZA2025-007, Staff recommends that the following conditions apply:

1. **Gravel is not a permitted parking surface restore with asphalt or concrete driveway;**
2. **Curbs must be restored in front of the property, around the property edge along Woodend Avenue;**
3. **Section 27-317(a) Electrical power, telephone service, and cable television shall be provided by underground wiring for all new wiring;**
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;**
5. **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;**
6. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
7. **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;**
8. **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;**
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.**

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statute
Applicant Response Letter
Neighborhood Meeting Documents

Setback Exhibit
Aerial Photos – Various Years
Google Street View Photos
Site Photographs taken by Planning Staff on March 18, 2025

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-007** 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:

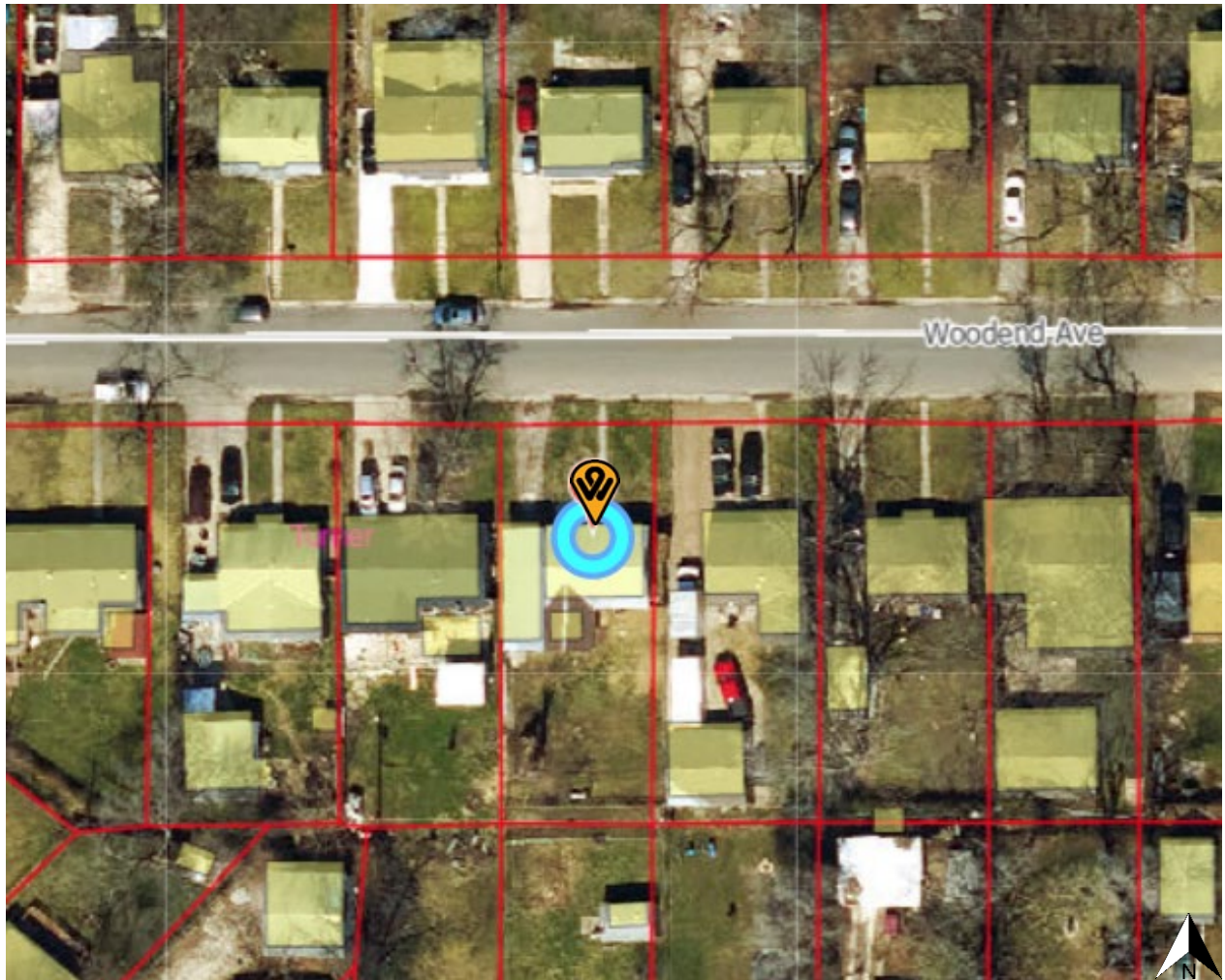
1. _____;
2. _____; And
3. _____.

OR

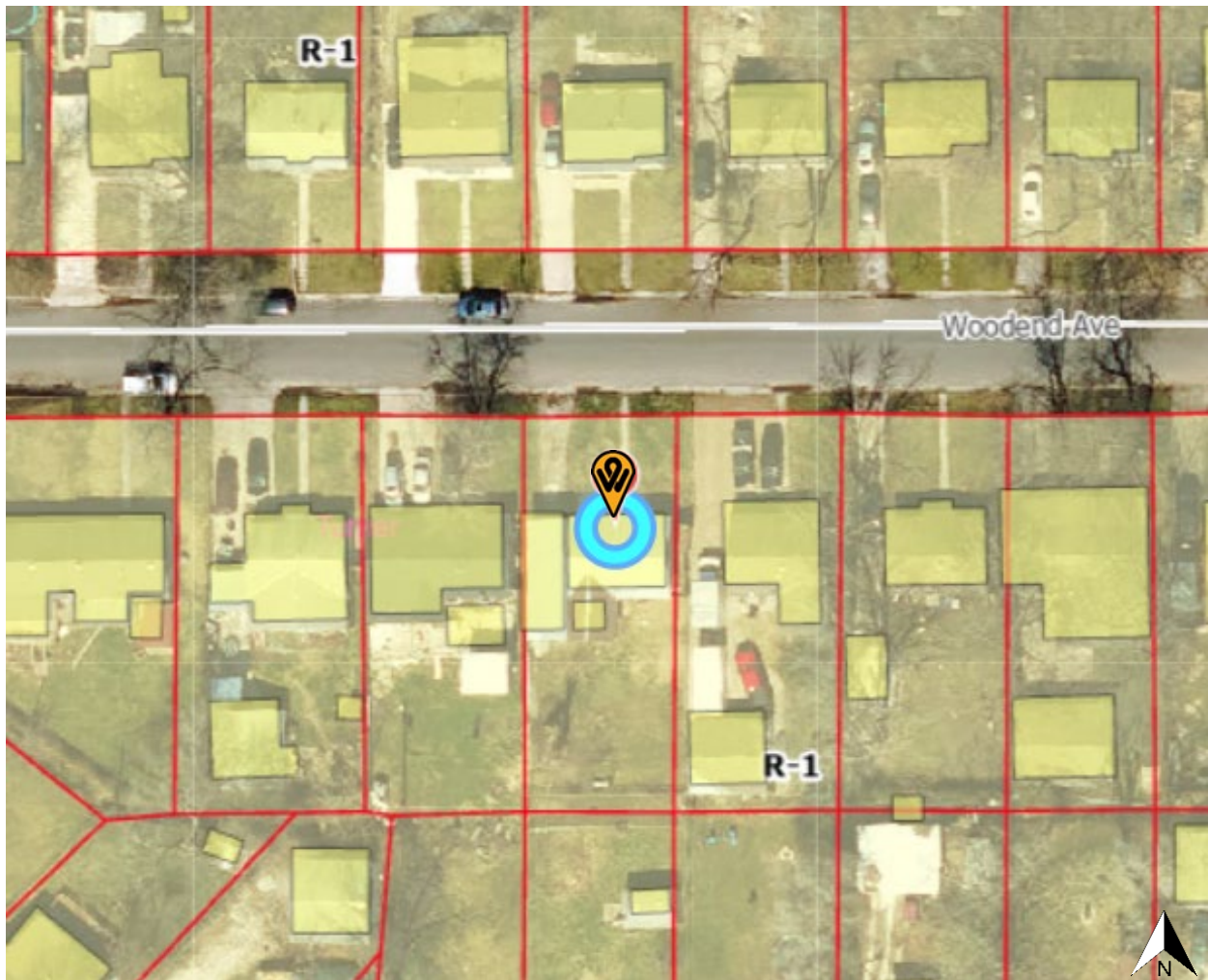
I move the Board of Zoning Appeals **DENY** Case **BOZA2025-007**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

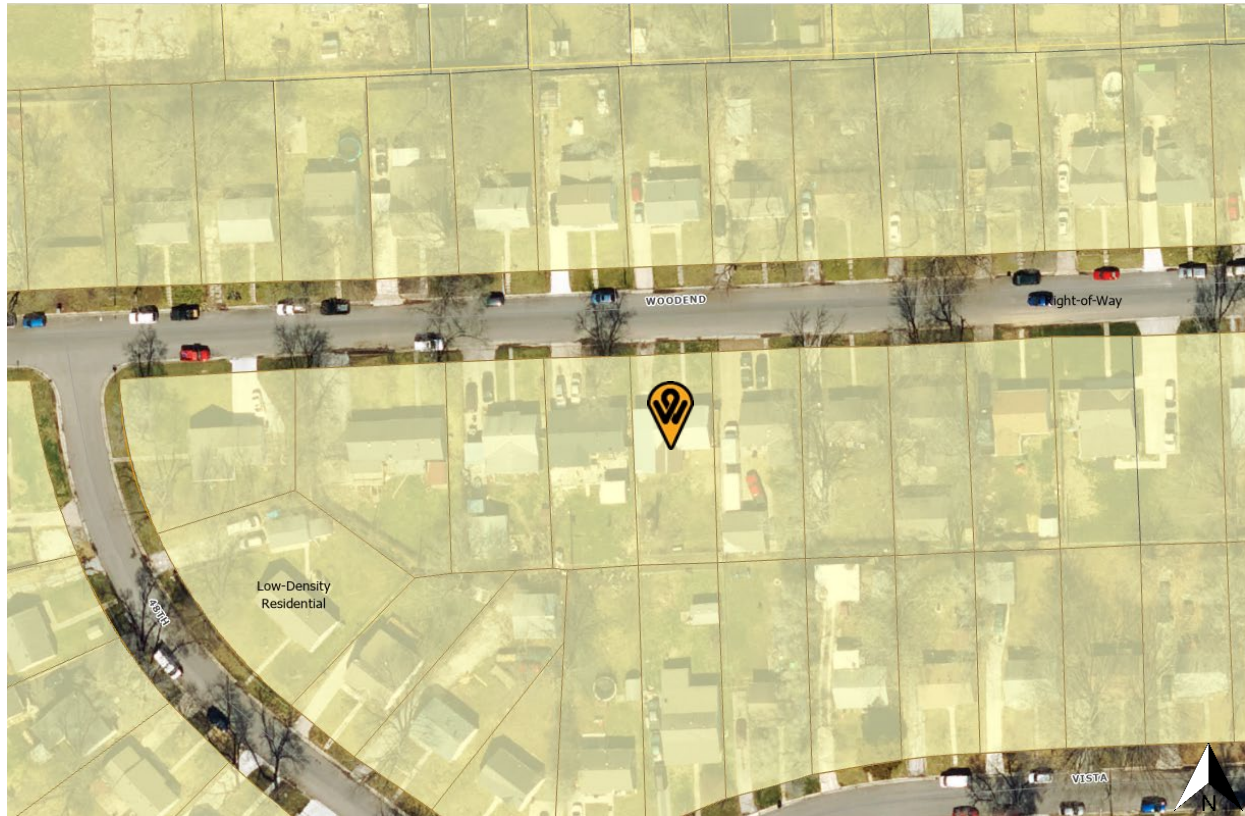
AERIAL IMAGERY



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.

The variance is created by an action of the property owner.

2

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

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

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 application of the provisions of the zoning ordinance whose variance is requested will constitute a hardship for the property owner represented in the application.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. That the desired variation will not have a negative effect in any case.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. That the variance will no be opposed to the general spirit and intent of the zoning ordinance.

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.

between the two units, as the proposed garage is a fully-enclosed structure. When combined with the non-permitted renovation at the rear, there is modest reduction in open space.

NEIGHBORHOOD MEETING INFORMATION

The neighborhood meeting can be held by the following:

1. In person
2. Virtual Meeting

The deadline for the neighborhood meeting is **March 31, 2025**, and on **April 2, 2025** you are required to send your information to Rose Morris, Professional Assistant, either by email (rmorris@wycokck.org) or U.S. mail (Department of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101), which includes;

1. List of people who participated in your in-person, Zoom or Skype/Teams meeting.
2. List of people who contacted you with questions and comments – please document their names, address and questions/comments.
3. Signed and **notarized** affidavit that you held the meeting.

KEY ISSUES

Setbacks
Open Space
Utility Maintenance
Stormwater Discharge
Non-Permitted Structures
Excessive Gravel

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Please confirm that the existing enclosed carport is being removed and is being replaced by a brand-new attached expansion of the existing single-family home.

Applicant Response: The existing carport is being removed and is being replaced by a new attached garage

2. The applicant has already completed a renovation at the subject property without permits. This renovation needs to be captured in the building permit for the garage, or a stop work order will be requested. Should the variance be denied, a building permit for the rear renovation is still required.

Applicant Response: This renovation in rear property will be including in the building permit.

3. **Gravel is not a permitted parking surface. The driveway shall be upgraded to an improved surface in accordance with UG standards, including obtaining a Right-of-Way permit.**

Applicant Response: Parking surface will be concrete and a Right of way will be required.

Planning Engineering Comments:

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

Standard Conditions:

1. 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.
2. All existing and future driveways must feature curb cuts that are constructed to UG standards.
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.
4. 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.

MINUTES:

Application Number: BOZA2025-007

Date and Location: June 27, 2025 - 4745 WOODEND AVE, Kansas City, KS 66106

Meeting called to order at: 6:00pm

Names of people in attendance:

1. CRISANTO, LEONCIO DEL VALLE – Petitioner Owner
2. CARLOS RAMIREZ - Neighbor
3. SILVIA STROUGH - Neighbor
4. RON STROUGH - Neighbor
5. MIGUEL A. GALDAM - Neighbor
6. SIMONA RODRIGUEZ -Neighbor
7. ELDA RARI POSADAS -Neighbor

Introduction:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

CRISANTO, LEONCIO DEL VALLE as petitioner, stated the following:
Ordinances City established:

Section 27-454(d)(2)(b) states that the side yard and interior setback shall be not less than 7 feet. The applicant is requesting the side yard, interior setback to be three (3) feet, a decrease of four (4) feet.

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

There were no questions or objections from the participants.
Declaration of the neighbors attached.

Meeting adjourned at: 7:05 pm

Minutes taken by: CRISANTO, LEONCIO DEL VALLE

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now LEONCIO DEL VALLE CRISANTO, of lawful
age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # **BOZA2025-007**
2. That I conducted a neighborhood meeting on **June 27.**
3. The notice to nearby property owners was sent on **June 13.**
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.

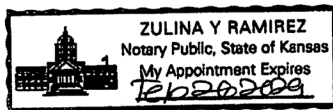
Further affiant saith not.

Affiant

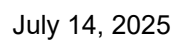
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of
June, 2025.

My commission expires 06 of Feb, 2029.

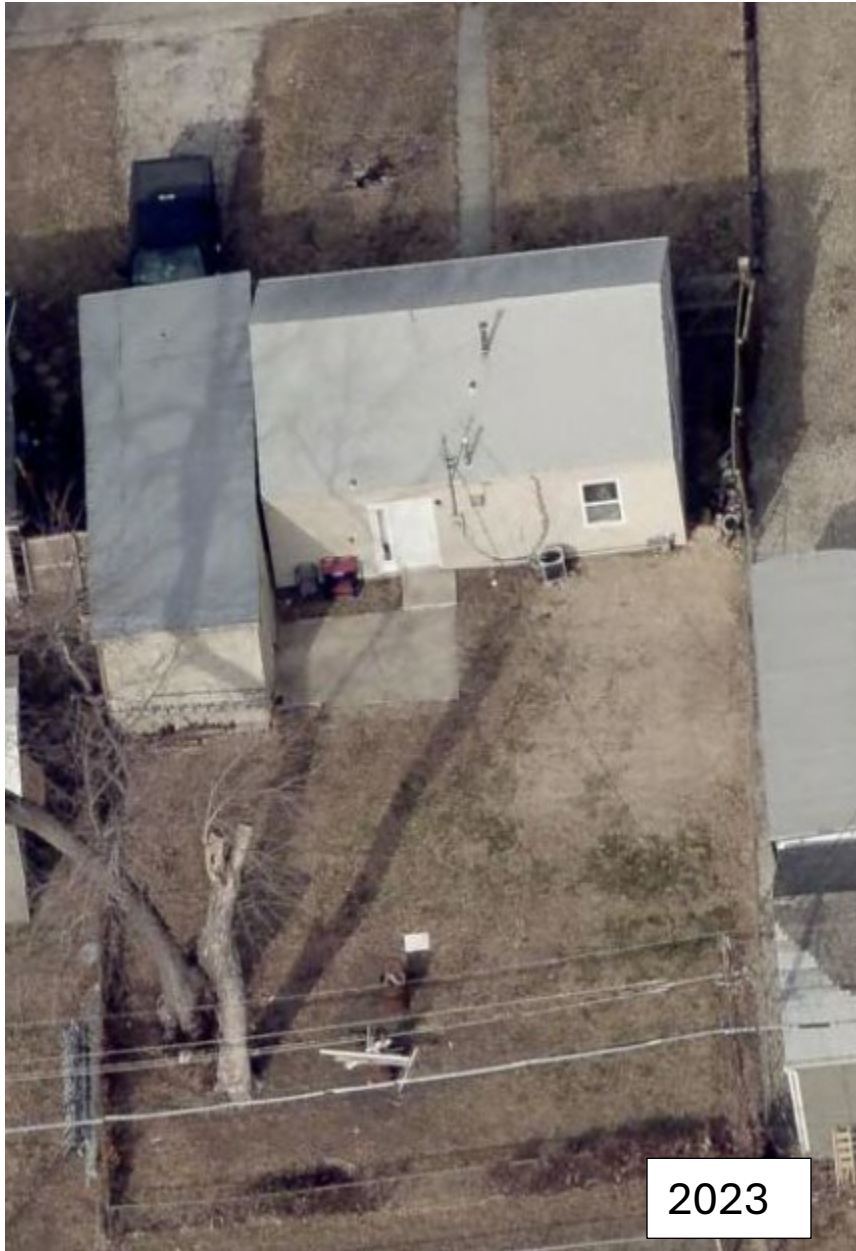

Notary Public



BOZA2025-007



AERIAL PHOTOS – VARIOUS YEARS

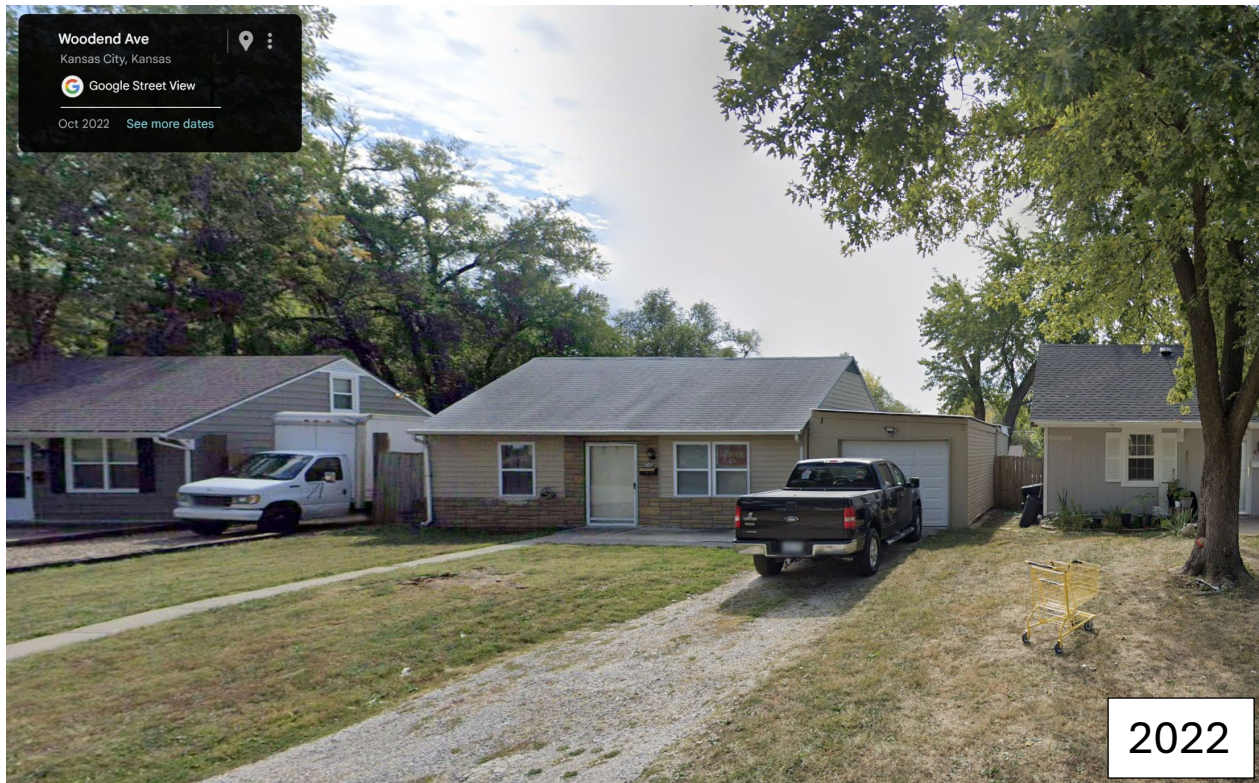


AERIAL PHOTOS – VARIOUS YEARS



GOOGLE STREETVIEW PHOTOS





STAFF SITE VISIT PHOTOS DATED MARCH 20, 2024





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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-014

GENERAL INFORMATION

Applicant Information:

Amy Nelson
Property Owner
4023 Delavan Avenue
Kansas City, Kansas, 66104

Subject Property:

4023 Delavan Avenue
Kansas City, Kansas, 66104

Requested Action and Purpose:

Approval of Variance to Required
Side Yard Setback for an addition
onto the Single-Family house.

Commission Districts:

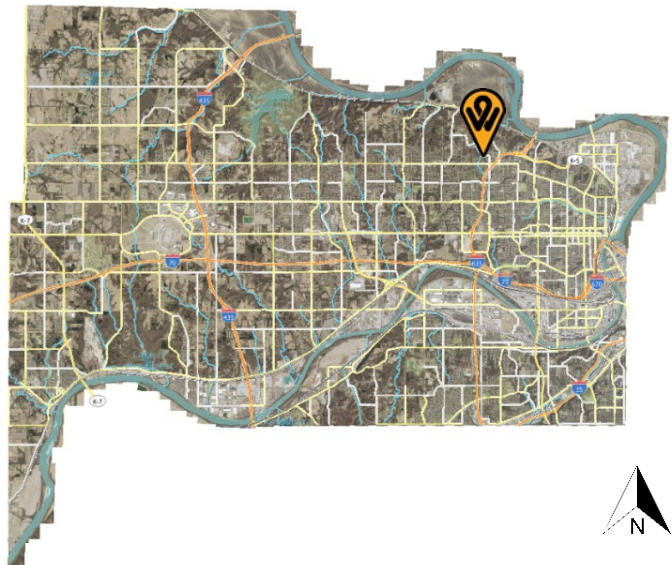
At-Large District #1 Commissioner:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):

R-1(b) Single-Family Residential

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	Single-Family Residential	Single-Family Residential
South	Single-Family Residential	Single-Family Residential
East	Single-Family Residential	Single-Family Residential
West	Single-Family Residential	Single-Family Residential

Total Tract Size: 0.564 Acre

Neighborhood Characteristics: The subject property is located within the Quindaro Bluffs Statistical Neighborhood and Block Group 0445003. The Property is located in the mid-block of Delavan Avenue between North 40th Street and North 41st Street where single-family homes are the predominate feature to the north, west and east.. Directly south of the property is Leavenworth Road which is a minor arterial in the Welborn Neighborhood.

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 County-Wide Mobility Strategy designates Delavan Avenue, North 40th Street, and North 41st Street as Local Streets.

Parking Requirement: Sec. 27-455(d): **Two** off-street parking spaces are required. The parking spaces required must access from Delavan Avenue.

Landscaping Requirement: Sec. 27-700(a): **One** shade tree per dwelling unit is required in the front or corner side yard.

Advertisement:	<u>The Wyandotte Echo</u> – None Required <u>Letters to Property Owners</u> – May 16, 2025
Public Hearing(s):	Board of Zoning Appeals July 14, 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 have been (3) Notices of Violation on the property between September 30, 2019 AND July 8, 2024 for :
 - a. **19200-04753:** *Parking on Grass*: Case Closed.
 - b. **19212-00709:** *Overgrown Vegetation*: Case Closed.
 - c. **STR24-0492:** *Stop Work Order on Detached Structure Addition*: Case Open pending BOZA decision.

Outstanding or Related Permit and Cases:

1. There is a Residential Building Permit **RES24-0410** for this issue.
 - a. **RES24-0410:** Expired January 30, 2025, renewable pending this BOZA decision.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Nelson, is requesting the following Variance at 4023 Delavan Avenue:

This appeal has been filed to build a breezeway to connect the existing single-family home to an existing detached accessory structure. Section 27-455(c)(2)b. states the side

yard interior setback is not less than 10 percent of the width of the zoning lot, but no less than three (3) feet. The appellant is requesting 3.10 feet, a violation of 7.01 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 is an extension to an existing accessory structure that will be connected to the main house. The severity of the grade around main house made it so that an addition would not be easily achieved while expanding the accessory structure and connecting it via breeze way is.

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

The structure that was original to the property at the time of purchase did not meet the side yard setback. The structure is being expanded west away from the property line. There are also no exterior structures that will hang over the property line or lights that could affect the adjacent property. There is also a privacy fence.

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 main house on the property cannot accommodate the growing household. The accessory structure was already present and to remove it would be a hardship.

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

The property is large enough that the new structure does not extend beyond the laterals. The use of the extension is for personal not commercial use. There will be no long term or short term leases.

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

This is for extended living and work from home quarters. This is not for commercial or home business purposes and is only to give the family additional space to live in a less cramped and stressful environment.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meet on May 23, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Proximity to the property line
Fencing and Screening
Proposed use as a long-term living space
Potential for future use as a rental unit

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. The Applicant has stated that the building addition will not be used as either a long-term rental or short term-rental. However, any future use of the property as a rental unit shall require an approved rental license and/or an approved special use permit prior to any such use.
2. The Applicant is requesting a variance to side yard setback distance to transform an existing accessory structure into a principal house addition. If approved, the building addition must comply with all International Residential Code (IRC) or International Building Code (IBC) requirements for buildings within 5 feet of a property line.
3. All future property improvements must be compliant with all Zoning Ordinances. For example, the driveway improvements on the property since 2023 do not meet requirements for size and for materials for the portion inside the property lines, and the portion in the public right of way does not include a modern concrete driveway apron.
4. The applicant has stated that the fence along the eastern property line will be repaired to provide desired screening for the neighboring property from this proposed building addition and use. All fence repairs and/or replacement shall comply with all ordinances of Sec 8-222 through Sec 8-227. Non-compliant fencing may require a separate variance approval.

Planning Engineering Comments:

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

Standard Conditions:

1. 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.
2. 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.
3. The Applicant has stated that the property will not be used for a home-based business. Should there be a home-based business in the future, then occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards.
5. 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.
6. 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.
7. Section 27-700(a) requires that in R-1 and R-1(b) districts, one shade tree per dwelling unit is required in the front or corner side yard, and one tree per 7,000 square feet of site area for uses other than residences. The subject property has two (2) existing trees on the property which shall be maintained.
8. 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.

9. 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.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **DENY** case **#BOZA2025-014** subject to all comments and suggestions outlined in this staff report and summarized by the following conditions.

1. **The variance does not meet Statutory Requirement #1. The variance for side yard setback of a detached accessory structure to become a main building addition was requested after the application of a Stop Work Order on the property for construction work begun without first obtaining a variance or building permit from the Building Inspection Division;**
2. Should the Board of Zoning Appeals find to approve this variance, it shall include the following conditions of approval:
 1. The Applicant has stated that the building addition will not be used as either a long-term rental or short term-rental. However, any future use of the property as a rental unit shall require an approved rental license and/or an approved special use permit prior to any such use.
 2. The Applicant is requesting a variance to side yard setback distance to transform an existing accessory structure into a principal house addition. If approved, the building addition must comply with all International Residential Code (IRC) or International Building Code (IBC) requirements for buildings within 5 feet of a property line.
 3. All future property improvements must be compliant with all Zoning Ordinances. For example, the driveway improvements on the property since 2023 do not meet requirements for size and for materials for the portion inside the property lines, and the portion in the public right of way does not include a modern concrete driveway apron.
 4. The applicant has stated that the fence along the eastern property line will be repaired to provide desired screening for the neighboring property from this proposed building addition and use. All fence repairs and/or replacement shall comply with all ordinances of Sec 8-222 through Sec 8-227. Non-compliant fencing may require a separate variance approval.
 5. 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.
6. 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.
 7. The Applicant has stated that the property will not be used for a home-based business. Should there be a home-based business in the future, then occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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. 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. Section 27-700(a) requires that in R-1 and R-1(b) districts, one shade tree per dwelling unit is required in the front or corner side yard, and one tree per 7,000 square feet of site area for uses other than residences. The subject property has two (2) existing trees on the property which shall be maintained.
 12. 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.
 13. 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
Photos by Planning Staff
Neighborhood Meeting Documents
Plot Plan and Design Documents

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT: Jason Faust; Zoning Inspector/Associate Planner
jfaust@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-014** 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 **BOZA2025-014**, 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

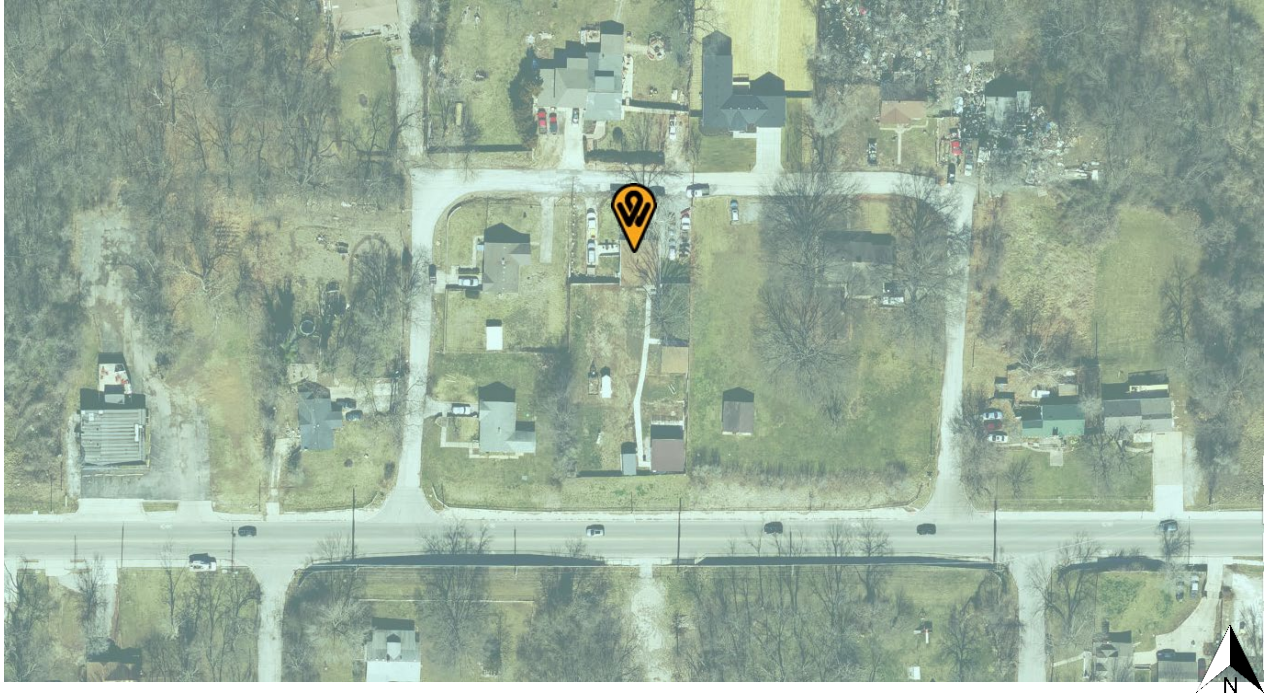
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Photos by Staff



Neighborhood Meeting Documents

BOZA2025-014

July 14, 2025

12

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas,
COUNTY OF Wyandotte SS:

Comes now Amy Nelson, of lawful age, sound mind and upon his/her oath states as follows:

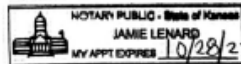
1. That I am the petitioner for Petition # BOZA2025-014.
2. That I conducted a neighborhood meeting on 05-21-25.
3. The notice to nearby property owners was sent on 05-06-25.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Amy Nelson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of May, 2025
My commission expires Oct of 28, 2027

Jamie Lenard
Notary Public



Created with Scanner Pro

Neighborhood Meeting for 4023 Delavan Ave Variance

- Date: 20250523
- Start: 1900 CDT
- End: 1940 CDT
- Venue: Google Meeting
- Meeting Attendees:
 - Amy Nelson
 - Amanda Renyer
 - Victor Renyer
 - Chris Moore
 - Robin Moore
- Agenda
 - Describe need for variance
 - Open for questions
- Discussion
 - Amanda explained the need for the variance, breezeway, permit process, expected use, and next steps.
 - Robin questioned the roof drainage into the side yard from the existing structure. Explained there are gutters and a drain to prevent flooding.
 - Robin had concerns about the condition of the privacy fence. Amy explained they were planning on replacing the broken boards.
 - Robin asked why no one else was in attendance. Amanda explained everyone within 200 feet of the property line received the same invitation.
 - Robin was concerned that Victor Renyer was in attendance (he did not speak) and had the same last name as Amanda and that neither were residence of the neighborhood. Amanda explained that she was assisting her family in the permit process and Victor was Amy's father and asked if he could see how the meeting worked.
 - Robin does not want this to become a rental unit. It was explained that if the permit was approved, the addition was for Amy's adult daughter (Alison) and her two children to live permanently. It would never be used as a short- or long-term rental property.
 - Robin asked what would happen if Alison were to move out. Amy reiterated that she would never want a stranger living on her property and that Alison does not have any plans or means to live elsewhere and it was a permanent living situation.

Date: 06 May 2025

Amy & Steve Nelson
4023 Delavan Ave
Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department #B0ZA2025-0145. The purpose of this:

➤ **Variance**

is to add additional living space to using an existing structure on our property which is within the side yard setback at the following address: 4023 Delavan Ave, Kansas City, KS 66104.

I am having a neighborhood meeting on 21 May 2025 at 7 p.m. held virtually via Google Meet.

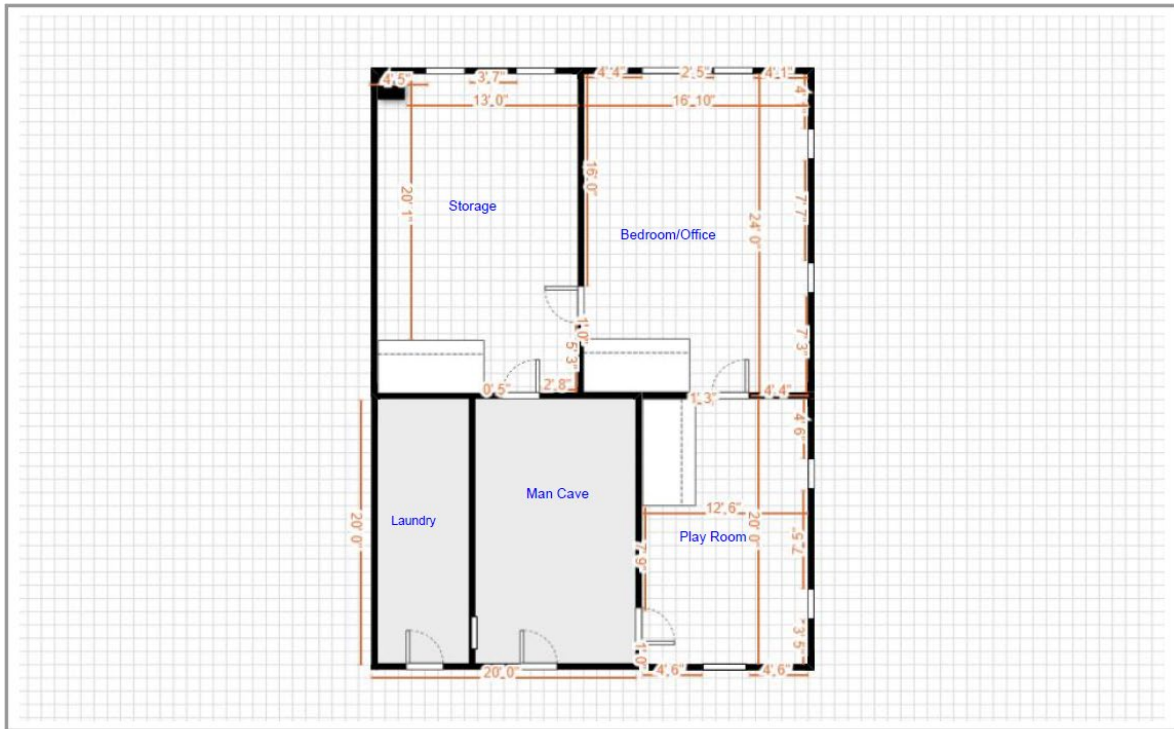
Google Meet joining info
Video call link: <https://meet.google.com/bni-wijb-ton>

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

Amy & Steve Nelson
amy.renyer@yahoo.com
(913)271-9832
% Amanda Renyer
amanda.renyer@gmail.com
(913)333-9148



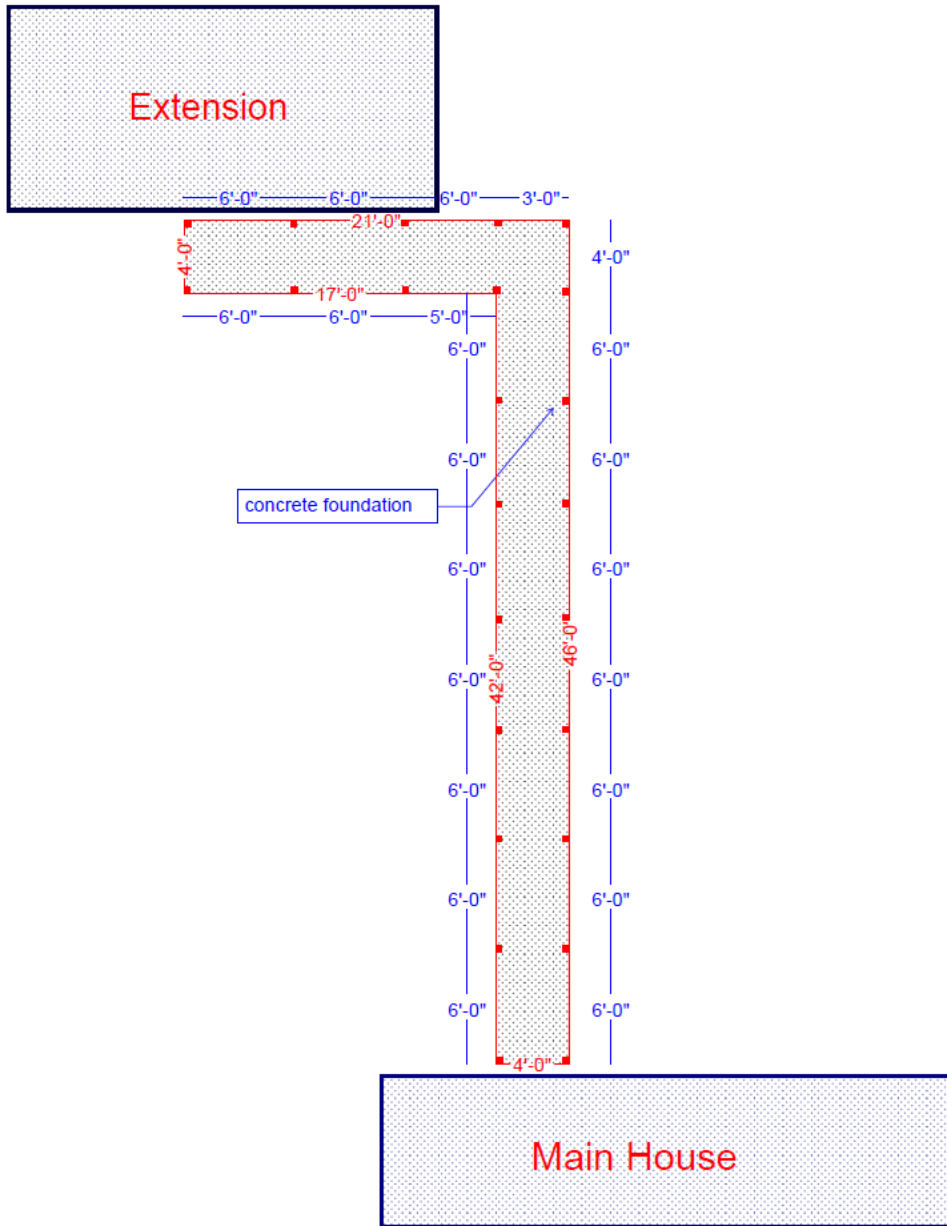
Powered by 2020 Icovia

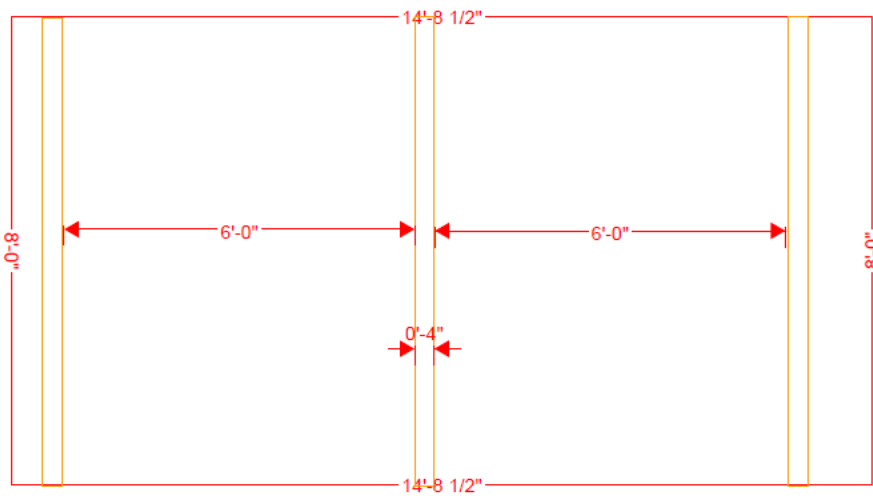
4023 Delevan Ext 

Created by Steve Nelson

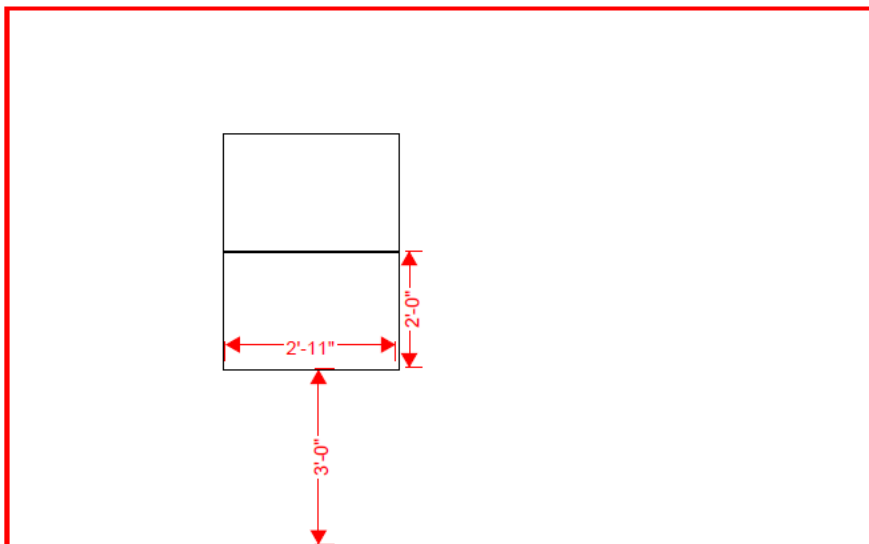
This floor plan is a representation and should not be relied on exclusively. Measurements should be verified to ensure accuracy.

Circle Furniture





Breezeway Elevation View



Egress window



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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-015

GENERAL INFORMATION

Applicant Information:

Tye Zehner
Applicant
Strickland Construction
720 South Rogers Road, Suite B
Olathe, Kansas 60062

Subject Property:

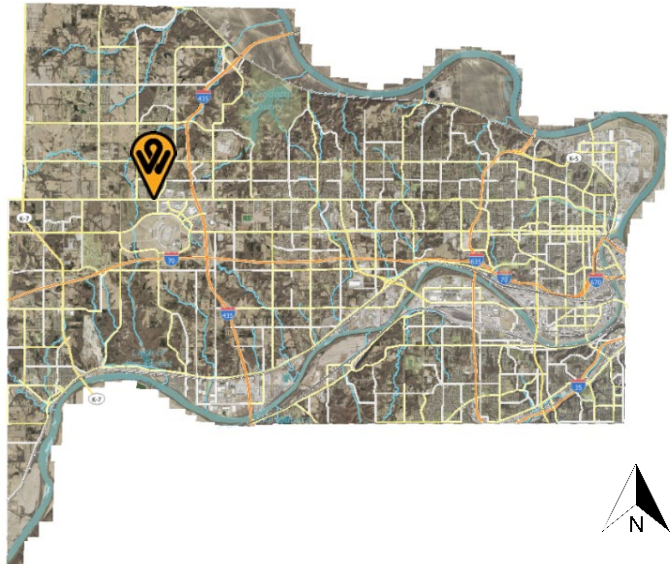
11319 Parallel Parkway
Kansas City, Kansas 66109

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 10 parking spaces, a violation of 464 spaces.

Commission Districts:

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



Existing Zoning District(s): A-G Agriculture District (proposed to be CP-3 Planned Commercial District)

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

	Adjacent Zoning	Adjacent Uses
North	RP-3 Planned Townhouse District	Attached single-family senior housing (Hazelwood Villas)
South	RP-5 Planned Apartment District	Apartments (Village West Apartments Phase II)
East	R-1 Single Family District	Maywood Community Church
West	RP-5 Planned Apartment District	Apartments (Village West Apartments Phase III)

Total Tract Size: 3.07 Acres

Neighborhood Characteristics: The subject property is located within the Prairie-Piper Statistical Neighborhood and Block Group 0448032. The neighborhood consists of multi-family apartments abutting to the south and west. North of Parallel Parkway is Hazelwood Senior Villas, an age restricted neighborhood comprised of single-family homes, detached and attached and an assisted living facility.

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Commercial/Business Park, which allows for which allows major retail uses, big box centers and have stores that serve large populations, manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity.

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

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. 474 parking spaces are required. 10 spaces are provided, a violation of 464 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. 33 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 – May 15, 2025 and June 19, 2025

Letters to Property Owners – May 16, 2025 and June 20, 2025

Public Hearing:

July 14, 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 have been one (1) Notice of Violation on the property between on May 8, 2025 – ABT2025-0659 – Abatement – Mow entire lot and remove scattered trash.

Outstanding or Related Permit and Cases:

1. COZ2025-011 – Rezoning from A-G Agriculture District to CP-3 Planned Commercial District to build a two (2) building, 118,449 square foot climate-controlled storage facility (scheduled to be heard by CPC on July 14, 2025).
2. PLAT2025-015 – Preliminary Plat for one (1) commercial lot (scheduled to be heard by CPC on July 14, 2025).
3. MPL2025-007 – Master Plan Amendment from Commercial / Business Park to Commercial (Prairie Delaware Piper Area Plan) (scheduled to be heard by CPC

on July 14, 2025).

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The representative, Tye Zehner with Strickland Construction, is requesting a variance for reduction in off-street, on-site parking for two (2) storage buildings totaling 118,449 square foot climate controlled self-storage facility on 3.07 acres. 474 spaces are required, the Appellant is providing 10 spaces, a violation of 464 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 three (3) acres located in the central portion of the Piper area. The proposed development will be on the western edge of commercial development on Parallel Parkway, west of the Hutton Road and Parallel Parkway intersection and immediate north and east of two (2) multi-family apartment developments. 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 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 10 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 is shared with the western apartment complex, Aspire. With this shared ingress/egress, 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 approximately 97.8% of their required parking. The applicant must demonstrate that 10 parking spaces are 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 Microsoft Teams on May 27, 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 COZ2025-011, PLAT2025-015 and MPL2025-007. 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 BOZA2025-015 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 A-G Agriculture District.

Applicant Response: Agreed.

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

Applicant Response: Below are a few examples of the self-storage facilities that Strickland Construction has constructed that are similar to the Village West, Legends Self-Storage project:

Facility Name	Facility Address	Facility Building Area (sq. ft.)	Number of Parking Stalls Provided
<i>StorTropolis Self Storage – Shawnee</i>	<i>20500 West 66th Terrace, Shawnee, KS 66218</i>	<i>112,000</i>	<i>One (1) ADA, five (5) standard. Six (6) total.</i>
<i>Attic Storage of Parkville</i>	<i>16035 MO-45, Parkville, MO 64152</i>	<i>108,000</i>	<i>One (1) ADA, six (6) standard. 7 total.</i>
<i>Storyropolis of Lenexa</i>	<i>19585 West 102nd Street, Lenexa, KS 66220</i>	<i>110,000</i>	<i>One (1) ADA, five (5) standard. 10 total.</i>

4. The 10 parking spaces for the development are in front of the rental office. Where will customers park their vehicles to access their unit in a two (2) story, 626-unit self-storage facility? 10 parking spaces appears to be inadequate for this central facility, much less the remaining 38 contractor storage units around the perimeter of the site.

Applicant Response: There are multiple access points around Building A. Floor one can be accessed via the drive through and entrance in the northwest corner of the building, as well as in the northeast corner of the building via stairs and an external door. The second floor can be access via the overhead doors along the east and south walls, as well as a door in the center of the south wall with an alcove for temporary loading and unloading.

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 **BOZA2025-015** 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 COZ2025-011, PLAT2025-015 and MPL2025-007. 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 Petitions COZ2025-011, and MPL2025-007 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 three (3) 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 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;
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	July 14, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-015** 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:

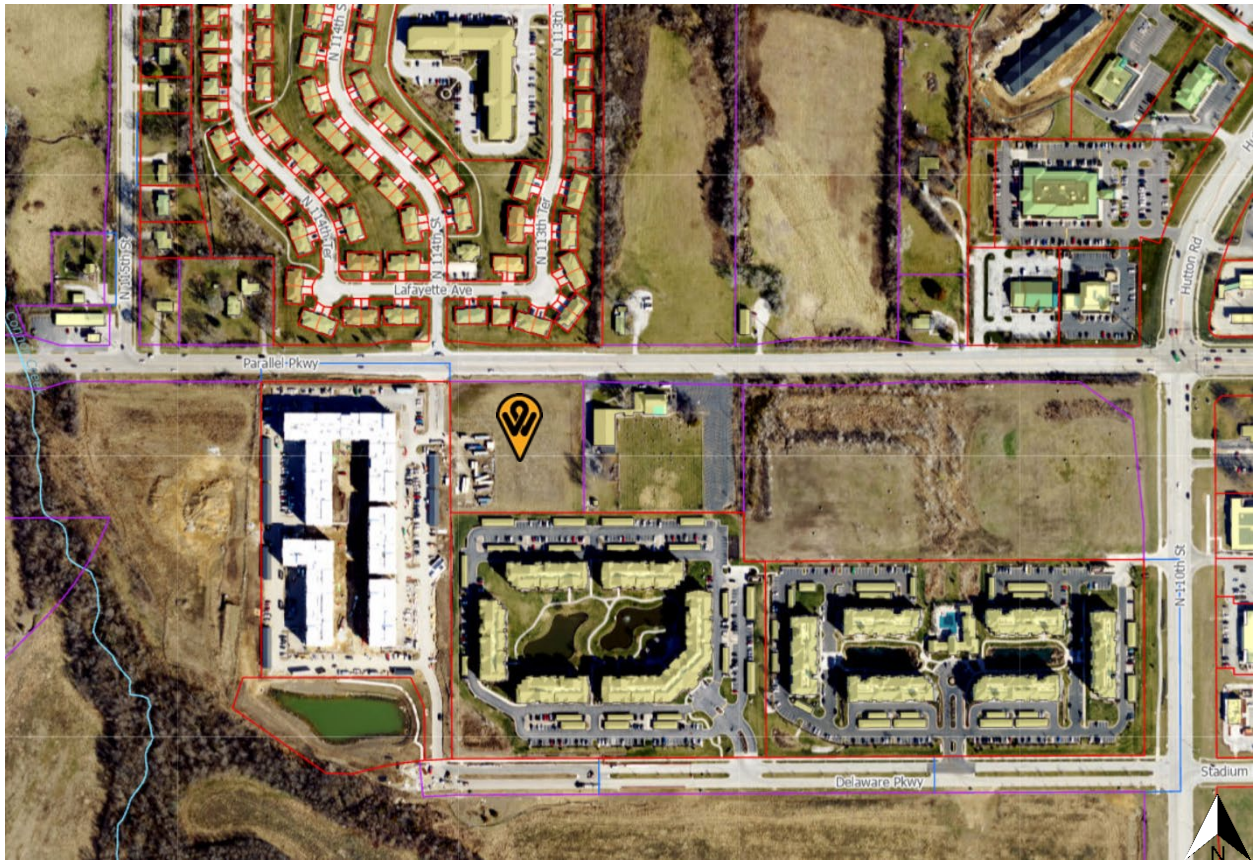
1. _____;
2. _____; And
3. _____.

OR

I move the Board of Zoning Appeals **DENY** Appeal **BOZA2025-015**, 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

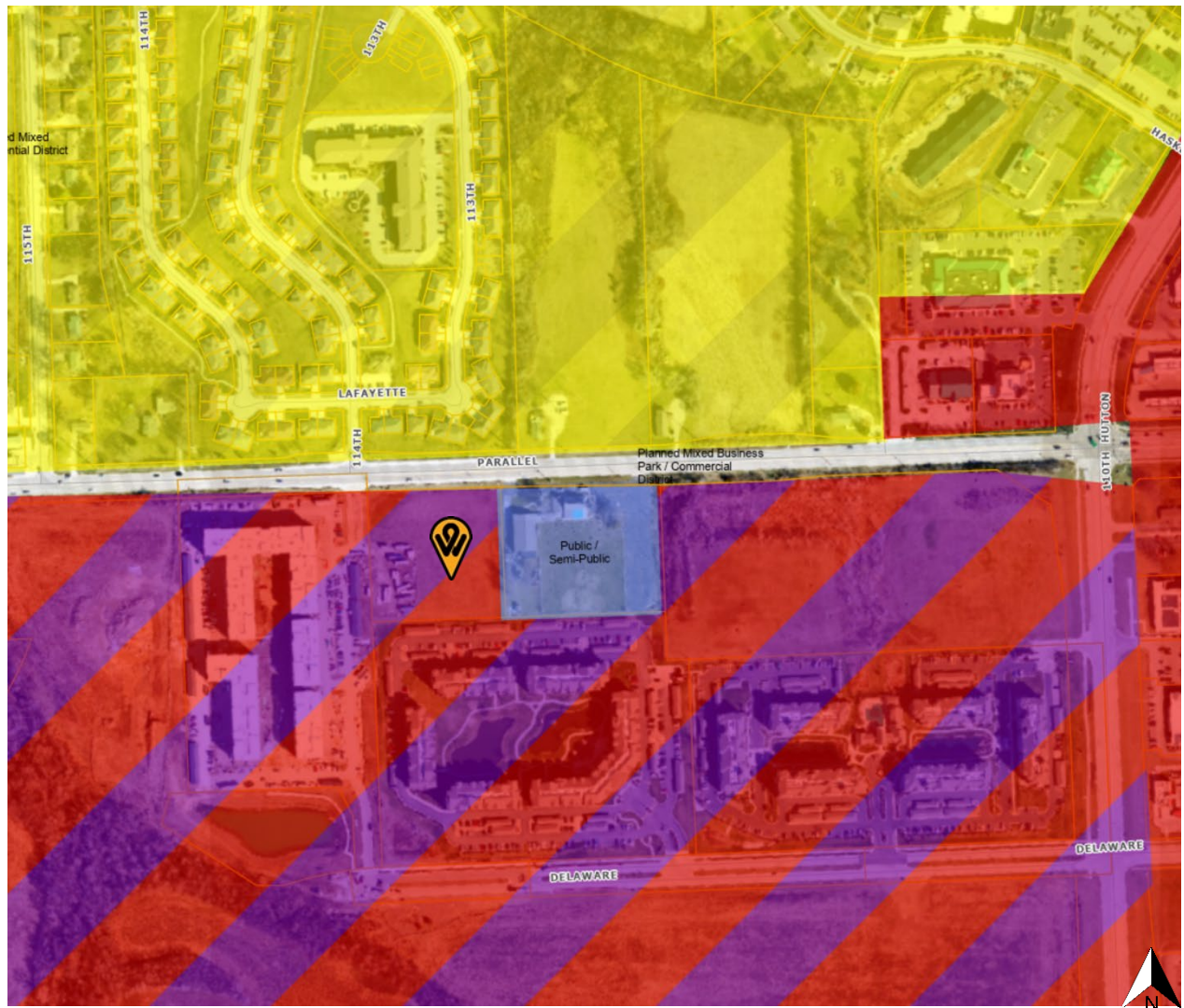
AERIAL IMAGERY



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.

Unlike retail, offices, or other ordinary commercial uses, storage facilities don't typically have a large influx of customers at specific times. The 10 proposed parking stalls are anticipated to provide ample parking for the short term use of the storage units. The southern building has direct access and space to load/unload in front of the doors.

2

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

There will be no negative affects to the adjacent property owners or residents if this variance is granted. The 10 proposed parking stalls are sufficient for the short term access to the storage units and space has been provided in front of the southern building for temporary loading/unloading.

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 size, layout, and location of the site makes providing the parking stalls per code very difficult, if not impossible for the project.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. There will be no negative affects to the public health, safety, morals, order, convenience, prosperity, or general welfare if the variance is granted. The site provides enough space for vehicles to gain access, park, load and unload, and vehicle turning movements to not have affects outside of the property.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. Storage facilities differ significantly from standard commercial uses in terms of parking demand. These facilities typically experience low and sporadic customer traffic, without the peak-hour influx common to retail or office uses. Granting this parking variance would allow the property owner to reduce the overall development footprint to fit within the site's physical constraints, while still meeting the functional needs of the storage facility and its users. The proposed parking arrangement is consistent with the operational characteristics of storage facilities and will not negatively impact surrounding properties or generate excessive traffic or demand for on-street parking.

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.

May 27, 2025

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

RE: Board of Zoning Appeals Petition BOZA2025-015

Mr. Byron Toy and Ms. Rose Morris,

We have received draft comments dated June 9, 2025 on the proposed self-storage facility located at 11319 Parallel Parkway for the above referenced project. The project team has reviewed the comments and have the following responses or summary of revisions:

Staff Comments and Suggestions

1. This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-011, PLAT2025-015 and MPL2025-007. 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 BOZA2025-015 by the Board of Zoning Appeals.
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 A-G Agriculture District
Response: Agreed.
3. Provide a parking summary of other self-storage facilities that the applicant has constructed.
Response: Below is are a few examples of the self-storage facilities that Strickland Construction has constructed that are similar to the Village West, Legends Self-Storage project:

Facility Name	Facility Address	Facility Building Area (square feet)	Number of Parking Stalls Provided
StorTropolis Self Storage – Shawnee	20500 W 66 th Terrace Shawnee, KS 66218	112,000	1 ADA, 5 Standard 6 Total
Attic Storage of Parkville	16035 MO-45 Parkville, MO 64152	108,000	1 ADA, 6 Standard 7 Total
Storyropolis of Lenexa	19585 W 102 nd Street Lenexa, KS 66220	110,000	3 ADA, 7 Standard 10 Total

Strickland Construction has worked on many self-storage facilities in the area, a full list can be found at <https://stricklandconstruction.com/self-storage/>

4. The 10 parking spaces for the development are in front of the rental office. Where will customers park their vehicles to access their unit in a two (2) story, 345-unit self-storage facility? 10 parking spaces appears to be inadequate for this central facility, much less the remaining 38 contractor storage units around the perimeter of the site.
Response: There are multiple access points around Building A. Floor one can be accessed via the drive through and entrance in the northwest corner of the building, as well as in the northeast corner of the building via stairs and an external door. The second floor can be accessed via the overhead doors along the east and south walls, as well as a door in the center of the south wall with an alcove for temporary loading and unloading.

Building A is not for contractor storage; they are self-storage units with access directly from the access drive on the north side of Building A.

Additionally, the Institute of Transportation Engineer's (ITE) Parking Generation Manual was used to calculate the parking demand for the site on weekdays and weekends. The maximum parking demand calculated for the site happens during a weekday (Monday-Friday) with a parking demand of 8 stalls. The parking generation plots are included with this submittal.

If you have any further questions, or if we can be of any assistance, please do not hesitate to contact us.

For the Firm,



RENAISSANCE INFRASTRUCTURE CONSULTING
Dusty Burton, PE
Project Manager

May 27, 2025

Project Name: Village West, Legends Self-Storage
Project Address: 11319 Parallel Parkway
Kansas City, KS 66109
Application Number: COZ2025-011

Village West, Legends Self-Storage Neighborhood Meeting

Meeting Location: Microsoft Teams
Meeting called to order at: 4:30pm

Attendees:

Name	Role	Company
Tye Zehner	Applicant	Strickland Construction
Tom Eisenhauer	Applicant	Strickland Construction
Rogers Strickland	Applicant	Strickland Construction
Ashley Cronin	Applicant Representative	Renaissance Infrastructure Consulting (RIC)
Chase Kohler	Applicant Representative	RIC
Stephen Allison	Property Owner	
Owen Haake	Associated with Aspire	Northpoint Development

Agenda:

1. Introductions
 - a. Applicant Team Introductions
 - b. Attendee Introductions
2. Project Summary
 - a. Current site conditions are undeveloped
 - b. Proposed project is a self-storage facility consisting of two buildings, for a total of 626 storage units.
 - i. Isometric Views
 - ii. General Site Layout
3. Questions/Comments
 - a. Owen Haake: What are the clear dimensions of building B openings?
Response: Overhead doors are 12'-0" wide by 14'-0" tall.
 - b. Owen Haake: What is the depth of building B units?
Response: Units are 45'-0" deep
 - c. Owen Haake: How does the Fire Truck navigate the site?
Response: Fire truck enters from the shared drive with Aspire apartments and exits through the east entry off Parallel Parkway
 - d. Owen Haake: What is the intended schedule for the project?
Response: Dependent on review timeline with UG but aiming to break ground Q3 of this year with a 1-year construction timeline.
 - e. Owen Haake: When will we be on commission and council?
Response: Planning Commission and Board of Zoning Appeals Public Hearing is set for 6/9, Board of Commissioners/Public Hearing is set for 6/26
 - f. Owen Haake: Supports the project and is a good use for the property.
 - g. Owen Haake: Likes that the aesthetics will blend well with the Aspire Apartments.

- h. Stephen Allison: Supportive of project and has talked to Maywood Community Church and they are also supportive.

- 4. Meeting Adjourned at: 5:04pm

Minutes taken by: Chase Kohler and Ashley Cronin

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Johnson } SS:

Comes now TYE ZEHNER, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO22025-011.
2. That I conducted a neighborhood meeting on 5-27-2025.
3. The notice to nearby property owners was sent on 5-12-2025.
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.

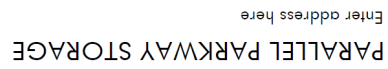
Tye Zehner
Affiant

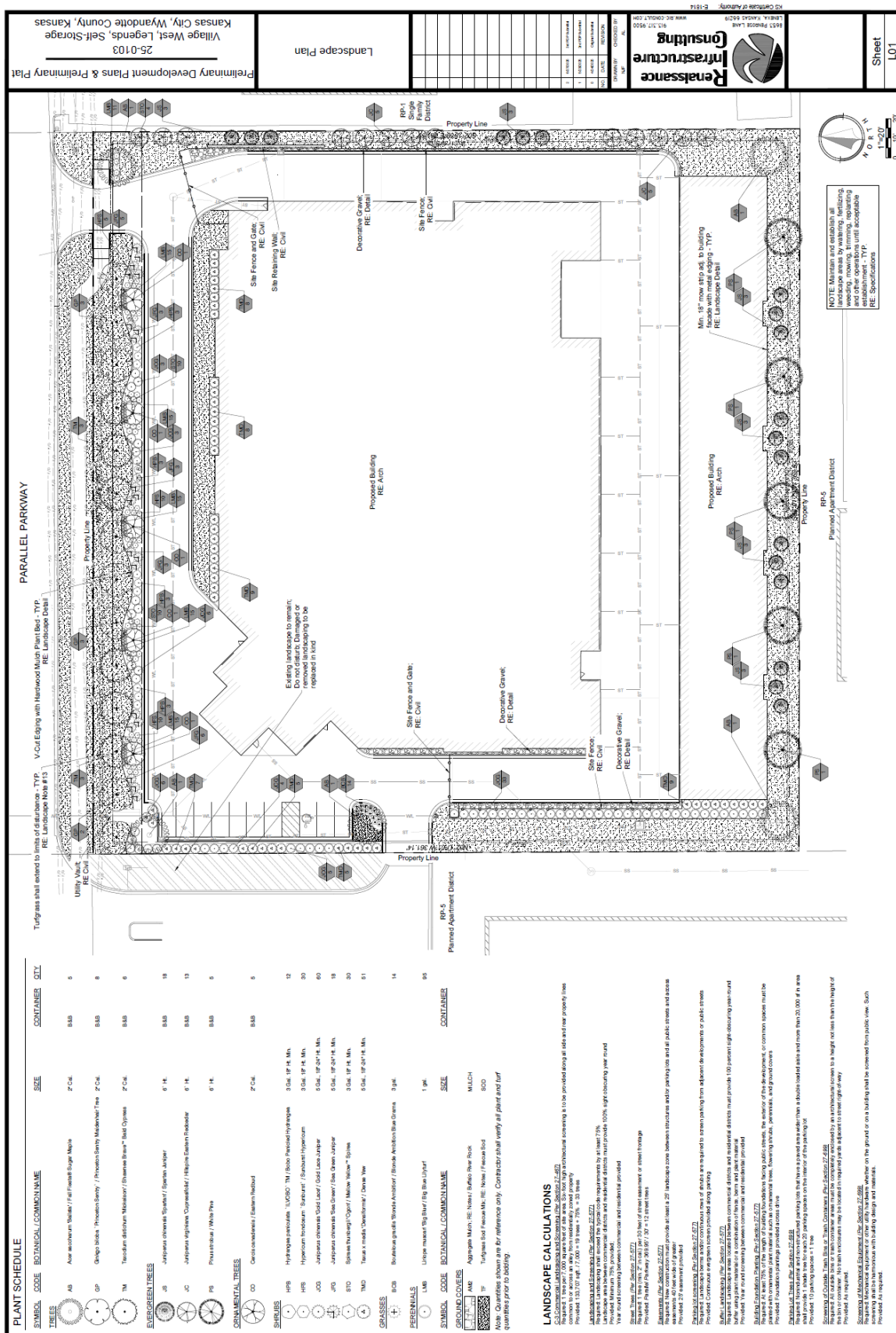
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27 day of May, 2025.

My commission expires 15 of July, 2026.

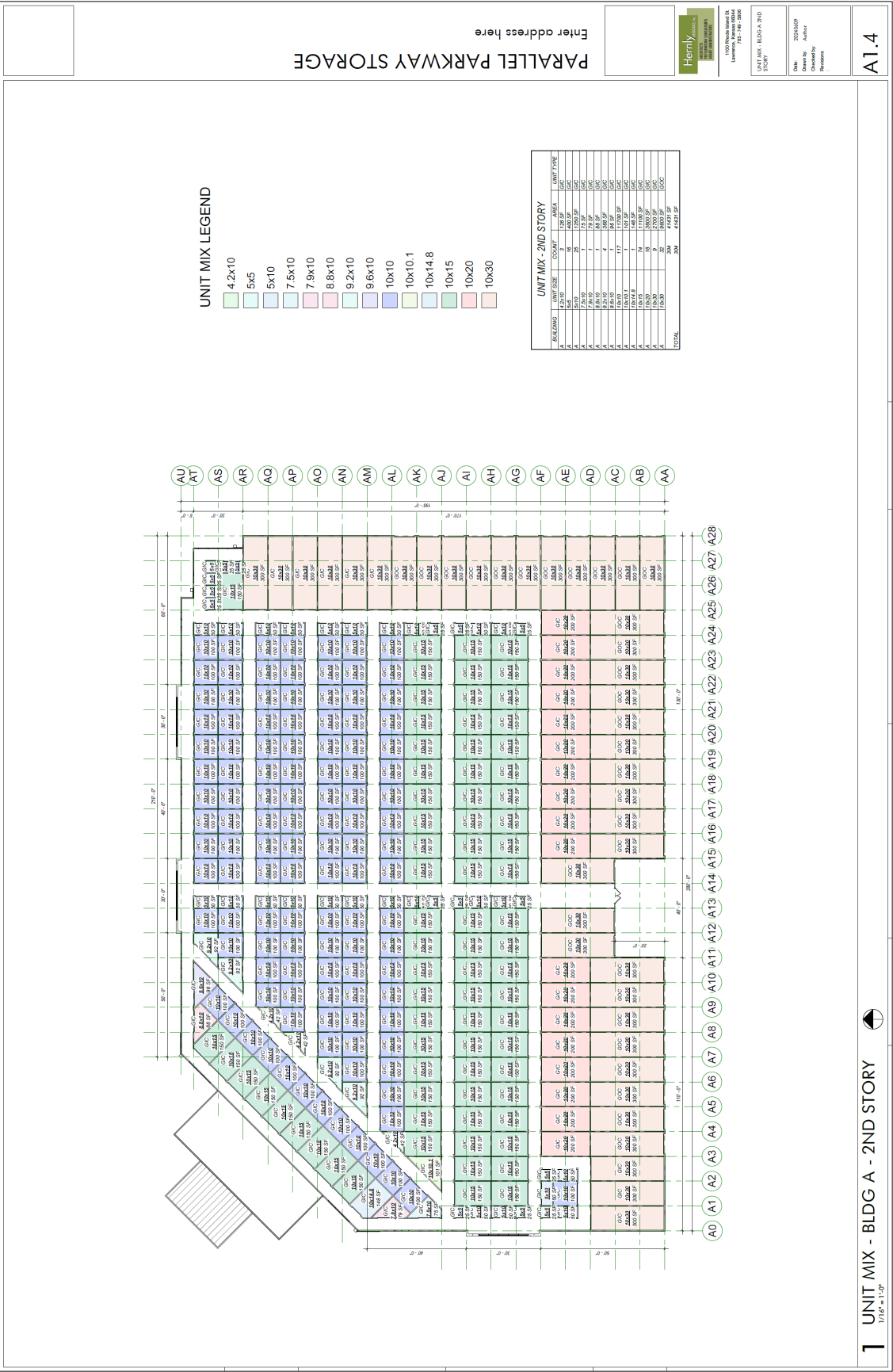
Deidra L. Smith
Notary Public
State of Kansas
My Comm Exp 7/15/2026

Deidra L. Smith
Notary Public

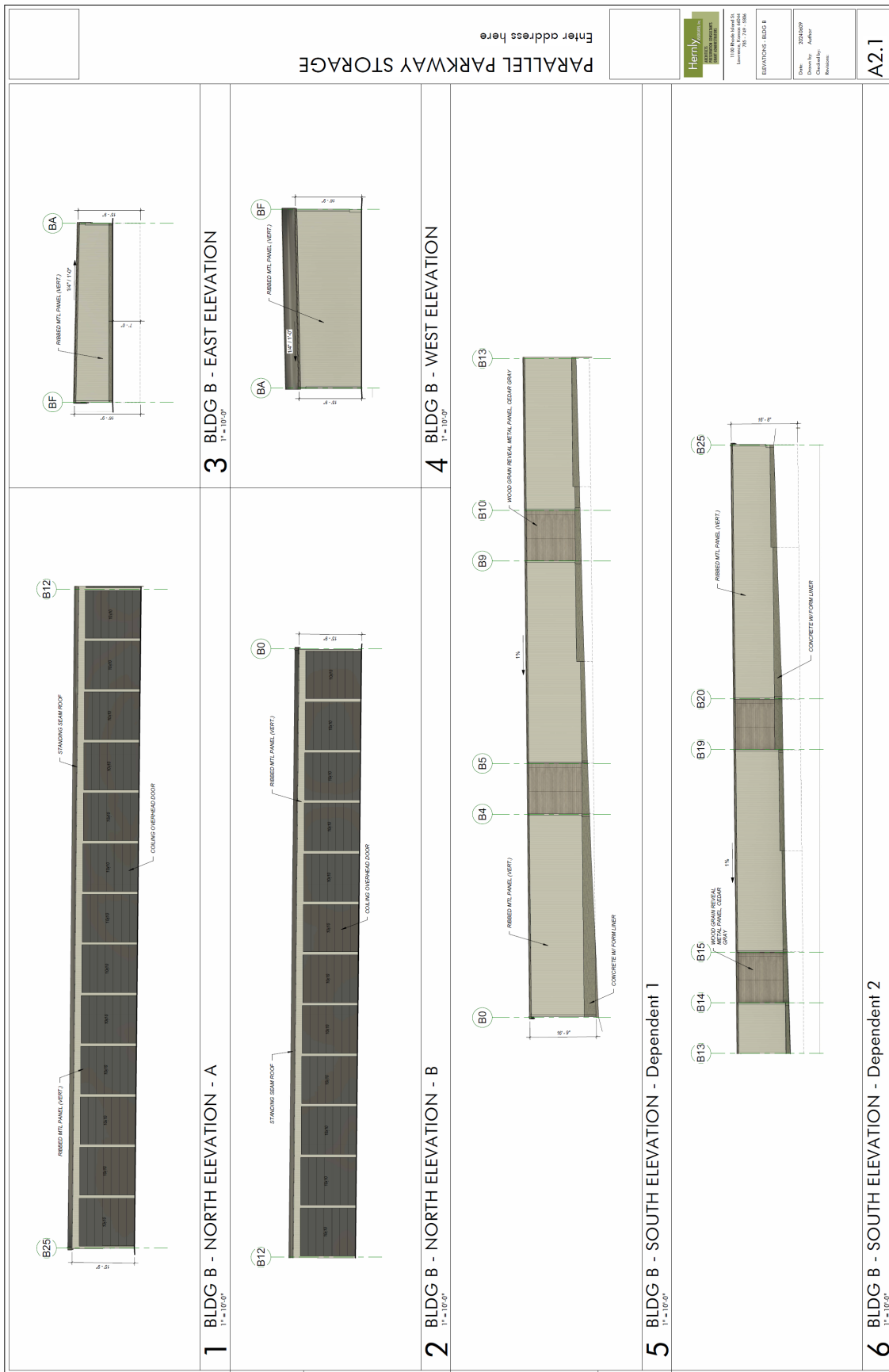


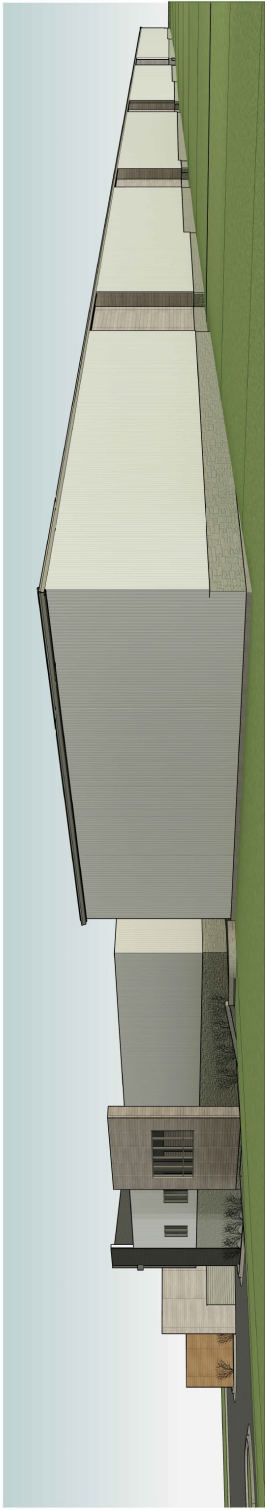










1 NORTH EAST PERSPECTIVE 		2 NORTH WEST PERSPECTIVE 	3 SOUTH WEST PERSPECTIVE 
2 NORTH WEST PERSPECTIVE			
3 SOUTH WEST PERSPECTIVE			
1 NORTH EAST PERSPECTIVE		Enter address here PARALLEL PARKWAY STORAGE	Hamly ARCHITECTS 1100 PINEHURST BLVD LAURENS, SC 29555 TEL: 843.544.1000 PERSPECTIVES Scale: 1/8"=1'-0" Drawn by: J. Hamly Checked by: J. Hamly Revisions: 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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-016

GENERAL INFORMATION

Applicant Information:

Guy Tiner
Property Owner
924 South 132nd Street
Bonner Springs, Kansas 66012

Subject Property:

4950 Hutton Road and 10800
Hollingsworth Road
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a Variance for lot width-to-depth ratio.

Commission Districts:

At-Large Commissioner District #1:
Melissa Bynum
District #5 Commissioner:
Michael (Mike) Kane

Existing Zoning District(s):

A-G Agriculture District (proposed R-1 Single Family District)

Plan Area:

Prairie Delaware Piper Plan



	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture and R-1 Single Family Districts	Single-family homes
South	A-G Agriculture District	Single-family homes
East	A-G Agriculture, R Rural Residential and R-1 Single Family Districts	Single-family homes
West	A-G Agriculture District	Farmland and a single-family home

Total Tract Size: 58.82 Acres

Neighborhood Characteristics: The subject property is located within the I-435 Statistical Neighborhood and Census Block Group 0448041. The neighborhood consists of large lot single-family homes along Hutton Road with some smaller single-family lots along Hubbard Road. Hutton Road is a high trafficked north/south two (2) lane roadway with access from State Avenue to Wolcott Drive.

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Low Density Residential, which single-family detached residential units ranging from three (3) acres to one-third (1/3) of an acre.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Hollingsworth Road as a Major Collector and Hutton Road and Hubbard Road as Minor Collector.

Parking Requirement: Section 27-454(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport.

Landscaping Requirement: Section 27-700(a) One (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences. This will vary for each parcel and tract of land.

Advertisement:	<u>The Wyandotte Echo</u> – May 15, 2025 <u>Letters to Property Owners</u> – May 16, 2025 and June 20, 2025
Public Hearing:	July 14, 2025
Public Support:	None to date.
Public Opposition:	None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance complaints at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. COZ2025-011 – Change of Zone from A-G Agriculture District to R-1 Single Family District (to be heard by the City Planning Commission on July 14, 2025).
2. PLAT2025-016 – Preliminary and Final Plat to create 10 residential lots to build single-family homes (to be heard by the City Planning Commission on July 14, 2025).

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Guy Tiner, is requesting the following variance at 4950 Hutton Road and 10800 Hollingsworth Road:

This appeal has been filed to subdivide two (2) parcels into 10 residential lots. Section 27-280(b) states that the depth of a lot shall not exceed three (3) times the width. Lot 8 has a width of 271.58 feet and a depth of 1,794.72 feet. The appellant is requesting a depth-to-width ratio of 6.60:1, a violation of 54 percent.

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 request has been filed to grant a variance from the three-to-one (3:1) depth-to-width ratio for Lot 8. The subject property has a frontage of 271.58 feet along Hutton Road and a depth of over 1,794.72 feet along the west property line, which is approximately a 6.60:1 depth-to-width ratio. Thus, the subject property does not comply with the maximum depth-to-width ratio allowed by the Zoning Code by 54 percent.

By not further developing the “concept plan” as shown, Lot 8 is a leftover action created by the applicant, resulting in the need for the requested variance.

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

The proposed variance is not expected to adversely affect the rights of adjacent property owners, as many surrounding properties consist of similar acreages and/or lot widths. The variance would be granting the same rights to the subject property, as has been afforded to abutting legal non-conforming properties with regards piano-key shaped lots.

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 application of the zoning ordinance would require the applicant to further development via the preliminary plat to illustrate the total 58 acres of development. Staff understands that phasing will occur, but with the concept plan in place for Lot 8, but granting a variance for Lot 8, which is shown to be developed into 33 one (1) acre lots, is counterintuitive.

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

The proposed variance is not expected to adversely affect the public health, safety, morals, order, convenience, or welfare of the public.

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 27-280(b) is to keep the dimensions of parcels proportionate in order to maintain buildability and marketability. Lot 8 will provide

sufficient area for development, when subdivided further, but as it stands now, it is the remainder of land that is platted off the 9 other lots.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meet on June 12, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Lot width-to-depth ratio
Revisions to the Plat

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2025-012 and PLAT2025-016. 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) COZ2025-012 and PLAT2025-016 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.

Applicant Response: Acknowledge.

2. The proposed variance, BOZA2025-016, associated with COZ2025-012 and PLAT2025-016 is not necessary if the "concept plan" is preliminary platted, and the proposed final plat of 9 lots proceeds as desired. Revise the preliminary plat to include all 58 acres incorporating the 33-lot concept plan, followed by a final plat for 9 lots.

Applicant Response: The purpose of completing this plat first is to save the developer money. To complete a preliminary plat, ALC would have to complete a lot of engineering cost and as of right now the developer does not want to pay those costs upfront. The goal is to split off the lots and sell them to pay for the future development.

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) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- 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** Case **BOZA2025-016** 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 COZ2025-012 and PLAT2025-016. 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) COZ2025-012 and PLAT2025-016 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
2. **Section 27-216(g)(3)b. A required that the project conform to the plans approved as part of the variance permit. If and when Lot 8 is subdivided into a platted subdivision as illustrated in the "concept plan" or a portion thereof, this variance will be null and void as this original variance is for the 3:1 lot width-to-depth for Lot 8; and,**
3. **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
Single-Family Residential Design Guidelines
Five (5) Criteria Set by State Statute
Applicant Response Letter
Neighborhood Meeting Documents
Preliminary Plat
Final Plat
Concept Plan

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-016** 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

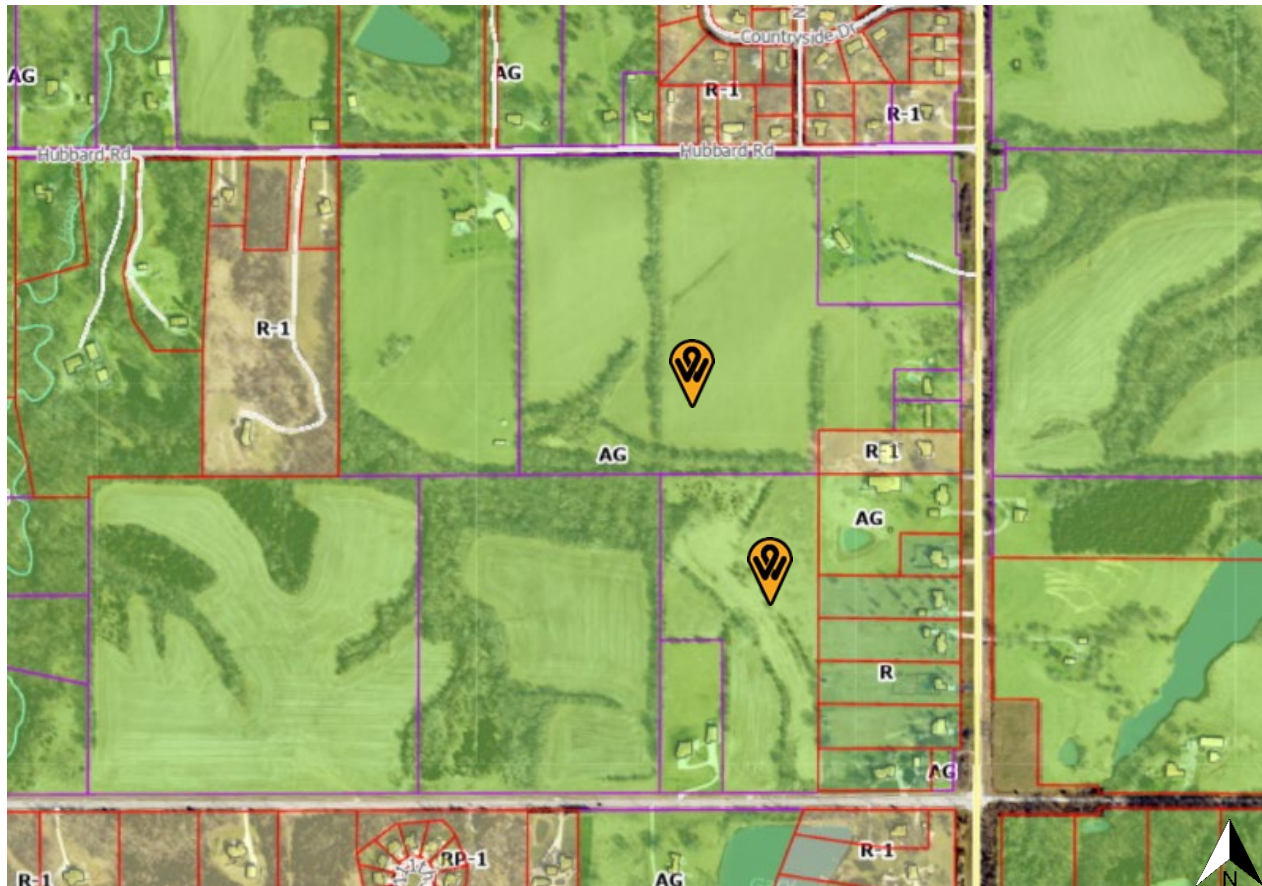
I move the Board of Zoning Appeals **DENY** Case **BOZA2025-016**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

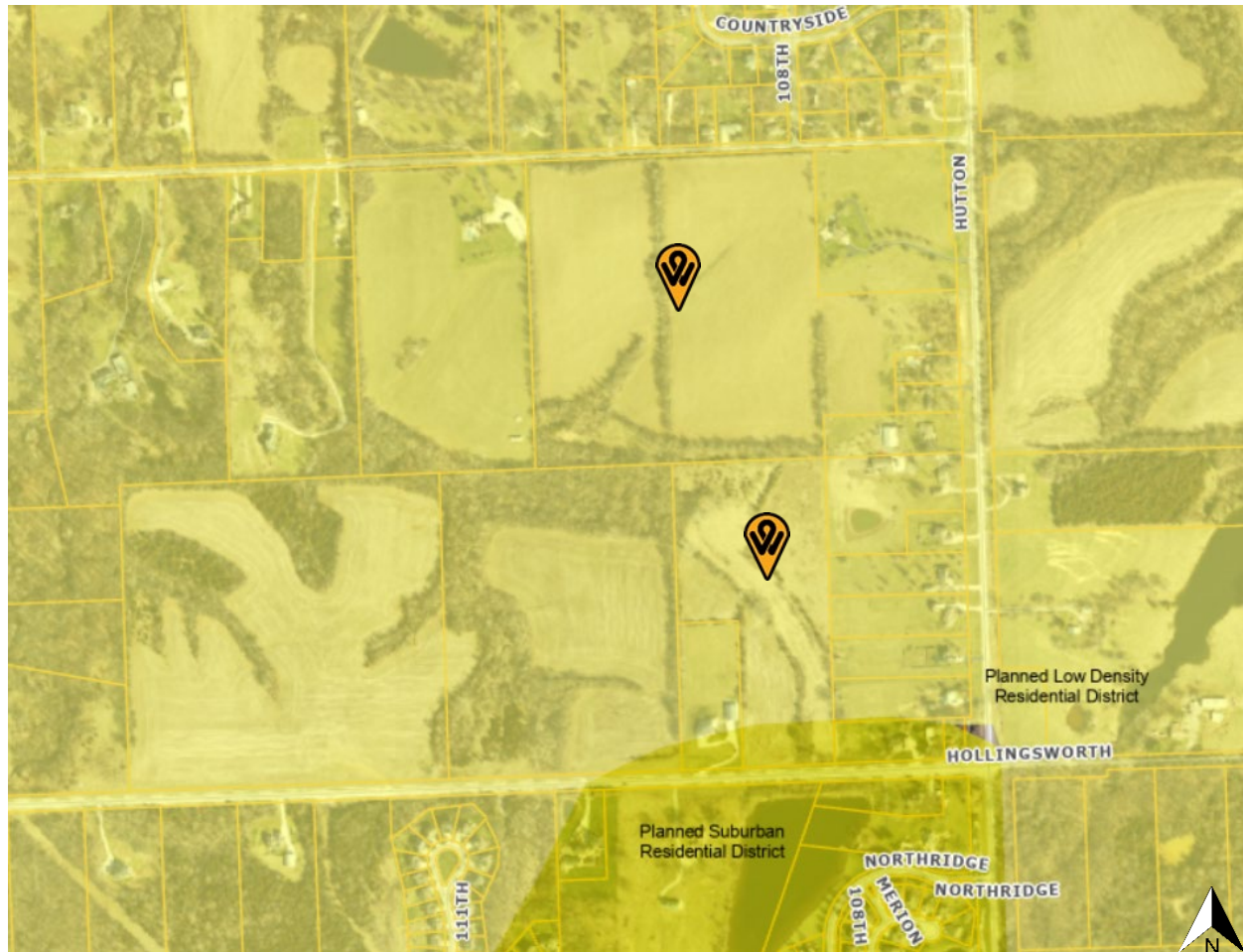
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Overall Planning and Design

Quality of Design

A common theme throughout all of the community workshops and meetings was the concern and desire that new development be of the highest quality. In the major tourism area now known as Village West, the Unified Government has effectively used design guidelines to achieve the high quality design that was desired.

Quality design impacts both the site design and the building design. This would include establishing standards or design guidelines for:

- New residential neighborhoods,
- Commercial centers, and
- Employment areas.

Actions

- The Unified Government will work with property owners and developers to establish well planned, commercial centers and technology ready business parks along major transportation corridors.
- The Unified Government will work with residential developers to coordinate residential subdivisions to function as neighborhoods with community services including parks, religious institutions, schools and open spaces.
- The guidelines within this plan should be used to evaluate new developments proposed within the study area.



Residential amenity

Land Use Compatibility

New development should be compatible or 'fit' within the overall setting.

Guidelines

- New residential developments that are proposed to adjacent residential subdivision should have lot sizes and unit sizes that are similar in size, or
- New residential developments that are proposed to adjacent residential subdivision should have lot sizes and unit sizes that transition in size from the existing development to the new development if a variety of units types and lot sizes are proposed. The transition can be accomplished by utilizing existing natural features, setbacks, berms and landscaping, or by placing larger lots along a property line.

Residential Design Guidelines

The following design guidelines are for residential developments.

Residential Building Materials

- Primary materials for the fronts of homes should be: masonry, stucco, cement board, and wood siding.
- Accent materials should include real or cultured masonry materials.
- For side and rear building facades the use of horizontal lap siding and vertical lap vinyl (minimum 42 gauge) siding is acceptable.
- Roof materials should be a composite shingle (35 year minimum) or approved equal.
- Use of plain, flat siding is discouraged as a primary siding material. Use of horizontal siding on the front of the home with panel siding on the sides and rear is discouraged.

Architectural Diversity

- All sides of a building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade. However, direct window conflicts across side property and/or rear property lines should be avoided.
- Incorporate a variety of features such as overhangs, dormers, bay windows, cantilevers, porches, entries, accent materials to provide articulation and interest.
- Include single story elements such as porches, covered entries and second stories that have a set back from the first floor on two story homes.
- Fronts of buildings should be articulated thorough the use of window-bays, insets, balconies, porches or stoops related to entrances and windows.
- The overall residential community should include multiple building elevation designs. One front, side and rear building elevations should not be used on more than 40 percent of the units.

Garages and Carports

- Garages and carports should incorporate architectural treatments that derive from the main building in terms of materials, detailing, roof materials and colors. When possible, side and rear loaded garages and carports are preferred.

Front loaded garages and carports:

Front loaded garages should incorporate at least one of the following guidelines to limit the dominance of garage doors on the front facade:

- Incorporate upper level dormers above the garage, or
- Design porches, stoops and/or facades should protrude at least five (5) feet in front of the garage, or

- Use trim, windows and other details to de-emphasize the visual impact of the garage in relation to the rest of the structure.

Safe Rooms

All duplexes and tri-plexes must be built with a tornado safe room for the protection of the occupants.

Housing Style Variation

Residential units within developments of more than 25 dwelling units should have a minimum of three distinctive floor plans, with a minimum of three elevations per floor plan.

Identification Features

All residential developments are required to have entry features. These features may include:

- Neighborhood name within a landscape feature
- Monuments
- Special lighting feature
- Enhanced bus stop
- Fountain
- Special landscape

Commercial Centers:

Commercial centers are based on the concept framework that resulted from the community meetings. Commercial centers should serve the future surrounding neighborhoods. The centers will vary in development intensity and number of goods and services to be provided based on the land capacity analysis and the proposed residential densities.

Specific commercial locations are not identified on the Land Use Plan. Identifying appropriate locations is premature while the area is experiencing rapid growth. Market forces will influence the timing and location of commercial centers. The following types of centers are considered:



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.

The existing layout of the property, which is the result of previous land divisions, and the zoning requirements create a hardship on the property owner to adhere to the lot depth and lot width requirement for the proposed lot 8 of Tiner Farms without making significant up front financial investment

to develop a road network prior to the feasible development of the interior lots.

The proposed lot is in excess of 40 acres and will continue to be used for agricultural purposes until the developer is prepared to continue with the development of the interior areas of this development.

maintaining a 3:1 lot depth is difficult to achieve for a lot of this size without significantly hindering the developer's right to develop the overall property.

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 no hinder or adversely affect the rights of adjacent property owners in any way.

The lot will continue to be used for agricultural purposes as it is currently being used for until such a time that the property owner is

prepared to continue the development of Tiner Estates.

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 denial of this variance request will result in the property owner not being able to develop the property in the manner presented and will significantly impact the investment in this property.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. This request 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 property is currently zoned as AG and is used for agricultural purposes While the applicant is requesting to rezone this portion of the property to the R-1 zoning district for future development, the property will continue to be used for agricultural purposes (hay) which this use is not opposed to the general spirit and intent of the zoning ordinance. Upon the development of Lot 8 of Tiner Estates, every effort will be made to ensure all future lots meet the zoning requirements for the R-1 zoning District.

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.

ALC Comment Response

May 21, 2025

BOZA2025-016

Planning and Urban Design Comments:

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2025-012 and PLAT2025-016. 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) COZ2025-012 and PLAT2025-016 by the Unified Government Board of Commissioners and upon any ordinance publications required by law. - **Acknowledge**
2. The proposed variance, BOZA2025-016, associated with COZ2025-012 and PLAT2025-016 is not necessary if the "concept plan" is preliminary platted, and the proposed final plat of 9 lots proceeds as desired. Revise the preliminary plat to include all 58 acres incorporating the 33-lot concept plan, followed by a final plat for 9 lots. - **The purpose of completing this plat first is to save the developer money. To complete a preliminary plat, ALC would have to complete a lot of engineering cost and as of right now the developer does not want to pay those costs upfront. The goal is to split off the lots and sell them to pay for the future development.**

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) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

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

1) None

-Acknowledge

COZA2025-012 & BOZA2025-016 Meeting Minutes

June 12, 2025 5:30-6:30

Staff from Atlas Land Consulting Present: Krystal Voth

Members of the public:

Andy Fonseca and Amberly Bard - 4910 Hutton Road

Mr. Fonseca has concerns regarding the potential traffic of a subdivision and asked where a future road would be located. Mr. Fonsenca stated that he does not want the 40 acres to be developed in the future because he views it as his backyard and he does not want to see houses.

Mackenzie Landen - 10946 Hubbard Road

Closing on the property moving in on June 30. Ms. Landen wanted to know if the 30' of ROW that is being shown encroaches upon her property which is on the north side of Hubbard.

Jeffrey Lehman - 4920 Hutton Road

Mr. Lehman stated that he has paperwork showing an easement that may encroach upon Mr. Tiner's property. Staff asked Mr. Lehman if he could provide that to us so we can ensure all legally valid easements are shown.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Leavenworth) SS:

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

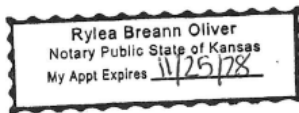
1. That I am the petitioner for Petition # COZA2025-012 & BOZA2025-016.
2. That I conducted a neighborhood meeting on June 12, 2025 from 5:30PM to 6:30PM.
3. The notice to nearby property owners was sent on May 23, 2025.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

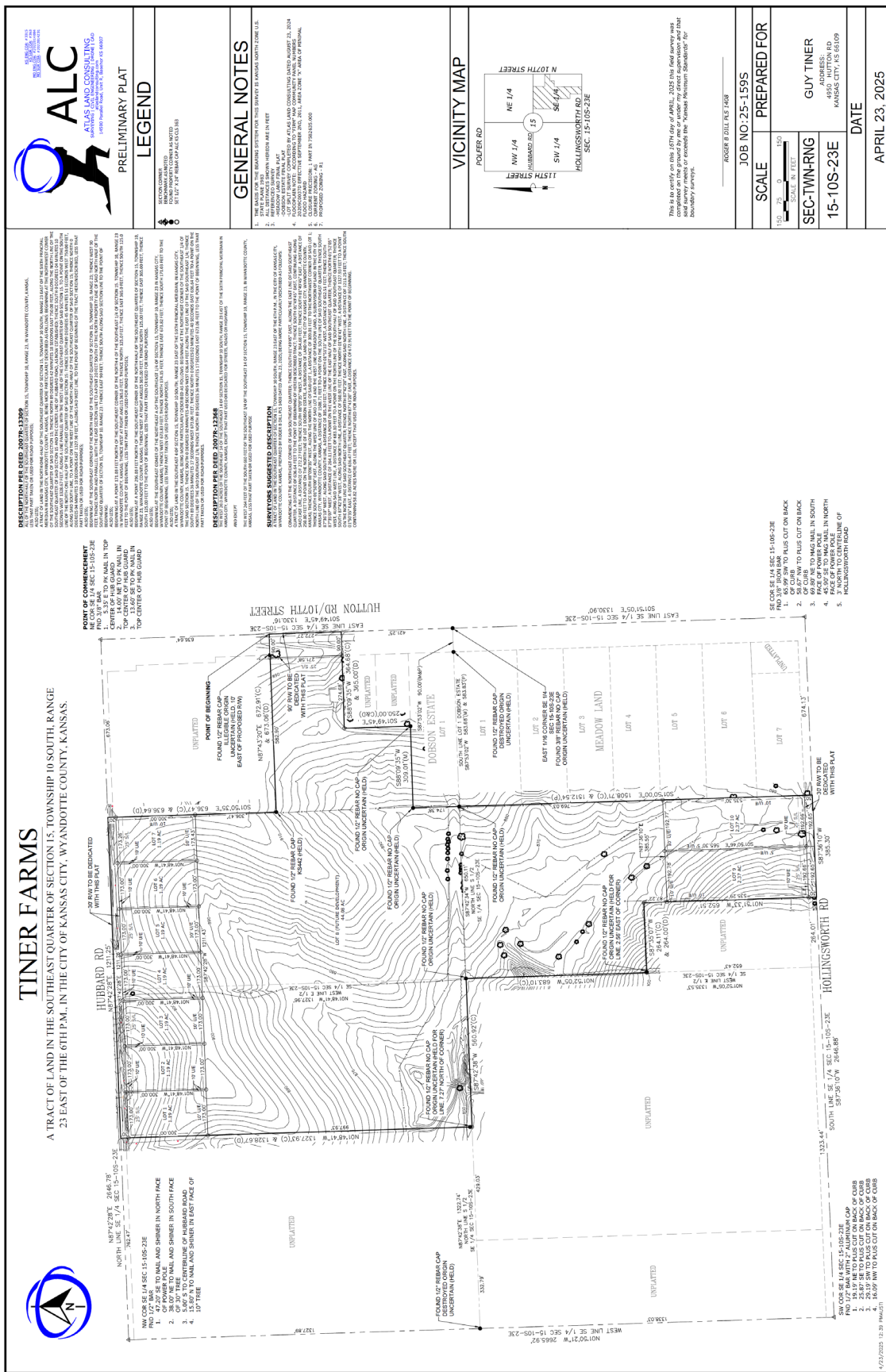
/S/ Krystal A. Voth, MURP
Affiant

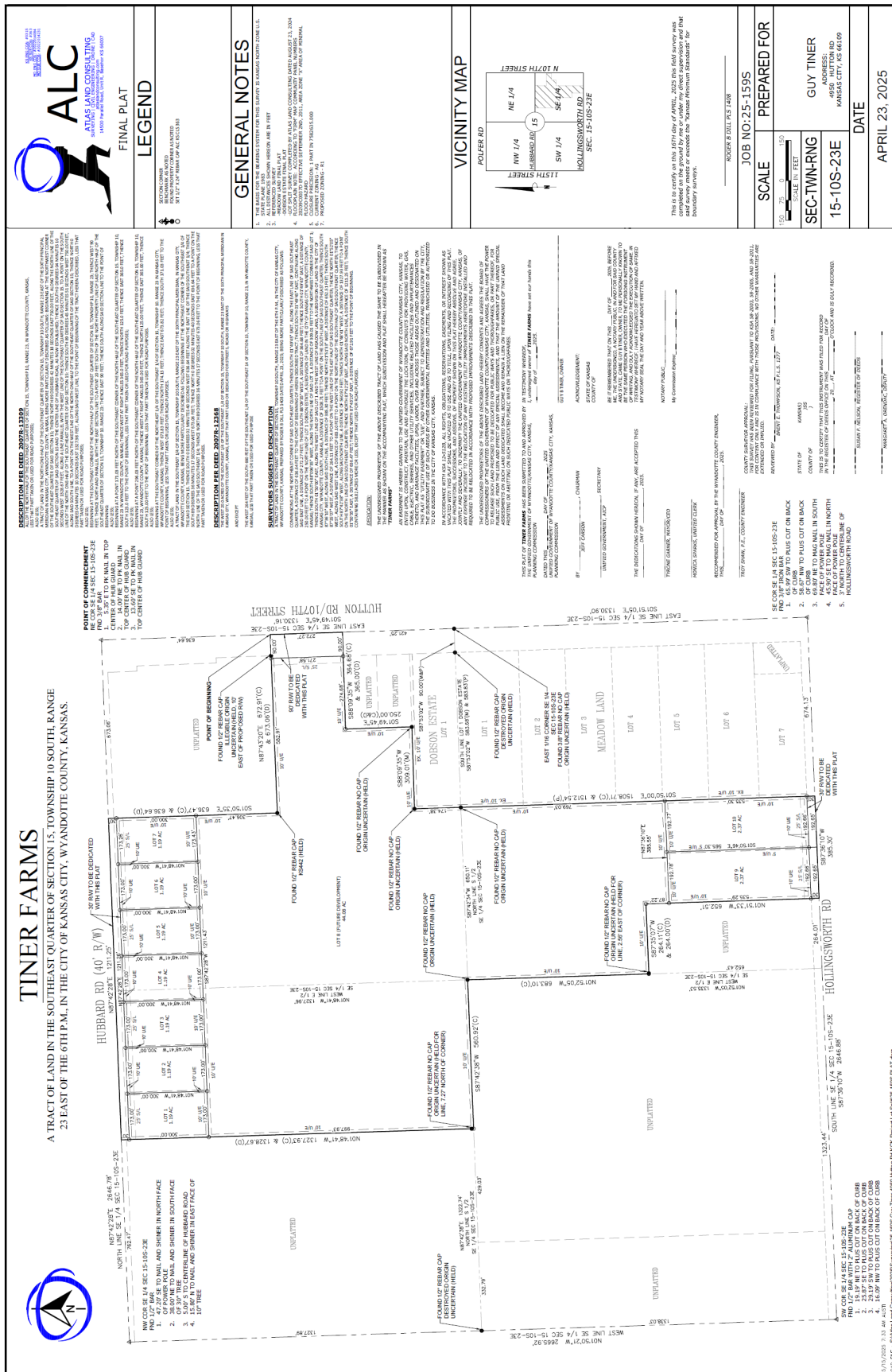
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 13 day of June, 2025.

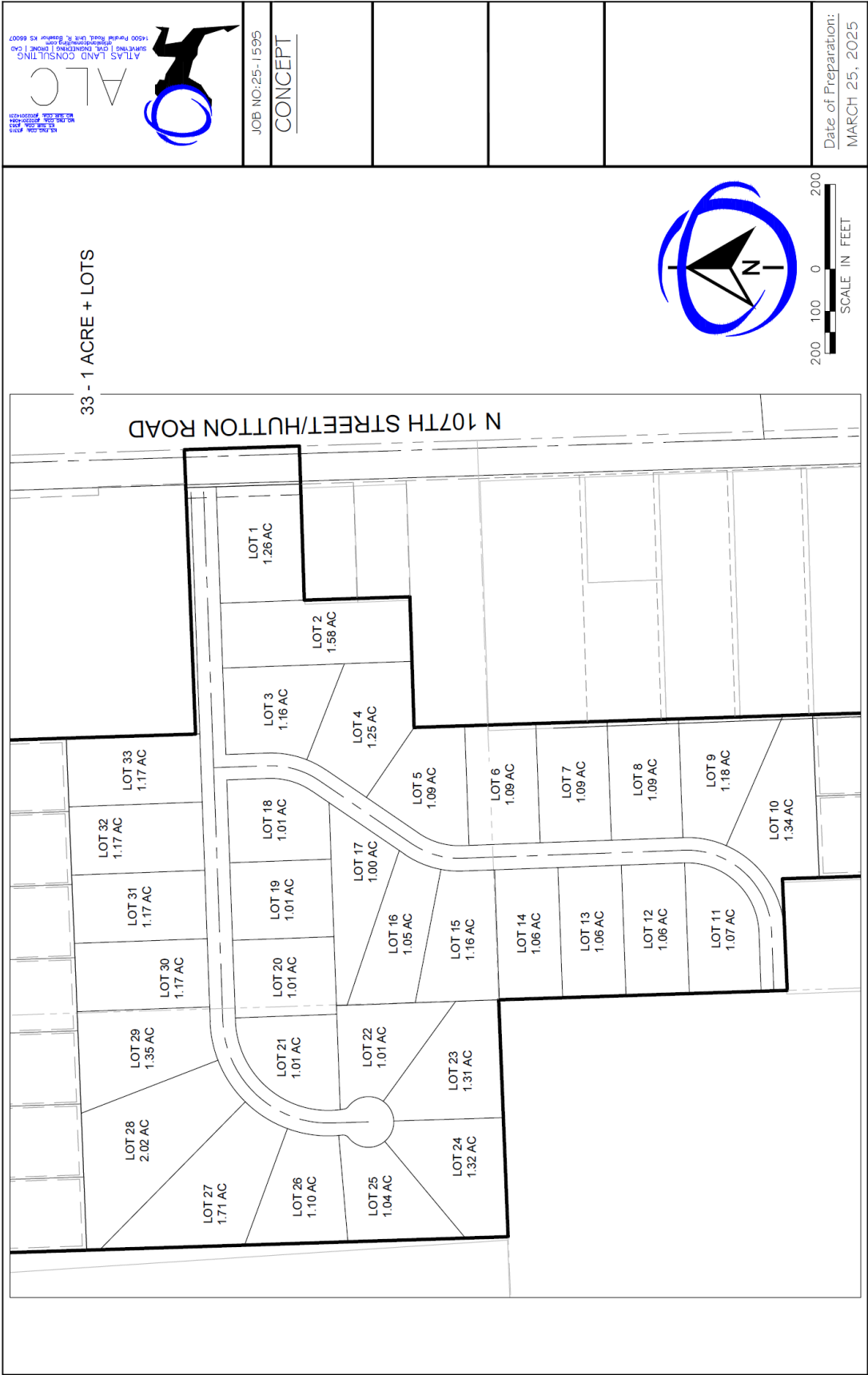
My commission expires 25 of November, 2028.



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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-017

GENERAL INFORMATION

Applicant Information:

Aurora Gomez
1513 South 18th Street
Kansas City, Kansas 66106

Subject Property:

1513 South 18th Street
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of Variance to maintain an existing carport.

Commission Districts:

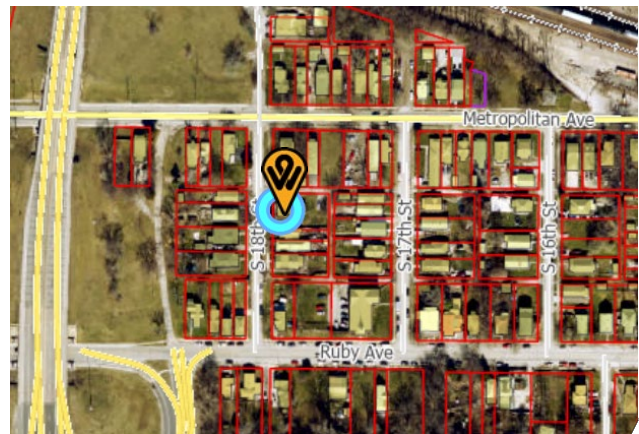
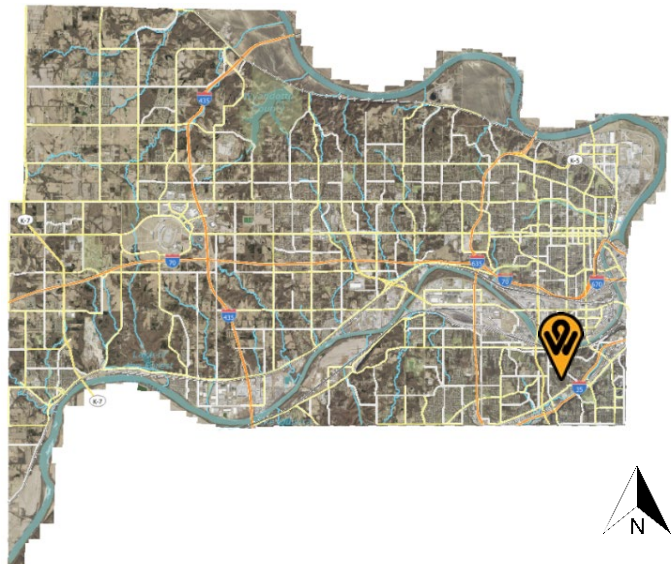
At-Large District #2 Commissioner:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1(B) Single Family District

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 District	Single-family home
East	R-1(B) Single Family District	Single-family home
West	R-1(B) Single Family District	Single-family home

Total Tract Size: 0.19 Acre

Neighborhood Characteristics: The subject property is located within the Shawnee Heights Statistical Neighborhood, Census Block 0450001. The subject property is within an established single-family neighborhood on the eastern edge of 18th Street Expressway and the BNSF Railway railroad two (2) blocks north.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single family detached residential development.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates South 18th Street as a Local Street.

Parking Requirement: Section 27-455(d) states Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) parking spaces are required. The 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. The applicant is providing more than one (1) tree.

Advertisement: The Wyandotte Echo – May 15, 2025 and June 19, 2025
Letters to Property Owners – May 16, 2025

Public Hearing(s): July 14, 2025

Public Support: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. 2021-00004679 – January 13, 2021 – Abandoned Vehicle

Building, Zoning, or Code Enforcement Complaints:

1. STR25-0124 – February 18, 2025 – Extension granted – Code-Structural
2. 09208-01416 – November 24, 2009 – Closed – Code-Environment
3. 99990-07780 – July 8, 1996 – Terminated – Rental License

Outstanding or Related Permit and Cases:

1. RES25-0064 – February 21, 2025 –Plan Approved on Hold
2. BSR25-0030 – February 18, 2025 – Pending – Stop Work Order

Previous Planning Actions:

There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aurora Gomez, is requesting the following Variance at 1513 South 18th Street:

The appeal has been filed to grant two (2) variances from the Chapter 27 ordinances for the construction of an accessory structure in the rear yard.

Variance 1: Section 27-609(2) states that accessory building shall be no closer than three (3) feet to the side yard property line. The Appellant requests zero (0) feet, a violation of three (3) feet.

Variance 2: Section 27-609(2) states that accessory building shall be no closer than two (2) feet from an alley. The Appellant requests zero (0) feet, a violation of two (2) 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.***

These variances requests have been filed to grant a variance from the interior side yard and rear yard setbacks. The property owner is seeking to keep an existing 720 square foot carport that is on the side and rear yard property line, which violates the R-1(B) District regulations.

Additionally, the property owner began work on the encroaching carport without first or receiving the proper building permit. Because work has already commenced, the condition under which the need for this variance arises was create by an action of the property owner.

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

The northeast corner of the property is abutted by two (2) alleyways, so while the existing carport is built on the property line, the alleyway provides a buffer between the carport and the two (2) residents on east side of the north/south alley and thereby not adversely affect the rights of 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 application of the provisions of the zoning ordinance would require the property owner to stop work and demolish the carport that has already started without proper permits. Although lot small lot sizes and floor areas commonly found in the R-1(B) District can present incompatibility with vehicles and modern preferences, the ability to not build a carport that encroaches the two (2) and three (3) foot setbacks does not constitute an unnecessary hardship. There are ways in which the footprint of the carport could be adjusted without violating any setback requirements. Therefore, the restriction application of the zoning ordinance will not constitute unnecessary hardship upon the property owner.

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

Granting the variance required will add a structure closer to the property line of adjacent properties. Such small setbacks between detached residences and their accessory structures can have negative effects on the public health, safety, order, and general welfare.

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 is to maintain a buffer between detached accessory structures and abutting property lines, which are less stringent than the primary residence in the R-1(B) District. The recently constructed carport is a violation of the minimum requirements – two (2) feet from the rear yard and

three (3) feet from the side yard, interior. Therefore, the variance is opposed to the general spirit and intent of the zoning ordinance.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 1513 South 18th Street, Kansas City, Kansas 66106 on May 24, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Stop Work Order
Self-Imposed Hardship

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. If the carport is under 720 square feet, a variance for its size is not required. If the carport is greater than 1,000 square feet, a variance is required.
 - a. This variance can be withdrawn (removed) if the carport is placed on the existing paved area abutting the alley in the northeast corner of the rear yard. The carport must be two (2) feet setback from the alley and three (3) feet setback from the east property line.
2. No more than 40 percent of the rear yard may be paved. An improved surface is either asphalt or concrete. Gravel is not permitted.
3. Section 27-609(2) In any residential district on lots or tracts of less than three (3) acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:
 - a. The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure.
 - b. The exterior roofing materials for roofs sloped more than two (2) in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof, the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color.

The carport needs to be factory paint to match the primary residence.

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** Case **BOZA2025-017** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The applicant does not meet State Statutory Requirement #1. The applicant is seeking a variance after the detached carport has been constructed on the property, as opposed to seeking a variance prior to its construction.**
2. **The applicant does not meet State Statutory Requirement #3. The overall size of the carport, 720 square feet, does not exceed the 1,000 square foot maximum allowed in the R-1(B) District nor account for more than 40% of the rear yard. If the applicant relocated the carport to the north, approximately two (2) feet from the north property line and three (3) feet from the east property line, a variance is not necessary.**

If the Board of Zoning Appeals approves **BOZA2025-017**, staff recommends the following conditions:

1. **Remove all gravel from the property;**
2. **Section 27-609(2) In any residential district on lots or tracts of less than three (3) acres, the following conditions shall apply to any detached accessory building of greater than 120 square feet in floor area:**
 - a. **The exterior wall materials shall be limited to customary residential finish materials. These specifically include: horizontal clapboard siding of all materials; wood and plywood siding; stone and brick, both actual and artificial, and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. These specifically exclude preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels. Also, excluded as an exterior material are standard concrete masonry units. Exception: Metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. Also, excluded as an exterior material**

- are standard concrete masonry units except when the walls of the building are painted the exact color of the primary structure;
- b. The exterior roofing materials for roofs sloped more than two (2) in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Exception: If using a metal roof, the color must be a factory applied and painted finish that closely matches the roof color of the primary structure or the color of the primary structure itself if the roof and walls of the accessory structure are to be the same color;
3. 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;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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; and,
6. 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
Neighborhood Meeting Sign-In Sheet
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Site Plan
Site Photographs

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT:

Osiris Espinoza
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **DENY** Case **BOZA2025-017**, 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.

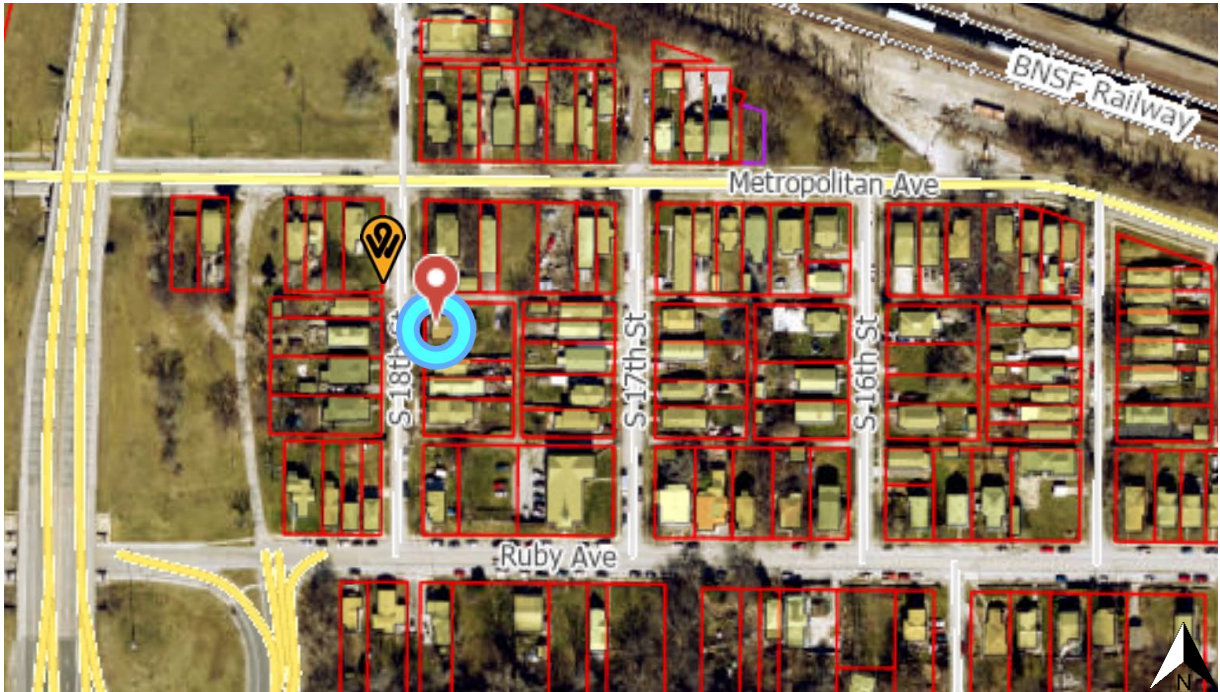
OR

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-017** 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:

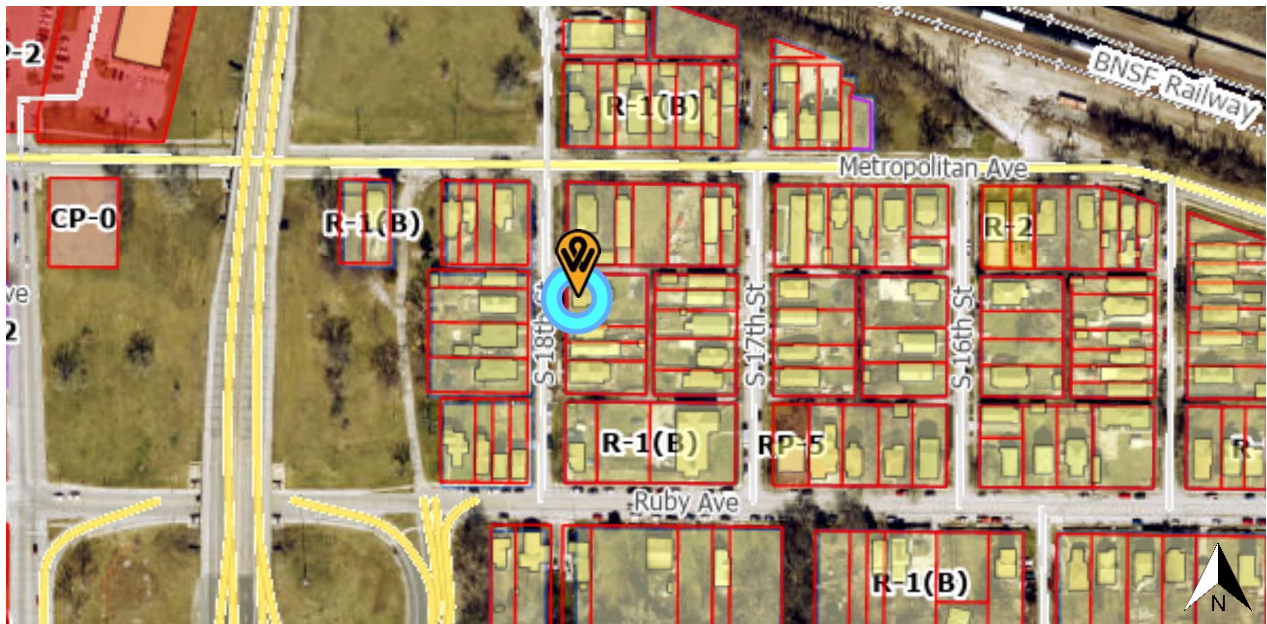
1. _____;
2. _____; And
3. _____.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



ADDITIONAL ATTACHMENTS

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.

CORRECT

THE CONSTRUCTION OF THE CARPORT IS
NECESSARY DUE TO THE PROBLEM OF
STREET PARKING.

2

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

NO.

THIS IS WITHIN THE PROPERTY BOUNDARIES.

HAVING A CARPORT WILL ALLOW US TO PARK OUR
CARS, LEAVING MORE SPACE ON THE STREET
FOR OUR 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. <u>NO</u> _____ _____ _____ _____
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. <u>NO.</u> <u>BY AN AUTHORIZED COMPANY IS RESPONSIBLE</u> <u>FOR THE CONSTRUCTION, USING ONLY PERMITTED</u> <u>CONSTRUCTION MATERIALS.</u> _____ _____
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. <u>NO.</u> <u>I REALLY WANT AND APPRECIATE YOUR APPROVAL.</u> _____ _____ _____ _____
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.	

5-24-25

Neighborhood Meeting Sign-In Sheet

Print

Sign

①

Julieta Gallegos Julieta, G

②

Marica Pizano Marica Pizano

③

④

⑤

⑥

Application Number: BOZA2025-017

Date and Location: May 24th, 2025

1513 S 18th St, Kansas City, KS 66106

Meeting called to order at: 5:00pm

Names of people in attendance:

Julieta Gallegos

Maria Pizuno

Introductions:

Presented blueprint and construction of private carport for property: 1513 S 18th St, Kansas City, KS 66106 that is within property lines.

Questions and answers (include the following):

- Who asked question or gave comment: Julieta and Maria
- What was the question or comment: "Why is this meeting required to be presented"
- Who answered the question/comment: Aurora Gomez
- What was the answer given: County representatives advised her (Aurora) that structures of that size needed to follow these steps for structure to be approved

Other notes: In addition to attendees; Janine Payeur and Karina Navarro, reached out to offer support if any petition or authorization by neighbors were needed. They were unable to attend but reached out in person prior to meeting date. Attendees of meeting were also in support.

Meeting adjourned at: 5:30pm

Minutes taken by: Edgar Solis-Gomez

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas,
COUNTY OF Wyandotte SS:

Comes now Aurora Gomez of lawful age, sound mind and upon his/her oath states as follows:

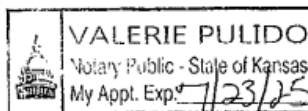
1. That I am the petitioner for Petition #BOZA2025-017
2. That I conducted a neighborhood meeting on May 24th, 2025
3. The notice to nearby property owners was sent on May 3rd, 2025
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Aurora Gomez
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of May 2025.
My commission expires 23rd of May, 2025

Valerie Pulido
Notary Public



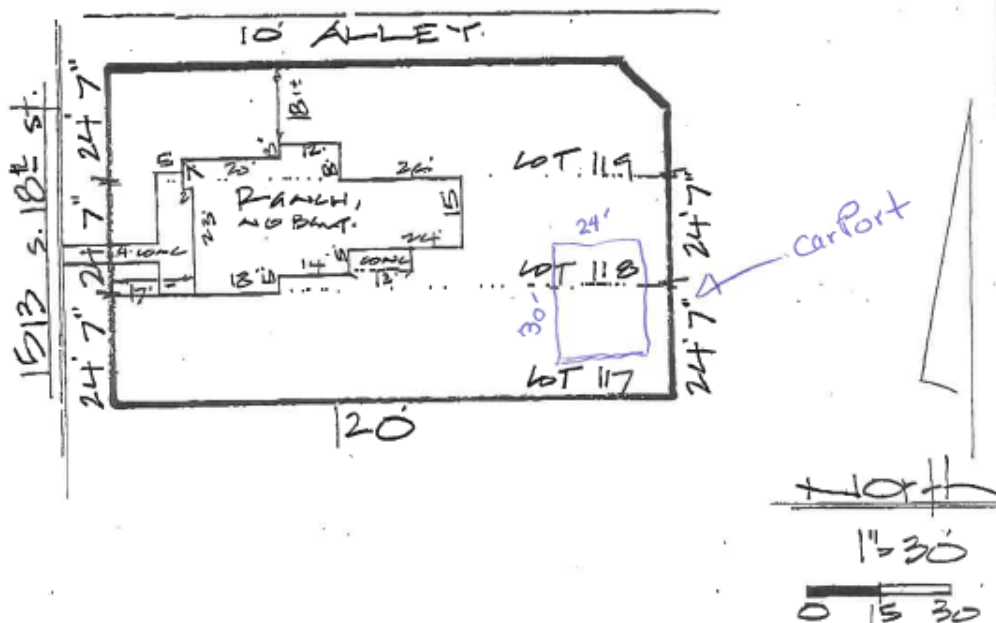
State of Kansas
County of Wyandotte



MORTGAGE TITLE INSPECTION
(KANSAS)
THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

LOTS 117, 118 AND 119, BLOCK 5

KANSAS TOWN COMPANY'S FIRST ADDITION TO ARGENTINE
an addition now in and a part of Kansas City, Wyandotte County, Kansas



O = Accepted or adopted monumentation control point.
NOTE: Positional tolerance of major improvements location shown is $\pm 0.5'$ unless otherwise noted.

FOR: <u>American Home Loans.</u>	JOB # <u>2408</u>
BORROWER: <u>Aurora I. Gomez.</u>	DATE <u>3-1-01</u>
	T/C <u>STEWART</u>
	NO. <u>01021211</u>
SITE LINE SURVEYING, INC.	P.O. Box 323 • Blue Springs, MO 64013 816-228-9022



I hereby certify that an inspection of this property was made by me or under my supervision and this sketch is a true representation of the conditions found. This document was prepared for mortgage, title insurance ONLY and does not constitute a boundary survey and is subject to any inaccuracies a subsequent boundary survey may disclose. No property corners were set and this document should not be used to establish any fence, structure, or other improvement. Any linear or angular values shown are based on record or deed information and have not been verified unless noted. The flood hazard zone for this property has not been determined unless otherwise noted. FUTURE USE (after the initial closing) IS PROHIBITED AND NO LIABILITY WILL BE ASSUMED.







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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-018

GENERAL INFORMATION

Applicant Information:

Emma Ludwig with Midwest
Sign Company, LLC
550 Stanley Road
Kansas City, Kansas 66115

Subject Property:

1717 Village West Parkway
Kansas City, Kansas 66111

Requested Action and Purpose:

Approve a Variance for the multiple
wall signs on a multi-tenant building.

Commission Districts:

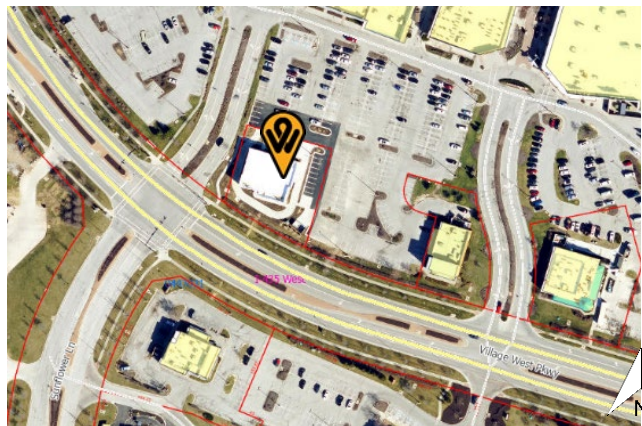
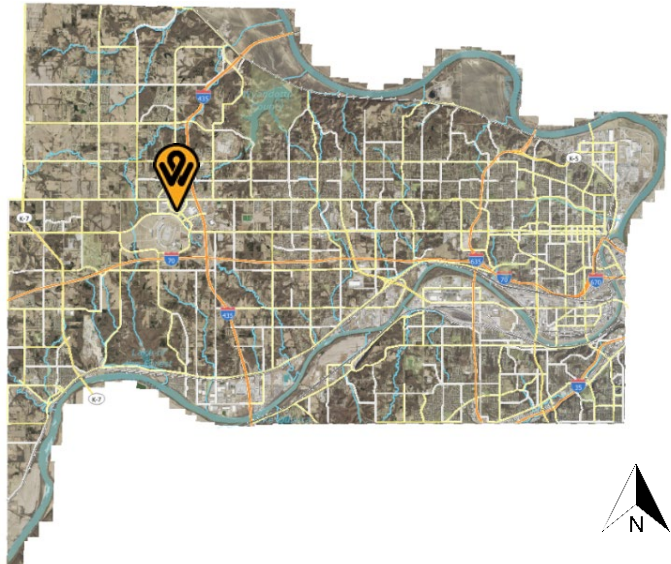
At-Large District #2 Commissioner:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):

CP-2 Planned General Business
District

Plan Area:

Prairie Delaware Piper Plan



	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	Legends Outlets
South	CP-2 Planned General Business District	Legends Outlets (Hooter's Restaurant)
East	CP-2 Planned General Business District	Legends Outlets
West	CP-2 Planned General Business District	Legends Outlets (Hooter's Restaurant)

Total Tract Size:

0.58 Acre

The subject property is located within the I-435 West Statistical neighborhood, Block group 0447031. The neighborhood consists of CP-2 Planned General Businesses surrounding the subject property to the North, East, and West. The Kansas Speedway is located to the South of the property. This area goes along The Prairie Delaware Piper Area Plan designates the subject property as Commercial / Business.

Comprehensive Plan Designation:

The Prairie Delaware Piper Area Plan designates the subject property as Commercial / Business Park, which allows major retail uses, big box centers and have stores that serve large populations, manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity.

Major Street Plan:

The goDotte County-Wide Mobility Strategy designates Village West as a Minor Arterial Street type.

Parking Requirement:

Section 27-466(f) states that in no case, however, shall less than one space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square

feet will be determined by the director of planning.

Landscaping Requirement:

Section 27-466(h) states that six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

Advertisement:

The Wyandotte Echo – None Required
Letters to Property Owners – June 20, 2025

Public Hearing(s):

July 14, 2025

Public Support:

None to date.

Public Opposition:

None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. Staff does not have access to this information currently.

Building, Zoning, or Code Enforcement Complaints:

1. SPK25-0010 – Fire Suppression – April 1, 2025 – Issued.
2. PLM25-0156 – Plumbing Permit – February 25, 2025 – Inspection Completed.
3. MEC25-0069 – Mechanical Permit – February 24, 2025 – Inspection Completed.
4. ELEC25-0070 – Electrical Permit – January 23, 2025 – Inspection Completed.
5. PLM25-0062 – Plumbing Permit – January 23, 2025 – Inspection Completed.
6. COM24-0157 – Commercial – October 30, 2024 – Inspection Completed.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. DRC22-0084 – DRC – December 19, 2022 – Inspection Completed.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Emma Ludwig, is requesting the following Variance(s) at 1717 Village West Parkway, Kansas City, Kansas 66111:

This appeal has been filed to grant a variance from the maximum number of wall signs per business. Section 27-728(b)(8)b. Table VIII-11-7.4 states that for a multi-tenant building, one (1) wall sign is allowed for each business or institution that has its own ground floor entryway or storefront. The subject building is a multi-tenant commercial space, with two (2) businesses that each have their own entrance. The appellant is requesting four (4) wall signs associated with a single tenant business (Panera Bread), a violation of three (3) wall signs.

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 appeal has been filed to grant a variance from the maximum number of wall signs per business. Section 27-728(b)(8)b, Table VIII-11-7.4 states that for a multi-tenant building, one (1) wall sign is allowed for each business or institution that has its own ground floor entryway or storefront. There are four (4) wall signs on the three (3) exterior walls of the corner commercial tenant space leased by Panera, one (1) wall sign on each exterior wall, except the south façade, where there will be two (2) signs. The building as a whole is a multi-tenant commercial building and Panera has a separate entrance for its tenant space; therefore, only one (1) wall sign is allowed for the tenant. While the second future tenant within the same multi-tenant building will have one (1) wall sign, it is not determined what signage they will need.

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

The quantity of the three (3) additional proposed wall signs are certainly more noticeable than the increase proportion of said signs; the difference between one (1) wall sign allowed for Panera and three (3) proposed signs is observable by an adjacent property owner or resident. Consistently applied, this means that a variance granted to the subject property will have an adverse effect on the adjacent properties. Therefore, the variance requested will have an adverse effect on the rights of 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.***

The strict application of the provisions of the zoning ordinance would be a hardship on the applicant due to the number signs on the subject property. There are other businesses in the Village West area, albeit prior to 2016 sign

code, which allowed multi-tenant buildings to have more than one (1) wall sign per tenant. A third and fourth wall sign, located on the rear façade that has no pedestrian access nor windows, is not necessary and therefore the denial of which does not constitute unnecessary hardship upon the property owner.

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

There are two (2) tenant spaces within the subject commercial building, each with their own separate entrances. Per the Sign Code, each tenant space is allowed a wall sign. Therefore, there are two (2) wall signs allowed on the subject building. If the requested variance is granted, then there will be a total of four (4) wall signs, an increase of 75%. The two (2) allowed wall signs match the maximum number of attached signs allowed on a façade (see Section 27-727(b), Table VIII-11-1). The variance request would place wall signs on the east and south facades rather than adding more wall signs to the north façade; while there is still a cluttering effect taking place with the number of signs on the building, Staff does not believe the request have an adverse effect on the public morals, order, prosperity, and general welfare.

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 27-728(b)(8)b, Table VIII-11-7.4 is to maintain the aesthetics of buildings within the Unified Government by limiting the number signs that can cover those buildings. As previously addressed in the analysis of Statutory Requirement #3, it is reasonable to expect that a corner tenant space with an entrance and/or storefront windows on two (2) facades would have an equivalent wall sign on each façade. A third and fourth wall sign positioned on a wall (south façade) with no public entrances and no windows, however, affects the aesthetics of the building. Therefore, while two (2) wall signs above public entrances and/or storefront windows are not opposed to the spirit and intent of the zoning ordinance, the variances as requested would be opposed to the general spirit and intent of the zoning ordinance.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 550 Stanley Road Kansas City, Kansas 66115 on June 30, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

None

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. To address the fact that Panera is on the southeast corner, would the Applicant consider applying for a projecting signs (hanging) that could be installed at the southeast corner and serve a both advertisement, wayfinding, and branding for both the east and south facades? Such a sign could potentially eliminate two (2) variances.

Applicant response: If our variance gets denied, our clients may explore this option, but they are not interested in pursuing projecting signs at this time and would like to continue with the variance request for wall signs.

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.

Applicant response: Got it, thank you!

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 **APPROVES** Case **BOZA2025-018** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **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;**
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; and,

3. 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
Sign Plans
Neighborhood Meeting Affidavit
Site Photographs taken by Planning Staff on July 1, 2025

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT:

Osiris Nunez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-018** 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 **BOZA2025-018**, 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



FIVE (5) CRITERIA SET BY STATE STATUE

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.

This is a freestanding, 4 sided property. A Panera Bread will be moving in, and they have a drive thru. Signage on multiple sides of their building is necessary for customer viability.

2

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

No adjacent property owners or residents will be adversely affected in any way by this variance being 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. No hardships of any kind will fall upon the property owner.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Correct, adding (2) extra wall signs will have no adverse affect on the health, safety, moral, order, convenience, prosperity or general welfare of the surrounding public.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. Correct, allowing 2 additional wall signs will not be opposed to the general spirit and intent of the zoning ordinance.
End of Application Please review again to ensure all applicable fields are completed. <u>Any incomplete or insufficient fields may result in your application not being processed, per Section 27-198.</u> See other required materials and information in the remaining pages of this packet.	

NEIGHBORHOOD MEETING AFFIDAVIT

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

Comes now Emma Ludwig, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # BOZA2025-018
2. That I conducted a neighborhood meeting on June 30, 2025.
3. 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.

Emma Ludwig
Affiant

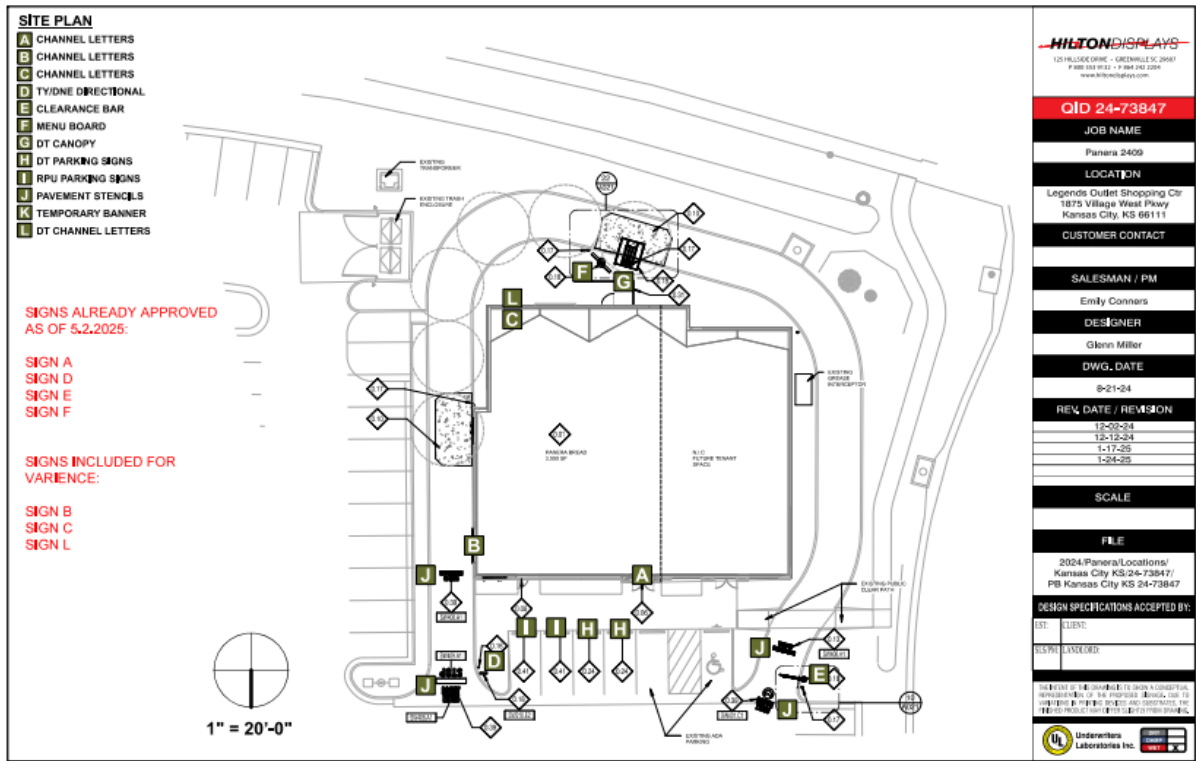
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of July
200-9
2025

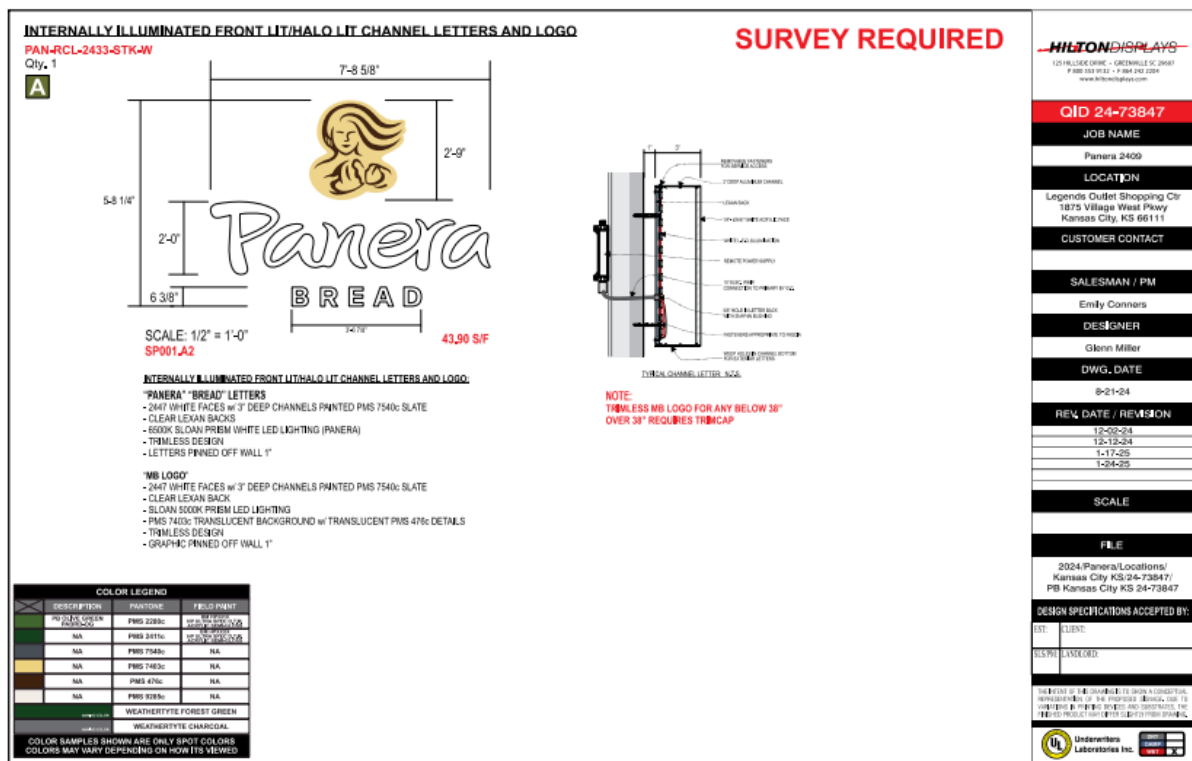
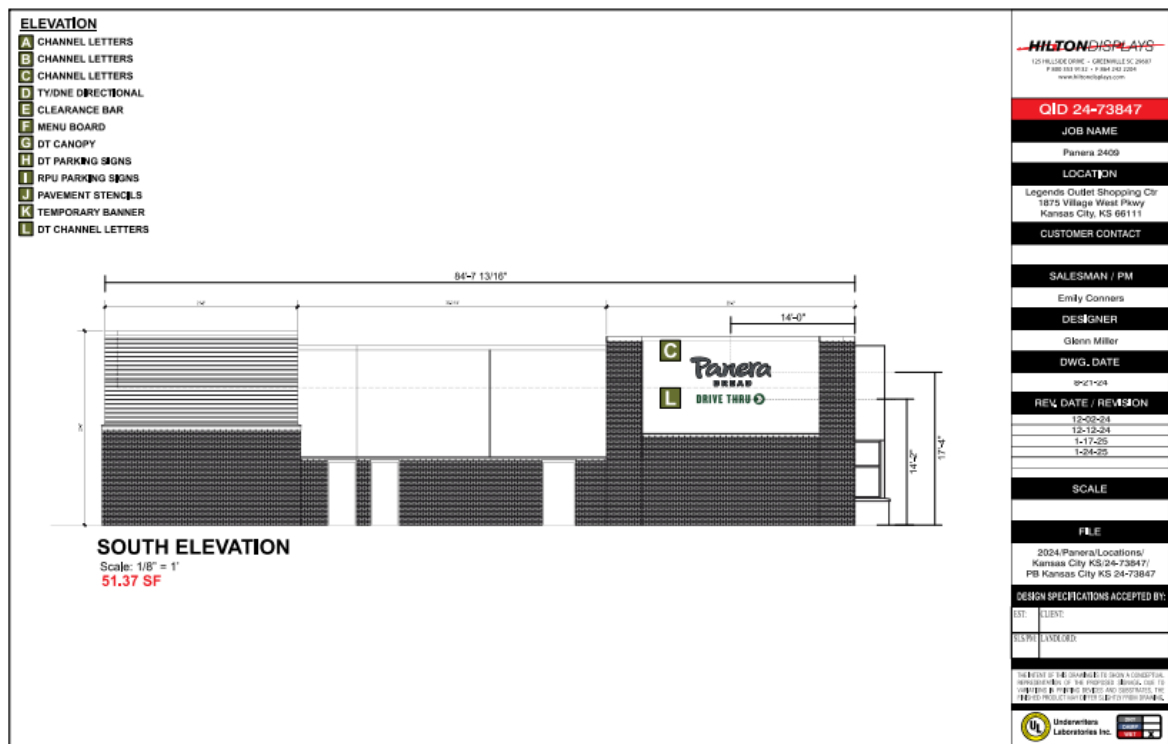
My commission expires 23rd of Sept 2028
-200-

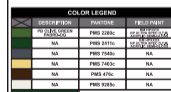
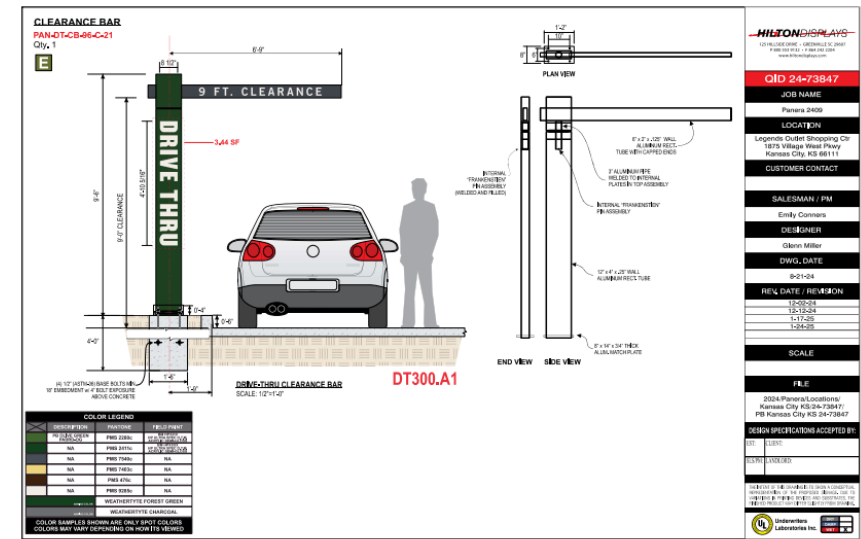
[Signature]
Notary Public

EMMANUEL RENTERIA NAJERA
Notary Public-State of Kansas
My Appt. Expires 9-23-28

SIGN PLANS







SITE PHOTOGRAPHS TAKEN BY PLANNING STAFF ON JULY 1, 2025





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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-019

GENERAL INFORMATION

Applicant Information:

Tye Zehner
Applicant
Strickland Construction
720 South Rogers Road, Suite B
Olathe, Kansas 66062

Subject Property:

2712 and 2740 North 103 Terrace
Kansas City, Kansas 66109

Requested Action and Purpose:

Approve a Variance for reduction in
off-street parking.

Commission Districts:

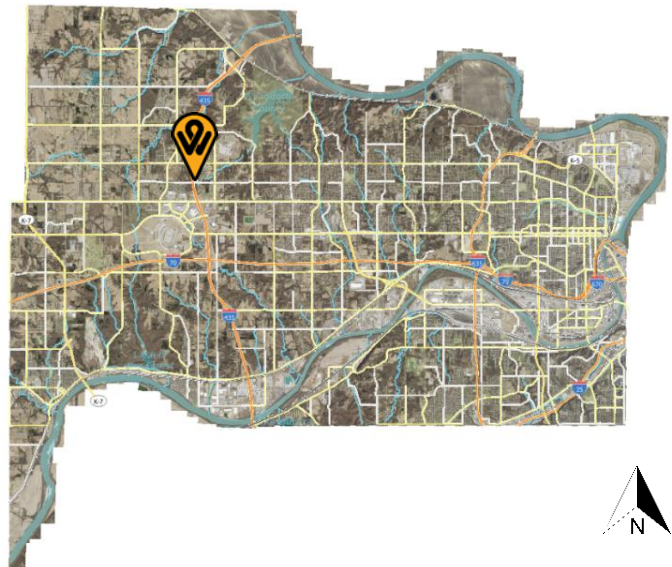
At-Large District #1 Commissioner:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):

CP-0 Planned Nonretail Business
District

Plan Area:

Prairie Delaware Piper Plan



	Adjacent Zoning	Adjacent Uses
North	CP-0 Nonretail Business District and CP-2	Landbank Property and DW Woodland LLC,
South	R-1 Single Family District	Residential Homes
East	RP-1 Planned Single Family District	Westlake Community Residential Homes
West	A-G Agriculture	Agriculture Residential Homes

Total Tract Size: 4.13 Acres

Neighborhood Characteristics: The subject property is located within the Prairie-Piper Statistical Neighborhood and Block Group 0447041. The neighborhood consists of limited business and general businesses to the North. Single-family homes abutting to the East and South. To the West, I-435 is located in addition to agriculture residences.

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates the subject property as Commercial / Business Park, which allows major retail uses, big box centers and have stores that serve large populations, manufacturing, light industrial uses, distribution-warehouse, trucking and other employment activity.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 103 Terr as a Collector Street.

Parking Requirement: Section 27-463(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. 202 parking spaces are required. The applicant is providing zero (0) parking spaces. (The applicant has applied for a parking variance, BOZA2025-019 which is scheduled to be heard on June 9, 2025).

Landscaping Requirement: Section 27-463(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.

Advertisement:	<u>The Wyandotte Echo</u> – June 19, 2025 <u>Letters to Property Owners</u> – June 20, 2025
Public Hearing(s):	July 14, 2025
Public Support:	None to date.
Public Opposition:	None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. Staff does not have access to this information at the moment.

Building, Zoning, or Code Enforcement Complaints:

1. ABT21-3075 – October 11, 2021 – Completed – Abatement - Mailing List.
2. ABT21-3075 – May 13, 2020 – Completed – Abatement.
3. 19212-00557 – August 26, 2019 – Completed – Code-Environment.

Outstanding or Related Permit and Cases:

1. 2025 – COZ2025-017 – Change of Zone from CP-0 Planned Nonretail Business District to CP-3 Planned Commercial District.
2. 2025 – PLAT2025-022 – Plat for one (1) commercial lot.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tye Zehner with Strickland Construction, is requesting the following Variance at 2712 and 2740 North 103 Terrace:

This appeal has been filed to grant a variance from the minimum parking requirement for a self-storage facility in the CP-3 Planned Commercial District. Section 27-467(e) states that the 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. The Appellant requests zero (0) parking spaces, a violation of 202 parking spaces.

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 approximately 4.13 acres located in the eastern portion of the Piper area. The proposed development will be on the southern edge of commercial zoned property on North 103rd Terrace between Leavenworth Road to the north, Georgia Avenue to the south, I-435 to the west and a commercially zoned (CP-0 District) to the east. 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 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, specifically those single-family residences along Georgia Avenue and the single-family neighborhood off North 102nd Terrance North 103rd Street, especially when guests come from the south from Georgia Avenue via 99th Street or 107th Street instead of the north from Leavenworth Road.

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 will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, although the siting of the proposed self-storage facility is better suited near Leavenworth, which has direct access to I-435 rather than Georgia Avenue, which is a Collector street.

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 approximately 100% of their required parking. The applicant must demonstrate that zero (0) parking spaces are 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 Microsoft Teams on June 26, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

None

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-017 and PLAT2025-022. 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 BOZA2025-019 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-0 Planned Nonretail Business District.

Applicant Response: Agreed.

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

Applicant Response: Below are a few examples of the self-storage facilities that Strickland Construction has constructed that are similar to the Legends Storage Garage project. Strickland Construction has worked on many self-storage facilities in the area, a full list can be found at <https://stricklandconstruction.com/self-storage/>

Facility Name	Facility Address	Facility Building Area (square feet)	Number of Parking Stalls Provided
<i>StorTropolis Self Storage – Shawnee</i>	<i>20500 West 66th Terrace, Shawnee, KS 66218</i>	<i>112,000</i>	<i>One (1) ADA, five (5) Standard: Six (6) Total</i>
<i>Attic Storage of Parkville</i>	<i>16035 MO-45, Parkville, MO 64152</i>	<i>108,000</i>	<i>1 ADA, 6 Standard: 7 Total</i>
<i>Storyropolis</i>	<i>19585 West 102nd Street, Lenexa, KS 66220</i>	<i>110,000</i>	<i>Three (3) ADA, 7 Standard: 10 Total</i>

4. Seeing has there is zero (0) off-street parking provided for guests, where will customers park their vehicles to access their unit? Zero (0) parking spaces appear to be inadequate for this facility.

Applicant Response: The design has been updated to include one (1) van ADA parking stall and six (6) standard parking stalls, for a total of 7 parking stalls.

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) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- B) 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** Case **BOZA2025-019** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-017 and PLAT2025-022. 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 BOZA2025-019 by the Board of Zoning Appeals;**

2. 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 three (3) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
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;
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;
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 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;
6. 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;
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;
 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; and,

15. 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
Neighborhood Meeting Affidavit
Preliminary Plat
Application
Comments for Staff Draft Report
Site Photographs taken by Planning Staff on July 1, 2025

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT:

Osiris Nunez Espinoza
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-019** 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:

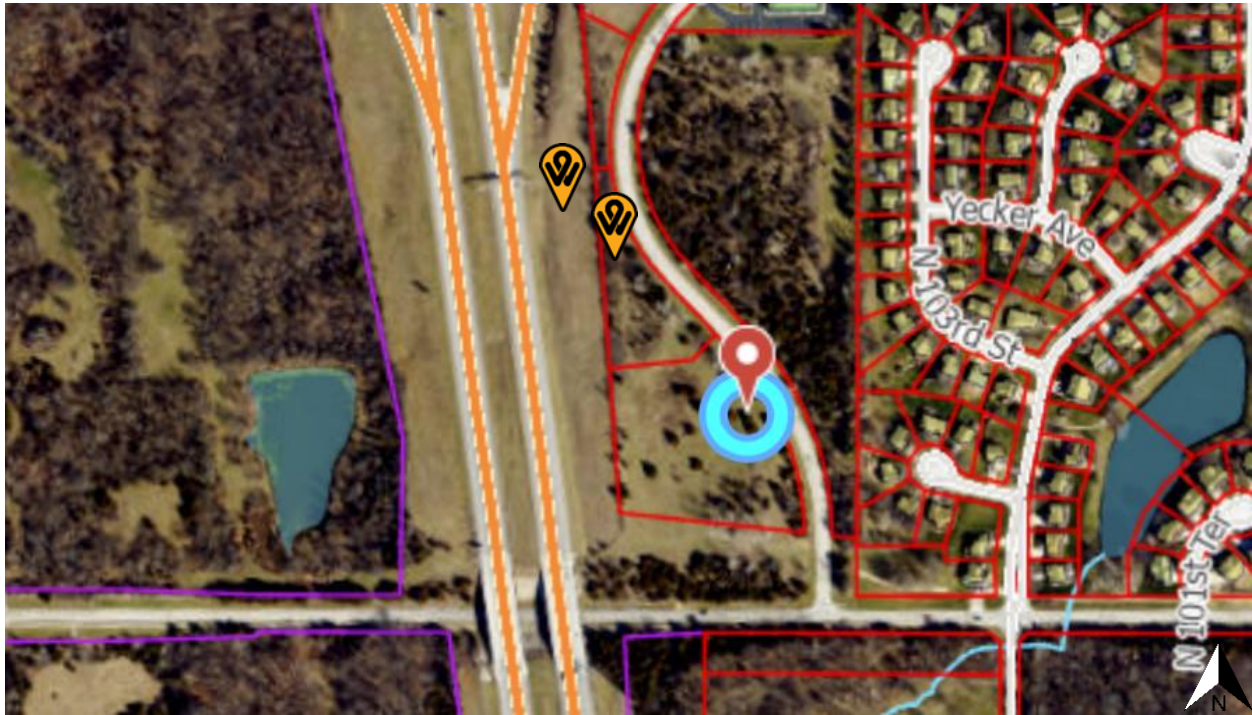
1. _____;
2. _____; And
3. _____.

OR

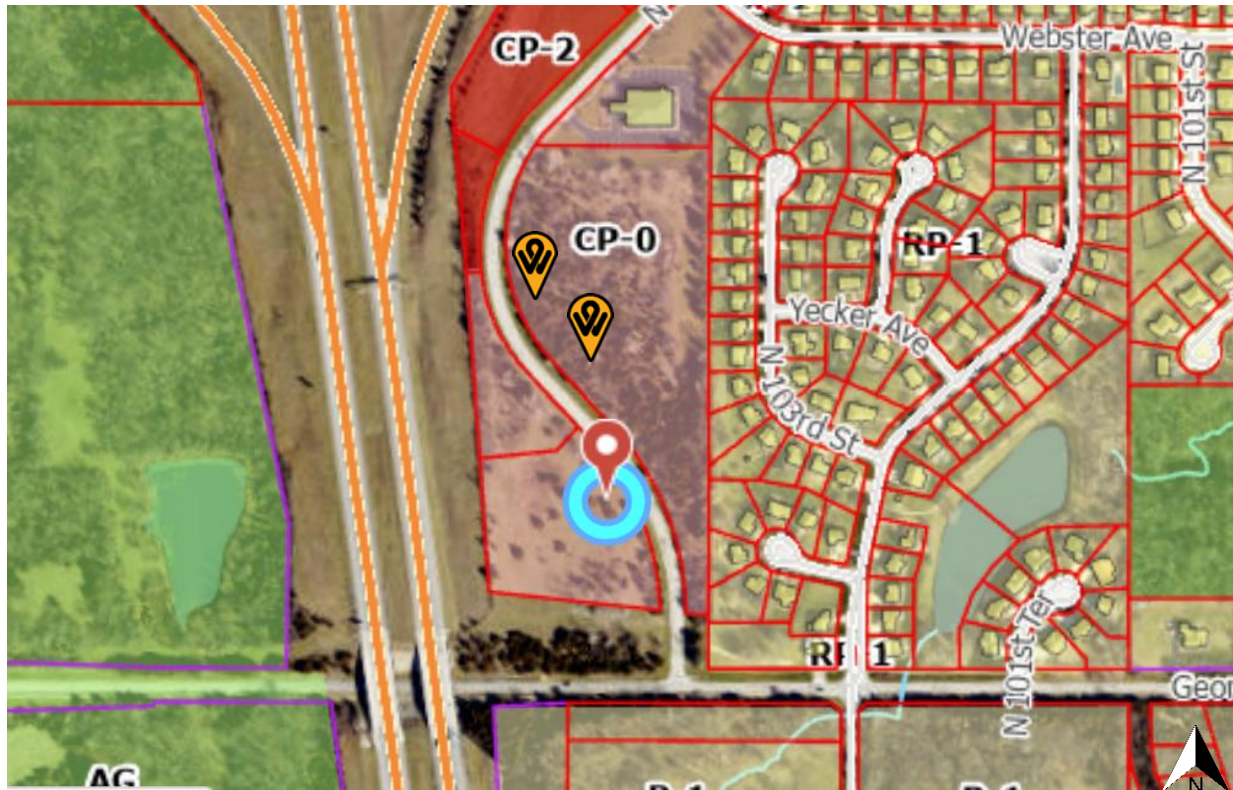
I move the Board of Zoning Appeals **DENY** Case **BOZA2025-019**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

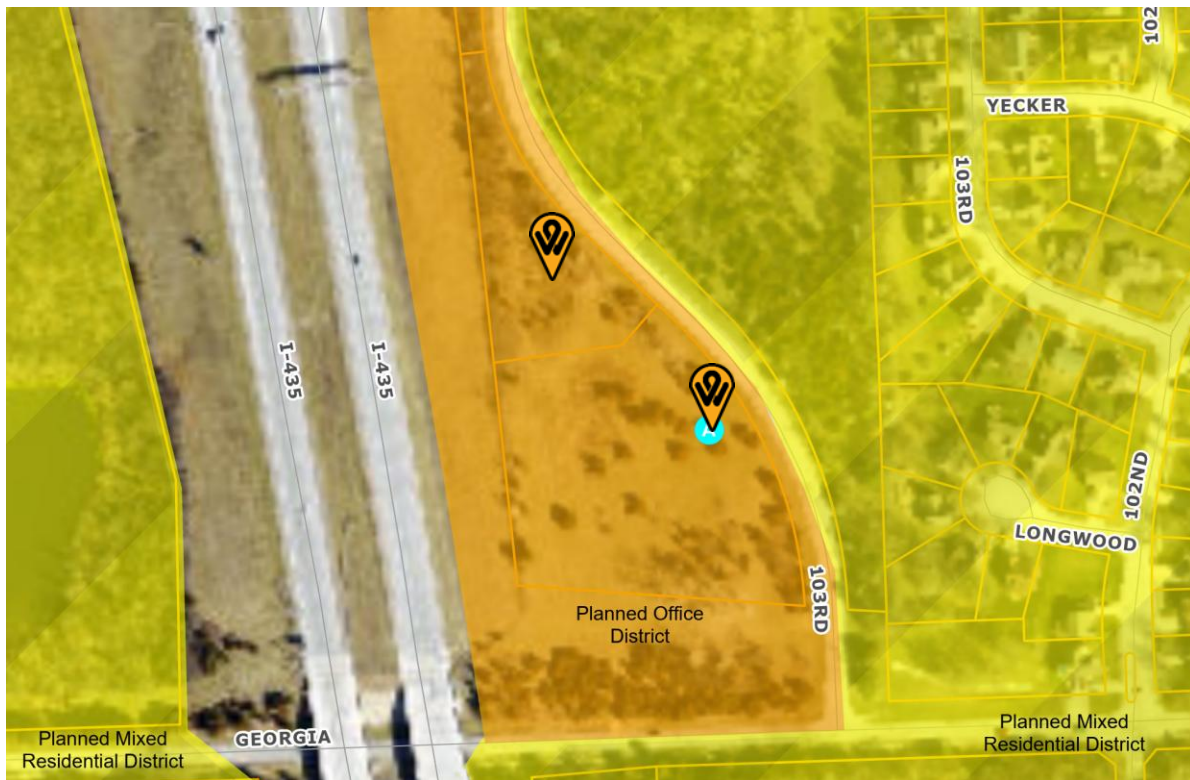
AERIAL IMAGERY



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.

Unlike retail, offices, or other ordinary commercial uses, storage facilities don't typically have a large influx of customers at specific times. Temporary loading/unloading space has been provided in front of the individual units to provide better access for this type of use.

2

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

There will be no negative affects to the adjacent property owners or residents if this variance is granted. There is ample space for loading/unloading on site and for vehicle and fire turning movements.

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 size, layout, and location of the site makes providing the parking stalls per code very difficult, if not impossible for the project.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. There will be no negative affects to the public health, safety, morals, order, convenience, prosperity, or general welfare if the variance is granted. The site provides enough space for vehicles to gain access, load and unload, and vehicle turning movements to not have affects outside of the property.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. Storage facilities differ significantly from standard commercial uses in terms of parking demand. These facilities typically experience low and sporadic customer traffic, without the peak-hour influx common to retail or office uses. Granting this parking variance would allow the property owner to reduce the overall development footprint to fit within the site's physical constraints, while still meeting the functional needs of the storage facility and its users. The proposed parking arrangement is consistent with the operational characteristics of storage facilities and will not negatively impact surrounding properties or generate excessive traffic or demand for on-street parking.
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.	

NEIGHBORHOOD MEETING AFFIDAVIT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Tye Zehner, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ2025-017.
2. That I conducted a neighborhood meeting on June 26, 2025.
3. The notice to nearby property owners was sent on June 12, 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.

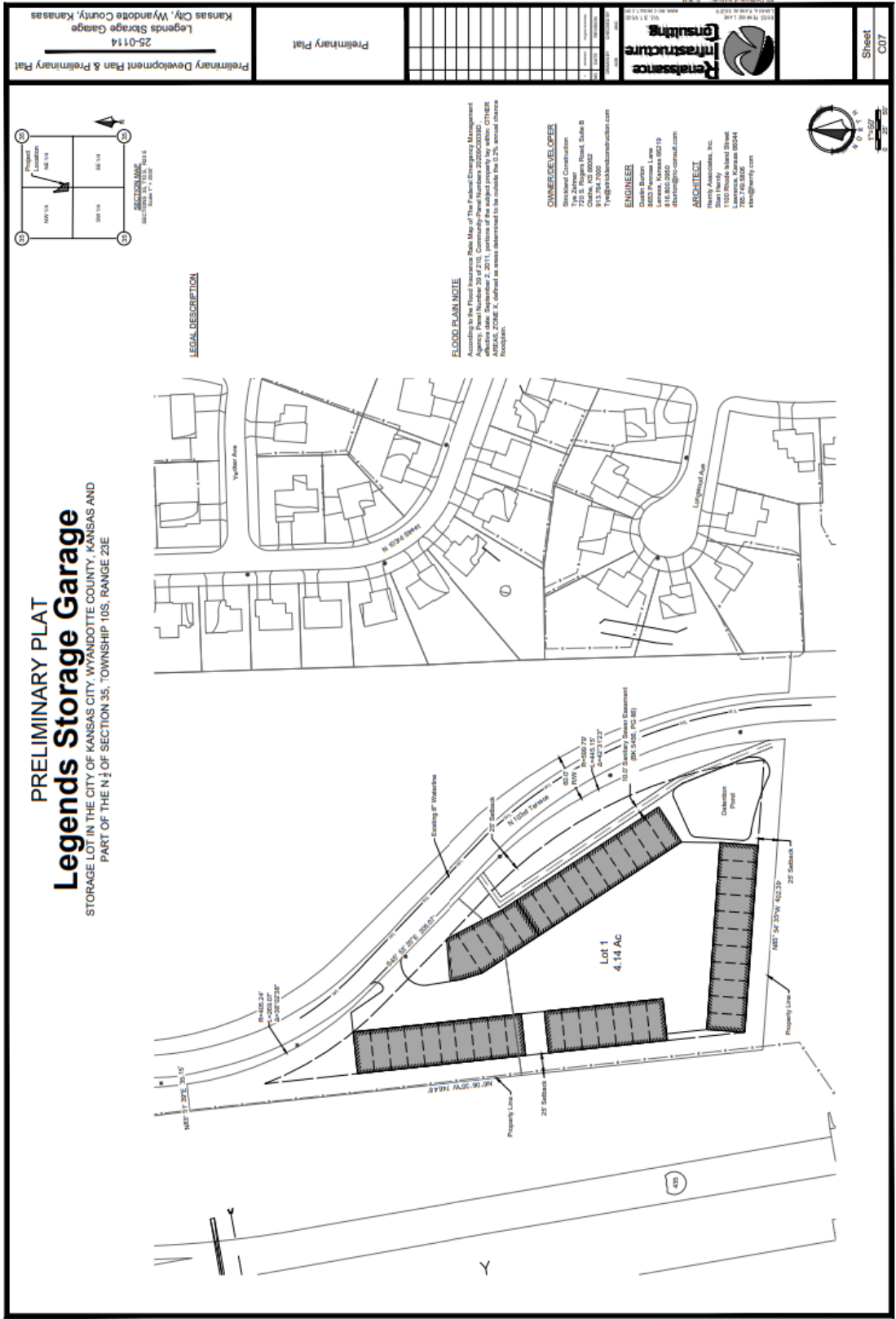
Tye Zehner
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of June, 2025.

My commission expires 15 of July, 2026.

Deidra L Smith
Notary Public
State of Kansas
My Comm Exp 7/15/2026

Deidra L Smith
Notary Public



COMMENTS FOR STAFF DRAFT REPORT



132 Abbie Ave.
Kansas City, KS 66103
P: 913.317.9500
ric-consult.com

June 30, 2025

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

RE: Board of Zoning Appeals Petition BOZA2025-019

Ms. Espinoza,

We have received draft comments received June 24, 2025 on the proposed self-storage facility located at 2712 and 2740 North 103rd Terrace for the above referenced project. The project team has reviewed the comments and have the following responses or summary of revisions:

STAFF COMMENTS AND SUGGESTIONS

Planning Urban Design Comments:

1. This Board of Zoning Appeals petition is being heard in conjunction with COZ2025-017, and PLAT2025-022. 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 BOZA2025-019 by the Board of Zoning Appeals.

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-0 Planned Nonretail Business District.

Response: Agreed.

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

Response: Below is a few examples of the self-storage facilities that Strickland Construction has constructed that are similar to the Legends Storage Garage project:

Facility Name	Facility Address	Facility Building Area (square feet)	Number of Parking Stalls Provided
StorTropolis Self Storage – Shawnee	20500 W 66th Terrace Shawnee, KS 66218	112,000	1 ADA, 5 Standard 6 Total
Attic Storage of Parkville	16035 MO-45 Parkville, MO 64152	108,000	1 ADA, 6 Standard 7 Total
Storyropolis of Lenexa	19585 W 102nd Street Lenexa, KS 66220	110,000	3 ADA, 7 Standard 10 Total

Strickland Construction has worked on many self-storage facilities in the area, a full list can be found at <https://stricklandconstruction.com/self-storage/>

4. Seeing as there is zero (0) off-street parking provided for guests, where will customers park their vehicles to access their unit? Zero (0) parking spaces appear to be inadequate for this facility.

Kansas City, Missouri | Riverside, Missouri | Kansas City, Kansas | Lenexa, Kansas | Denver, Colorado

Response: The design has been updated to include 1 Van ADA parking stall and 6 standard parking stalls, for a total of 7 parking stalls.

Planning Engineering Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. None

Response: Acknowledged.

2. Items that are conditions of approval:

- a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: Acknowledged. No comments have been received yet.

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

- a. None

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 (910) 537-5750 or signpermits@wycokck.org to begin this process.

Response: Acknowledged.

2. 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 three (3) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).

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.

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.

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 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.

Response: Acknowledged. The BPU transformer will have appropriate screening.

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) 573-8780 or businesslicense@wycokck.org;

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;

Response: Acknowledged

8. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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 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;

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;

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;

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; and,

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, 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 the issuance of a Final CO.

Response: Acknowledged

If you have any further questions, or if we can be of any assistance, please do not hesitate to contact us.

For the Firm,



RENAISSANCE INFRASTRUCTURE CONSULTING
Dusty Burton, PE
Project Manager

SITE PHOTOGRAHS TAKEN BY PLANNING STAFF ON JULY 1, 2025





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: July 14, 2025

Re: Board of Zoning Appeals Petition BOZA2025-020

GENERAL INFORMATION

Applicant Information:

Brandon Clapp
Enceladus Investments LLC
3839 South Broadway
Englewood, CO 80113

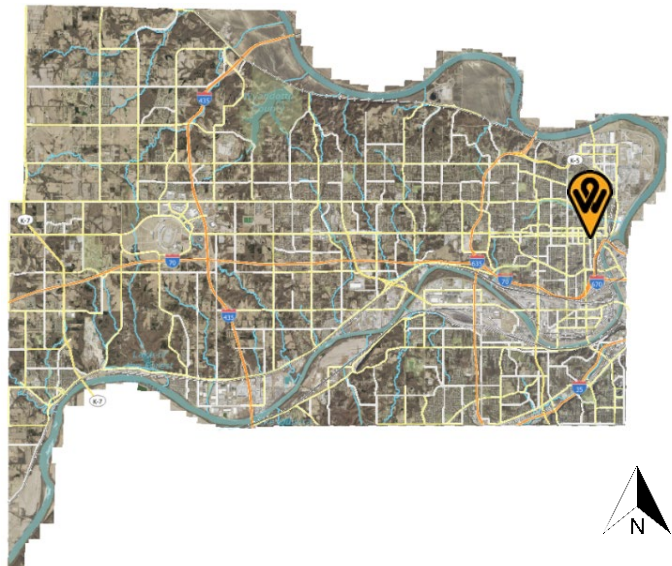
Subject Property:

849, 851, and 855 Sandusky Avenue
Kansas City, KS 66101

Requested Action and Purpose:

This appeal has been filed to separate three (3) existing apartment buildings into three (3) individual lots. Section 27-460(c)(2)b. requires a setback of not less than 10 feet between any building and any property. The Appellant is requesting a side yard, interior setback of 3.95 feet along the east property line of Lot 31A, a violation of 6.05 feet; 3.79 feet between Lot 31A and Lot 32A, a violation of 6.21 feet; and 3.73 feet between Lot 32A and Lot 33A.

Section 27-460(c)(2)c. requires a setback of not less than 25 feet from any public street. The Appellant is requests Lot 33A a side yard, corner setback of 21.42 feet, a violation of 3.76 feet.



Section 27-460(c)(3) states the lot area shall not be less than 1,500 square feet per dwelling unit; provided, however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space. The Appellant requests Lot 31A to have 4,232 square feet, a violation of 1,768 square feet, Lot 32A to have 4,304 square feet, a violation of 1,696 square feet, and Lot 33A to have 4,529 square feet, a violation of 1,471 square feet.

Section 27-460(c)(2)e requires a setback of not less than 25 feet from any street line and not less than six (6) feet from any other property line. The Appellant is requesting a parking lot with a setback of five (5) and nine (9) inches from the front property line and 20 feet and nine (9) inches from the street line, a violation of three (3) inches and four (4) feet and three (3) inches, respectively.

Commission Districts: Commissioner At-Large, District #2: Tom Burroughs
Commissioner District #2: William (Bill) Burns

Existing Zoning District(s): RP-5 Planned Apartment District

Comprehensive Plan Area: Central Area Plan

	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family homes
South	R-1(B) Single Family District	Single-family homes
East	R-1(B) Single Family District	Single-family home
West	R-1(B) Single Family District	Single-family home

Total Tract Size: 0.30 Acre

Neighborhood Characteristics:	The subject property is located within the Riverview Statistical Neighborhood and Census Block Group 0420011. This property is within the Riverview Neighborhood Group. The neighborhood consists primarily of single-family, detached homes.
Comprehensive Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows a mixture of detached and attached residential, specifically single-family homes, townhomes, duplexes, triplexes, fourplexes, institutional uses such as schools, churches and libraries.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates North 9 th Street and Sandusky Avenue as Local Streets.
Parking Requirement:	Section 27-460(d) One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 12 legal, non-conforming parking spaces are provided, as these apartment buildings were built in 1961, prior to the current 1984 standard for parking.
Landscaping Requirement:	Section 27-460(f) Trees are required at not less than one per 4,500 square feet of site area. Three (3) trees are required.
Advertisement:	<u>The Wyandotte Echo</u> – June 19, 2025 <u>Letters to Property Owners</u> – June 20, 2025
Public Hearing:	July 14, 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. Numerous Property Maintenance Compliance citations between 2007 – 2024 for fire damage, weeds/grass, trash, graffiti, boarded windows, lien tax role, and structural violations (posted unfit). Cases are closed except for UNF24-0231 (posted unfit) for 849 Sandusky Avenue, where an extension was granted on May 13, 2025, as building permits were approved, and inspections are ongoing.

Outstanding or Related Permit and Cases:

1. PLAT2025-020 – Prosper Park Preliminary and Final Plat for three (3) lots (scheduled to be heard by the City Planning Commission on July 14, 2025).
2. Numerous Building, Electrical, Mechanical, Plumbing, Gas and Safe to Restore permits for interior remodel issued by the Building Inspection Division between 1999 and 2024.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brandon Clapp with Enceladus Investments LLC, is requesting a variance from the Board of Zoning Appeals for side yard interior, side yard corner, and parking (paving) setbacks and non-vehicular open space at 849, 851, and 855 Sandusky Avenue.

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.***

Variances 1 – 4: These variance requests have been filed to grant a variance from the lot size and setbacks, as well as the setback requirements of the RP-5 District. The newly created lots have existing, legally non-conforming apartment

buildings, which is a condition unique to the subject property. Aside from improving the parking surface from gravel to asphalt or concrete, no additional development is planned. Merely subdividing the subject property in order to address the existing non-conformities is not considered an action of the property owner or applicant.

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

Variances 1 – 4: All variances requested represent a reconciliation between the existing development and the conditions thereby created, and the current requirements of the Zoning Code, which are triggered by the Preliminary and Final Plat of the subject property. Variances 1, 2, and 3 involve existing conditions and no future development. Therefore, they are conditions which have been in place for years. Not only have adjacent property owners had notice as to the uses, site layout, size, and density of the subject property, but there will be no changes to these aspects of the subject property, addressed in Variances 1, 2, and 3. While parking and maneuvering improvements are occurring at part of Variance 4, it is in an effort to maintain the same level of non-conformity as before. The improved parking lot will provide dedicated on-site parking for the residents of Lots 31A, 32A and 33A, and thus will not have any effect on adjacent property owners or residents.

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.*

Variances 1 – 4: Strict application of the provisions of the zoning ordinance would prevent the subject property from being replatted and subdivided to allow for the three (3) apartment buildings to split into separate parcels. This is because the size and dimensions of the subject property simply do not meet the requirements of 27-460(c), regardless of any proposed subdivision. Therefore, strict application would prevent the buildings from being sold, individually and thus constitutes unnecessary hardship upon the property owner.

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

All variances requested represent a reconciliation between the existing development and the conditions thereby created, and the current requirements of the Zoning Code, which are triggered by the Preliminary and Final Plat of the subject property. They involve existing conditions and no future development. Therefore, they are conditions which have been in place for years. Not only has the greater community had notice as to the uses, site layout, size, and density of the subject property, but there will be no changes to these aspects of the subject property, addressed in Variances 1 – 3. While parking lot improvements are occurring as part of Variance 4, it is in an effort to maintain the same level of non-conformity as before. The proposed parking lot will provide dedicated on-

site parking for the residents of all three (3) buildings, and 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 spirit of Section 27-460(c)(2) is to ensure that each residential property has sufficient space between buildings for ingress/egress, light, open space and fire protection. The buildings are existing and have legal non-conforming status; they are also arranged with setbacks similar to other nearby buildings and fit into the overall design of the neighborhood. Therefore, the variances are not opposed to the general spirit and intent of the zoning ordinance.

Additionally, the majority if the single-family residences in the neighborhood have front-loaded driveways whereas the proposed parking lot improvements for these buildings will be in the rear of the property, off the alley.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Google Meet on June 30, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Subdivision Code
Zoning District Regulations

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Board of Zoning Appeals petition is being heard in conjunction with PLAT2025-020. 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 BOZA2025-20 by the Board of Zoning Appeals.
2. A cross-access easement needs to be illustrated on the plat in the rear of the property for vehicles to maneuver in the parking lot and in between Lots 1 through 3 to access the stairs to the second story apartments units.
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat.
4. Utility easements shall connect with easements established in adjoining properties.

5. The existing 12 parking spaces denoted on the aerial plans are legal, non-conforming as these apartments were constructed in 1961, prior to the 1984 RP-5 parking requirement.
 - a. Section 27-669(a) Standard parking stall dimensions shall be not less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Submit a proper scaled and dimensioned the site plan that depicts the parking stalls and maneuvering area accordingly.
 - b. The setback from the west street line (North 9th Street) is 25 feet. The setback from the east and south property lines are six (6) feet.
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way.
7. Three (3) trees are required to be planted, one (1) on each lot.
8. Restore the sidewalks leading from Sandusky Avenue to the middle of each building.

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) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - 2) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised documents in accordance with County Surveyor comments.
- 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 BOZA2025-020** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **This Board of Zoning Appeals petition is being heard in conjunction with PLAT2025-020. 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 BOZA2025-20 by the Board of Zoning Appeals;**
2. **A cross-access easement needs to be illustrated on the plat in the rear of the property for vehicles to maneuver in the parking lot and in between Lots 1 through 3 to access the stairs to the second story apartments units;**

3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. The existing 12 parking spaces denoted on the aerial plans are legal, non-conforming as these apartments were constructed in 1961, prior to the 1984 RP-5 parking requirement.
 - a. Section 27-669(a) Standard parking stall dimensions shall be not less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space.
 - b. The setback from the west street line (North 9th Street) is 25 feet. The setback from the east and south property lines are six (6) feet;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way;
7. Three (3) trees are required to be planted, one (1) on each lot;
8. Restore the sidewalks leading from Sandusky Avenue to the middle of each building;
9. Section 27-286 Subdivision proposals shall be designed to assure that all such proposals are consistent with the need to minimize flood damage, that all Public Utilities and facilities, such as sewer, gas, electric electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage and that adequate drainage is provided so as to reduce exposure to flood hazards. Subdivision shall be designed in accordance with the standards established in Article XXII, Division V, Subdivision III of this Chapter;
10. Section 27-317(a) Electrical power, telephone service, and cable television shall be provided by underground wiring for all new wiring;
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;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. 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;
14. 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;
and,
15. 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 State Statute
Neighborhood Meeting Documents
Preliminary Plat
Final Plat
Floor Plan
Building Elevations

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	July 14, 2025

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2025-020** 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 **BOZA2025-020**, 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.

The current lot size doesn't allow for the required 2 parking spaces per unit; however, we can provide 12 off-street parking spaces.

The corner lot allows for alley access.

2

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

This request does not adversely affect the adjacent property. This is a corner location

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. which is needed to secure permanent financing for this multifamily project

4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. No, This abandoned location can be redeveloped to provide affordable housing and increase tax revenue for the city.

5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. NO

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.

Minutes of Sandusky BOZA application

June 30th 2pm CST.

No one joined live. No one who actually owns a property joining on the call.

Notes were taken by Voice notes by Vanessa Goodheart

Participants:

- Franciscus (attendee, calling in from Bay Area, CA)
 - Brandon (organizer/representative)
-

Main Topics Discussed

1. Meeting Attendance and Introductions

- Franciscus joins remotely, clarifies he is attending for the first time and is not local.

2. Purpose of the Meeting: Variance Request

- Brandon explains the meeting concerns a variance request related to three 4-plex buildings located at address number 8644.
- The property currently consists of a 12-unit complex on a single lot.
- The owners aim to subdivide the property into three separate lots (one building per lot) to access different financing options.

3. Details of Requested Variances

- Variance 1: Setback requirements
- Variance 2: Parking requirements
 - Current zoning requires 1.5 parking spaces per unit, but there is currently one space per unit, with additional street parking available.

4. Impact on Neighborhood

- No structural changes or demolition planned; existing buildings and parking will remain unchanged.
- The subdivision is purely administrative for financing purposes, with no alteration to the neighborhood, parking, or traffic impacts.
- Six of the twelve units are reportedly occupied after renovations of the previously neglected buildings.

5. Clarifications and Reassurances

- Franciscus mainly wanted assurance there would be no negative effects on local property, parking, or traffic.
 - Brandon confirms that nothing about the buildings or parking arrangement is changing, and that everything remains within existing zoning and usage.
-

Action Items and Follow-up

- Franciscus provides required contact information for city documentation.
 - No additional questions or concerns were raised.
 - Meeting concludes amicably, with appreciation expressed by attendees.
-

Relevant Dates & Figures:

- Address discussed: 8644 (presumably referring to the property in question)
 - Units involved: 12 (three buildings, each a four-plex)
 - Parking: 1 space/unit + street parking; zoning calls for 1.5 spaces/unit
 - Meeting Date: prior to or on June 30, 2025
-

Summary:

This meeting was held to inform and document community response regarding a subdivision and variance request for an existing 12-unit residential complex at 8644. The request seeks city approval for setbacks and parking to allow for the property to be split into three lots for improved financing, with no changes to structures or parking. Attendees were reassured that no alterations affecting the neighborhood would occur.



Transcription

Brandon0:00

Hello?

Franciscus0:01

You can hear me? Am I on mute now? I'm on. Someone joined here. Franciscus. Yeah, Franciscus. Let me write your name down. Can you hold this? Is that your. Is that your first name?

Meeting Attendee0:29

Yeah.

Franciscus0:36

What's your last name or his last name? X, A, B, E, R, I, U, S. And what address are you guys located? 8644. There we go. 864. Sorry, what's that? Okay. And do you have any questions regarding what we're doing over here?

Meeting Attendee1:29

So I guess I was just curious because this is my first time attending this kind of meeting and I'm not personally located for there because I'm from. I'm in the Bay area in California. So I was just calling in, you know, curious to see like, you know, how, you know, what kind of informations I'll get here.

Brandon1:46

Sure. So my is Brandon. And, and what, and what we're doing is we. We have a request for a variance for setbacks and for parking the buildings. There's three, four plex buildings here and they're not changing. We are actually in the process of subdividing the building so we can get some different financing as opposed to having it be one 12 unit complex. And so we are asking the city a variance on the setback and then also a variance for the parking requirement. So the existing parking's here, the buildings are here. We're not looking to change anything. We're just. We're just subdividing the lots. So the units are. Or so the buildings are on one individual lot as opposed to three lots.

Meeting Attendee2:45

I see. Okay.

Brandon2:48

So. So nothing changes. We're not, we're not scraping anything. We're not turning anything down. Everything's. Everything stays the same. Just literally taking it from one, one lot to being three separate lots.

Meeting Attendee3:04

Oh, okay. Got it.

Brandon3:06

So that's, that's the. What we're doing.

Meeting Attendee3:11

Okay, good to know. So it's not going to affect anything in the neighborhood?

Brandon3:15

No, no. I mean, yeah, I mean, I mean these buildings set for about five years and so we bought them last year and we're renov. We have tenants in I think six of the units. And so, you know, we're making a building that was a flight on the community. We're making it. Good.

Meeting Attendee3:37

Okay, Sounds good. That's great.

Brandon3:40

Yeah. Do you. Do you have any other questions?

Meeting Attendee3:45

No, I think that's really like, you know, I just want to make sure that I understand because I've never been into to kind of this kind of process before.

Brandon3:51

Okay.

Meeting Attendee3:51

But. But that's you know, that's helpful to know because I wasn't sure if there's any changes around, you know, like that's going to affect, like, my property. Really? Like parking or like traffic sort of like anything like that?

Brandon4:03

No, but it's good to know. Yeah, I mean, like, every unit here has one space in the back, and then there's street parking, and that's what it's zoned for. Right now, the existing building department calls for one and a half spaces per unit, which is kind of an odd number, but it's. I mean, you know, but we have one space per unit and then the rest is street parking, which is the zoning for that. And so there's nothing that is changing. So.

Meeting Attendee4:31

Okay. All right, great. Thank you for confirming that. I appreciate it.

Brandon4:36

No worries.

Franciscus4:36

Can I get your phone number for our sign in sheet here that I have to turn into the city?

Meeting Attendee4:42

Yeah, it's a four one, 533-533-55-866866.

Franciscus4:55

Okay, perfect. Thank you so much.

Meeting Attendee4:58

All right, thank you both. Appreciate it.

Brandon5:00

Thank you. Have a great day.

Meeting Attendee5:02

You too. Bye.

Franciscus5:03

Bye.

Brandon5:03

All right, bye.







[illegible]

[illegible]

[illegible]