

**BOARD OF ZONING APPEALS
MAY 12, 2025
DECISIONS**

The Board of Zoning Appeals met in regular session on Monday, May 12, 2025, at 6:03 p.m., (Via Zoom Webinar and Commission Chamber of the Municipal Office Building) with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Ms. Beverly Easterwood (Zoom), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), Ms. Mary Beth Schwartz (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Straws, Jones, and Miller).

Mr. Rodney Lucas, Executive Assistant to the County Administrator, Ms. Rose Morris, Professional Assistant (Commission Chamber), Mr. Byron Toy, AICP, Lead Planner (Commission Chamber), Ms. Mari Mongil, Office Manager (Commission Chamber), Ms. Kallie McLaughlin, Planner (Zoom), Mr. Lavert Murray, Chief Economic Development Advisor (Commission Chamber), Ms. Alyssa Marcy, Long Range Planner (Commission Chamber), and Mr. Michael Farley, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 6:03 p.m.

Secretary Morris read the Board of Zoning Appeals Statement: "We would like to welcome those participating by telephone, Zoom, or in the Commission Chamber to the meeting of the Board of Zoning Appeals. Members of the Board of Zoning Appeals are participating remotely by Zoom or are present in the Commission Chamber and Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background;
2. Board Members that are participating by Zoom please use the raise your hand feature when you want to speak, and after Chairman Carson recognizes you, please unmute your microphone and state your name when you begin to speak. If you are in the Commission Chamber, please state your name before speaking once the Chairman recognizes you.
3. For those members of the public attending the meeting virtually this evening, please use the "raise your hand" feature if you want to speak on an application. If you are present in the Commission Chamber, please come to the microphone at the front of the room when the application is called. After the Chairman recognizes you, please state your name and address and make your comments.
4. If you are having issues getting into the Zoom meeting, please see the Planning and Urban Design website on Wycokck.Org.

5. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The format for this evening's meeting is as follows:

1. The applicant will make the opening statement explaining the proposal. The applicant will be given fifteen (15) minutes to present their case, which includes the applicant, consultants, and other members of the applicant's team.
2. Members of the Board will then address any questions they may have to the applicant.
3. Any persons wishing to speak in favor will be recognized and allowed to do so at that time.
4. Then those persons in opposition will be recognized to make their statements and ask questions with each member of the public being given five (5) minutes to express their opinions. Time may not be shared between speakers.
5. A speaker's time may be extended in five-minute intervals by a 2/3rd majority vote of the Board.
6. The Chairman will ask for a show of hands of people who are in support or opposition that did not speak.
7. The applicant will then answer questions and make a closing statement.
8. The public hearing portion of the meeting will be closed, and the public will only be allowed to address the Board if a question is directed to them.
9. The staff will make their recommendation.
10. The Board will discuss the application and make their decision with a brief statement of the reason for the motion preceding the making of the motion.
11. Motions to approve shall include the staff conditions unless otherwise stated in the motion."

Hearing starts at 3:49:

VARIANCE APPLICATION BOZA2024-027 - JESUS SANTOYO

Synopsis: 2542 South 12th Terrace, zoned R-1(B) Single-Family District. This appeal has been filed to keep three (3) accessory structures. Sec 27-609(2) states for any dwelling unit there may be permitted a detached accessory building. Such building shall not be located, in front of the house, less than two feet from any alley, nor closer than three feet to any side or rear property line. In the case of corner lots, a detached accessory building shall not be within 20 feet of the side street. The total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. Appellant requests three (3) accessory structures, a violation of two (2) accessory structures (in conjunction with SP2024-088).

Secretary Morris asked if the Board had any contact to disclose on this application. No one responded in the affirmative.

Appeared in Support:

- Jesus Santoyo, Applicant, 2542 South 12th Terrace, 66103

The Board directed their questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 7:36: Mr. Lucas stated that Staff recommends denial of this application.

Motion starts at 8:34:

Ms. Easterwood motioned to deny BOZA2024-027, but the motion failed for lack of second.

Motion/Vote starts at 9:19:

On motion by Ms. Schwartz, seconded by Mr. Ward, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2024-027:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Not Present
Miller	Not Present
Mohler	Aye
Schwartz	Aye

Motion to APPROVE Passed: 6 to 1

Subject to:

1. This Board of Zoning Appeals case is being heard in conjunction with SP2024-088. Any approval by the Board of Zoning Appeals on this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition SP2024-088 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
2. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used

provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;

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

completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 11:04:

VARIANCE APPLICATION BOZA2025-011 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: 11440 Leavenworth Road, zoned A-G Agriculture District. This appeal has been filed to grant variances from the required minimum required acreage in the A-G Agriculture District. Section 27-452(a) requires agricultural lots to be a minimum of five (5) acres.

Lot 1: Appellant is requesting a lot area of 3.67 acres; a violation of 1.33 acres.

Lot 2: Appellant is requesting a lot area of 3.11 acres; a violation of 1.89 acres (in conjunction with PLAT2025-004).

Secretary Morris asked if the Board had any contact to disclose on this application. No one responded in the affirmative.

Appeared in Support:

- Krystal Voth, on behalf of the Applicant, Atlas Land Consulting
- Neal Palmer, 2600 North 131st St, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 14:55: Mr. Lucas stated that Staff recommends approval of this application.

Motion/Vote starts at 15:20:

On motion by Mr. Ward seconded by Mr. Beth, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2024-011:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Not Present
Miller	Not Present

Mohler **Aye**
Schwartz **Aye**
Motion to APPROVE Passed: 7 to 0
Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with PLAT2025-004. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition(s) PLAT2025-004 by the Unified Government City Planning Commission and upon any ordinance publications required by law;**
- 2. A 50-foot setback is maintained by ordinance at the north of the property however to address neighbor concerns to the north, an open space easement of 50-foot shall be recorded on the plat. This should remain a timberstand to visually screen the northern properties from any agricultural uses on the property;**
- 3. If/when road improvements occur on Leavenworth Road between North 109th Terrace and 115th Street, a minimum six (6) foot sidewalk is constructed along the Leavenworth Road right-of-way;**
- 4. Accessory structures are required to meet minimum setbacks from property lines;**
- 5. Earthen fill in excess of 50 cubic yards requires a Special Use Permit under Section 27-593(b)(15)(a) unless otherwise tied to a building permit. The scope of any grading, excavation, or land disturbance must be specifically tied to the scope of the permit, and any grading or excavation outside of the permit scope shall be considered in violation;**
- 6. The Connor Creek Waterway shall not be disturbed, graded, re-routed, redirected, or otherwise altered in any mannerism without review by Floodplain Administrator and Public Works;**
- 7. The site-distance triangle must be maintained for intersection visibility and safety, including any fencing or landscaping that might otherwise be permitted;**
- 8. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they**

- need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,
12. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 16:49:

VARIANCE APPLICATION BOZA2025-012 - MIKE MCCOWN

Synopsis: 13100 and 13130 State Avenue, zoned CP-2 Planned General Business District. This appeal has been filed to build a 99,800 square foot contractor flex storage facility. 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. The Appellant is requesting four (4) parking spaces, a violation of 395 parking spaces (in conjunction with COZ2025-004).

Secretary Morris asked if the Board had any contact to disclose on this application. No one responded in the affirmative.

Appeared in Support:

- Dan Finn, representing the Applicant, Civil Engineer with Phelps Engineering, 1270 North Winchester, Olathe, Kansas 66061
- Neal Palmer, 2600 North 131st St, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Motion/Vote starts at 19:39:

On motion by Mr. Ward, seconded by Mr. Beth, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2024-012:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	No
Ernst	Aye
Jones	Not Present
Miller	Not Present
Mohler	Aye
Schwartz	Aye

Motion to APPROVE Passed: 6 to 1

Subject to:

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

- f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
- 7. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 10. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 12. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 13. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,

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

Hearing starts at 20:29:

VARIANCE APPLICATION BOZA2025-013 - ROBERT BECKER

Synopsis: 1879 Village West Parkway, zoned RP-6 Planned High-Rise Apartment District. This appeal has been filed to grant a variance for building setbacks, open space and off-street parking. Section 27-461(c)(2)b. states the side yard, interior setback shall not be less than 10 feet between any building and any property line, plus an additional three (3) feet for each story over four (4) to a maximum requirement of 25 feet. Appellant is requesting 19.6 feet, a violation of 2.4 feet

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

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

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

Secretary Morris asked if the Board had any contact to disclose on this application. No one responded in the affirmative.

Appeared in Support:

- Aaron March, Rouse Frets White Goss Law Firm, representing the Applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 31:11: Mr. Lucas stated Staff recommends approval and is amenable to removing condition #1 as the applicant requests.

Motion/Vote starts at 31:56:

On motion by Mr. Ward, seconded by Ms. Armstrong the Board of Zoning Appeals voted as follows to **APPROVE BOZA2024-013, correcting the rear yard setback to 93.1 feet and eliminating condition #1:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye
Easterwood	Aye
Ernst	Aye
Jones	Not Present
Miller	Not Present
Mohler	Aye
Schwartz	Aye

Motion to APPROVE Passed: 7 to 0

Subject to:

- ~~1. Regarding on-site landscaping, subject to Bond #67710, work completion deadline is August 25, 2025, expiration date is August 26, 2026; and,~~
(Removed by the Board of Zoning Appeals)
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.

The meeting was adjourned 6:36

THE BOARD OF ZONING APPEALS

BY: Rose Morris
Rose Morris, Recording Secretary