

BOARD OF ZONING APPEALS
MARCH 9, 2026
DECISIONS

The Board of Zoning Appeals met in regular session on Monday, March 9, 2026, at 6:02 PM, (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), Beverly Easterwood (Zoom), Jim Ernst (Zoom), Mark Mohler (Zoom), and Aaron Ward (Zoom). (Absent: Miller, Straws, Armstrong).

Rodney Lucas, Interim Planning Director/Executive Assistant to the County Administrator (Commission Chamber), Rose Morris, Recording Secretary/Professional Assistant (Commission Chamber), Byron Toy, Lead Planner (Commission Chamber), Osiris Nunez Espinoza, Planner (Commission Chamber), Mari Mongil, Administrative Coordinator (Commission Chamber), and Michael Farley, Assistant Counsel (Commission Chamber), were also present.

Link to the meeting recording: <https://www.youtube.com/watch?v=meAdMMQEvLg>

Secretary Morris read the Board of Zoning Appeals Statement: "We would like to welcome those participating to the meeting of the Board of Zoning Appeals. Members of the Board 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. 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.
3. If you are having issues getting into the Zoom meeting, please see the Planning and Urban Design website on Wycokck.org.
4. 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. First, the applicant will be given fifteen (15) minutes to make an opening statement explaining the proposal, which includes the applicant, consultants, and other members of the applicant's team.
2. Members of the Board may then address questions 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 in opposition will be recognized to make their statements and ask questions. Each member of the public will be given five (5) minutes to express their opinions and 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 who do not wish to speak.
7. Then, 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. Then, 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.
10. Motions to approve shall include the staff conditions unless otherwise stated in the motion."

Hearing starts at 6:00:

BOZA2025-027 - ALBERT HERMANS WITH SDC ENGINEERING

Synopsis: Variance for minimum separation distance between a liquor store and park at 825 Kansas Avenue (in conjunction with SP2025-063). *Detailed Outline of Requested Action:* The applicant, Albert Hermans, with SDC Engineering, is requesting a variance to build an addition onto an existing legal, non-conforming liquor store, Armourdale Liquor at 825 Kansas Avenue that is within 1,300 feet of two (2) churches (Armourdale Baptist Church and Central United Methodist Church) and two (2) parks (Bill Clem Park and Shawnee Park).

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

Present in Support:

- Jaime Marquez, Applicant Representative, Marquez Construction
- Albert Hermans, Applicant, SDC Engineering

Present in Opposition:

- No one appeared

Staff Recommendation starts at 8:09: Lead Planner Byron Toy stated that the 284 square foot building addition is on the east side of the property. The variance was needed as they are building on to a non-conforming liquor store that was in existence since before the ordinance for 1300 foot separation between churches, schools, and parks took place.

Motion starts at 8:58:

On motion by Commissioner Ward, seconded by Commissioner Beth, the Planning Commission voted as follows to **recommend APPROVAL of BOZA2025-027:**

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

Motion to recommend APPROVAL passed: 6 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with SP2025-063. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition SP2025-063 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
- 2. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;**
- 3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 4. 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;**

5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
6. The applicant has filed and maintained a current business occupation tax application;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
9. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Hearing starts at 9:37:

BOZA2026-001 - JACKSON SELBY

Synopsis: Variance to exceed the minimum lot width-to-depth ratio at 5727 Locust Avenue (in conjunction with PLAT2026-003). *Detailed Outline of Requested Action:* The applicant, Jackson Selby, is requesting the following Variances at 5727 Locust Avenue Kansas City, Kansas 66106:

This appeal has been filed to subdivide a parcel into two (2) residential lots. Section 27-280(b) states that the depth of a lot shall not exceed three (3) times the width. Lot 1 has a width of 96.02 feet and a depth of 401.66 feet. The appellant is requesting a depth-to-width ratio of 1:4.18, a violation of 39.43 percent. Lot 2 has a width of 96.02 feet and a depth of 585.36 feet. The appellant is requesting a depth-to-width ratio of 1:6.10, a violation of 103.3 percent.

Recording Secretary Morris asked if the Commission had any contact to disclose on this application. Jim Ernst recused himself as he lives within 200 feet of the property.

Present in Support:

- Krystal Voth, Atlas Land Consulting, 14500 Parallel Avenue, Basehor, Kansas 66007

Present in Opposition:

- Shelly Fishvall, 5643 Locust Avenue, Kansas City, Kansas 66106, questions about extra water runoff

Staff Recommendation starts at 12:22: Lead Planner Byron Toy stated that because of the shape of the parcel, it wouldn't be able to be subdivided without a variance. Staff recommends approval with conditions outlined in the staff report.

Motion starts at 16:25:

On motion by Commissioner Ward, seconded by Commissioner Jones, the Planning Commission voted as follows to **recommend APPROVAL of BOZA2025-001:**

Carson	Chairman
Ward	Aye
Beth	Aye
Ernst	Recused
Jones	Aye
Mohler	Aye
Easterwood	Aye
Miller	Not present
Straws	Not present
Armstrong	Not present

Motion to recommend APPROVAL passed: 5 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with PLAT2026-003. 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 PLAT2026-003 by the Unified Government City Planning Commission 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 5. Applicant shall comply with Planning Engineering comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**

6. 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,
7. 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 6:19 PM

THE BOARD OF ZONING APPEALS

BY: Rose Morris
Rose Morris, Recording Secretary