

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, June 8, 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 BOZA2026-008 - FEDERICO DOMINGUEZ

Synopsis: Variance for an accessory building that projects into the side and rear yard setbacks at 3441 North 51st Street.

Tracking #: 21411

- 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/kdIKjxwSim>

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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: June 8, 2026

Re: Board of Zoning Appeals Petition BOZA2026-008

GENERAL INFORMATION

Applicant Information:

Federico Dominguez
3441 North 51st Street
Kansas City, Kansas 66104

Subject Property:

3441 North 51st Street
Kansas City, Kansas 66104

Requested Action and Purpose:

Approval of Variance for an accessory building that exceeds 1,000 square feet maximum and is within the rear yard setback.

Commission Districts:

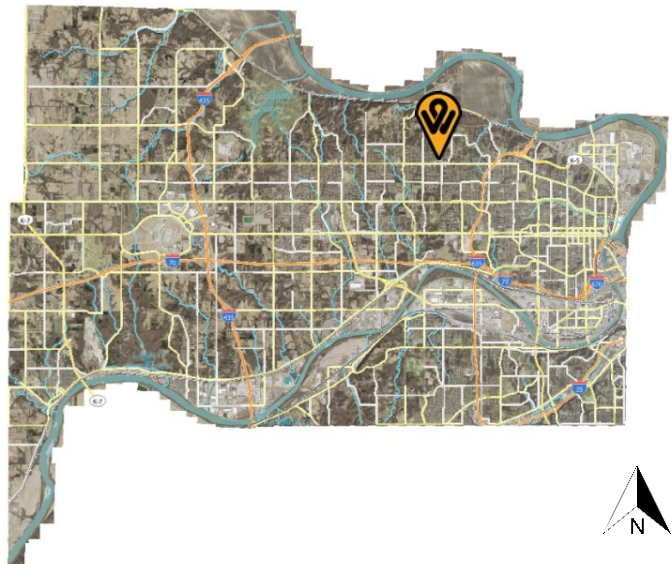
At-Large Commissioner, District #1:
Melissa Bynum
District #1 Commissioner:
Jermaine Howard

Existing Zoning District(s):

A-G Agriculture District

Plan Area:

PlanKCK Comprehensive Plan



| | Adjacent Zoning | Adjacent Uses |
|--------------|--|-------------------------|
| North | R-1 Single Family District | Single family residence |
| South | R-1 Single Family and R-1(B) Single Family Districts | Single family residence |
| East | R-1 Single Family and R-1(B) Single Family Districts | Single family residence |
| West | R-1 Single Family District | Single family residence |

Total Tract Size: 8.36 Acres

Neighborhood Characteristics: The subject property is located within the Quindaro Bluffs Statistical Neighborhood, Neighbors Helping Neighbors Neighborhood Group, and Census Block Group 0445001. The neighborhood consists of single-family homes to the north, east, south, and west of the property. Located to the south, along Leavenworth Road are small-scale commercial properties.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Rural Residential, which allows for land to provide for large lot, single-family residential, but without agricultural uses. Areas that are limited by transportation and other infrastructure improvements, as well as the conditions of the existing topography and vegetation afford areas for large lot development.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 51st Street as a Local Street.

Parking Requirement: Section 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The Applicant meets the requirements.

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. The Applicant meets the requirement.

| | |
|---------------------------|--|
| Advertisement: | <u>The Wyandotte Echo</u> – April 16, 2026 <u>Letters to Property Owners</u> – April 17, 2026 |
| Public Hearing(s): | June 8, 2026 |
| Public Support: | None to date. |
| Public Opposition: | Staff received a letter of opposition from a neighbor. |

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. CMP26-0340 – Enforcement complaint – March 10, 2026 – Closed – Structure built on property without permits.
2. CAC26-0581 – Code Admin Citation – March 4, 2026 – Completed – Citation for construction without any permits.
3. BSR25-0188 – Stop Work Order – October 31, 2025 – Pending – Construction on site without any permits.
4. CAC23-2711 – Code Admin Citation – August 28, 2023 – Completed – Property owner change, no real citation.
5. CAC231825 – Code Admin Citation – June 13, 2023 – Completed Property owner change, no real citation.
6. BSR22-0164 – Stop Work Order – October 6, 2022 – Structure built without permits – Previous property owner.
7. CMP22-2478 – Enforcement complaint – October 4, 2022 – Closed – Previous property owner.
8. CMP21-2148 – Enforcement complaint – August 24, 2021 – Closed – Grass is too tall – Previous property owner.
9. 19395-00058 – Stop Work Order – March 22, 2019 – Closed – Structure built without permits – Previous property owner.
10. 19200-01089 – Code-Environment – March 8, 2019 – Complete – Multiple violations – Previous property owner.
11. 08375-00347 – Private Demolition – June 26, 2008 – Completed – Private demolition residence – Previous property owner.

Outstanding or Related Permit and Cases:

1. ENV2026-0499 – Code-Environment – April 2, 2026 – Extension Granted – Structure added to the property without any permits.

Previous Planning Actions:

1. 19401-00001 – Change of Zone – January 3, 2019 – Approved – Change of Zone from R-1 to A-G – Previous property owner.
2. 18410-00022 – Variance – October 22, 2018 – Completed – Frontage – Previous property owner.
3. 18401-00008 – Change of Zone – June 29, 2018 – Change of Zone from R-1 to A-G – Previous property owner did not pay the ordinance publication fee

PROPOSAL

Detailed Outline of Requested Action: The applicant, Federico Dominguez, is requesting the following Variances at 3441 North 51st Street Kansas City, Kansas 66104:

This appeal has been filed for an accessory structure that projects into the side yard, interior setback from the property. Section 27-452(d)(2)(b) requires a minimum side yard, interior setback from property line not less than 20 feet. The proposed accessory structure is between 11.30 feet and 7.19 feet from the side yard- interior setback from the property line, a violation between 8.7 feet and 12.81 feet, respectively.

This appeal has been filed for an accessory structure that projects into the rear yard setback from the property line. Section 27-452(d)(2)(d) requires a minimum rear yard setback from property line not less than 50 feet. The proposed accessory structure is between 27.03 feet and 17.40 feet from the rear yard setback from the property line, a violation between 22.97 feet and 32.6 feet, respectively.

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 fails to identify any unique condition that would justify relief under the applicable variance criteria. The applicant constructed the structure without obtaining the required permits, resulting in setback violations. Section 27-452(d)(2)(b) requires a minimum side yard, interior setback from property line not less than 20 feet. The proposed accessory structure is between 11.30 feet and 7.19 feet from the side yard- interior setback from the property line, a violation between 8.7 feet and 12.81 feet, respectively.

Additionally, Section 27-452(d)(2)(d) requires a minimum rear yard setback from property line not less than 50 feet. The proposed accessory structure is between 27.03 feet and 17.40 feet from the rear yard setback from the property line, a violation between 22.97 feet and 32.6 feet, respectively.

These violations are the direct result of the applicant's decision to construct the structure without permits, not due to any inherent or unique physical condition of the property. As such, the applicant has not met the statutory criteria for relief.

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 imposed on 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 accessory structure without obtaining the required permits. The hardship being claimed results solely from the unpermitted accessory structure construction, not from the ordinance itself. Additionally, the property owner has submitted a Commercial License Memorandum for vehicle sales on the site, and the accessory structure appears to be consistent with that intended use.

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 27-452(d)(2)(b) and Section 27-452(d)(2)(d). Approving this request would not align with the established residential codes.

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. Why did the applicant not request a Variance prior to construction of the accessory structure?

Applicant Response: At the time of construction, I was not aware that a variance was required for the accessory structure. This was an unintentional oversight. Upon becoming aware of the applicable zoning requirements, I have taken immediate steps to address the matter and am fully committed to working with the City to bring the property into compliance with all ordinances and regulations.

2. Why did the applicant not request permits for the construction of the accessory structure?

Applicant Response: I acknowledge that the necessary permits were not obtained prior to construction due to a misunderstanding of the permitting requirements. This was not a deliberate attempt to bypass City processes. Since being informed, I have been actively taking corrective measures and am prepared to comply with all applicable permitting requirements, including submitting any required applications and supporting documentation needed to bring the structure into compliance with local building codes and regulations.

3. What is the accessory structure used for?

Applicant Response: The accessory structure is currently used solely for general storage purposes, including tools, equipment, and materials associated with the maintenance and upkeep of my property. The use of the structure is incidental and customary to residential property use and does not involve occupancy or any hazardous or intensive activity.

4. The applicant has submitted a Commercial License Memorandum for vehicle sales on the subject property. Is the accessory structure intended to serve as the storage location for the vehicles offered for sale?

Applicant Response: No, the accessory structure is not intended, nor is it currently being used, as a storage location for vehicles offered for sale. Its use remains limited to general storage as described above. Any commercial activity conducted on the property will be done in full compliance with all applicable zoning regulations, licensing requirements, and City ordinances. I understand the importance of maintaining proper land use compliance and will ensure that no use of the structure deviates from approved uses without prior authorization.

Staff Comment: The property is not zoned for any commercial use.

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 **BOZA2026-008** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **These variance does not meet Statutory Requirement #1. The variance for setbacks is not a condition unique to the property. Had a building permit been applied for and obtained prior to constructing the accessory structure, the Property Owner/Appellant would have consulted with Planning and Building Inspection Staff and built the structure within the required setbacks; and,**
2. **These variance does not meet Statutory Requirement #3. While removing the accessory building may create a financial burden for the Property Owner/Appellant, it does not constitute an unnecessary hardship. The hardship arises solely from the construction of an unpermitted accessory structure, not from the ordinance itself.**

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

1. **No commercial activity is permitted within the detached accessory structure that does not meet with the Home Occupation ordinance;**
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
Plot Plan
Neighborhood Meeting Affidavit
Commercial License Memorandum
Images of the Property Submitted by the Applicant
Letter of Opposition

PUBLIC HEARING SCHEDULE

| Action(s) | Board of Zoning Appeals |
|-----------|-------------------------|
| Variance | June 8, 2026 |

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

MOTIONS

I move the Board of Zoning Appeals **DENY** Case **BOZA2026-008**, 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.

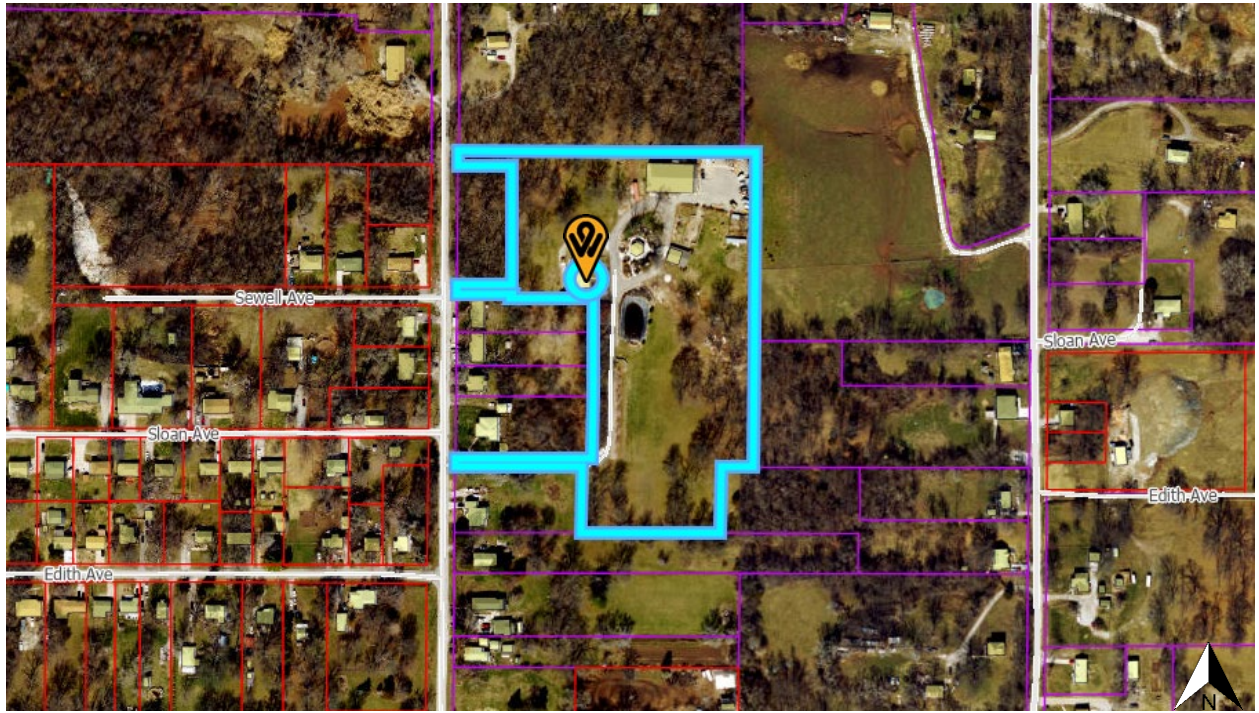
OR

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-008** 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:

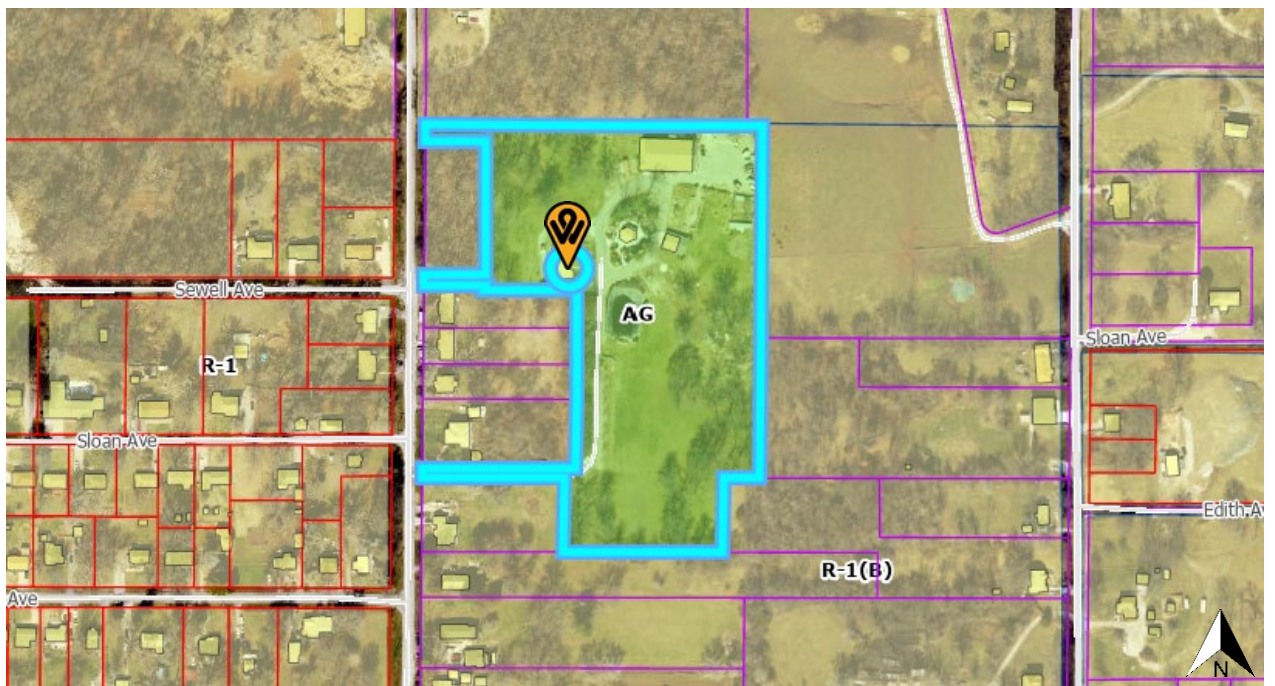
1. _____;
2. _____; And
3. _____.

ATTACHMENTS

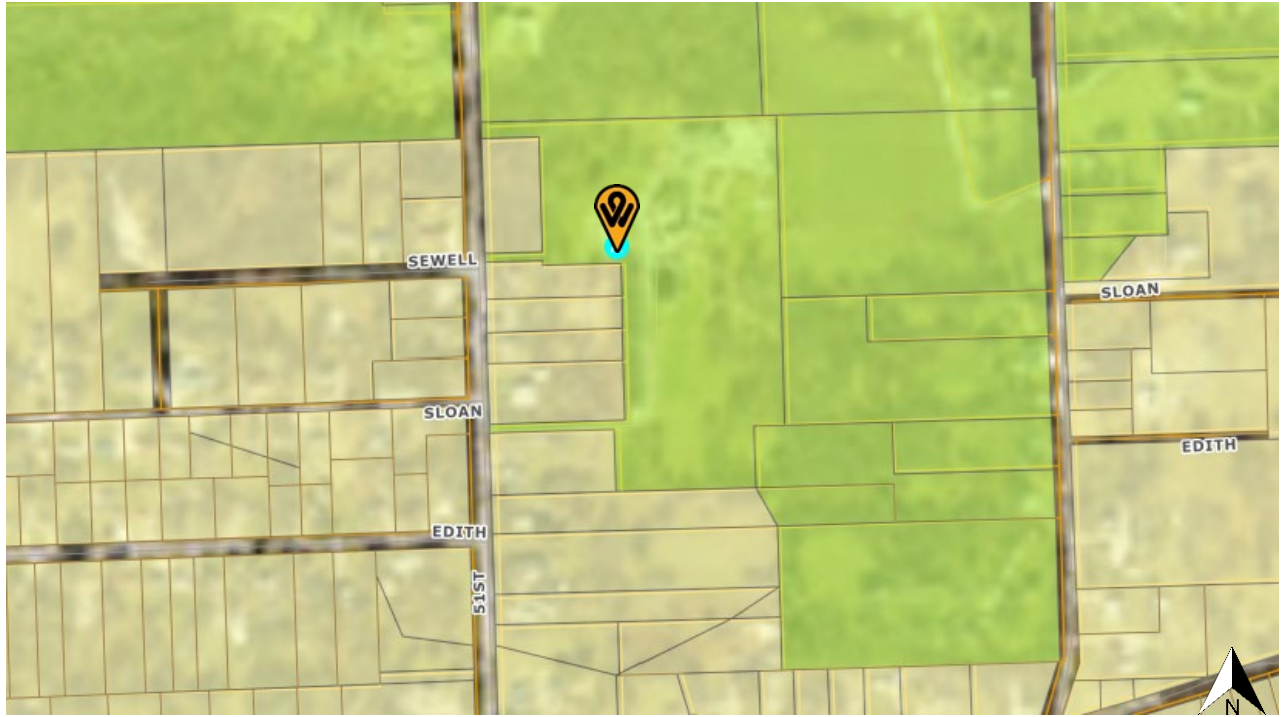
AERIAL IMAGERY



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 property owner constructed a shop on the building without obtaining a proper permit because he was not aware that a permit was needed, this does not excuse the action of the property owner.</p> <p>However, by the time the building department was aware of the building and a stop-work order was issued, the building was completed and being used for personal use. The property owner attempted to obtain the needed permits, but upon completion of a plot plan it was discovered that the building in question is too close to the property line. The only reasonable course of action is to grant a variance to the setback requirement so that the property owner can proceed with obtaining the necessary permits. The property is zoned as "AG" which creates very large setback requirements. The building is 7' from the north property line and 17' from the east property line. There are no other buildings on the adjacent parcels within the immediate vicinity.</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>Neighboring property owners should not be adversely impacted as this area is sparsely developed and the parcels in the area are all very large and few buildings. This current building is not impacting other development in any way. Currently, there are not other buildings within the immediate vicinity on adjacent parcels.</p> |

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

The property owner will be forced to destroy the building which is not in the best interest of anyone involved, including the UG as the structure is a taxable structure that provides much-needed revenue for the UG.

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

The variance will not impact the health, safety, morals, order etc of the nearby residents.

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

The AG zoning district allows for outbuildings, barns and shops. This building is a typical building one would expect to find on an agriculturally-zoned parcel of land.

Denying the variance will result in the structure needing to be removed which is not in the best interest of the property owner or the UG and would be a violation of the general spirit of the zoning ordinance which allows for outbuildings in the Ag Zoning district.

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 # BOZA2026-008
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.

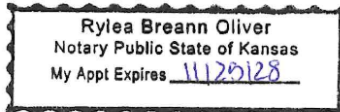
Further affiant saith not.

[Signature]
Affiant

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

My commission expires 25th of November, 2028.

[Signature]
Notary Public





Business License Division
Neighborhood Resource Center
Unified Government of Wyandotte County and Kansas City, Kansas

4953 State Avenue
Kansas City, Kansas 66101
www.wycokck.org/business

Phone: (913) 573-8780
Fax: (913) 573-8622
Email: businesslicense@wycokck.org

Commercial License Memorandum

General Information:

Applicant(s) Name: Federico Dominguez Company: _____
Business Address: 3441 N. 51st St City/State: Kansas city Zip: 66104
Telephone: 913-447-8500 Email: accounting@sccomplete solution, cor

Business Information:

Choose one: New Business Existing Business Moving Locations

What type of business are you operating? Dealer Ship

What services will your business provide? Saling used cars

Is there a co-occupying business? (Other than your business) Yes No

If so, what is the name of the business(es): _____

Is there Cereal Malt Beverage (CMB) Service? Yes No

Are there liquor sales, service, or brewing of alcoholic beverages? Yes No

Will there be live entertainment (D.J, karaoke, live band, other)? Yes No

Will there be hazardous materials on site? Yes No

If so, list material types: _____

Will you be selling used vehicles? Yes No

Will you perform maintenance on vehicles? Yes No

Will there be any salvage materials stored on-site? Yes No

Is this a short-term rental (29 days or fewer)? Yes No

Is this a group home, transitional living house, or childcare facility? Yes No

Is there a space for regular events, assemblies, or other gatherings? Yes No





LETTER OF OPPOSITION

Leana and Danielle Locke
6015 Sloan Ave
Kansas City, KS 66104

May 07, 2026

Planning + Urban Design Department
Board of Zoning Appeals
Unified Government of Wyandotte County/Kansas City, KS

RE: Opposition to Board of Zoning Appeals Petition #2026-012
Property: 3420 N. 60th Street, Kansas City, KS 66104

To Whom It May Concern,

I am writing in opposition to Petition #2026-012 requesting a variance to construct a new detached accessory garage measuring approximately 50 feet by 70 feet in the rear yard of the property located at 3420 N. 60th Street.

While I understand property owners may seek improvements to their property, I believe the size and scope of the proposed structure is excessive for the surrounding residential neighborhood and inconsistent with the character of nearby homes and lots. A detached metal structure of this scale appears more commercial or industrial in nature than residential.

I am also concerned about the visual impact this structure would have on neighboring properties, including my own residence. Due to the proposed location and scale of the building, the structure would be directly visible from the front-facing windows and entrance of nearby homes. A large metal accessory building of this size would substantially alter the residential view-shed and character currently experienced by surrounding property owners.

I am additionally concerned that the scale and design of the proposed structure appears inconsistent with typical residential accessory use and raises concerns regarding potential commercial or industrial-style activity within a residential neighborhood. The proposed 50-foot by 70-foot metal building is substantially larger than what is commonly associated with standard residential storage or parking needs.

This property is located within an established residential area and directly adjacent to a church and surrounding homes. Any use involving heavy equipment, woodworking, lumber processing, increased vehicle traffic, noise, dust, or business-related operations would significantly impact the quiet residential character of the neighborhood and nearby community institutions.

Additionally, I do not believe sufficient evidence has been presented demonstrating a hardship unique to the property that would justify granting such a substantial variance. The explanation provided appears to reflect preference and convenience rather than a true zoning hardship. It is also unclear why a significantly smaller structure or alternative design would not reasonably satisfy the property owner's needs while remaining more compatible with the neighborhood.

I am also concerned about the potential impacts this project may have on:

- Neighborhood character and appearance
- Property values
- Stormwater drainage and runoff
- Increased noise and activity
- Lighting and visual impact
- Future precedent for oversized accessory structures in the area

For these reasons, I respectfully request that the Board deny the variance request as submitted.

Thank you for your consideration and for allowing neighborhood input regarding this matter.

Sincerely,

Leana and Danielle Locke