



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, August 11, 2025

6:00 PM

1 CALL TO ORDER/ROLL CALL

2 BOARD OF ZONING APPEALS STATEMENT

3 AGENDA

3.1 Zoning Appeal Application(s)

3.1.1 BOZA2025-021 - JYAN HARRIS

Synopsis: Variance from Section 27-593(b)(18) for minimum separation distance of 1,300 feet between a new liquor store and any existing or proposed liquor store, church, school, or public park at 1839 North 18th Street (in conjunction with SP2025-039).

Tracking #: 21839

4 Adjourn

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Office of the Clerk by emailing or calling UGclerkrequest@wycokck.org or 913-573-5260 at least 48 hours in advance of the meeting.

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

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

Attorney General.

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

Meeting ID:861 9064 3051

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

Join via audio:

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

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Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
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Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: August 11, 2025

Re: Board of Zoning Appeals Petition BOZA2025-021

GENERAL INFORMATION

Applicant Information:

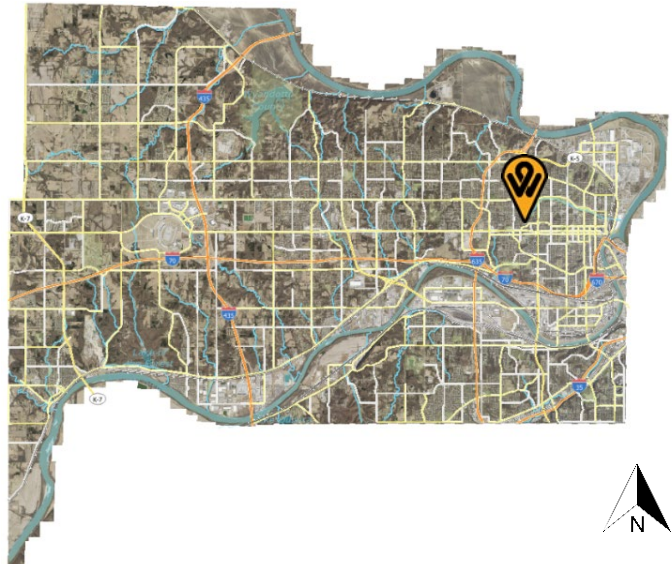
Jyan Harris
1839 North 40th Street
Kansas City, Kansas 66102

Subject Property:

1863 North 18th Street
Kansas City, Kansas 66104

Requested Action and Purpose:

Approval of Variance for minimum separation distance of 1,300 feet between any existing or proposed liquor store, church, school, or public park for a proposed liquor store.



Commission Districts:

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

Existing Zoning District(s):

CP-1 Planned Limited Business
District

Plan Area:

Northeast Area Master Plan



	Adjacent Zoning	Adjacent Uses
North	R-2 Two Family District	Mixed-use building and single-family home
South	R-2 Two Family District	Single-family home and vacant lot
East	R-2 Two Family District	Single-family home
West	R-2 Two Family District	Single-family home and vacant lots

Total Tract Size: 0.11 Acre

Neighborhood Characteristics: The subject property is located within the West Kansas City neighborhood, Neighborhood Census Block Group 0412001. The neighborhood consists of single-family homes and duplexes. To the west, North 18th street is located and to the north of the subject property Garfield Avenue is located.

Comprehensive Plan Designation: The Northeast Area Plan designates this property as Lower-Medium Density Residential. Lower-Medium Density Residential is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates 18th Street as a Minor Arterial.

Parking Requirement: Section 27-464(e) states that the uses in this district require paved off-street parking spaces at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.

Landscaping Requirement: Section 27-464(d) states that trees are required at not less than one per 7,000 square feet of site area. Six (6) foot high architectural or landscape screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

Advertisement:	<u>The Wyandotte Echo</u> – June 19, 2025 <u>Letters to Property Owners</u> – June 20, 2025
Public Hearing(s):	August 11, 2025
Public Support:	None to date.
Public Opposition:	None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. Staff is unable to access this information at this time.

Building, Zoning, or Code Enforcement Complaints:

1. GRA20-0003 – Graffiti – 11/30/2020 – Closed.
2. 19220-00242 – Graffiti – 04/29/2019 – Completed.

Outstanding or Related Permit and Cases:

1. 2025 – SP2025-039 – Special Use Permit for a liquor store.

Previous Planning Actions:

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jyan Harris, is requesting to build a liquor store at 1863 North 18th Street and requests the following Variances:

Section 27-593(b)(18) requires a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. The subject property is approximately 374 feet from Macs Park, a violation of 926 feet, 621 feet from Jersey Creek Park West, a violation of 679 feet, and 837 feet from Westheight Park, a violation of 463 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 appeal has been filed to grant a variance from the minimum allowed distance between a new liquor store and any existing or proposed liquor store location, place of worship, school, or public park. The subject property is within 1,300 feet of three (3) parks. While the Applicant's representative has stated that the property was previously a liquor store, which based on previous business licenses occurred between 1999 – 2008, the Applicant's representative still fails to present a reason for why this condition is unique to the subject property. The condition under which the need for the variances arises is the distance between the subject property and Westheight Park, Macs Park and Jersey Creek West Park; Applicant has not sufficiently addressed why this condition is unique. The Applicant, however, is requesting a variance before converting the vacant building into the liquor store building, thereby not taking an action under which a unique condition of the subject property may arise.

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

The subject property is within 1,300 feet of—but is not adjacent to—three (3) parks. The adjacent property to the west is vacant, undeveloped parcels, therefore granting the variance would not adversely affect this adjacent parcel. The parcels to the south and east, however, are single-family homes that share rear yard property lines with the subject property, across an alley. Locating a liquor store adjacent to a residential parcel, when that residence would otherwise not have a liquor store adjacent, or even nearby, on account of that property's proximity to a park. The parcel to the north is a vacant mixed-use building, with a ground floor commercial storefront and second story apartment. Therefore, granting the variance requested would adversely affect the rights of adjacent 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 Section 27-593(b)(18) would prevent the property owner from renovating and operating a liquor store at the subject property. While it may be convenient for the property owner to operate a liquor store at a parcel that previously was one albeit 17 years ago, not having this convenience in order to comply with a condition requisite for all Special Use Permits to operate a liquor store 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 is public policy behind the limitation on the location of liquor stores proximate to certain sensitive or susceptible uses. These sensitive or susceptible uses in Section 27-593(b)(18) are identified as schools, parks, places of worship, and other liquor stores. Liquor stores tend to have negative

externalities on the surrounding neighborhood, and a high concentration of liquor stores can have an outsized effect on the quality of public life and property values of surrounding properties. The Northeast Area neighborhood has a history of street and building arrangements that allow for the potential to have vibrant, walkable streets and frequented establishments that serve the local neighborhood. Such economic growth and neighborhood cohesion has the potential to flourish even more, but site arrangement is a key factor. If a new liquor store were to be constructed less than 700 feet from the most centrally located park within mid-Northeast Area, such neighborhood potential could be threatened. Proposing a liquor store that is closer to the public sidewalk and which contains more CPTED (crime prevention through environmental design) elements could help address this concern, but Applicant as presented no such site design. Therefore, granting the requested variance will 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 27-593(b)(18) is to maintain a buffer between new liquor stores and presumably incompatible or susceptible uses, as well as prevent the oversaturation of liquor stores. This ordinance is designed to prevent the introduction of new liquor stores into such buffers, not necessarily to push existing liquor stores out of such buffers. The subject property is within 400 feet of Macs Park, which is located further northwest on Glendale Avenue, and 700 feet from Jersey Creek Park West and Westheight Park. The subject property and Macs and Westheight Parks are located two (2) blocks northwest and southwest, respectively, and are arranged in a manner that allows convenient and expected access between these properties. As the subject property is for a new liquor store and is within 1,300 feet of Westheight Park, Macs Park and Jersey Creek Park West, it is in violation of Section 27-593(b)(18), which strictly requires a 1,300-foot buffer for liquor stores. Therefore, granting the requested 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 1863 North 18th Street 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

Proximity to Macs Park, Westheight Park, and Jersey Creek West Park
Lighting
Parking
Pedestrian Access

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. This Board of Zoning Appeals case is being heard in conjunction with SP2025-039. 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 SP2025-039 by the Unified Government Board of Commissioners and upon any ordinance publications required by law. For reference, Staff found the following operating businesses at 1863 North 18th Street:
 - a. Between 1999 – 2008, the subject property was a series of liquor stores, Garfield Retail Liquor Store, Singleton Liquor, 2 Friends Liquor, then 18th Street Retail.
 - b. In 2008, Love My Hair, which sold wigs and extensions, operated for five (5) years, terminated in 2014.
 - c. Between 2013 – 2017, the subject property has had numerous fireworks stands.
 - d. In 2014, Events of Elegance, a wedding planning business operated for three (3) years, terminated in 2017.
 - e. In 2020, Fast Kut'z Barbershop, a barbershop that operated, for four (4) years, terminating in 2024.
2. It appears the parking lot needs to be resurfaced and restriped. Ensure that the parking lot will be striped in accordance with the Parking Code.
3. Provide a site plan and floor plan demonstrating the total covered floor area of the building.
4. What are the proposed hours of operation for the liquor store?

Applicant's Response: Monday through Thursday 10:00 AM to 10:00 PM, and to extend the hours on Friday and Saturday nights until 11:00 PM. The business will be closed on Sunday. He is planning to manage it as a family operated business, and the plan includes having security (off duty police or sheriff department employees) on site during business hours.

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** Case **BOZA2025-021** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. Section 27-464(e) states that the 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;
 - a. Parking lot shall be resurfaced (weeds removed) and restriped.
2. Section 27-464(d) states that trees are required at not less than one per 7,000 square feet of site area. Six (6) foot high architectural or landscape screening is to be provided along all sides and rear property lines common to or across an alley from residentially zoned property; 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
Neighborhood Meeting Affidavit
Neighborhood Meeting Notes
Images taken by Staff on July 1, 2025

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	August 11, 2025

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-021** 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 **BOZA2025-021**, 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



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.

This request is due to the location of the property. The applicant had no control or input into decisions by churches to acquire property in the London Heights neighborhood or along the north 18th street corridor in Kansas City.

2

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

The applicant grew up in this neighborhood and owns multiple properties near this location and has remained an active and respected member of the neighborhood. He and his family, who will be managing the retail business are committed to operating the business carefully so as not to impact in a negative way the community neighbors. Having a successful business in the building will be better for the neighborhood than the location remain vacant for the foreseeable future, and it brings back a historical retail business to the neighborhood that dates back to 1974. The applicant intends to provide a positive retail experience for the neighborhood in which he is a member and where he grew up.

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. This is a building that was designed and built for a retail liquor operation, and has been one for most of its existence on N. 18th st. It is too small a building and lot to accomodate other retail businesses. Additionally, it is an unnessessary hardsip for the owner to be deprived of the income from the operation of of the only type of businesses that has been successfully operated at this location in this building. Due to the size fo the building its potential uses are limited.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Well managed retail liquor stores do not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. We would agrue that they can contribute to a healthy local economy by creating jobs (in this case 4 or 5), providing a retail service to the local community, and by generating tax revenue for the greater community. They cntribute more to a stable community than a vacant building and the nuisance they can be for a neighborhood.
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 zoning ordinance includes the community desire to discourage public drunkenness and behavior issues associated with alcohol abuse in public parks, around schools and near places of worship. This location is not in the sight line of two of the three church owned properties within the 1300 ft distance of the . rule. We refer to these structures as church owned properties because they may not fit the definition of church as as palce of worship and services. In reviewing the definitions section of the we found no definition of church, but we do not believe the zoning code inteded to cover any church owned property.
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.	

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OWNER OCCUPIED HOMEOWNERS WITHIN 200 FEET OF 1863 n. 18TH ST.

Signature

Name and address

Approve

No Opinion

Disapprove

→ Gia Bleu, 1727 Richmond, KCK

X

→ Levell Brock, 1715 Richmond, KCK

X

→ Ivan Gandara 1856 N. 18th St. KCK

(913) 265-0659

X

Veronica L Gandara, 1856 N. 18th St. KCK

(913) 994-6749

→ Marrka Hicks, 1726 Richmond, KCK

Marrka Hicks

(913) 963-2678

1718 S Richmond KCK

X

Armo Uno

1721 Kansas city 66104

1109 Richmond Ave. Ebon Brown

1707 Richmond Ave Kansas City KS 66104

1710 Richmond Ave Kansas city KS 66104

1806 Garfield ave Kc. KS 66104

1806 Garfield Ave Kc. KS 66104

Page 2

Approve

No Opinion

Disapprove

Maria Luz Mata

Maria Luz Mata, 1710 Richmond, KCK

X

Francisco A Olea

Francisco A Olea, 1710 Richmond, KCK

X

Lilliana Olivas-Casillas

Lilliana Olivas-Casillas, 1852 N. 18th St. KCK

X

Genisis Rios

Genisis Rios 1922 N. 18th St. KCK

Julia M. Williams, 1731 Garfield KCK

I Jyan Harris met personally with each individual who has signed this document and described my plan and vision for the property and certify that the signatures were voluntary mde by the owner occupied households on the U/G Contact list provided to me.

Jyan Harris, 1839 N. 40th St. KCK

Jyan Harris

