

Unified Government of Wyandotte County and Kansas City, Kansas



Board of Zoning Appeals

Commission Chambers

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

Chairman Jeff Carson

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

AGENDA

Monday, May 11, 2026

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 BOZA2026-004 - HEATHER HITCHCOCK

Synopsis: Variance to not screen mechanical equipment on a building addition for an office and shop space at 5323 Kansas Avenue.

Tracking #: 21412

3.1.2 BOZA2026-006 - CARL STOVER

Synopsis: Variance for a deck that projects into the side yard setback at 800 North 80th Terrace.

Tracking #: 21409

3.1.3 BOZA2026-007 - KIM HUYNH

Synopsis: Variance for the minimum rear-yard setback at 938 Locust Avenue (in conjunction with PLAT2026-016).

Tracking #: 21410

4 Adjourn

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government Office of the Clerk by emailing or calling UGclerkrequest@wycokck.org or 913-573-5260 at least 48 hours in advance of the meeting. Persons may address the Commission during the time set aside for Public Comment on each item scheduled or at any time by suspension of the rules. All persons must address the commission and state their name and address for the record. Comments shall be limited to three (3) minutes for each participant. Disruptive comments and behavior are not permitted and may result in removal from the meeting. Some

commissioners, staff, and the public may attend remotely via Zoom or by phone. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, all speakers are asked to please announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General. El Gobierno Unificado del Condado de Wyandotte y Kansas City, Kansas, proporcionará ayudas y servicios auxiliares necesarios y razonables, como traductores de ASL, copias legibles por máquina de los materiales de la reunión o interpretación de idiomas en el lugar. Las personas que requieran ayuda o servicios auxiliares deben comunicarse con la Oficina del Secretario del Gobierno Unificado enviando un correo electrónico o llamando al UGclerkrequest@wycokck.org o al 913-573-5260 al menos 48 horas antes de la reunión.

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

Meeting ID:861 9064 3051

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

Join via audio:

+1 719 359 4580 US +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 309 205 3325 US +1 312 626 6799 US (Chicago) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US 888 475 4499 US Toll Free 877 853 5257 US Toll Free

International numbers available: <https://wycokck.zoom.us/j/86190643051>

Cell phones may mute and unmute by dialing *6.

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

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.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 11, 2026

Re: Board of Zoning Appeals Petition BOZA2026-004

GENERAL INFORMATION

Applicant Information:

Heather Hitchcock with Davidson
Architecture
4301 Indian Creek Parkway
Overland Park, Kansas 66207

Subject Property:

5323 Kansas Avenue
Kansas City, Kansas 66106

Requested Action and Purpose:

Approval of a Variance to not screen
mechanical equipment on a building
addition for an office and shop space.

Commission Districts:

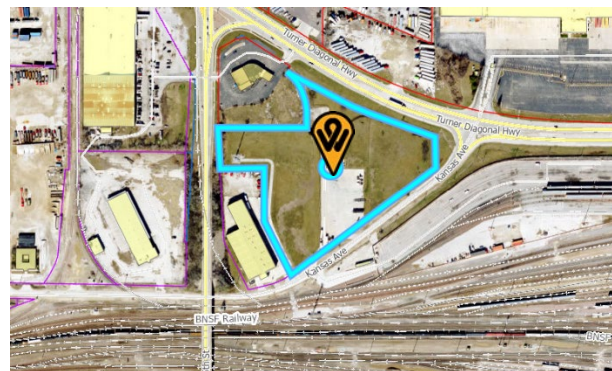
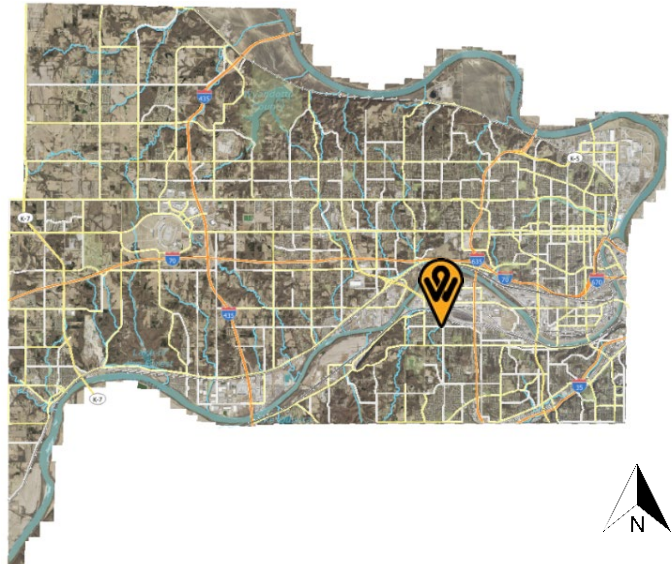
At-Large Commissioner, District #2:
Andrew Kump
District #6 Commissioner:
Philip J Lopez

Existing Zoning District(s):

MP-2 Planned General Industrial
District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	M-3 Heavy Industrial and CP-1 Planned Limited Business District	Industrial warehouse/distribution, bank, and professional offices
South	None	Burlington Northern Santa Fe Railyard
East	None	Burlington Northern Santa Fe Railyard
West	M-3 Heavy Industrial District	KCKFD maintenance facility

Total Tract Size: 7.34 Acres

Neighborhood Characteristics: The subject property is located within the Santa Fe Statistical Neighborhood and Census Block Group #0438041. The neighborhood consists of industrial warehouses and businesses, a drive through bank, offices and the BNSF railyard.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Industrial, which allows small, medium and large-scale industrial processing, manufacturing and outdoor storage. These uses are often the most intensive uses characteristic of heavy truck traffic, excessive noise, and potentially noxious impacts.

Major Street Plan: The goDotte Mobility Plan designates Turner Diagonal as a Major Arterial, South 55th Street as a Major Collector, and Kansas Avenue as a Local Street

Parking Requirement: Section 27-469(e) states that in no case, however, shall less than one (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the Director of Planning.

Landscaping Requirement: Section 27-469(g) states that trees are required to be provided at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be

provided along side and rear property lines common to or across an alley from residentially zoned property.

Advertisement:	<u>The Wyandotte Echo</u> – March 19, 2026 <u>Letters to Property Owners</u> – March 20, April 17, 2026
Public Hearing(s):	May 11, 2026
Public Support:	None to date.
Public Opposition:	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. GRD25-0208 – Grading Excavation – February 6, 2026 – Issued.
2. DRC25-0059 – DRC – New office building – September 25, 2025 – Issued.
3. COM21-0144 – Commercial – January 24, 2022 – Expired.
4. 00212-00000-00248 – Code-Environment – May 13, 2000 – Completed.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. PR2025-019 – Final Plan Review – July 18, 2025 – Approved – Final development plan for a building addition and yard laydown.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Heather Hitchcock, is requesting the following Variance to not screen mechanical equipment on a building addition for an office and shop space at 5323 State Avenue:

This appeal has been filed to not screen rooftop mechanical equipment from public view. Section 27-669(b) states that mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials. The applicant is requesting to waive 100 percent of the required screening.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

- 1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.***

The applicant is requesting a variance from the rooftop mechanical equipment screening requirement. During the July 2025 Plan Review (PR2025-019), the applicant acknowledged the screening requirement and raised no objections to this condition. The applicant is now declining to provide the required screening. The applicant previously accepted this condition and has since chosen not to comply, the hardship cited is self-created rather than a result of unique physical conditions of the property. As such, the request does not meet the variance criteria.

The applicant asserts that providing rooftop mechanical equipment screening would be inconsistent with surrounding properties, as nearby buildings do not have such screening. However, the properties referenced were constructed in the 1950s, 1960s, and 1970s, which is well before the adoption of the current screening requirements Section 27-669(b). These structures are legally nonconforming with respect to this standard. The fact that older buildings were developed prior to the applicable code does not exempt new development from compliance, nor does it establish the existing condition as the prevailing character for purposes of variance review.

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

Granting this variance would adversely affect the rights of adjacent property owners because the request is not consistent with the development pattern or regulatory expectations within the surrounding industrial area. Approving a variance for an applicant who previously acknowledged and accepted the screening requirement would also set a precedent that encourages future applicants to seek relief from standards after the fact. This would undermine the integrity of the review process and weaken the enforceability of established development conditions

- 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 this zoning ordinance does not impose a substantial or unnecessary burden on the property owner. The applicant acknowledged the

rooftop screening requirement during the Plan Review process and did not raise any objections or concerns at that time. The applicant is now seeking relief from a condition they previously accepted, which constitutes a self-imposed hardship rather than one arising from unique physical conditions of the property. Self-created hardships do not satisfy the criteria for granting a variance.

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

Granting this variance would adversely affect public morals, order, convenience, prosperity, and general welfare. The request is not consistent with the development standards that apply to new construction within the surrounding industrial area. Approval of this variance would create negative visual impacts on the community and introduce inconsistencies in the application of required development conditions. Allowing an applicant to disregard a previously acknowledged requirement would undermine the uniform enforcement of the zoning ordinance and compromise the integrity of the review process.

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

Granting this variance would be inconsistent with Section 27-669(b) and with the general character of the area. The surrounding industrial properties cited by the applicant do not provide rooftop mechanical equipment screening because they were constructed in the 1950s, 1960s, and 1970s which is well before the adoption of Section 27-669(b). These buildings are legally nonconforming with respect to current screening requirements. Approving this request would not align with the established development codes that apply to new construction and would create visual inconsistencies within the district. As a result, the variance would undermine the intended character and regulatory framework of the area.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Teams on March 26, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or sub, mitted comments to the applicant.

KEY ISSUES

Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. In July 2025, the Applicant acknowledged and agreed to screen rooftop mechanical equipment as part of case PR2025-019. 8 months have now passed, and despite their earlier commitment, the applicant is no longer intends to comply with this requirement. What is the reason for this reversal, especially given that

the requirement to add screening is explicitly stated in Condition No. 9 of the Final Plan Review approval, and the applicant failed to address this comment during the Final Plan Review process when it should have been resolved at that time?

Applicant's Response: The Applicant acknowledges that rooftop mechanical equipment screening was previously discussed and included as part of Case PR2025-019 and appreciates the City's review and coordination throughout the process.

Since completion of the Final Plan Review, the Owner has conducted a more comprehensive evaluation of the surrounding properties and the existing development context within the immediate area. Based on this review, the Owner has observed that the corridor is fully developed with industrial uses where rooftop mechanical equipment is commonly visible and screening is not characteristic of adjacent properties. Additionally, there are no known redevelopment or revitalization initiatives anticipated that would alter the established industrial character of the area in the foreseeable future.

The request to reconsider this condition is not intended to disregard prior discussions but rather reflects a refined understanding of the surrounding context and a concern that the requirement establishes an inconsistent standard relative to neighboring properties while adding significant cost without a corresponding public visual benefit.

The Applicant understands the City's position that many surrounding buildings predate current development standards and therefore were not subject to rooftop screening requirements now in place. The Applicant recognizes and generally supports the City's efforts to apply updated design standards to new development where such standards meaningfully advance community design objectives.

However, in this specific instance, strict application of the requirement does not appear to further the underlying intent of the regulation. The surrounding area remains a fully developed industrial corridor characterized by visible rooftop equipment throughout.

Requiring full rooftop screening on this single property would therefore be unlikely to materially improve the visual character of the area and would instead create a condition inconsistent with the established development pattern.

While updated standards play an important role in guiding redevelopment and improving transitioning districts, this area does not currently demonstrate signs of transition or reinvestment that would suggest an evolving architectural or visual character. Imposing full screening in isolation may therefore result in an uneven application of standards without a proportional public benefit.

For these reasons, the Applicant respectfully requests that the Board of Zoning Appeals consider the existing context and practical impact of this requirement within the specific industrial setting of the site. The Applicant remains willing to

work collaboratively with City staff and the Board to explore reasonable alternative or reduced screening approaches that address City objectives while remaining consistent with the character of the surrounding development

2. Is the applicant providing any screening at all, in any form, as required by Condition No. 9 of the Final Plan Review?

Applicant's Response: At this time, no rooftop mechanical screening is proposed for the project, as this approach is consistent with the existing character of the surrounding neighborhood. The Owner has observed that adjacent properties within this heavily industrial area do not provide rooftop screening, and therefore believes the proposed design aligns with the prevailing development pattern.

That said, the Owner is open to discussing a reduced or modified screening requirement in lieu of a full screening condition. The primary concern is the imposition of a requirement on this property that is not reflected in surrounding developments, resulting in an inconsistent standard within the immediate area.

The Applicant appreciates the intent of the rooftop screening requirement and supports its application in contexts where it meaningfully contributes to visual quality and neighborhood character. However, given the specific conditions of this site and the established industrial nature of the surrounding properties, the Applicant respectfully requests that the Board of Zoning Appeals evaluate this requirement in consideration of the site's context and adjacent land uses.

The Applicant remains willing to work collaboratively with City staff and the Board to identify a reasonable solution appropriate for this location

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval:

1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **DENY** Case **BOZA2026-004** subject to all comments and suggestions outlined in this staff report and summarized by the following conditions:

1. **This variance does not meet Statutory Requirement #1. The variance for setback is not a condition unique to the property. The property is bounded by Turner Diagonal to the north, Kansas Avenue to the east and south, and a**

portion of South 55th Street to the west. While some of the industrial buildings in the surrounding area do not have rooftop mechanical screening, those buildings were constructed between 1950s – 1970s. Screening of rooftop mechanical equipment was not required.

Our current ordinance requires mechanical equipment to be screened from public view. This proposed building addition with rooftop mechanical equipment is no different than any other new addition or new commercial/industrial building on Kaw Drive, Kansas Avenue, or Speaker Road where we will applicants to comply with the screening requirements; and,

2. These variance does not meet Statutory Requirement #3. Requiring rooftop screening 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. The applicant and owner, by their own admission, proceeded through the planning entitlement process acknowledging the screening requirements of Section 27-699(b)(6).

If the Board of Zoning Appeals chooses to **APPROVE**, it shall be done so under the following conditions:

1. 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.;
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.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Affidavit
Neighborhood Meeting Minutes
Insert the Five (5) Conditions Set by State Statute

Site Plan
Screening
Elevations
Images of the Property Submitted by the Applicant

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 11, 2026

STAFF CONTACT: **Osiris Nuñez Espinoza, Planner**
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-004** 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:

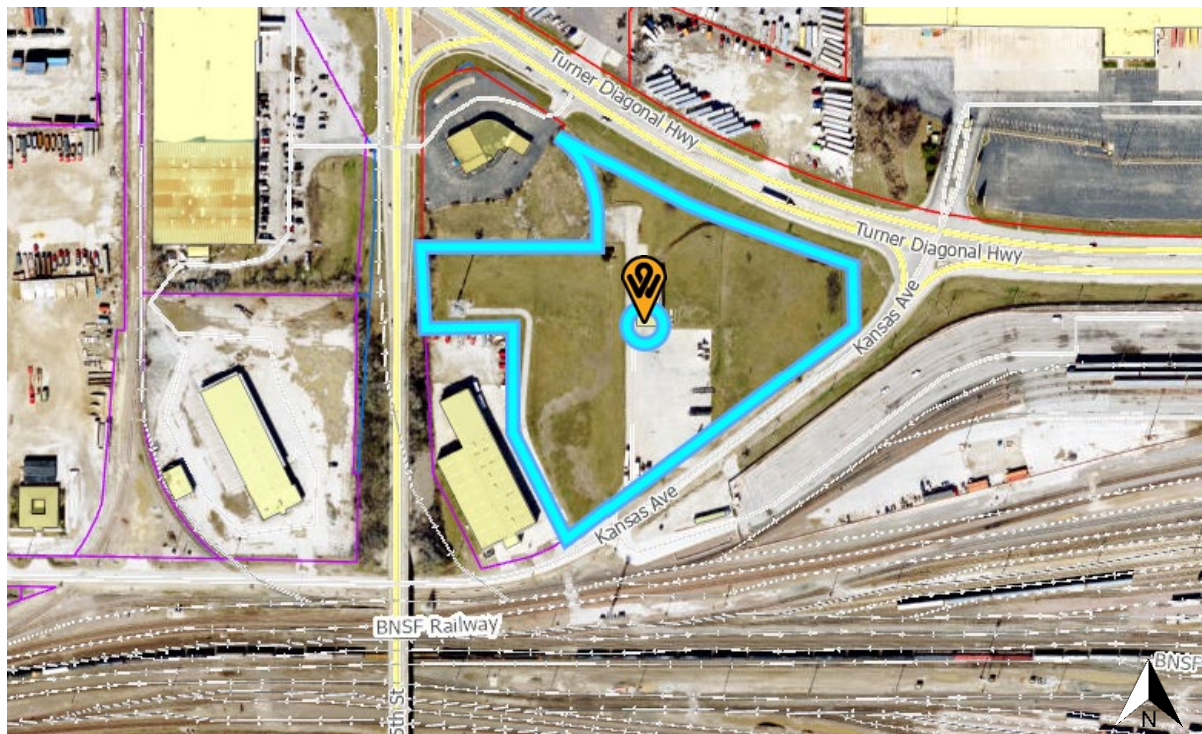
1. _____;
2. _____; And
3. _____.

OR

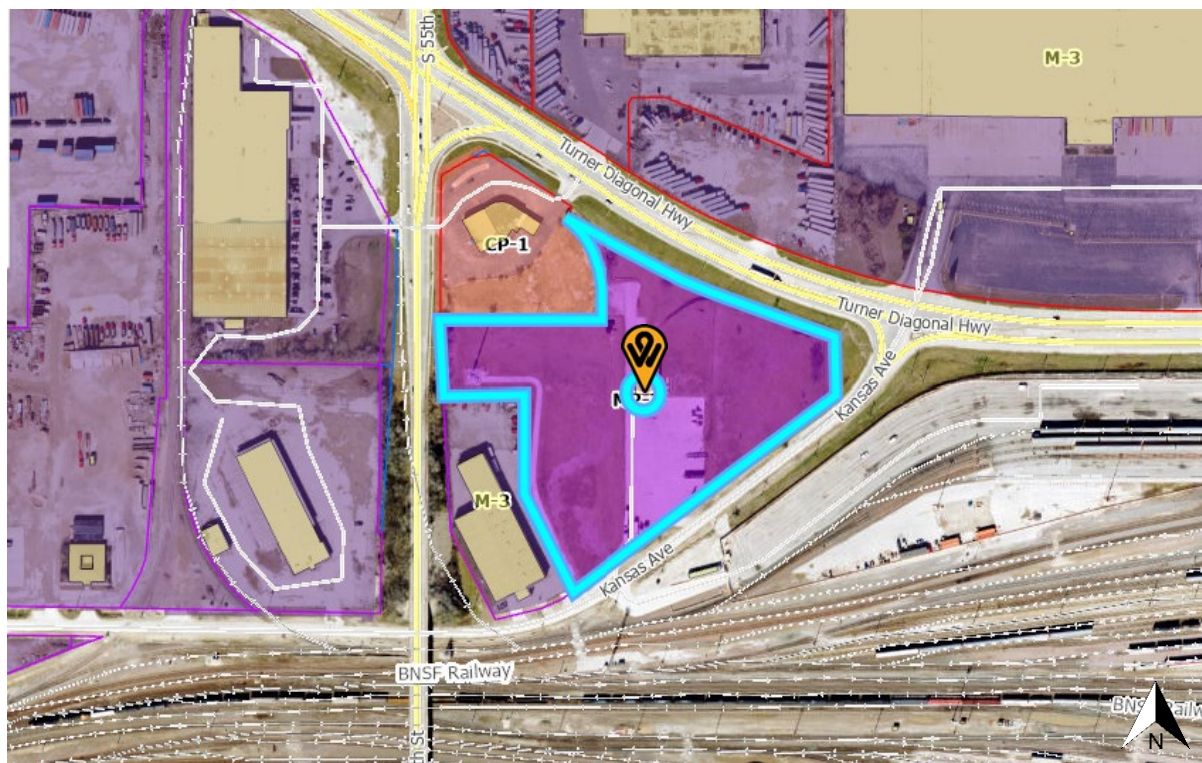
I move the Board of Zoning Appeals **DENY** Case **BOZA2026-004**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

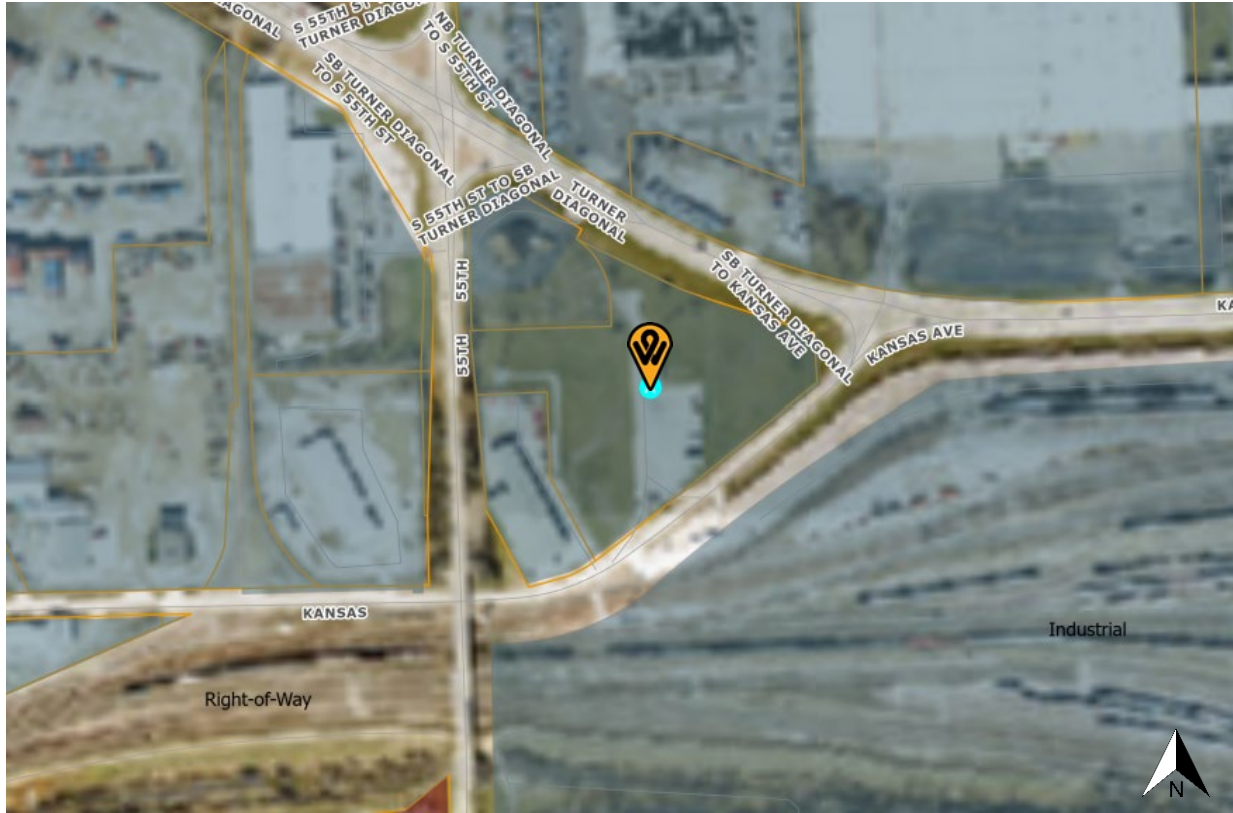
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF JOHNSON)

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

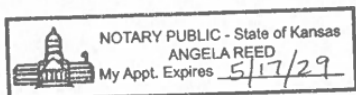
1. That I am the petitioner for Petition # BOZA2026-004.
2. That I conducted a neighborhood meeting on 03-26-2026.
3. The notice to nearby property owners was sent on 03-10-2026.
4. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Heather Hitchcock
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2026.

My commission expires 17th of March, 2029.



Angela Reed
Notary Public

NEIGHBORHOOD MEETING MINUTES:

Application Number: **BOZA2026-004**

Date and Location: **03-26-2026 – Virtual via teams meeting**

Meeting called to order at: **5:30 pm**

Names of people in attendance:

- **Heather Hitchcock** – Davidson Architecture & Engineering
- **Dan Harper** – J.E. Foster Building Company – Project General Contractor

Introductions:

Only the General Contractor and Architectural representatives joined the virtual meeting.

Design Team had a presentation prepared via PowerPoint, however since nobody joined, it was not given.

PowerPoint presentation included information about the site location, photos of surrounding area and adjacent properties with their lack of screening and justifications why the owner and design team are asking for the variance.

Questions and answers (include the following):

No attendance from the public so no questions were asked.

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: **6:01 pm**

Minutes taken by: **Heather Hitchcock**

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.

Requiring rooftop mechanical equipment screening for this site would effectively impose a condition unique to this property and its immediate surroundings. None of the adjacent or nearby properties within the industrial district provide such screening, and rooftop mechanical equipment is openly visible throughout the area. Applying this requirement solely to the subject site would create an inconsistency within the district and would not reflect the established development pattern of the surrounding properties.

The requested variance would maintain consistency with the character of the area while avoiding an unnecessary and disproportionate burden on the Owner.

2

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

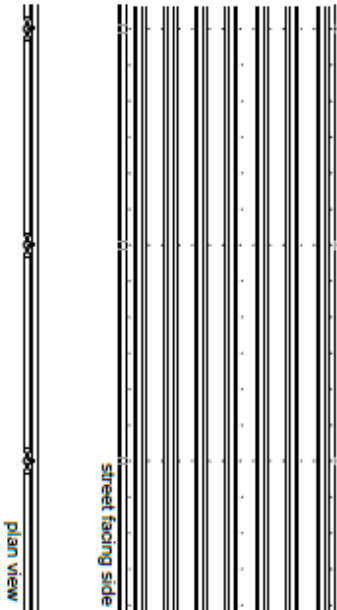
Granting this variance will not adversely affect the rights of adjacent property owners, as the request is consistent with the existing conditions present throughout the surrounding industrial area. Rooftop mechanical equipment on neighboring properties is not screened, and the proposed condition reflects the established character and development pattern of the district. As such, approval of this variance would not introduce any new or incompatible condition that would negatively impact adjacent properties.

<p>3</p>	<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>Yes, strict application of this zoning ordinance would impose a substantial and unnecessary financial burden on the Owner, particularly given that the requirement is not consistent with the character or existing development pattern of the surrounding industrial area. None of the adjacent properties provide rooftop mechanical equipment screening, and enforcing this standard solely on the subject site would create an inequitable condition without a corresponding public benefit.</p>
<p>4</p>	<p>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p> <p>No, the granting of this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The request is consistent with existing conditions in the surrounding industrial area, where rooftop mechanical equipment is not screened. Approval of this variance will not create any adverse impacts or introduce conditions that are detrimental to the community.</p>
<p>5</p>	<p>The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.</p> <p>No, granting this variance would be consistent with and supportive of the general character of the area. The surrounding industrial properties do not provide rooftop mechanical equipment screening, and approval of this request would maintain alignment with the established development pattern and visual character of the district.</p>
<p>End of Application</p> <p>Please review again to ensure all applicable fields are completed. <u>Any incomplete or insufficient fields may result in your application not being processed, per Section 27-198.</u></p> <p>See other required materials and information in the remaining pages of this packet.</p>	

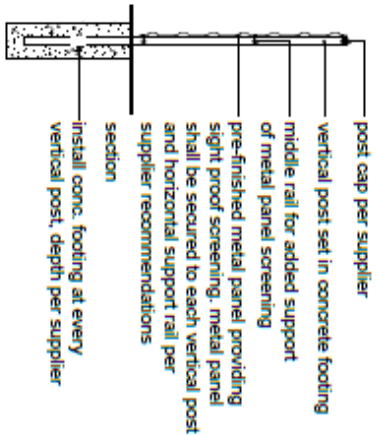
DAVIDSON

ARCHITECTURAL ENGINEERING

4901 Indian Creek Parkway
Overland Park, KS 66207
Phone: 913.451.8380
Fax: 913.451.8381
www.davidsonpa.com



fencing notes:
vertical posts, spacing per supplier recommendation, vertical posts shall be set in min. 12" dia. conc. footing.
vertical post diameters shall be determined by supplier recommendation
use fence industry standards for DQ40 pipe, diameters and spacing, typ. and ASTM F987 installation
verify with supplier if diagonal supports or tension rods are required to help resist wind loads.



3 fence detail

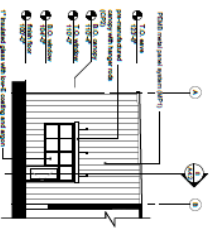
scale: 1/4" = 1'-0"



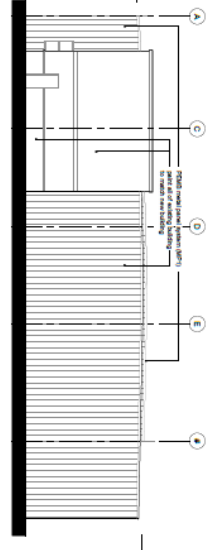
Exterior materials and finishes:

- EIFS (Exterior Insulation Finish System) - color: white
- EIFS (Exterior Insulation Finish System) - color: tan
- EIFS (Exterior Insulation Finish System) - color: grey
- EIFS (Exterior Insulation Finish System) - color: black
- EIFS (Exterior Insulation Finish System) - color: brown
- EIFS (Exterior Insulation Finish System) - color: red
- EIFS (Exterior Insulation Finish System) - color: blue
- EIFS (Exterior Insulation Finish System) - color: green
- EIFS (Exterior Insulation Finish System) - color: purple
- EIFS (Exterior Insulation Finish System) - color: pink
- EIFS (Exterior Insulation Finish System) - color: yellow
- EIFS (Exterior Insulation Finish System) - color: orange
- EIFS (Exterior Insulation Finish System) - color: light blue
- EIFS (Exterior Insulation Finish System) - color: light green
- EIFS (Exterior Insulation Finish System) - color: light purple
- EIFS (Exterior Insulation Finish System) - color: light pink
- EIFS (Exterior Insulation Finish System) - color: light yellow
- EIFS (Exterior Insulation Finish System) - color: light orange
- EIFS (Exterior Insulation Finish System) - color: light brown
- EIFS (Exterior Insulation Finish System) - color: light grey
- EIFS (Exterior Insulation Finish System) - color: light black

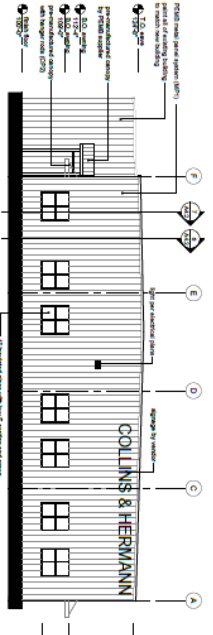
5 PEMB Exterior Elevation - West-2
SCALE: 3/32" = 1'-0"



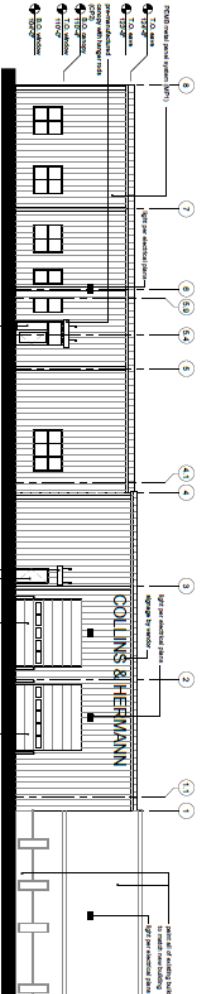
4 PEMB Exterior Elevation - West
SCALE: 3/32" = 1'-0"



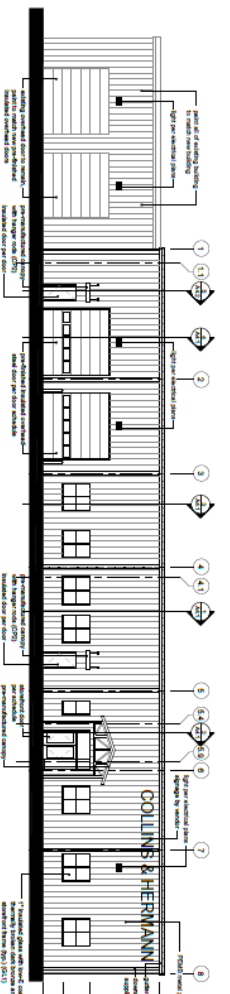
3 PEMB Exterior Elevation - East
SCALE: 3/32" = 1'-0"



2 PEMB Exterior Elevation - North
SCALE: 3/32" = 1'-0"



1 PEMB Exterior Elevation - South
SCALE: 3/32" = 1'-0"



a proposed new building for
Collins & Hermann
Kansas Ave. & 55th Street
Kansas City, Kansas

DATE: 08/13/2025
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 08/13/2025
PROJECT NUMBER: 252015

A3.1
DRAWING TYPE: EXTERIOR ELEVATIONS
PROJECT NUMBER: 252015



Looking West of our site.



Looking South of our site.



Property to the Northwest of our site. View from Turner Diagonal Parkway



Property to the North of our site. View from Turner Diagonal Parkway.



View Northeast of our site from Turner Diagonal Parkway.



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 11, 2026

Re: Board of Zoning Appeals Petition BOZA2026-008

GENERAL INFORMATION

Applicant Information:

Carl Stover
800 North 80th Terrace
Kansas City, Kansas 66112

Subject Property:

800 North 80th Terrace
Kansas City, Kansas 66112

Requested Action and Purpose:

Approval of Variance for a deck that projects into the side yard setback.

Commission Districts:

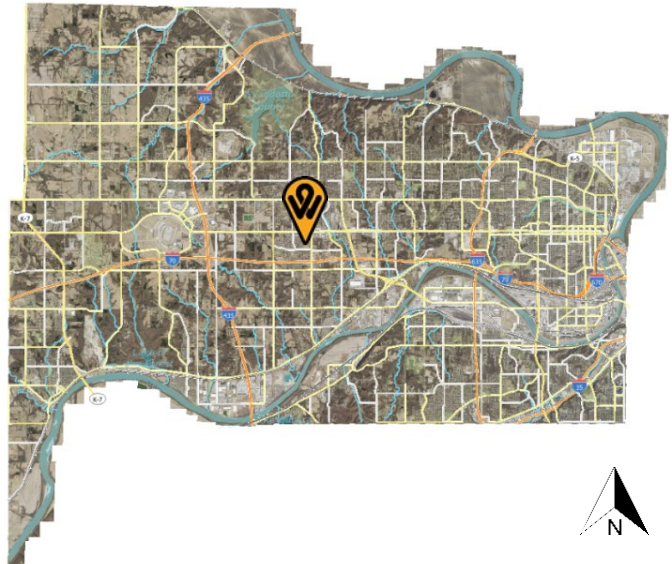
At-Large Commissioner, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single family residences
South	R-1 Single Family District	Single family residences
East	R-1 Single Family District	Single family residences
West	R-1 Single Family District	Single family residences

Total Tract Size: 0.19 Acre

Neighborhood Characteristics: The subject property is located within the Victory Hills Statistical Neighborhood and Census Block Group 0441022. The neighborhood consists of single-family residences to the north, south, and west. To the east of the subject property, aside from single family residences, places of worship are also located in large lots.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 80th Street and Barnett Avenue are both Local Streets.

Parking Requirement: Section 27-454(e) states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Applicant meets the requirement.

Landscaping Requirement: Section 27-700(a) states that 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. Applicant meets the requirement.

Advertisement: The Wyandotte Echo – April 16, 2026
Letters to Property Owners – April 17, 2026

Public Hearing(s): May 11, 2026

Public Support: Five (5) letters attached to the application.

Public Opposition: 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. 19208-02211 – Code-Environment – September 17, 2019 – Completed – Inoperable vehicle on site.
2. 16200-04751 – Code-Environment – December 15, 2016 – Completed – Multiple violations
3. 16208-00236 – Code-Environment – February 17, 2016 – Completed – Flat tire on a truck
4. From 2015 to 2003 there were 7 additional Code-Environment complaints due to trash, weeds, vehicle(s) parked in an unpaved surface, and no address numbers on site.

Outstanding or Related Permit and Cases:

1. STR25-0180 – Structural – March 6, 2025 – Extension Granted – Front and back deck being built without any permits
2. BSR25-0041 – Stop Work Order – March 4, 2026 – Pending – Front and back deck being built without any permits

Previous Planning Actions:

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Carl Stover, is requesting the following Variance at 800 North 80th Terrace:

This appeal has been filed for a deck that projects into the side yard, corner setback. Section 27-454(d)(2)(c) requires a minimum side yard, corner setback from property line not less than 25 feet. The proposed deck is 13.5 feet from the side yard, corner property line, a violation of 11.5 feet.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

1. ***The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or***

district; and which is not created by an action or actions of the property owner or the applicant.

The applicant states that the variance is justified because the house was originally built according to the platted 20-foot setback shown on the Stony Point Heights Plat, rather than the 25-foot setback required in the R-1 Single Family District Section 27-454(d)(2)(c). However, the issue is not the home's original placement. The setback violation arose only after the deck was built without permits, resulting in an encroachment into the required 25-foot corner side-yard setback, a hardship created by the applicant.

A small stoop previously existed at the south entrance, as confirmed through aerial imagery as early as 2003 to 2022, and that stoop met all applicable setback requirements. The violation occurred solely due to the addition of the deck and its roof, which extended into the required setback area

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

Granting the permit will not adversely affect the rights of adjacent property owners or residents, however, this is a hardship that the property owner impose themselves.

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 zoning ordinance does not create a substantial or unnecessary burden on the property owner. The applicant constructed the deck without obtaining the required permits, and the property already had a compliant access point on the south side that did not create any setback issues. The hardship being claimed results solely from the unpermitted deck construction, not from the ordinance itself.

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

Granting this variance would adversely affect public morals, order, convenience, prosperity, and general welfare. The hardship was imposed by the applicant.

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

Granting this variance would be inconsistent with Section 27-454(d)(2)(c) and approving this request would not align with the established residential codes.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 800 North 80th Terrace on April 27, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Deck built without permits and setbacks

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Why were permits not requested for the construction of the deck?

Applicant Response: Permits were not obtained because numerous other homes in Stony Point Heights have similar structures and the City had knowledge of the construction prior to issuing notice violations being issued.

2. When was the deck added to the property?

*Applicant Response: Deck construction began May 2023.
Deck construction was completed in August 2023.
A notice of violation was served on March 4, 2025.
A Stop Work Order was served on March 6, 2026.*

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **DENY** Case **BOZA2026-006** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **This variance does not meet Statutory Requirement #1. The variance for setback is not a condition unique to the property. In the case of the side yard setback, the applicant's stated reason for the variance is to allow the full use and enjoyment of the current residence rather than a property**

condition. The existing stairs while within the setback are permitted for ingress/egress; and,

2. These variance 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 consultation with Planning Staff had occurred prior to construction, a variance would have been required, but procedurally, the variance would be heard by the Board of Zoning Appeals and depending on the outcome, plans would have been submitted to Building Inspection Division for review of a building permit.

If the Board of Zoning Appeals chooses to **APPROVE**, it shall be done so under the following conditions:

1. Subject to approval, the applicant shall obtain a retroactive building permit for the ramp;
2. 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,
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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statute
Neighborhood Meeting Affidavit
Neighborhood Meeting Minutes
Plot Plan
Letters in Support
Images of the Property Submitted by the Applicant
Image of the Property from 2003 – UG Maps Pictometry
Image of the Property from 2022 – Google Maps Street View

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 11, 2026

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner

Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-006** 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

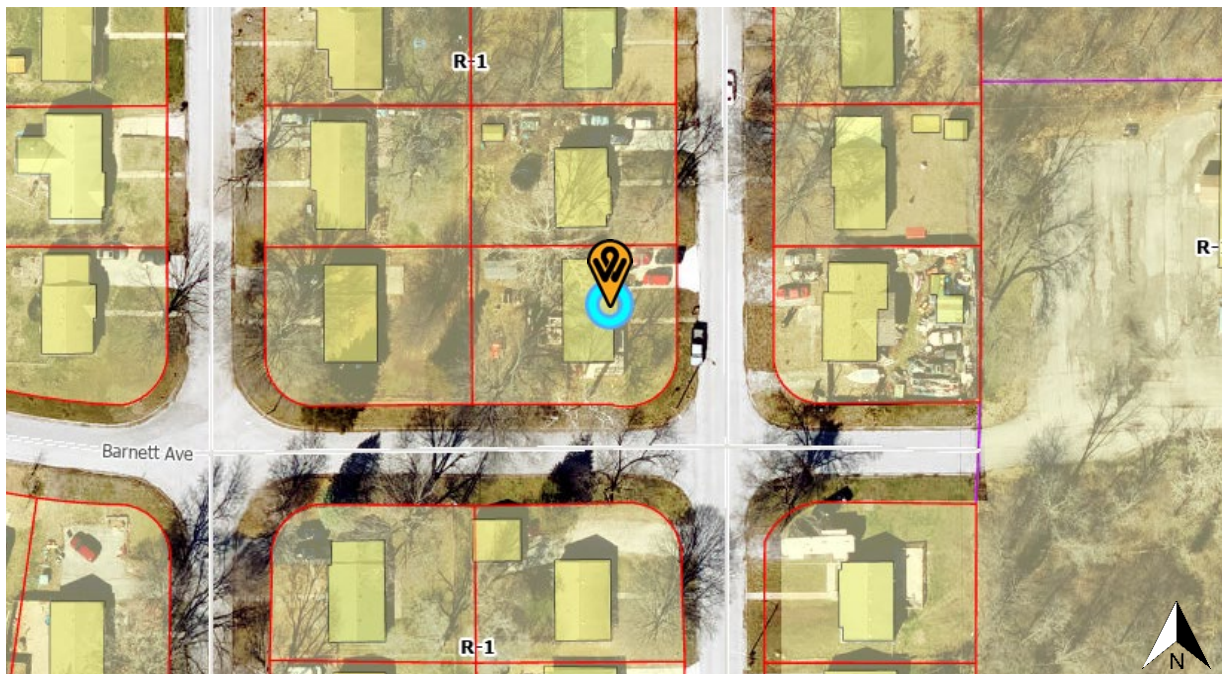
I move the Board of Zoning Appeals **DENY** Case **BOZA2026-006**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

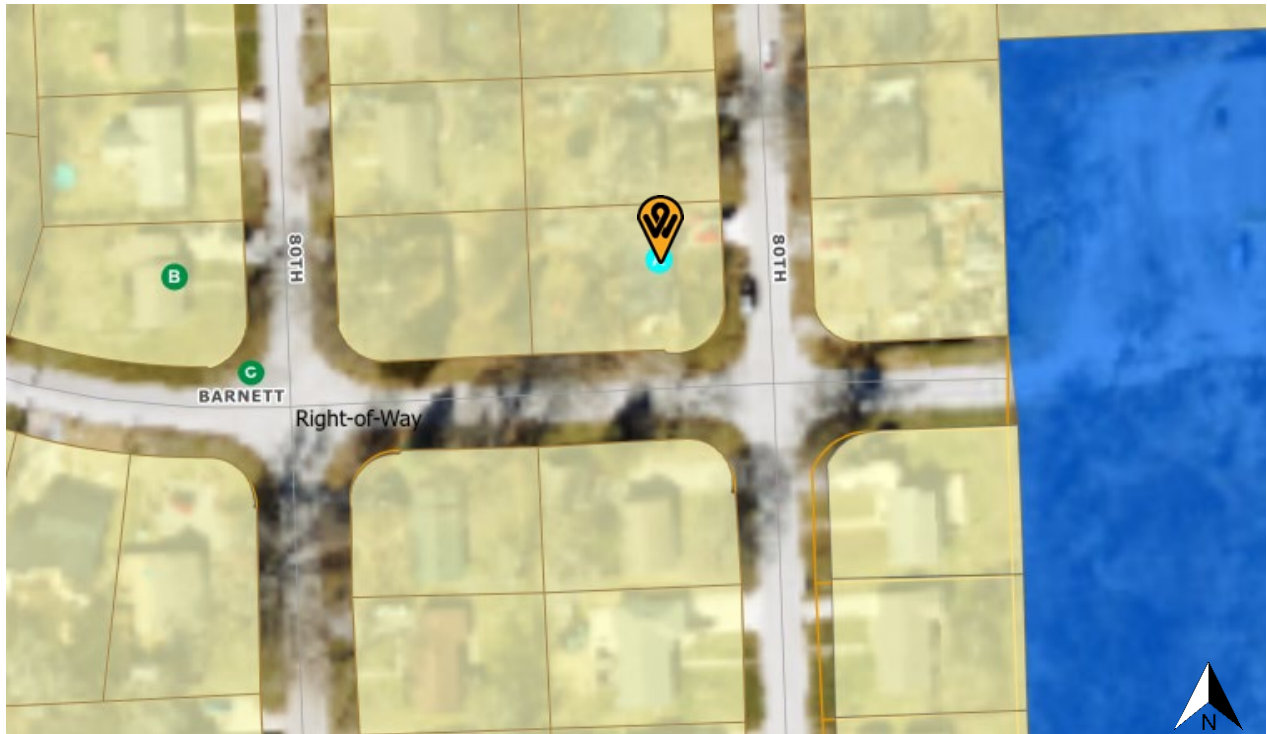
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



ADDITIONAL ATTACHMENTS

Kansas State Statutes

This section outlines the five (5) statutes in which variances are reviewed upon. The applicant must review these statutes and explain how their application applies and conforms to these five (5) statutes in as much detail as possible.

1

The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.

This variance request arises from a condition unique to the property in question. The home was constructed in accordance with the platted zoning setback, not the Sec. 27-454 - R-1 single-family district setbacks. The owner did not create the encroachment of the home into the setback. Denying this variance request will prevent the full use and enjoyment of the home and the south entry to the same.

2

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

Granting this variance will not adversely affect the rights of adjacent property owners because of the following reasons.

The open porch allows for a clear line of site for residents who travel Barnett. Please see the attached letters of support.

<p>3</p>	<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. A strict application of Sec. 27-454 - R-1 single-family district setbacks would create an unnecessary hardship because the home's only front entry is on the south side of the home that was previously approved by the City. Since the home encroaches in the setback, the south entry would be rendered useless and the value of his home would be diminished.</p>
<p>4</p>	<p>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p> <p>This variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.</p> <p>The variance being requested for a single residential lot that others have no right to use.</p> <p>The public health, safety and general welfare is not at risk because the open porch allows for a clear view.</p> <p>Prosperity is not an issues as the proposed variance would allow an improvement to the property and add a safe means of access to the home.</p>
<p>5</p>	<p>The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.</p> <p>If granted, the variance desired is not affect the general spirit and intent of the zoning ordinance.</p> <p>In this case the proposed variance will allow the full use an enjoyment of the property.</p> <p>The open nature of the porch assures adequate light and air.</p> <p>It poses no threat to street use and line of sight is not obstructed. Granting this variance will allow the full use and enjoyment of the current residence by allowing the use of the south entrance with an adequate means of entry.</p>

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.

PLOT PLAN / SITE PLAN - EXISTING DECK
800 North 50th Terrace, Kansas City, Kansas 66112

OWNER:

Carl Wayne Stover
800 North 50th Terrace
Kansas City, Ks. 66112

LEGAL DESCRIPTION:

(As described in the Kansas Warranty Deed filed in the Wyandotte County, Kansas Register of Deeds Office on November 05, 2012 in Book 3083 at Page 01)

Lot 9, Block 6, STONY POINT HEIGHTS, an addition in Kansas City, Wyandotte County, Kansas.

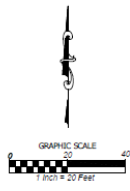
Subject to easements, restrictions, reservations and covenants which may be of record.

GENERAL PROPERTY INFORMATION: Sec. 17-254, R-1 Height and area standards

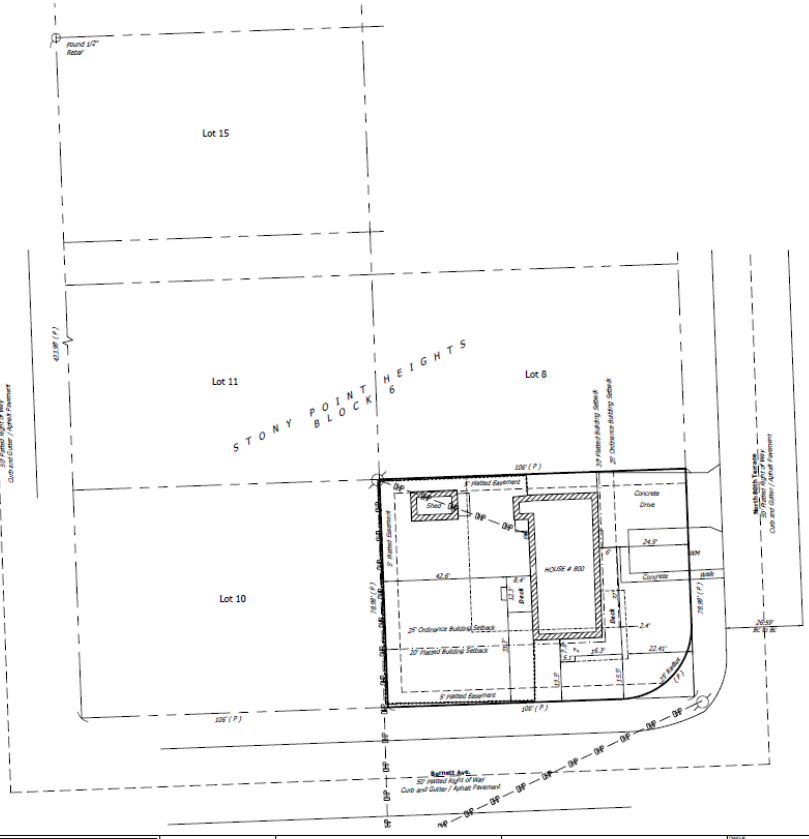
State Parcel ID: 102953080100601000 Front yard: Not less than 25 feet
Wyandotte County Parcel No.: 008890 Side yard, interior: Not less than seven feet
Zoning: R-1 According to Det Maps Side yard, corner: Not less than 25 feet
Rear yard: Not less than 30 feet.

GENERAL NOTES:

- This is not a boundary survey and all distances are plot distances, not measured distances.
- Per agreement with the client, this surveyor has not searched the Wyandotte County, Kansas Register of Deeds Office, the Wyandotte County District Court, or any Wyandotte County records for any easements, encumbrances, condemnations, court decrees, vacations, ordinances, or any other encumbrances which may affect the subject property. Easements or other encumbrances may exist on the property and the client should research the same prior to constructing any improvements.
- Only platted easements are shown.
- No underground utilities were located for this survey. Underground utilities exist on the premises. It is the excavator's responsibility to have any utilities located before digging.



- LEGEND:**
- GM Gas Meter
 - EM Electric Meter
 - M Measured Distance
 - WM Water Meter
 - P Plat Distance
 - Power Pole
 - OH Overhead Electric



SURVEYORS CERTIFICATION:
THIS IS TO CERTIFY that on 07-31-2025 - 03-16-2026 this Plot Plan was made by me or under my direct supervision.

No.	Date	Description
1	JPM	Added front deck distance

MAURIN & SONS
LAND SURVEYING & CONSULTING SERVICES, LLC
6531 Floyd Street, Overland Park, Kansas 66202
316-499-0700
WWW.MAURINANDSONS.COM | EMAIL: INFO@MAURINANDSONS.COM



PROJECT:
Plot Plan / Site Plan Survey for Existing Deck
800 North 50th Terrace
Kansas City, Kansas 66112

CLIENT INFORMATION:
Carl Wayne Stover
800 North 50th Terrace
Kansas City, Kansas 66112

DATE	25-093
REVISION	25-093
DATE	JPM
REVISION	08642025
DATE	1 OF 1

Department of Planning and Urban Design
701 N 7th Street, Suite 423
Kansas City, Kansas 66101

January 04, 2025

To the Kansas City, Kansas Board of Zoning Appeals (or relevant authority):

Subject: Letter of Support for Variance Request at Carl Stover's Residence 800 N. 80th Ter., Kansas City, Kansas 66112

To Whom it May Concern,

My name is Mathew Brown. I reside at 801 North 80th Terrace, Kansas City, Kansas 66112, east of and across the street from Mr. Carl Stover. I am writing to express my support for his wood porch variance request (the east and south side of this home).

I understand Mr. Stover is seeking a variance for reduction in the 25-foot side and rear yard setback requirement prescribed by City Ordinance. I have seen his wood porch addition. It serves as his home's front entry. This addition enhances his property and is positive addition to his home and the neighborhood.

This wood porch is a drastic improvement from the previous wooden stoop. It enhances the property's aesthetics. It does not create a burden or nuisance for me. It allows adequate light and air and offers clear line of site. Further it is similar in appearance to other front porches in the neighborhood.

I have no objections to the requested variance and am confident it will be a well-maintained, valuable asset to Mr. Stover's front home entrance.

Thank you for your time and consideration in approving this request.

Sincerely,



Mathew Brown

801 North 80th Terrace
Kansas City, Kansas 66112

Department of Planning and Urban Design

701 N 7th Street, Suite 423

Kansas City, Kansas 66101

January 04, 2025

To the Kansas City, Kansas Board of Zoning Appeals (or relevant authority):

Subject: Letter of Support for Variance Request at Carl Stover's Residence 800 N. 80th Ter., Kansas City, Kansas 66112

To Whom it May Concern,

My name is Marcia Kenney. I reside at 807 North 80th Terrace, Kansas City, Kansas 66112, northeast of and across the street from Mr. Carl Stover. I am writing to express my support for his wood porch variance request (the east and south side of this home).

I understand Mr. Stover is seeking a variance for reduction in the 25-foot side and rear yard setback requirement prescribed by City Ordinance. I see his wood porch addition daily. It serves as his home's front entry. This addition enhances his property and is positive addition to his home and the neighborhood.

This wood porch is a drastic improvement from the previous wooden stoop. It enhances the property's aesthetics. It does not create a burden or nuisance for me. It allows adequate light and air and offers clear line of site. Further it is similar in appearance to other front porches in the neighborhood.

I have no objections to the requested variance and am confident it will be a well-maintained, valuable asset to Mr. Stover's front home entrance.

Thank you for your time and consideration in approving this request.

Sincerely,



Marcia Kenney

807 North 80th Terrace

Kansas City, Kansas 66112

Department of Planning and Urban Design

701 N 7th Street, Suite 423

Kansas City, Kansas 66101

January 04, 2025

To the Kansas City, Kansas Board of Zoning Appeals (or relevant authority):

Subject: Letter of Support for Variance Request at Carl Stover's Residence 800 N. 80th Ter., Kansas City, Kansas 66112

To Whom it May Concern,

My name is Rene Garcia. I reside at 806 North 80th Terrace, Kansas City, Kansas 66112, directly north of and adjoining Mr. Carl Stover. I am writing to express my support for his wood porch variance request (the east and south side of this home).

I understand Mr. Stover is seeking a variance for reduction in the 25-foot side and rear yard setback requirement prescribed by City Ordinance. I have seen his wood porch addition. It serves as his home's front entry. This addition enhances his property and is positive addition to his home and the neighborhood.

This wood porch is a drastic improvement from the previous wooden stoop. It enhances the property's aesthetics. It does not negatively impact our shared property line or create a burden or nuisance for me. It allows adequate light and air and offers clear line of site. Further it is similar in appearance to other front porches in the neighborhood.

I have no objections to the requested variance and am confident it will be a well-maintained, valuable asset to Mr. Stover's front home entrance.

Thank you for your time and consideration in approving this request.

Sincerely,

Rene Garcia



806 North 80th Terrace

Kansas City, Kansas 66112

Department of Planning and Urban Design

701 N 7th Street, Suite 423

Kansas City, Kansas 66101

January 04, 2025

To the Kansas City, Kansas Board of Zoning Appeals (or relevant authority):

Subject: Letter of Support for Variance Request at Carl Stover's Residence 800 N. 80th Ter., Kansas City, Kansas 66112

To Whom it May Concern,

My name is Ashley Taylor. I reside at 730 North 80th Terrace, Kansas City, Kansas 66112, south of and across the street from Mr. Carl Stover. I am writing to express my support for his wood porch variance request (the east and south side of this home).

I understand Mr. Stover is seeking a variance for reduction in the 25-foot side and rear yard setback requirement prescribed by City Ordinance. I have seen his wood porch addition. It serves as his home's front entry. This addition enhances his property and is positive addition to his home and the neighborhood.

This wood porch is a drastic improvement from the previous wooden stoop. It enhances the property's aesthetics. It does not create a burden or nuisance for me. It allows adequate light and air and offers clear line of site. Further it is similar in appearance to other front porches in the neighborhood.

I have no objections to the requested variance and am confident it will be a well-maintained, valuable asset to Mr. Stover's front home entrance.

Thank you for your time and consideration in approving this request.

Sincerely,


Ashley Taylor

730 North 80th Terrace

Kansas City, Kansas 66112

Department of Planning and Urban Design

701 N 7th Street, Suite 423

Kansas City, Kansas 66101

January 04, 2025

To the Kansas City, Kansas Board of Zoning Appeals (or relevant authority):

Subject: Letter of Support for Variance Request at Carl Stover's Residence 800 N. 80th Ter., Kansas City, Kansas 66112

To Whom it May Concern,

My name is Candy Milner. I reside at 801 North 80th Place, Kansas City, Kansas 66112, directly west of and adjoining Mr. Carl Stover. I am writing to express my support for his wood porch variance request (the east and south side of this home).

I understand Mr. Stover is seeking a variance for reduction in the 25-foot side and rear yard setback requirement prescribed by City Ordinance. I have seen his wood porch addition. It serves as his home's front entry. This addition enhances his property and is positive addition to his home and the neighborhood.

This wood porch is a drastic improvement from the previous wooden stoop. It enhances the property's aesthetics. It does not negatively impact our shared property line or create a burden or nuisance for me. It allows adequate light and air and offers clear line of site. Further it is similar in appearance to other front porches in the neighborhood.

I have no objections to the requested variance and am confident it will be a well-maintained, valuable asset to Mr. Stover's front home entrance.

Thank you for your time and consideration in approving this request.

Sincerely,



Candy Milner

801 North 80th Place

Kansas City, Kansas 66112



IMAGES OF THE PROPERTY FROM 2003 – UGMAPS PICTOMETRY



IMAGES OF THE PROPERTY FROM 2022 – GOOGLE MAPS STREET VIEW





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Board of Zoning Appeals

From: Planning and Urban Design Staff

Date: May 11, 2026

Re: Board of Zoning Appeals Petition BOZA2026-007 (in conjunction with PLAT2026-016)

GENERAL INFORMATION

Applicant Information:

Kim Huynh
938 Locust Avenue
Kansas City, Kansas 66103

Subject Property:

938 Locust Avenue
Kansas City, Kansas 66103

Requested Action and Purpose:

Approval of Variance for the minimum rear-yard setback. In conjunction with PLAT2026-016.

Commission Districts:

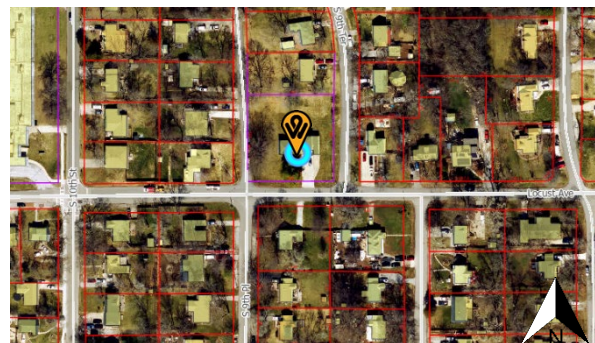
At-Large Commissioner, District #2:
Andrew Kump
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residence
South	R-1 Single Family District	Single-family residence
East	R-1 Single Family District	Single-family residence
West	R-1 Single Family District	Single-family residence

Total Tract Size: 0.61 Acre

Neighborhood Characteristics: The subject property is located within the Rosedale Statistical neighborhood and Census Block Group #0433011. The neighborhood consists of single family homes to the north, east, south, and west of the property. Thomas A. Edison Elementary lies to the west of the property, and Highway 35 is situated to the northwest.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods.

Major Street Plan: The goDotte County-Wide Mobility Strategy designates Locust Avenue as a Local Street.

Parking Requirement: Section 27-454(e) states that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Applicant meets the requirement.

Landscaping Requirement: Section 27-700(a) states that one (1) shade tree per dwelling unit is required in the front or corner side yard, and one tree per 7,000 square feet of site area for uses other than residences. Applicant meets the requirement.

Advertisement: The Wyandotte Echo – April 16, 2026
Letters to Property Owners – April 17, 2026

Public Hearing(s): May 11, 2026

Public Support: 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. ENV21-4077 – Code-Environment – September 15, 2021 – Closed – tree limbs on the property
2. 20205-00166 – Code-Environment – February 25, 2020 – Closed – Trashcan located in the front of the property – Previous property owner.
3. 15208-03190 – Code-Environment – October 21, 2015 – Closed – Vehicle parked on grass – Previous property owner.
4. 15200-00817 – Code-Environment – March 13, 2015 – Closed – Junk vehicle and lots of trash on the property – Previous property owner.
5. From 2012 to 2014 there were six (6) additional Code-Environments and two (2) TOW – Previous property owner.

Outstanding or Related Permit and Cases:

1. PLAT2026-016 – Final Plat – March 27, 2026 – Open – Final plat to create a new parcel.

Previous Planning Actions:

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Kim Huynh, is requesting the following Variance at 938 Locust Avenue (in conjunction with PLAT2026-016):

This appeal has been filed to reduce the minimum rear yard setback for an existing single-family home. Section 27-454(d)(2)(d) requires a minimum rear yard setback from property line not less than 30 feet. The existing single-family home is 15.22 feet from the rear yard property line, a violation of 14.78 feet.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709, Article VII Sections 27-245-339, Article XI Section 27-215, and all other applicable standards within Chapter 27.

KANSAS STATUTORY REQUIREMENTS

1. *The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and which is not created by an action or actions of the property owner or the applicant.*

The property owner is requesting a variance to reduce the minimum rear yard setback for an existing single-family home. Section 27-454(d)(2)(d) requires a minimum rear yard setback of no less than 30 feet. The existing home is located 15.22 feet from the rear property line, resulting in a 14.78-foot violation. This hardship is self-imposed by the property owner. The applicant states that the condition is unique because the home was constructed prior to the adoption of Section 27-454(d)(2)(d).

The home was built in 1948, and while the applicant is correct that the structure predates the current setback requirements, the hardship arises from the owner's decision to divide the lot, thereby creating the nonconforming condition.

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 permit for the variance will adversely affect the rights of adjacent property owners or residents because the request is not consistent with the development pattern or regulatory expectations within the surrounding residential area.

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 this zoning ordinance does not impose a substantial or unnecessary burden on the property owner. The proposed development is a self-imposed hardship rather than one arising from unique physical conditions of the property. Self-created hardships do not satisfy the criteria for granting a variance.

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

Granting this variance would adversely affect public morals, order, convenience, prosperity, and general welfare. The request is not consistent with the development standards of R-1 Single Family District.

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

Granting this variance would be inconsistent with 27-454(d)(2)(d) and with the general character of the area.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Teams on April 27, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Setbacks

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. What is the reason for the division of the lot?

Applicant's Response: The property owner desires to build a second home on the property. The property has sufficient land area in order to support a second home, but due to the location of the existing home, the property owner is not able to meet the zoning setback requirements, even though this parcel is larger than the majority of parcels in the area. The applicant requested the ability to construct a ADU, but was informed that this parcel cannot be developed with the narrow-lot guidelines and is therefore not eligible for an ADU.

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Zoning Appeals **APPROVE BOZA2026-007** subject to all comments and suggestions outlined in this staff report and summarized by the following conditions.

1. **This Board of Zoning Appeals case is being heard in conjunction with PLAT2026-016. 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) PLAT2026-016. by the Unified Government City Planning Commission and upon any ordinance publications required by law;**
2. **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;**

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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statute
Neighborhood Meeting Affidavit
Plot Plan
Plat
Images of the Property Submitted by Applicant
Opposition Letter Received on April 14, 2026

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	May 11, 2026

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-007** 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:

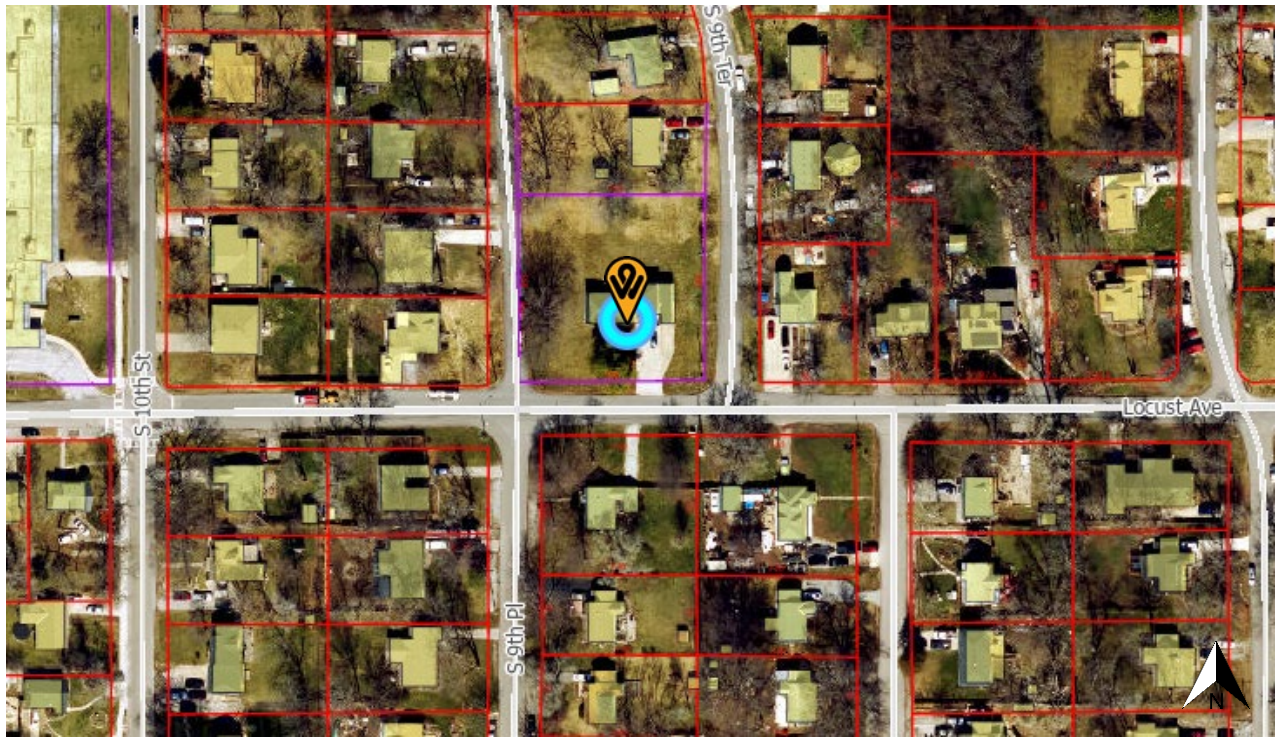
1. _____;
2. _____; And
3. _____.

OR

I move the Board of Zoning Appeals **DENY** Case **BOZA2026-007**, 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

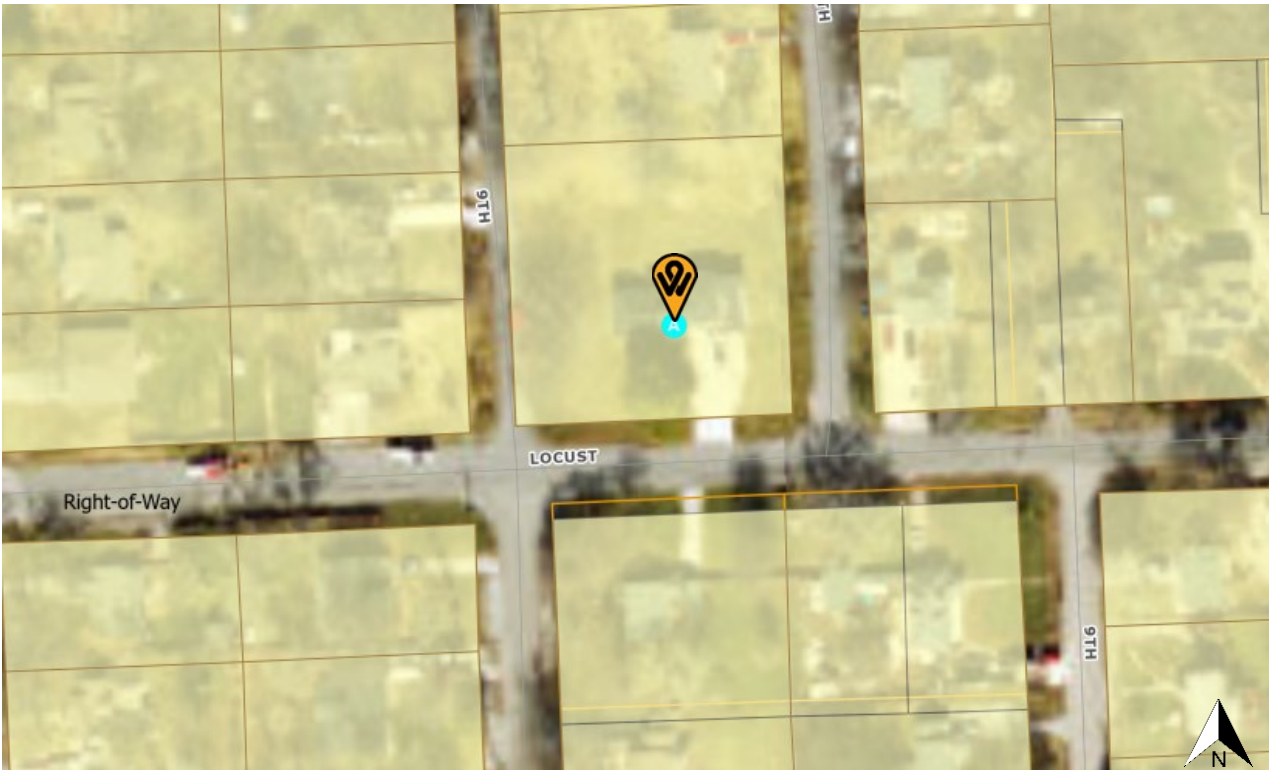
AERIAL IMAGERY



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.

<p>1</p>	<p>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.</p> <p>The current home which is situated in the center of a large lot was constructed several decades ago, prior to the 30' rear setback line requirement. In constructing this home in the location in which it was done, future property owners have had limited ability to divide this property even though the property is much larger than the average lot in the area and contains enough land area and road frontage to be divided and meet the zoning district regulations for the R-1 Zoning District. The location of the home in the center of the lot is creating a unique situation on a lot of this size as the location of the home hinders the ability of a property owner from dividing this lot.</p>
<p>2</p>	<p>The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.</p> <p>Granting this variance will in no way adversely affect the rights of the adjacent owners or residents</p> <p>Given that the side-yard setback requirement is a minimum of 7' from the side yard (which is the rear property line for Lot 1) and the rear of the existing home will be approximately 13' from the rear that results in an overall setback of a minimum of 20' between structures which is a reasonable and safe setback that will not cause issues between future property owners.</p>

<p>3</p>	<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. Strictly applying this setback requirement will cause an undo hardship on the existing property owner and will result in this property not meeting the maximum potential and would result in a new home not being constructed.</p> <hr/> <hr/> <hr/>
<p>4</p>	<p>The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The public health, safety, morals, order, convenience, prosperity, or general welfare of the residents of the neighborhood will not be adversely impacted in any way.</p> <hr/> <hr/> <hr/>
<p>5</p>	<p>The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. The general spirit of the zoning regulations is to create orderly, safe, harmonious development, granting the variance is well within the spirit of the zoning regulations and given the minimum 20' setback between structures, the overall intent of the zoning regulations is being firmly upheld.</p> <hr/> <hr/> <hr/>

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.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Leavenworth)

Comes now Krystal A. Voth, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # BOZA2026-007
2. That I conducted a neighborhood meeting on 04/27/2026.
3. The notice to nearby property owners was sent on 4/9/2026.
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.

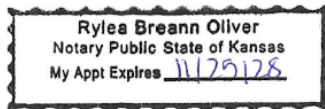
Further affiant saith not.

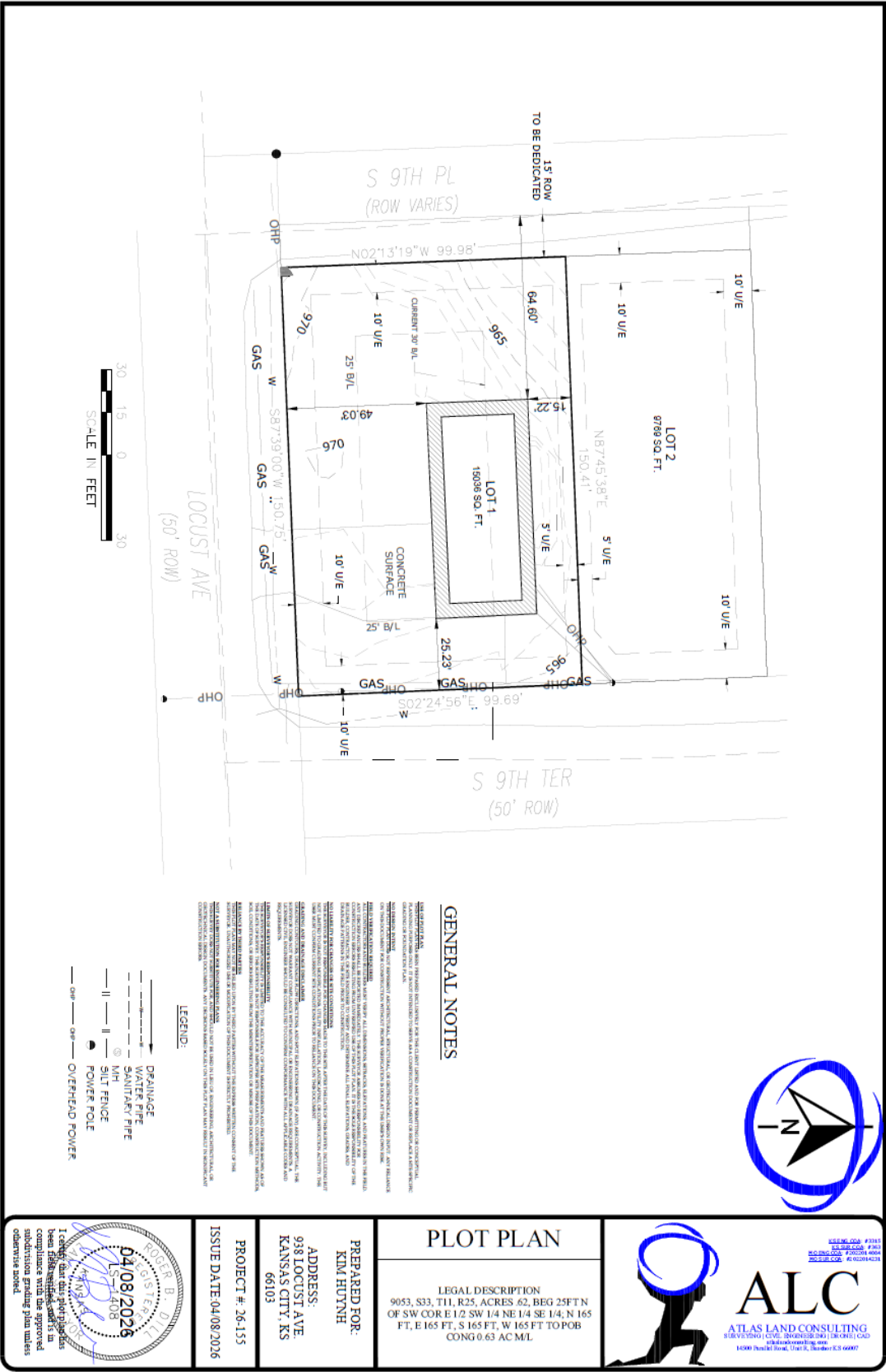
Krystal A. Voth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of April, 2026.

My commission expires 25th of November, 2028.

Rylea Breann Oliver
Notary Public





GENERAL NOTES

1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE CONSULTANT'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE CONSULTANT'S LIABILITY IS LIMITED TO THE SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.

- LEGEND:**
- DRAINAGE
 - WATER PIPE
 - SANITARY PIPE
 - ⊙ MH
 - SILT FENCE
 - POWER POLE
 - OVERHEAD POWER



PLOT PLAN

LEGAL DESCRIPTION
 9053, S33, T11, R25, ACRES 62, BEG 25FT N
 OF SW COR E 1/2 SW 1/4 NE 1/4 SE 1/4, N 165
 FT, E 165 FT, S 165 FT, W 165 FT TO POB
 CONG 0.63 AC M/L

ALC
 ATLAS LAND CONSULTING
 14000 Pender Road, Unit 50, Overland Park, KS 66204
 TEL: 913.241.4400 FAX: 913.241.4401
 WWW.ATLASLANDCONSULTING.COM

PREPARED FOR:
 KIM HUDNH

ADDRESS:
 938 LOCUST AVE
 KANSAS CITY, KS
 66103

PROJECT #: 26-155
 ISSUE DATE: 04/08/2026

04/08/2026
 KIM HUDNH
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF KANSAS
 LICENSE NO. 408

I certify that this plot plan has been filed with the county clerk in compliance with the approved subdivision grading plan unless otherwise noted.







938 Locust parcel



Thompson Devin S

To: krystal@alconsult-llc.com

Retention Policy Retain for 20 years (20 years)

Expires 4/13/2046

Reply Reply All Forward

Mon 4/13/2026 6:37 AM

- Scanned from a Xerox Multifunction Printer.pdf 28 KB
- Email_Redacted.pdf 714 KB

Krystal Voth:

My dad is the homeowner of 3015 S 9th Place. I technically own the property, but it has been his house for more than 70 years. I received your correspondence, and I'm not happy about what the taxpayer wants to do at 938 Locust. If one taxpayer divides their property, then it will open it up for more people to do the same. I'm going to give you a history lesson about Rosedale. My family has lived in Rosedale since it's beginning. My dad was born behind Holy Name Church down on the boulevard. The houses on 39th street have a foot of space between them. They built the houses up on the hill where my dad resides to be more spacious. We don't need to be building houses like the taxpayer at 938 wants to do. The structure across from 938 locust behind the blue house on the corner was built when they originally built that house. It's grandfathered in is what my dad has told me. We don't need to clutter up the neighborhood. The taxpayer that owns that house is not from Rosedale, so I don't expect them to understand that we don't do that stuff. That house has 4 bedrooms and 2 bathrooms. If they want to build a new house on the property then that's fine, but to split it and build another house encroaching on the property in back of them is not fine. Why doesn't the taxpayer split it into 3 parcels? They could build a house facing 9th terrace and one facing 9th street place. Are people insane now? I'm going to do everything in my power to stop this. I'm telling you now. I'm going to have take time away from helping keep America safe to deal with this? I already have your name, Atlas Consulting and I'm going to look the taxpayer up that owns 938 Locust. I am going to talk to the Unified Government. If I have to get a DOJ lawyer to look into this I will. If the taxpayer doesn't like it then they can always move. My dad has lived in Rosedale for 90 years, 70 at 3015. Once they allow this then others will get the same idea, and we can't let that happen. What do the people in back of them think? Did they go over and knock on their door and tell them about their plans? I doubt they are happy about it.