



Unified Government of Wyandotte County and Kansas City, Kansas

**Board of Zoning Appeals**

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

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**Chairman Jeff Carson**

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

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**AGENDA**

**Monday, October 13, 2025**

**6:00 PM**

**1 CALL TO ORDER/ROLL CALL**

**2 BOARD OF ZONING APPEALS STATEMENT**

**3 AGENDA**

**3.1 Zoning Appeal Application(s)**

**3.1.1 BOZA2024-034 - JANETH PEREZ**

Synopsis: Variance for side-yard and rear-yard setbacks for a backyard deck at 1500 North 28th Street.

Tracking #: 211048

**3.1.2 BOZA2025-025 - TAMARA MCCONNELL**

Synopsis: Variance for separation distance between a school, church, and liquor store at 1130 Quindaro Boulevard (In conjunction with SP2025-062).

Tracking #: 211049

**4 Adjourn**

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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](mailto: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

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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.

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

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

Join via audio:

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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.

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# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

**To:** Board of Zoning Appeals

**From:** Planning and Urban Design Staff

**Date:** October 13, 2025

**Re:** Board of Zoning Appeals Petition BOZA2024-034

## GENERAL INFORMATION

### Applicant Information:

Janeth Perez  
1500 North 28<sup>th</sup> Street  
Kansas City, Kansas 66101

### Subject Property:

1500 North 28<sup>th</sup> Street  
Kansas City, Kansas 66101

### Requested Action and Purpose:

This appeal has been filed to keep a deck/balcony projecting into the corner side yard. Section 27-609(2) Open or enclosed fire escapes, fireproof outside stairways, open porches and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet and the ordinary projections of chimney and flues may be permitted by the building official where same are so placed as not to obstruct the light and ventilation. In addition, canopies or open porches having a roof area of no more than 60 square feet may project a maximum of six (6) feet into the required front or rear yard. The Appellant requests the deck/balcony extend five (5) feet into the required corner side yard, a violation of one and one-half (1½) feet.



**Commission Districts:** Commissioner At-Large, District #1: Melissa Bynum  
District #4 Commissioner: Dr. Evelyn Hill

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

**Comprehensive Plan Area:** Northeast Area Plan

	<b>Adjacent Zoning</b>	<b>Adjacent Uses</b>
<b>North</b>	<b>R-1(B) Single Family District</b>	<b>Single-family home</b>
<b>South</b>	<b>R-1(B) Single Family District</b>	<b>Single-family home</b>
<b>East</b>	<b>R-1(B) Single Family District</b>	<b>Single-family home</b>
<b>West</b>	<b>R-1(B) Single Family District</b>	<b>Single-family home</b>

**Total Tract Size:** 0.153 Acre

**Neighborhood Characteristics:** The subject property is located within the Kensington Statistical Neighborhood, Kensington Community Neighborhood Group, and Census Block Group 0416001. The neighborhood is an older, urban residential neighborhood with single-family homes along North 29<sup>th</sup> Street and Oakland Avenue.

**Comprehensive Plan Designation:** The Northeast Area Plan designates the subject property as Lower-Medium Density Residential, which allows single-family homes, townhouses and duplexes.

**Major Street Plan:** The goDotte Countywide Strategic Mobility Plan designates North 28<sup>th</sup> Street and Oakland Avenue as Local Streets.

**Parking Requirement:** Section 27-455(d) One (1) parking space for each dwelling unit shall be provided on the premises. Two (2) off-street parking spaces are required. The applicant is providing two (2) off-street parking spaces.

**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. One (1) tree is provided.

<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – September 18, 2025 <u>Letters to Property Owners</u> – September 19, 2025
<b>Public Hearing:</b>	October 13, 2025
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	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. BSR24-0069 – Stop Work Order for deck built without a building permit on May 16, 2024.
2. Various enforcement citations between 2015 – 2020 for an appliance on the east porch, mattress and tree limbs in the front yard, and trash cans on front porch (previous owner).

### **Outstanding or Related Permit and Cases:**

1. RES24-0298 – Building Permit for a new deck and 12’ x 14’ pergola (open and not issued) – June 12, 2024.
2. ELE24-0295 – Electrical Permit to replace meter and riser – April 2, 2024 – Expired.
3. 12381-00379 – Gas Permit for gas test – August 21, 2012.

### **Previous Planning Actions:**

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

## **PROPOSAL**

*Detailed Outline of Requested Action:* The applicant, Janeth Perez has applied for a variance from the Board of Zoning Appeals to keep a deck and stairs on the rear and corner side yards of the single-family home, which projects five (5) feet into the required side yard, a violation of one and one-half (1½) feet at 1500 North 28<sup>th</sup> Street.

*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.

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## KANSAS STATUTORY REQUIREMENTS

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- 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.***

Staff do not consider the property to be unique as the existing residence does not comply with the district's corner side yard setback. The parcel is 50 feet wide, so the corner side yard setback is 25 feet. The residence is five (5) feet from the property line, but the expansion of the deck into the setback projects five (5) feet into the required yard, whereas only three and one-half (3½) feet is permitted per Section 27-609(2). The construction of the deck has begun without permits, therefore the variance requested is an action created by the property owner.

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

Staff does not believe that there would be an adverse effect on adjacent properties because the adjacent side yard to the south Oakland Avenue and the rear yard abuts the rear yard of the residence on North 29<sup>th</sup> Street.

- 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 have to deconstruct the deck and stairs and remove it completely or reduce the deck by one and one-half (1½) feet and comply with Section 27-609(2).

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

Given the fact that the deck and stairs extend five (5) feet into the required side yard, the expansion 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.***

Setbacks are intended to protect the health and safety of the citizens by providing enough space between buildings so that things such as fire can be easily contained. These areas also provide a place for visitor parking and help keep a consistent aesthetic look to the neighborhood. In this case, the proposed deck does protrude one and one-half (1½) feet further than permitted by code. This deck is not for egress, but rather leisure and an outdoor space for the

property owner(s). Staff does not see this as being opposed to the intent of the ordinance.

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## NEIGHBORHOOD MEETING INFORMATION

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The applicant held a neighborhood meeting in-person at 1500 North 28<sup>th</sup> Street, Kansas City, KS 66102 on September 29, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## KEY ISSUES

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Required Setbacks  
Construction  
Building Permit

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## STAFF COMMENTS AND SUGGESTIONS

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### Planning and Urban Design Comments:

1. When did construction on the deck, stairs and pergola begin without a building permit?

*Applicant Response: The construction of the deck without a permit started April 17, 2024. The construction stopped May 16, 2024.*

2. What is the purpose of the deck, stairs and pergola?

*Applicant Response: The purpose of the deck is to have more moments with my family and do family activities on the deck. Such as having a cookout, playing games, bonfire, and enjoying quality time outside together.*

3. How tall is the retaining wall in the rear yard? It appears the retaining wall is over three and one-half (3-½) feet in height, which requires a professional engineer to submit drawings to Building Inspection for review and permits.

*Applicant Response: The retaining wall is not over three and one-half (3-½) feet. The retaining wall is three (3) feet.*

4. Subject to approval, the applicant shall obtain a retroactive building permit for the deck and stairway.

*Applicant Response: I am currently working with BOZA2024-034 to obtain a retroactive building permit for the deck and stairs.*

### 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

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## **STAFF RECOMMENDATION AND CONDITIONS**

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Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2024-034** 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 deck has been constructed on the property without a building permit, as opposed to seeking a variance and building permit prior to its construction; and,**
2. **The applicant 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 the deck addition had been constructed with the consultation of the Planning Department, a variance for the deck and stairs would not be necessary.**

If the Board of Zoning Appeals approves **BOZA2024-034**, staff recommends the following conditions:

1. **Subject to approval, the applicant shall obtain a retroactive building permit for the deck and stairway.**
  - a. **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](mailto: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. **Section 27-317(a) Electrical power, telephone service, and cable television shall be provided by underground wiring for all new wiring;**
3. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
4. **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](mailto: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,**

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.

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## ATTACHMENTS

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Aerial Imagery  
Zoning Map  
Land Use Map  
Five (5) Criteria State Statute  
Applicant Response Letter  
Neighborhood Meeting Documents  
Site Plan  
Deck Elevation  
Site Photographs

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## PUBLIC HEARING SCHEDULE

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Action(s)	Board of Zoning Appeals
Variance	October 13, 2025

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**STAFF CONTACT:**

**Byron Toy, AICP**  
[btoy@wycokck.org](mailto:btoy@wycokck.org)

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## MOTIONS

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I move the Board of Zoning Appeals **APPROVE** Appeal **BOZA2024-034** 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 **BOZA2024-034**, 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.

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# ATTACHMENTS

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## AERIAL IMAGERY

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# 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.

**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.

I understand concerns regarding potential impacts on neighbors. To address this, I am committed to designing the deck in a way that minimizes disruption. I believe the addition will contribute positively to the neighborhood by improving property aesthetics.

**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 variance permit will not adversely affect the rights of the adjacent property owners. The proposed deck will be designed with careful consideration of property lines.

3

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

The strict application of the Zoning ordinance creates an unnecessary hardship for me as the property owner. The current restrictions limit my ability to enhance the usability of my backyard for my family.

4

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

The proposed deck will be constructed following all building codes and safety regulations, ensuring it meets community standards.

5

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

The granting of the variance aligns with the spirit of the zoning ordinance, promoting reasonable use of residential properties. The proposed deck will enhance functionality and aesthetics without disrupting the neighborhood's character.

### End of Questionnaire

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

**From:** [Gloriela Carrillo](#)  
**To:** [Toy, Byron](#); [Morris, Rose](#)  
**Subject:** 1500 n 28th st  
**Date:** Wednesday, September 24, 2025 7:01:43 PM

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Hello ,

I hope this finds you well and this is what you are looking for . Please let me know if you are needing anything from me .

1. The construction of the deck without a permit started April 17th 2024. The construction stopped May 16th 2024.
2. The purpose of the deck is to have more moments with my family and do families activities on the deck. Such as having a cookout, playing games, bonfire,and enjoying quality time outside together.
3. The retaining wall is not over 3 1/2 feet. The retaining wall is 3 feet.
4. I am currently working with BOZA2024-034 to obtain a retroactive building permit for the deck and stairs.

I acknowledge standards conditions 1-5.

Thank you,

Janeth Perez

Janeth Perez

(816) 724-8069

[Glorielacarrillo123@gmail.com](mailto:Glorielacarrillo123@gmail.com)

Sample Minutes:

Application Number: #BOZA2024-034

Date: 09/29/2025

Location: 1500 N 28<sup>th</sup> St Kansas City, Kansas 66102

Meeting called to order at: 6:00PM

Names of people in attendance: No one showed up to our meeting or contacted me through email with any questions or concerns.

Introduction: If someone did show up to my meeting me and my family would have explained to them what we want the deck for. How we are wanting the deck to be built so we can build more memories with our family and friends. We would have given them information on things we did to start this process and where we are now. Also leaving it on how much this means to us!

Questions and answers: N/A

Meeting adjourned at: 7:00PM

Minutes taken by:

Janeth Perez, Savannah Perez, Espiridion Gomez

**AFFIDAVIT - NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

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

1. That I am the petitioner for Petition # BOZA 2025-034
2. That I conducted a neighborhood meeting on September 29, 2025
3. The notice to nearby property owners was sent on September 15, 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.

Janeth Perez

Affiant

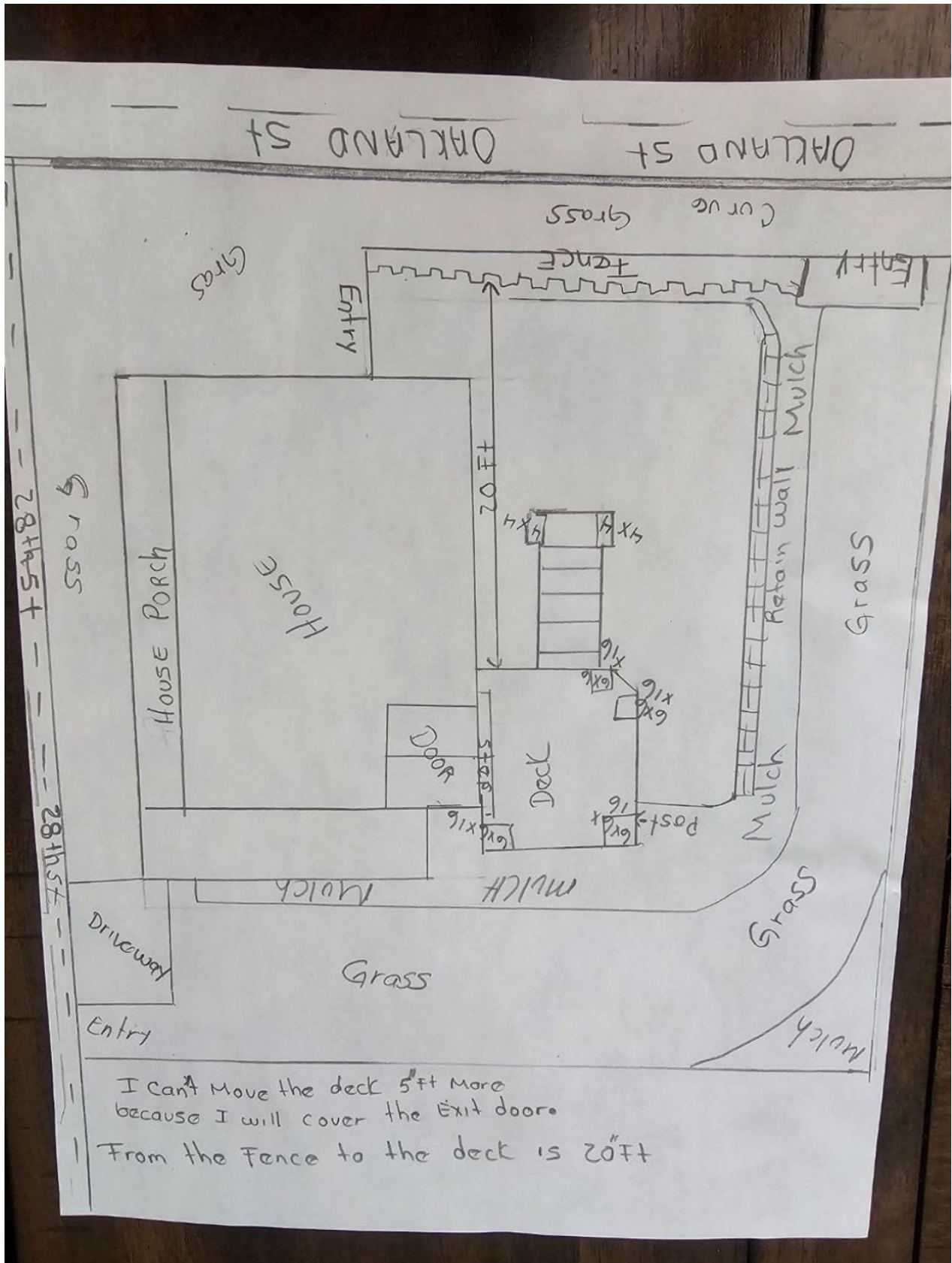
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30<sup>th</sup> day of September, 2025.

My commission expires 04 of 17, 2027.

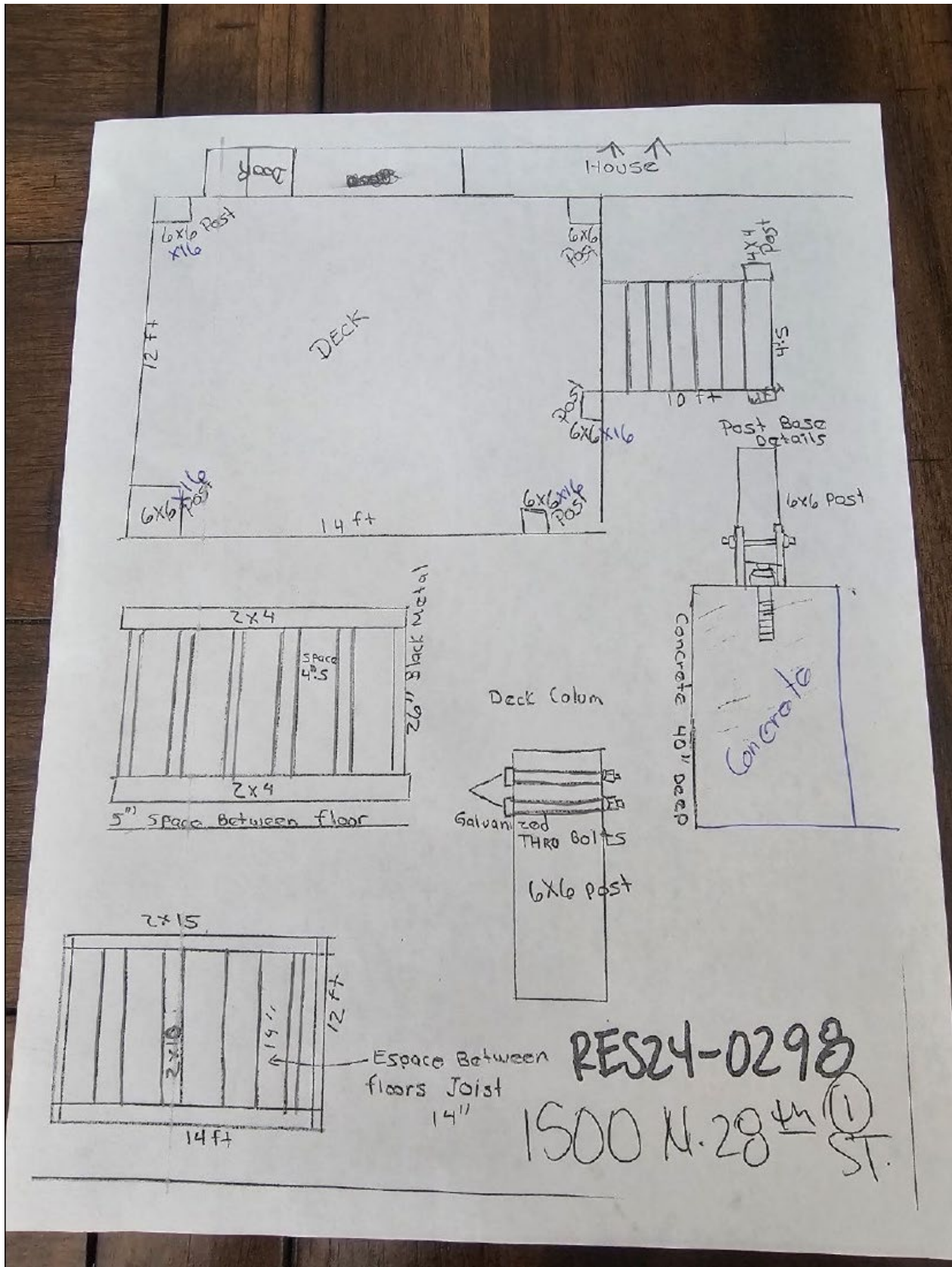
CHRISTIAN GARCIA  
 Notary Public - State of Kansas  
 My Appointment Expires 04/17/27

Ch. Garcia

Notary Public



I can't move the deck 5'ft more  
 because I will cover the Exit door.  
 From the Fence to the deck is 20'ft









# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7<sup>th</sup> Street, Suite 423  
Kansas City, Kansas 66101  
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Phone: (913) 573-5750  
Fax: (913) 573-5796  
Email: [planninginfo@wycokck.org](mailto:planninginfo@wycokck.org)

**To:** Board of Zoning Appeals

**From:** Planning and Urban Design Staff

**Date:** October 13, 2025

**Re:** Board of Zoning Appeals Petition BOZA2025-025

## GENERAL INFORMATION

### Applicant Information:

Tamara McConnell  
2000 North 67th Street  
Kansas City, Kansas 66104

### Subject Property:

1130 Quindaro Boulevard  
Kansas City, Kansas 66104

### Requested Action and Purpose:

Approval of a Variance for separation distance between a school, church, and a liquor store.

### Commission Districts:

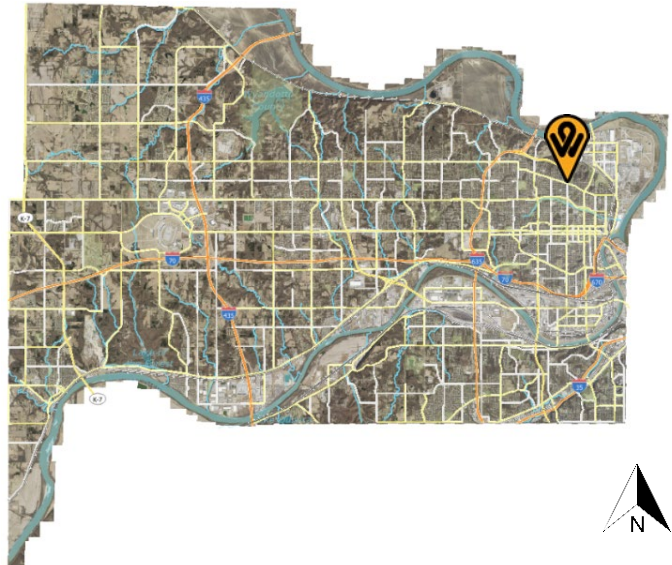
Commissioner At-Large District #1:  
Melissa Bynum  
District #1 Commissioner:  
Gayle E. Townsend

### Existing Zoning District(s):

C-3 Commercial District

### Plan Area:

Northeast Area Master Plan



	<b>Adjacent Zoning</b>	<b>Adjacent Uses</b>
<b>North</b>	C-3 Commercial District	Vacant lot
<b>South</b>	C-3 Commercial District	Commercial building
<b>East</b>	C-3 Commercial District	Vacant lot
<b>West</b>	C-3 Commercial District	Vacant lot

**Total Tract Size:** 0.11 Acre

**Neighborhood Characteristics:** The subject property is located within the Northeast Statistical neighborhood, Census Block Group 0402002. The neighborhood consists of undeveloped and parcels to the north, east, and west. To the south, a vacant lot is located. Quindaro Boulevard is located to the south of the property.

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

**Major Street Plan:** The goDotte Countywide Strategic Mobility Plan designates Quindaro Boulevard as a Major Collector.

**Parking Requirement:** Section 27-467(e) states that not less than four (4) spaces per 1,000 square feet of floor area in the building. The applicant needs to provide a minimum of four (4) parking spaces.

The Unified Government passed an ordinance on July 17, 2025, which does not require off-street parking for commercial/industrial businesses and mixed-use buildings with up to six (6) residential units east of Interstate 635.

**Landscaping Requirement:** Section 27-467(g) states that 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. The applicant needs to provide a minimum of one (1) tree.

<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – September 18, 2025 <u>Letters to Property Owners</u> – September 19, 2025
<b>Public Hearing(s):</b>	October 13, 2025
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

## **RELATED ENFORCEMENT AND ACTION ITEMS**

### **Noise or Disturbance Complaints:**

1. Staff does not have access to this information.

### **Building, Zoning, or Code Enforcement Complaints:**

1. CAC24-2547 – Code Admin Citation – October 9, 2024. Failure to Register Vacant Structure – Complete – Previous Property Owner.
2. 18220-00622 – Graffiti – September 18, 2025. Graffiti on the Rear of Building – Complete – Previous Owner.

### **Outstanding or Related Permit and Cases:**

1. SP2025-062 – Special Use Permit – October 13, 2025. Special Use Permit to operate 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, Tamara McConnell, is requesting to operate a liquor store at 1130 Quindaro Boulevard and requests the following variances: This appeal has been filed to operate a liquor store. 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 1,145 feet from Bertram Caruthers Elementary School, a violation of 155 feet, and approximately 707 feet from Antioch Baptist Church, a violation of 593 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.

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## KANSAS STATUTORY REQUIREMENTS

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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 a place of worship and a school. While the property was previously a liquor store, which based on previous business licenses occurred between 1999 – 2000, the Applicant 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 Bertram Caruthers Elementary School and Antioch Baptist Church; 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 either Bertram Caruthers Elementary School or Antioch Baptist Church. The adjacent property to the north, west, and east are vacant, undeveloped parcels, therefore granting the variance would not adversely affect this adjacent parcel. The parcels to the south are vacant and undeveloped parcels as well. Therefore, granting the variance requested would not 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 24 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 intent of the ordinance is to ensure that there is at least 1,300 feet distance between a liquor store and a public park, school, other liquor stores and/or place of worship. In this instance, the property is not within that distance, but the subject property has been a liquor store in the past and the request is in good spirit and intent.

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## **NEIGHBORHOOD MEETING INFORMATION**

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The applicant held a neighborhood meeting in-person at 2624 North 13<sup>th</sup> Street on September 29, 2025. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Separate Distance

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

1. Provide a site plan of the property.  
*Applicant's Response: Acknowledged.*
2. Provide a scale and dimensioned floor plan.

*Applicant's Response: Acknowledged.*

3. What are the proposed hours of operation?

*Applicant's Response: Monday – Saturday from 9:00 AM – 11:00 PM, and Sunday from 11:00 AM – 8:00 PM.*

**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

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**STAFF RECOMMENDATION AND CONDITIONS**

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Staff recommends that the Board of Zoning Appeals **APPROVE** Appeal **#BOZA2025-025** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1. **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;**
- 2. **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,**
- 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.**

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**ATTACHMENTS**

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Aerial Imagery  
Zoning Map  
Land Use Map  
Five (5) Criteria Set by State Statute  
Neighborhood Meeting Affidavit  
Site Plan  
Floor Plan

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**PUBLIC HEARING SCHEDULE**

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<b>Action(s)</b>	<b>Board of Zoning Appeals</b>
Variance	October 13, 2025

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**STAFF CONTACT:** **Osiris Nuñez Espinoza, Planner**  
[Oespinoza@wycokck.org](mailto:Oespinoza@wycokck.org)

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**MOTIONS**

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I move the Board of Zoning Appeals **APPROVE** Case **BOZA2025-025** 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**

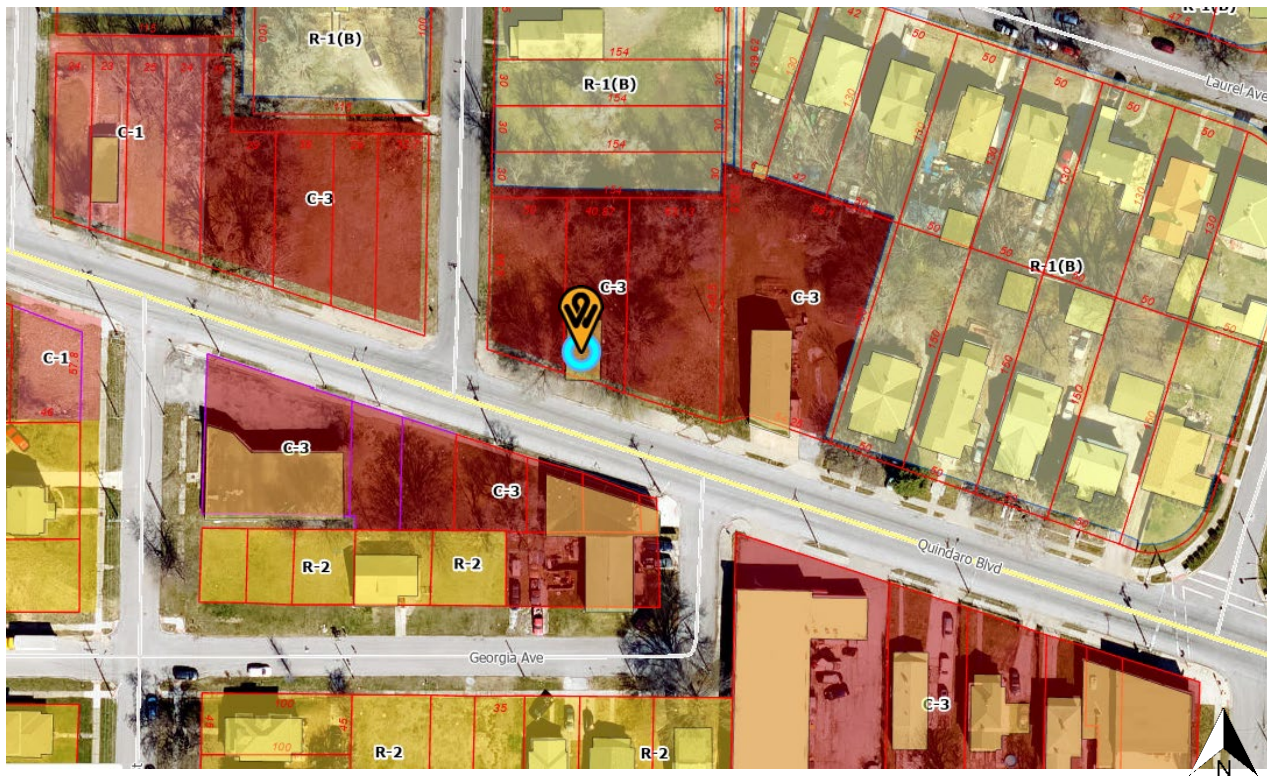
I move the Board of Zoning Appeals **DENY** Case **BOZA2025-025**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

# ATTACHMENTS

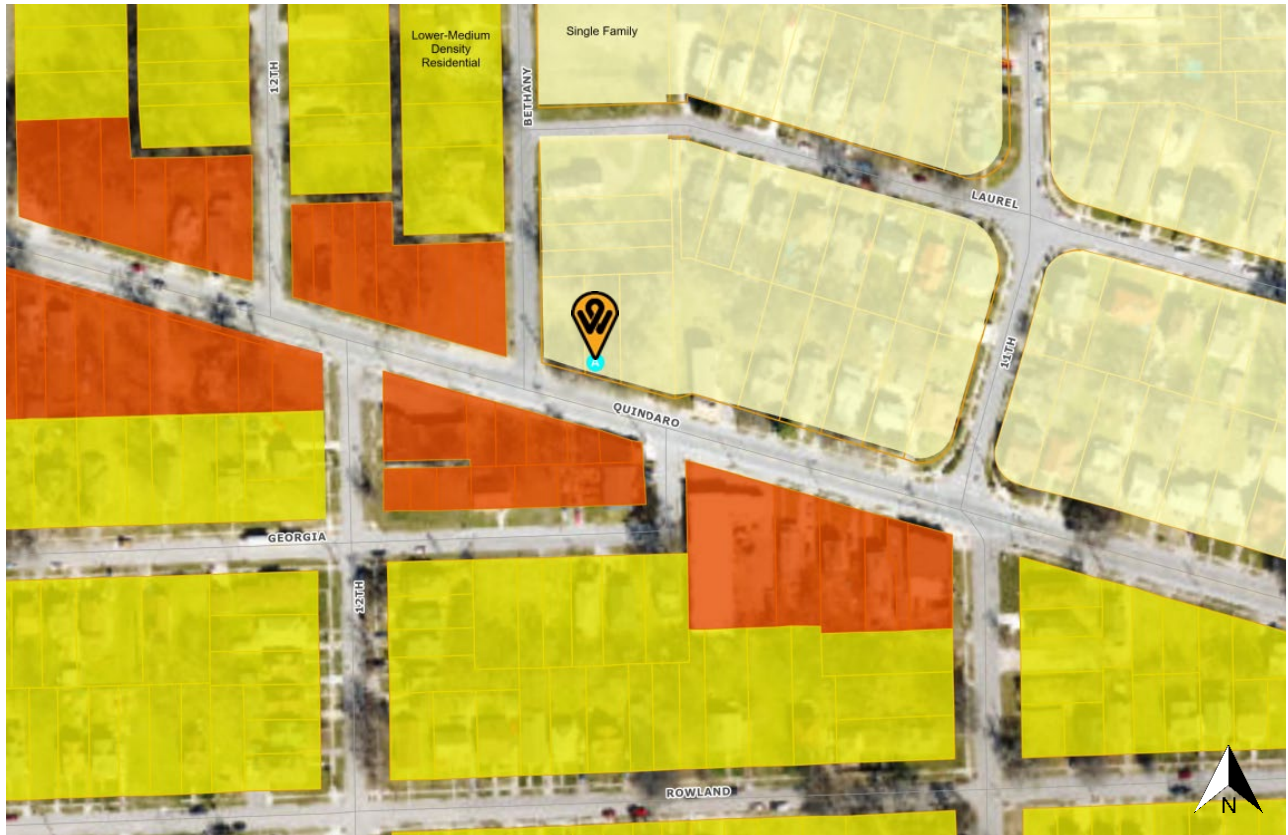
## AERIAL IMAGERY



## 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.

School located in the premises of location to  
conduct business as a liquor store.

**2**

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

No construction to the structure shall change or  
affect residents.

3	<p>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.</p> <p>N/A</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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4	<p>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p> <p>No affect to public health shall take place</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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5	<p>The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.</p> <p>NO</p> <hr/> <hr/> <hr/> <hr/> <hr/>
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**End of Application**

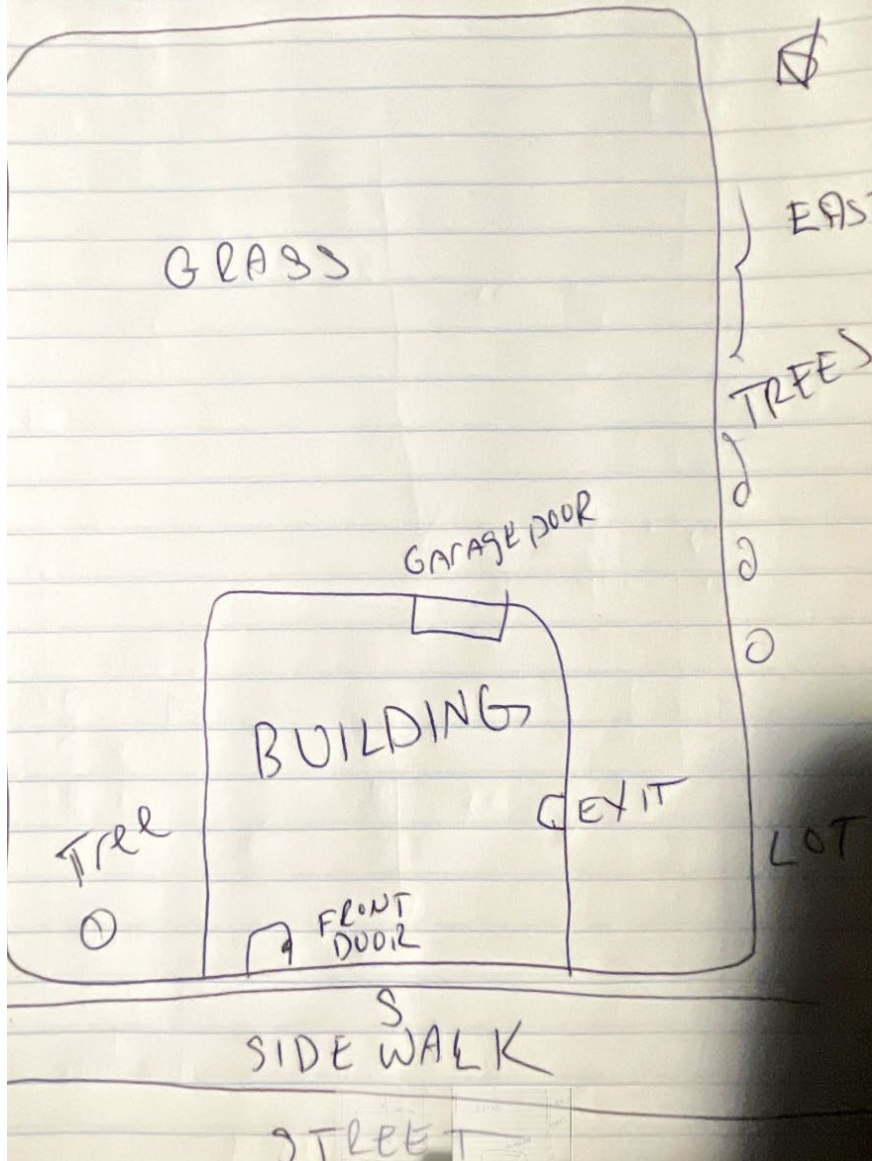
Please review again to ensure all applicable fields are completed.  
Any incomplete or insufficient fields may result in your application not being processed, per Section 27-198.

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



1130 QUINDARO BLVD

"SITE PLAN"  
N



1130 QUINDARO BLVD.

BACK FLOOR PLANS

