

BOARD OF ZONING APPEALS
JULY 14, 2025
DECISIONS

The Board of Zoning Appeals met in regular session on Monday, July 14, 2025, at 6:05 p.m., (Via Zoom Webinar and Commission Chamber of the Municipal Office Building) with the following members present: Jeff Carson, Chairman Presiding (Commission Chamber), Karen Jones, Vice-Chairman (Zoom), Duane Beth (Commission Chamber), Jim Ernst (Zoom), Mark Mohler (Zoom), (Absent: Armstrong, Easterwood, Miller, Schwartz, Straws, Ward).

Rose Morris, Professional Assistant (Commission Chamber), Mari Mongil, Office Manager (Commission Chamber), Alyssa Marcy, Long Range Planner (Commission Chamber), and Michael Farley, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 6:05 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. Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom, 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."

Starts at 3:42:

BOZA2025-006 - ROGER AVALOS

Synopsis: Zoned R-1(B) Single Family District, Variances for front, rear, and side setbacks for a home addition at 3601 Freeman Avenue.

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

Appeared in Support:

- Roger Avalos, Applicant Representative, 315 South 82nd Street, Kansas City, Kansas 66111

The Board directed their questions to the Applicant Representative.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:36: Long Range Planner Alyssa Marcy stated that this variance is for work that was done without a permit. There have also been several

violations over the past decade, including some that are currently open. As that is the case, Staff recommends denial.

The Board directed their questions to Long Range Planner Alyssa Marcy.

Motion/Vote starts at 9:15:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning Appeals voted as follows to **DENY BOZA2025-006:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Schwartz	Not Present
Motion to DENY Passed: 5 to 0	

Starts at 10:03:

BOZA2025-007 - ROGER AVALOS

Synopsis: Zoned R-1 Single Family District, variance for side yard setback for a home addition at 4745 Woodend Avenue.

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

Appeared in Support:

- Roger Avalos, Applicant Representative, 315 South 82nd Street, Kansas City, Kansas 66111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 11:49: Long Range Planner Alyssa Marcy stated that this variance is related to two (2) structures that were done without permits. The first was the construction of a carport in the early to mid-2000s, and then it was enclosed again without a permit. There is one open violation in relation to the carport. Staff recommends denial.

Motion/Vote starts at 12:32:

On motion by Commissioner Jones, seconded by Commissioner Ward, the Board of Zoning Appeals voted as follows to **DENY BOZA2025-007:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Schwartz	Not Present
Motion to DENY passed: 5 to 0	

Starts at 13:16:

BOZA2025-014 - AMY NELSON

Synopsis: Zoned R-1(b) Single-Family District, variance for the required side yard setback and conversion of an accessory structure to a home addition at 4023 Delavan Avenue.

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

Appeared in Support:

- Amanda Rainier, Applicant Representative, 4023 Delavan Avenue, Kansas City, Kansas 66104

The Board directed their questions to the applicant representative.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 16:12: Long Range Planner Alyssa Marcy stated that this variance is for a side yard setback and conversion of an accessory structure to a home edition. The existing accessory structure was built without a permit. There is one open violation that's associated with a stop work order for the same structure. Staff recommends denial.

The Board directed their questions to Long Range Planner Alyssa Marcy.

Motion/Vote starts at 19:45:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning Appeals voted as follows to **DENY BOZA2025-014:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Schwartz	Not Present
Motion to DENY passed: 5 to 0	

Starts at 20:36:

BOZA2025-015 - TYE ZEHNER WITH STRICKLAND CONSTRUCTION

Synopsis: Zoned A-G Agriculture District (proposed to be CP-3 Planned Commercial District, 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).

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

Appeared in Support:

- Tye Zehner, Applicant, 7616 Washington Street, Kansas City, Missouri 64114
- Steve Allison, Owner, 252 Wentworth Hill Road, Sandwich, New Hampshire 03227

Present in Opposition:

- No one appeared

Staff Recommendation starts at 25:36: Alyssa Marcy stated that this variance is for a reduction in off-street parking. There was a similar variance approved recently at 130th and State. Staff recommends approval with conditions.

Motion/Vote starts at 26:12:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning

Appeals voted as follows to **APPROVE BOZA2025-015**:

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

Motion to APPROVE passed: 5 to 0

Subject to:

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.

Starts at 26:49:

BOZA2025-016 - GUY TINER

Synopsis: Zoned A-G Agriculture District (proposed R-1 Single Family District), variance for the minimum width-to-depth ratio at 10800 Hollingsworth Road and 4950 Hutton Road (in conjunction with PLAT2025-016 and COZ2025-012).

Secretary Morris asked if the Board had any contact to disclose on this application. Chairman Carson stated that he's spoken to nearby property owners.

Appeared in Support:

- Krystal Voth, Applicant Representative, Atlas Land Consulting, 14500 Parallel Road, Basehor, Kansas 66007

The Board directed their questions to the Applicant Representative.

Present in Opposition:

- Thomas Brown 4740 Hutton Road, Kansas City, Kansas 66109

- Neal Palmer, 2600 North 131st Street, Kansas City, Kansas 66109, not in support or in opposition, in favor of maintaining a reasonable housing density in western Wyandotte County.

Staff Recommendation starts at 34:57: Long Range Planner Alyssa Marcy stated that this variance is for minimum width-to-depth ratio. When the lots are split, one of the lots would become out of compliance. This variance will be temporary, as shown by the applicant's concept plan in the staff report. Staff recommends approval.

Motion/Vote starts at 35:34:

On motion by Commissioner Jones, seconded by Commissioner Ernst, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2025-016:**

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

Motion to APPROVE Passed: 5 to 0

Subject to:

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.

Starts at 36:17:

BOZA2025-017 - AURORA GOMEZ

Synopsis: Zoned R-1(B) Single Family District, variance for size of accessory structure and side yard and rear yard setbacks at 1513 South 18th Street.

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

Appeared in Support:

- Roger Avalos, Applicant Representative, 315 South 82nd Street, Kansas City, Kansas 66111, requesting to withdraw application

Present in Opposition:

- No one appeared

Action starts at 36:53:

Roger Avalos, Applicant Representative, withdrew application BOZA2025-017.

Starts at 37:51:

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

Synopsis: Zoned CP-2 Planned General Business District, variance for wall signs at Panera at 1717 Village West Parkway.

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

Appeared in Support:

- Emma Ludwig, 4305 Campbell Street, Kansas City, Missouri 64110

Present in Opposition:

- No one appeared

Staff Recommendation starts at 39:27: Long Range Planner Alyssa Marcy stated that this variance is to have more than the maximum amount of wall signs. For a multi-tenant building, the maximum signs allowed is one (1), and the applicant is requesting four (4). Staff recommends approval with conditions.

Motion/Vote starts at 39:54:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2025-018:**

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

Motion to APPROVE passed: 5 to 0

Subject to:

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.

Starts at 36:17:

BOZA2025-019 - TYE ZEHNER WITH STRICKLAND CONSTRUCTION

Synopsis: Zoned CP-0 Planned Nonretail Business District, 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).

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

Appeared in Support:

- Tye Zehner, Applicant, 7616 Washington Street, Kansas City, Missouri 64114
- Dustin Burton, Engineer, Renaissance Infrastructure Consulting, 400 East 17th Street, Kansas City, Missouri 64108

The Board directed their questions to the applicant.

Present in Opposition:

- Patty Hildebrand, 19315 South Raffurty Road, Pleasant Hill, Missouri 64080

Staff Recommendation starts at 47:03: Long Range Planner Alyssa Marcy stated that Staff recommends approval of this variance. To address Ms. Hildebrand's concerns, the conditions of approval do address adhering to all erosion control, sanitary sewer, storm drainage, and other requirements from Public Works.

Motion/Vote starts at 47:25:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2025-019:**

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

Motion to APPROVE passed: 5 to 0

Subject to:

- 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.

Starts at 48:06:

BOZA2025-020 - BRANDON CLAPP WITH ENCELADUS INVESTMENTS LLC

Synopsis: Zoned RP-5 Planned Apartment District, 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).

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

Appeared in Support:

- Brandon Clapp, Applicant, 4756 South Acoma Street, Englewood, Colorado 80110

Present in Opposition:

- No one appeared

Staff Recommendation starts at 50:13: Long Range Planner Alyssa Marcy stated that Staff recommends approval of this variance.

Motion/Vote starts at 50:22:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Board of Zoning Appeals voted as follows to **APPROVE BOZA2025-020:**

Carson	Chairman
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Easterwood	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Schwartz	Not Present
Motion to APPROVE passed: 5 to 0	
Subject to:	

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.

The meeting was adjourned 6:56 PM

THE BOARD OF ZONING APPEALS

BY: *Rose Morris*
Rose Morris, Recording Secretary