



Unified Government of Wyandotte County and Kansas City, Kansas

Board of Zoning Appeals

6th Floor Conference Room

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

Chairman Jeff Carson

Vice Chairman Karen Jones, Duane Beth, Beverly Easterwood

Jim Ernst, Jake Miller, J. Mark Mohler, Trent Foglesong, Joseph Straws III, Rachel Russell, and Aaron Ward.

AGENDA

Monday, September 14, 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 BOZA2026-019 - ADNAN CHEEMA WITH CHEEMA FOOD AND PETROLEUM

Synopsis: Variance in the separation distance between a liquor store and church at 4732 State Avenue (in conjunction with SP2026-057).

Tracking #: 21761

3.1.2 BOZA2026-020 - MARCOS PINELA

Synopsis: Variance from the maximum square footage of an accessory structure at 1549 South 87th Street.

Tracking #: 21762

3.1.3 BOZA2026-021 - ASHLEY DIXON

Synopsis: Variance from the minimum lot width at 3218 North 80th Terrace.

Tracking #: 21890

3.1.4 **BOZA2026-022 - MEGAN DUMA WITH MD RENTAL HOMES LLC**

Synopsis: Appeal from a final decision of the Interim Director of Planning under Sec. 27-217 of the Unified Government Code of Ordinances concerning: 1) whether the application should be considered a new application v. a renewal application for an SUP for a short-term rental and 2) whether the requirement of a home inspection can be waived.

Tracking #: 21891

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>

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

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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: September 14, 2026

Re: Board of Zoning Appeals Petition BOZA2026-019

GENERAL INFORMATION

Applicant Information:

Adnan Cheema with Cheema
Enterprises Inc.
4734 State Avenue
Kansas City, Kansas 66102

Subject Property:

4734 State Avenue
Kansas City, Kansas 66102

Requested Action and Purpose:

Approval of Variance for minimum
separation distance of 1,300 feet
between any existing or proposed
liquor store, church, school, or public
park for a proposed liquor store.

Commission Districts:

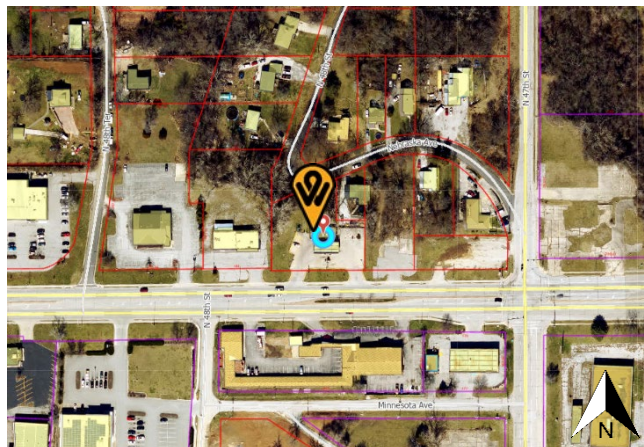
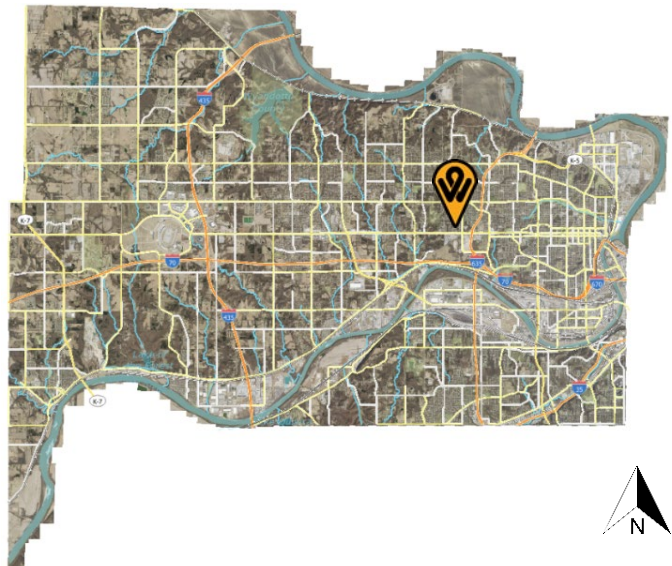
At-Large Commissioner, District #1:
Melissa Bynum
District #1 Commissioner:
Jermaine Howard

Existing Zoning District(s):

CP-2 Planned General Business
District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-2 Two Family District	Single-family homes
South	CP-2 Planned General Business District	Motel (Regency Inn)
East	C-1 Limited Business District and R-2 Two Family District	Vacant and undeveloped lot
West	C-1 Limited Business District	Vacant commercial storefronts

Total Tract Size: 0.70 Acre

Neighborhood Characteristics: The subject property is located within the Coronado Statistical Neighborhood and Census Block Group 0439031. The neighborhood consists of a mix of commercial properties along State Avenue. To the north of the subject property residential properties are located.

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Corridor Mixed Use, which allows up to five (5) story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. Access to residential uses and their facilities is allowed at street level. These areas should be designed to support multi-modal connectivity with wide sidewalks and street trees. Buildings should be built up to the street for a consistent street frontage and transition to abutting residential uses. Live/work units with commercial/retail on the street level and residential above are allowed if the work units on the first floor contribute to the commercial/retail nature of the block.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates State Avenue as a Major Arterial Street.

Parking Requirement: Section 27-466(e) states that four (4) spaces per 1,000 square feet of floor area in the building.

Landscaping Requirement: Section 27-466(g) states that trees are required to be provided at not less than one (1) per 7,000 square feet of site area. Six (6) foot high architectural screening is to be

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

Advertisement:	<u>The Wyandotte Echo</u> – July 16, 2026 <u>Letters to Property Owners</u> – July 17, 2026
Public Hearing(s):	September 14, 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. CMP25-0442 – Enforcement Complaint – March 24, 2025 – Fire report
2. 09200-02182 – Code-Environment – June 15, 2009 – No work being done and boarding permit has expired.
3. 08200-08445 – Code-environment – October 29, 2008 – No work being done and boarding permit has expired.
4. 08500-00066 – Boarding Permit – April 18, 2008 – Demo the building and construct new one.
5. 08200-05088 – Code-environment – March 12, 2008 – No work being done and boarding permit has expired.
6. 07205-00459 – Code-Environment – October 12, 2007 – Completed – Junk and trash on site.
7. From 2002 to 2007 there were 8 additional Code-Environment cases.

Outstanding or Related Permit and Cases:

1. SP2026-057 – Special Use Permit – September 14, 2026 – Proposed liquor store (to be heard by the City Planning Commission on September 14, 2026).

Previous Planning Actions:

1. PR2023-036 – Plan Review – October 27, 2023 – Approved – New building.
2. DRC22-0047 – DRC – July 15, 2022 – Issued – Demo existing structure and new construction of convenience store with four (4) islands.
3. 20401-00028 – Change of Zone – September 28, 2020 – Complete – From CP-1 Planned Nonretail Business District to CP-2 Planned General Business District.
4. 11430-00039 – Sign Permit – March 10, 2011 – Issued – existing pole sign.

5. 08405-00003 – Plan Review – January 24, 2008 – Completed – Final Plan Review for a new service station and restaurant.
6. 07401-00041 – Change of Zone – October 26, 2007 – From R-2 Two Family District to CP-1 Planned Nonretail Business District.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adnan Cheema with Cheema Enterprises Inc, is requesting the following Variances at 4732 State Avenue, Kansas City, Kansas 66102:

This appeal has been filed to operate a liquor store. Section 27-593(b)(18) requires a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. The subject property is approximately 1,180 feet from Grace Temple Baptist Church, a violation of 120 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 has not provided information demonstrating that the variance request is based on a unique condition affecting the property. The property is already developed as a gas station and convenience store, and the proposed addition of a liquor store approximately 1,180 feet from Grace Temple Baptist Church represents a 120-foot violation. This circumstance, by itself, does not constitute a unique condition that would justify granting a variance.

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

The subject property is located within 1,300 feet of Grace Temple Baptist Church but is not directly adjacent to the church. The property immediately east is an undeveloped parcel. However, residential homes are located to the north, northeast, and northwest of the subject property. As a result, granting the requested variance could have an adverse impact on these neighboring residential properties. Properties to the south are commercial in nature and are separated from the subject property by State Avenue; therefore, no adverse impacts to those commercial properties are anticipated.

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

Strict application of the provisions of Section 27-593(b)(18) would prevent the property owner from operating a liquor store on the subject property. While the addition of a liquor store may be beneficial or convenient for the property owner, the property is already permitted to operate as a gas station and convenience store by right. The proposed liquor store is an additional use and is not necessary for the reasonable use of the property as there are other locations that would be better suited.

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

There is public policy behind the limitation on the location of liquor stores proximate to certain sensitive or susceptible uses. These sensitive or susceptible uses in Section 27-593(b)(18) are identified as schools, parks, places of worship, and other liquor stores. Liquor stores tend to have negative externalities in the surrounding neighborhood, and a high concentration of liquor stores can have an outsized effect on the quality of public life and property values of surrounding properties. By having a well-established residential neighborhood to the north, northeast, and northwest of the subject property granting the requested variance could adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

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

The intent of the ordinance is to ensure that there is at least 1,300 feet distance between a liquor store and a public park, school, other liquor stores and/or place of worship. In this instance, the property is not within that required distance and would be opposed to the general spirit and intent of the zoning ordinance.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4734 State Avenue on August 24, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Proximity to a place of worship

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. During the Change of Zone and Final Development Plan planning entitlement process, at the time, it was told to the applicant and design professional in 2020 that a retail store was permitted in the CP-2 Planned General Business District, however, a restaurant would require a parking variance and a liquor store would require a special use permit and variance. Why is the applicant now seeking a variance after six (6) years of knowing this information?

Applicant's Response: We did not know a Variance was required until we tried to apply early this year.

Staff Comment: The applicant was informed of the variance requirement during both the Change of Zone in 2020 and the Final Plan Review meeting in 2023.

2. How will the liquor store be separated from the convenience store?

Applicant's Response: By a wall. There is no access to the liquor store from the convenience store.

3. Will the proposed business operate on different days or during different hours than the convenience store and liquor store?

Applicant's Response: No. The store will operate 24 hours. The liquor store will operate the allowable liquor store hours.

4. If any issues arise due to loitering, how will the issue be addressed?

Applicant's Response: We will post 'no loitering' signs in front of the building. If loitering persists, we will ask them to leave.

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 **BOZA2026-019** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. The variance does not meet Statutory Requirement #1. The property is already developed as a gas station and convenience store, and the request for a liquor store is not a unique condition, which is 1,180 feet from Grace Temple Baptist Church. The recent variances where liquor stores have been approved is because the existing building has previously been a liquor store or the owner is adding onto an existing liquor store;
2. The variance does not meet Statutory Requirement #3. The variance will not constitute an unnecessary hardship because the owner/operator can add a commercial business permitted in the CP-2 district that is not a liquor store; and,
3. The variance does not meet Statutory Requirement #5. The variance is opposed to the general spirit and intent of the zoning ordinance. The ordinance requires a 1,300-foot separation between existing liquor stores, churches, schools and public parks. In this instance, the property is not within that required distance and would be opposed to the general spirit and intent of the zoning ordinance.

If the Board of Zoning Appeals approves **BOZA2026-019**, staff recommends the following conditions:

1. Section 27-464(d) states that trees are required at not less than one per 7,000 square feet of site area. Six (6) foot high architectural or landscape screening is to be provided along all sides and rear property lines common to or across an alley from residentially zoned property;
2. This Board of Zoning Appeals case is being heard in conjunction with SP2026-057. 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) SP2026-057 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
3. 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,
4. 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
Five (5) Criteria Set by State Statue
Neighborhood Meeting Sign-In Sheet
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Site Plan
Floor Plan
Images of the Property Submitted by the Applicant

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	September 14, 2026

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-019** 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 **BOZA2026-019**, 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

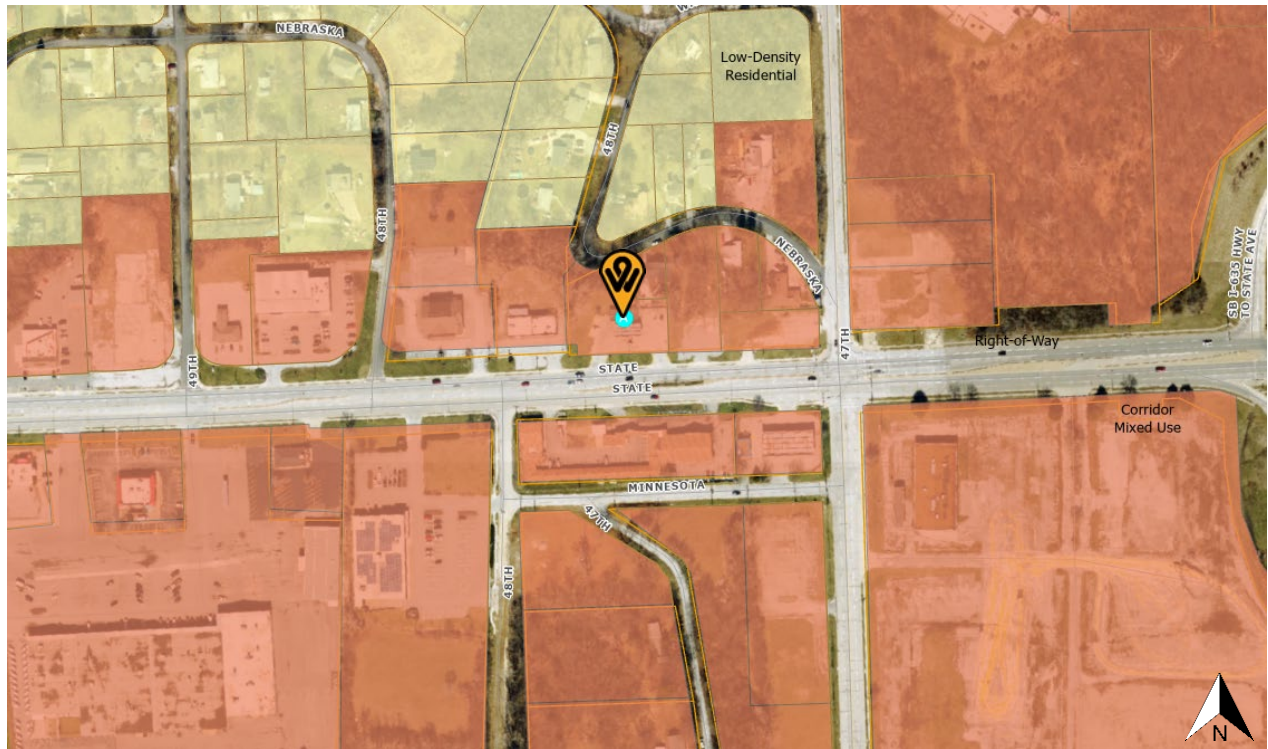
AERIAL IMAGERY



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. Generally, a liquore store is separate from the convenience store, so in order to obtain a liquor license, we need the proper variance. A separate liquore store is part of the gas station business.
2	The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The liquore store will be operated within the bounds of the law, this in no way will affect any residences.

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 is constructed with a liquor store in mind. It currently has a cooler and everything needed to

operate as a liquor store. There is no other use for the 4734 State Ave property otherwise.

4

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

This was already a convenience store and gas station, we built is bigger and better. We believe this will be a great convenience for the general public who shop with us already.

5

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

The variance will allow our customers the opportunity to do all of their convenience store shopping at one location instead of going to multiple locations. Our customers want this liquor store at this location.

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.

SIGN-IN SHEET

Date: 8/24/26

NAME	ADDRESS
<i>Veronica H. Turner</i>	<i>4730 Nebraska Ave. 666102</i>

MEETING DISCUSSION AND OUTCOME

Neighborhood meeting minutes - public questions, comments, responses, and follow-up

PROJECT	4734 state ave.	DATE	8/24/26
LOCATION	liquor store	TIME	6 pm

PRESENTATION / AGENDA SUMMARY

PUBLIC QUESTIONS, COMMENTS, AND RESPONSES

SPEAKER / TOPIC	QUESTION OR COMMENT	RESPONSE / FOLLOW-UP
Vera	will it raise my property taxes?	no idea.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2026-057 BOZA2026-019
2. That I conducted a neighborhood meeting on 8/24/26.
3. The notice to nearby property owners was sent on 7/21/26.
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.

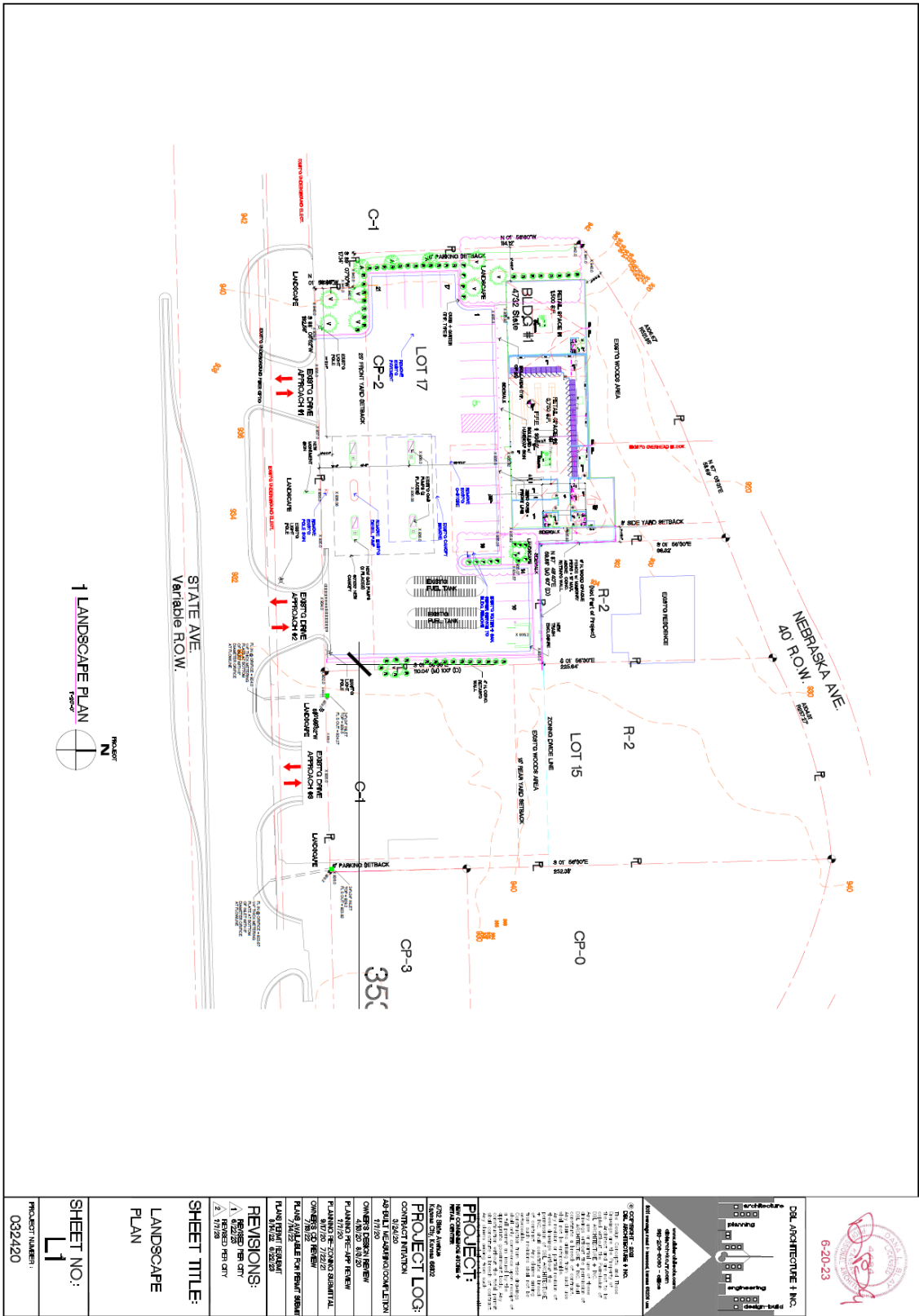
Adnan Cheema
Affiant

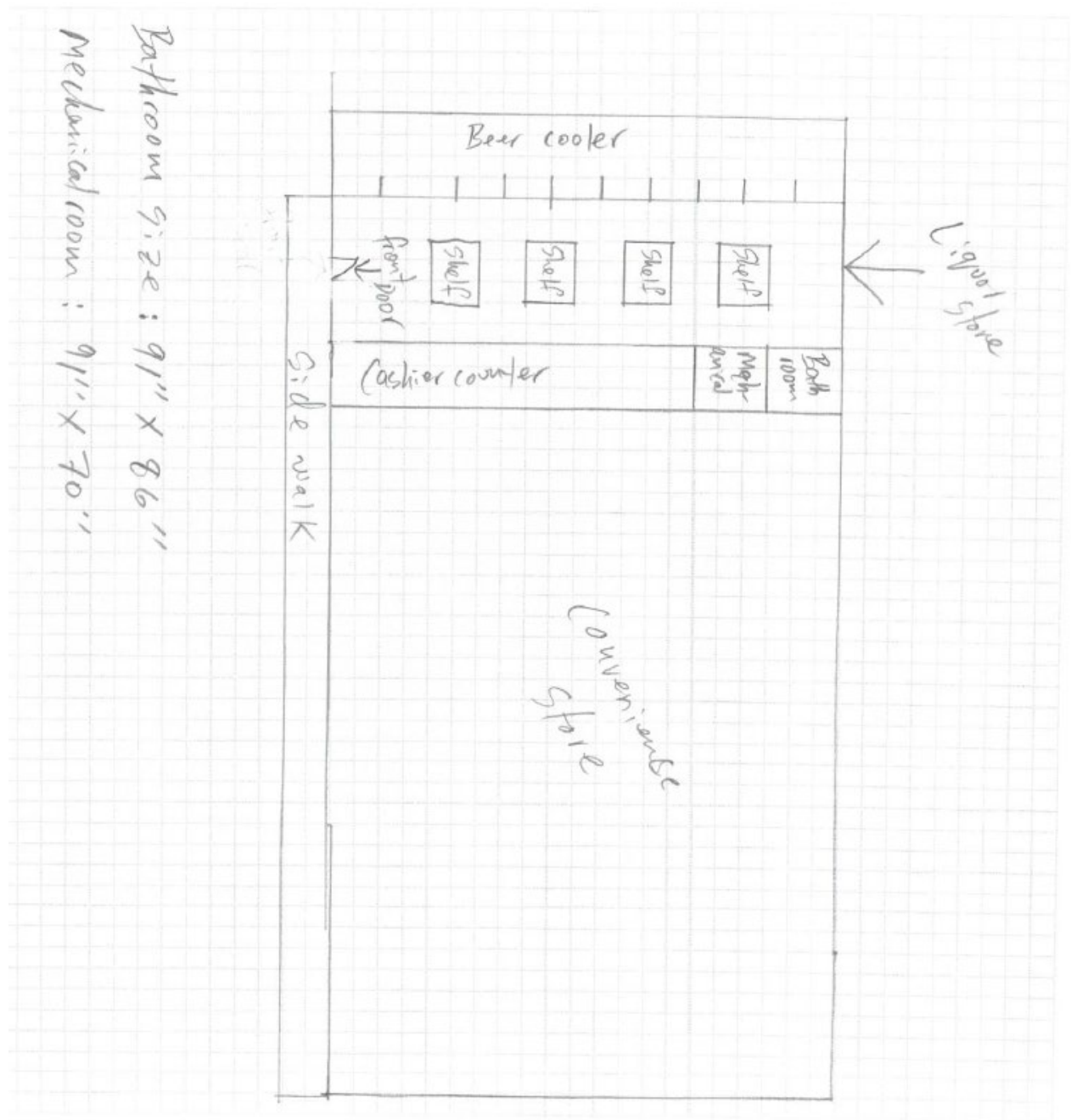
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of August, 2026.

My commission expires 07 of 28, 2029.

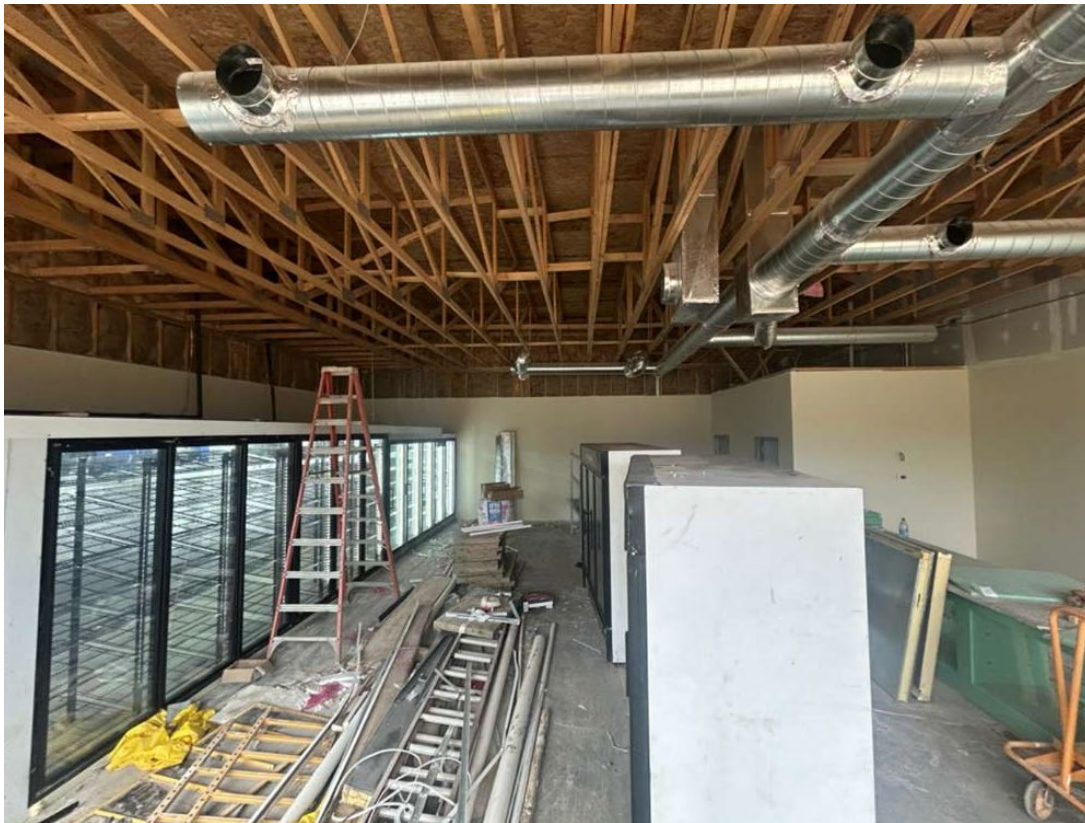


[Signature]
Notary Public





Bathroom size: 91' x 86"
 Mechanical room: 91' x 70'







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: September 14, 2026

Re: Board of Zoning Appeals Petition BOZA2026-020

GENERAL INFORMATION

Applicant Information:

Marcos Pinela
1549 South 87th Street
Kansas City, Kansas 66111

Subject Property:

1549 South 87th Street
Kansas City, Kansas 66111

Requested Action and Purpose:

Approval of a Variance for the maximum allowed square footage for an accessory structure.

Commission Districts:

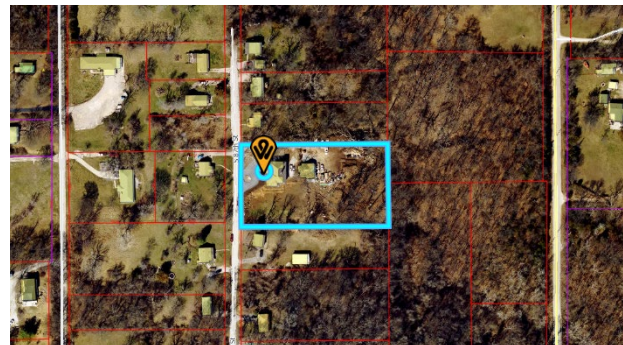
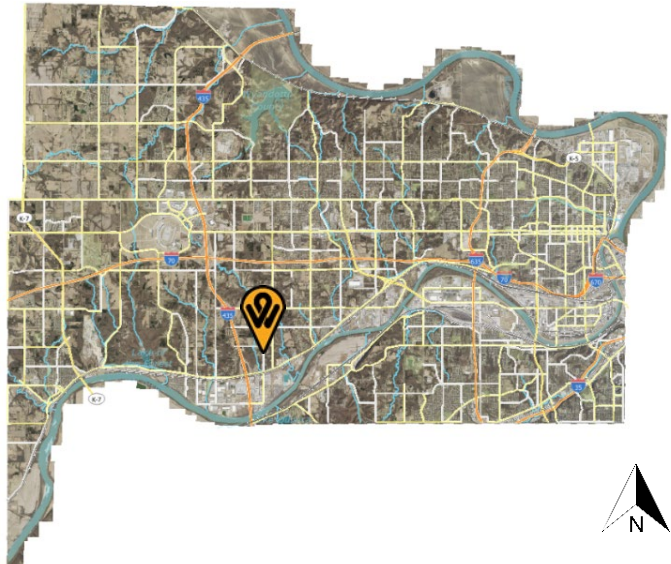
At-Large Commissioner, District #2:
Andrew Kump
District #6 Commissioner:
Philip Lopez

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	Undeveloped lots
West	R-1 Single Family District	Single-family residence

Total Tract Size: 1.96 Acres

Neighborhood Characteristics: The subject property is located within the Muncie-Stony Point Statistical Neighborhood and Census Block Group 0440031. The neighborhood consists of large rural single-family lots to all the directions of the subject property; north, east, south, and west.

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 South 87th street 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 of which shall be in a garage or carport.

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.

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

Public Hearing(s): September 14, 2026

Public Support:

None to date.

Public Opposition:

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 of which shall be in a garage or carport.

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. ELE21-0559 – Electrical Permit – May 10, 2021
2. 19395-00225 – Stop Work Order – October 7, 2019 – Completed.
3. 19204-00127 – Code-Environment – May 6, 2019 – Completed – Junk and trash.
4. 19225-00629 – Abatement – April 18, 2019 – Completed.
5. 18390-00415 – Plumbing Permit – May 18, 2018 – Expired.
6. 17300-00530 – New Single-Family Home – June 9, 2017 – Inspection Complete.
7. 17382-00179 – Driveway – June 9, 2017 – Completed.
8. 16375-00118 – Private Demolition – December 16, 2016 – Issued.
9. From 2000 to 2016 there had been 9 Code-Environment cases.

Outstanding or Related Permit and Cases:

1. PMZ26-0063 – Zoning PMC – July 7, 2026 – Open – Variance for accessory structure.
2. BSR26-0046 – Stop Work Order – March 24, 2026 – Pending – Accessory structure.
3. ENV26-0320 – Code-Environment – February 19, 2026 – Extension granted – Retaining wall.

Previous Planning Actions:

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Marcos I Pinela, is requesting the following Variance at 1549 South 87th Street, Kansas City, Kansas 66111:

Section 27-607(2) states that the total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard.

The appellant is requesting to have a detached accessory structure that is 1,750 square feet. A violation of 750 square feet.

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 property is large enough to accommodate the proposed accessory structure. While this is accurate, the size of the property alone does not constitute a unique condition that would justify an accessory structure exceeding the 1,000-square-foot maximum as required per Section 27-607(2) that states that the total area of such detached accessory building shall not exceed 1,000 square feet or cover more than 30 percent of the required rear yard. Therefore, the proposed request does not arise from a unique condition of the property.

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 not adversely affect the rights of adjacent property owners or residents as the approval of the request would only benefit the property owner.

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

The strict application of the provisions of the zoning ordinance of which variance is requested does not constitute unnecessary hardship upon the property owner represented in the application. The property is zoned R-1 Single Family District, under the zoning, the property owner is allowed to have an unattached accessory structure no larger than 1,000 square feet even though the property is 1.96 acres.

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

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

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

The granting of the variance desired would be opposed to the zoning ordinance, Section 27-607(2) that states that the total area of such detached accessory building shall not exceed 1,000 square feet.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 1549 South 87th Street on July 22, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Size of accessory structure

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. What will the accessory structure be used for?

Applicant's Response: The accessory structure will be used exclusively for personal residential purposes. It will provide storage for our personal vehicles, tools, lawn and property maintenance equipment, and other household belongings.

2. Would the applicant be willing to attach the accessory structure to the dwelling so that a variance would not be required?

Applicant's Response: No. Attaching the structure to the home is not practical because it would require major changes, increase costs, and affect the design of the house. A detached structure is the best option for our property.

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** Case **BOZA2026-020** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
2. **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.**

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statue
Neighborhood Meeting Sign-In Sheet
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Plot Plan
Plans for the Accessory Structure
Images of the Property Submitted by the Applicant

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	September 14, 2026

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-020** 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:

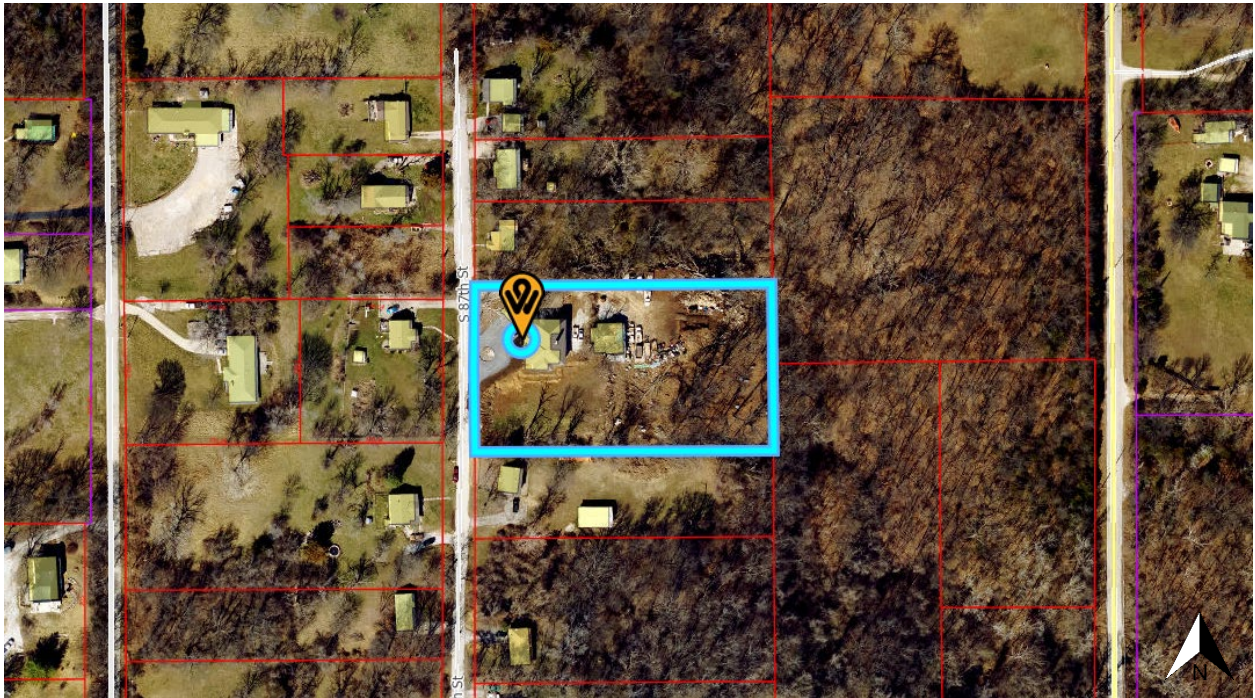
1. _____;
2. _____; And
3. _____.

OR

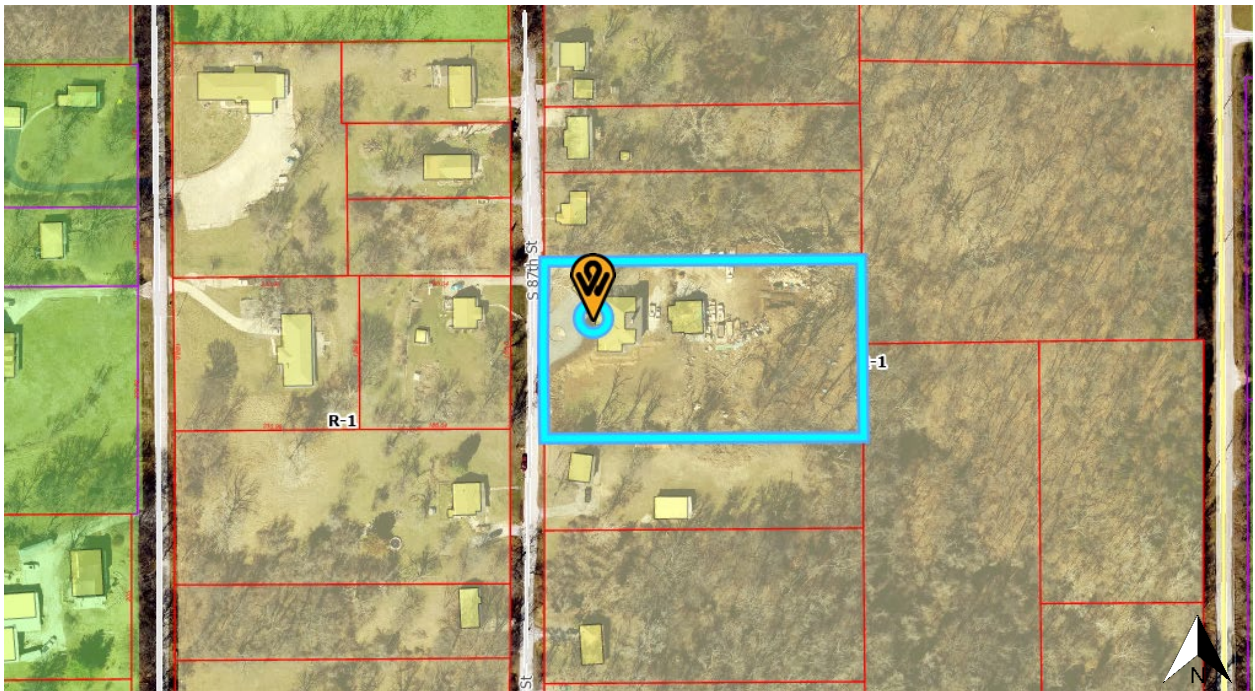
I move the Board of Zoning Appeals **DENY** Case **BOZA2026-020**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

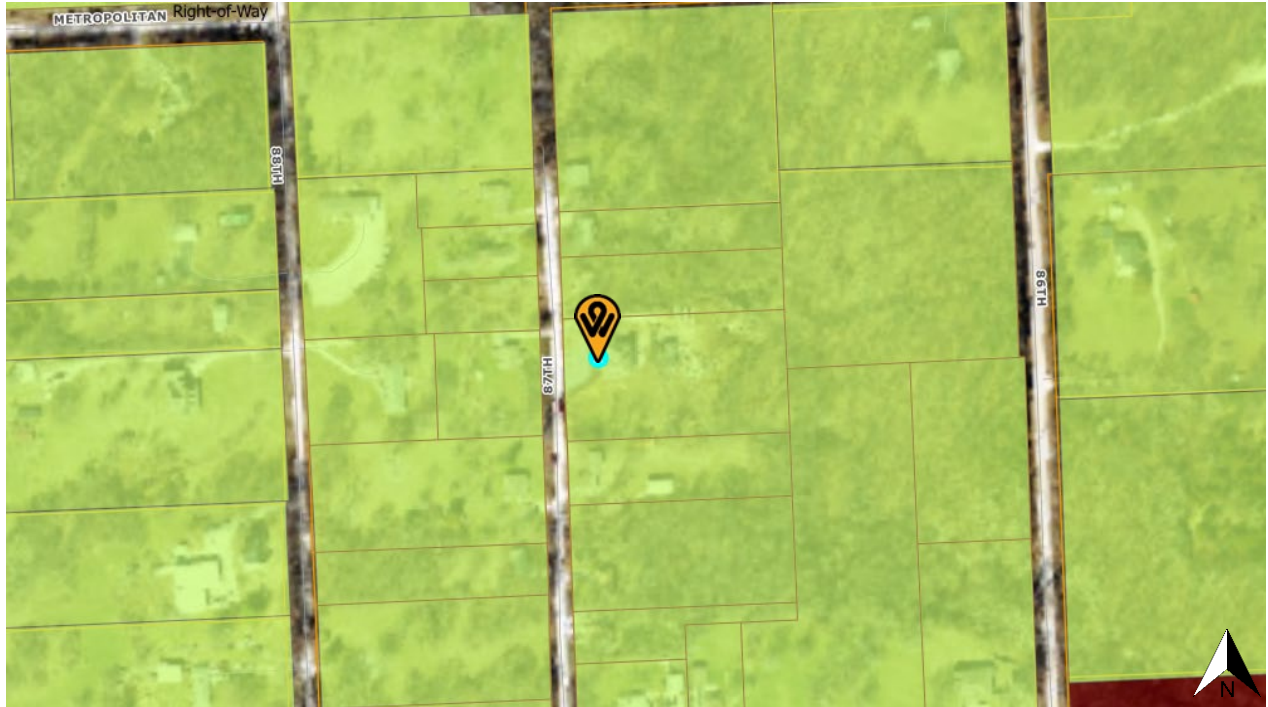
AERIAL IMAGERY



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.

Our property is unique because of the combination of its approximately 1.97 acres lot, the size of the existing single-family residence (approx 4500 sq ft). These existing characteristics make a larger detached residential garage appropriate and proportional to the property. We respectfully believe these existing conditions support our request for a variance.

2

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

The proposed Garage will not negatively affect neighboring property owners or residents.

Because of the size and layout of our property, the garage can be placed with appropriate separation from neighboring homes. It will provide enclosed storage, help keep the property organized and maintain its residential appearance.

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 current size limitations make it difficult to build a detached residential garage that is appropriate for our 1.97 acre property and existing residence. We respectfully request this variance so we can build a garage that is proportional to our property.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The proposed garage will not negatively affect the public health, safety, or general welfare. It will provide enclosed storage, improve the appearance and organization of the property, and remain an accessory structure to our single-family residence. We believe the project will be compatible with the surrounding residential neighborhood.
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. We respectfully believe that granting this variance is consistent with the intent of the zoning ordinance, because the proposed garage will remain an accessory residential structure. It is designed to be appropriate to the size and layout of our property and will preserve the residential character of the neighborhood while allowing a reasonable use of our property.
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.	

Neighborhood Meeting

July 22
7:00 PM

NOTES

Sign in:

Marked March 1983 S 87

Tina M. Ray 1620 S. 87th St.

George (Danny) Rustad
1538 So. 87 St.

Neighborhood Meeting
July 20 2026 7:00pm to 7:30pm

Attendees

Ristow George

1533 s 87th st KCKS 66111

Maucek Michael

1533 s 87th st KCKS 66111

Tina Perez

1620 s 87th st KCKS 66111

I explained everyone that I am requesting a Variance to build a garage on the back of my property.

I showed the site plan and explain how it will be fit on the property. I also explained that the building will be used for personal residential purpose, such as storing our vehicles, tools, and household items.

The neighbors were giving the opportunity to ask questions and share any comments or concerns. I answered all questions that were asked

Neighborhood Meeting

NOTES

Our next-door neighbor Ristow George (1538 s 87th st WCKS 66111) stated that they had no concerns or objections to the proposed Project.

Tina Perez (1620 s 87th st WCKS 66111) Asked what the detached garage would be used for. I explained that it would be used for the proper storage of our vehicles and tools. She then stated that, as long as it was for personal residential use, she had no objections to the proposed Project.

Marc Michael (1533 s 87th st WCKS 66111) Asked if the construction of the garage wouldn't affect our next-door neighbors property.

I explained to him that there is sufficient distance from my property line to the garage and it does not interfere with any neighbor and I showed him the site plan.

NOTES

I also Received two emails from two other neighbors who were unable to attend and they have no problem or concern with the garage construction.

They are:

Mark burns

1611 s 87th st

Kansas city Ks 66111

Heather and Chris Reed

1600 s 87th st

Kansas city Ks 66111

I have attached copy of the neighbors emails.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # BOZA2026-020.
2. That I conducted a neighborhood meeting on July 22 2026.
3. The notice to nearby property owners was sent on July 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.



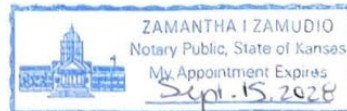
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of July, 2024.

My commission expires 15 of Sept., 2028.



Notary Public



RESIDENTIAL SITE PLAN

This Site Plan should not be used to establish any fences, buildings, or other structures except as shown on this original copy.
This does not constitute a boundary survey. No property corners were set. This is a pre-construction Site Plan, only.

Job No. 26-43

ORDERED BY: Marcos Pinela

FOR: 1549 S. 87th Street.; Kansas City, KS 66111

DESCRIPTION: All of Lots 45 and 46, Oak Knoll, a subdivision of land in Kansas City, Wyandotte County, Kansas. Subject to any easements, restrictions, or reservations of record or fact.

NOTES: Legal description provided by client. All location dimensions are to the proposed foundation.
Lot dimensions and right of way shown were taken from the recorded plat of "Oak Knoll".

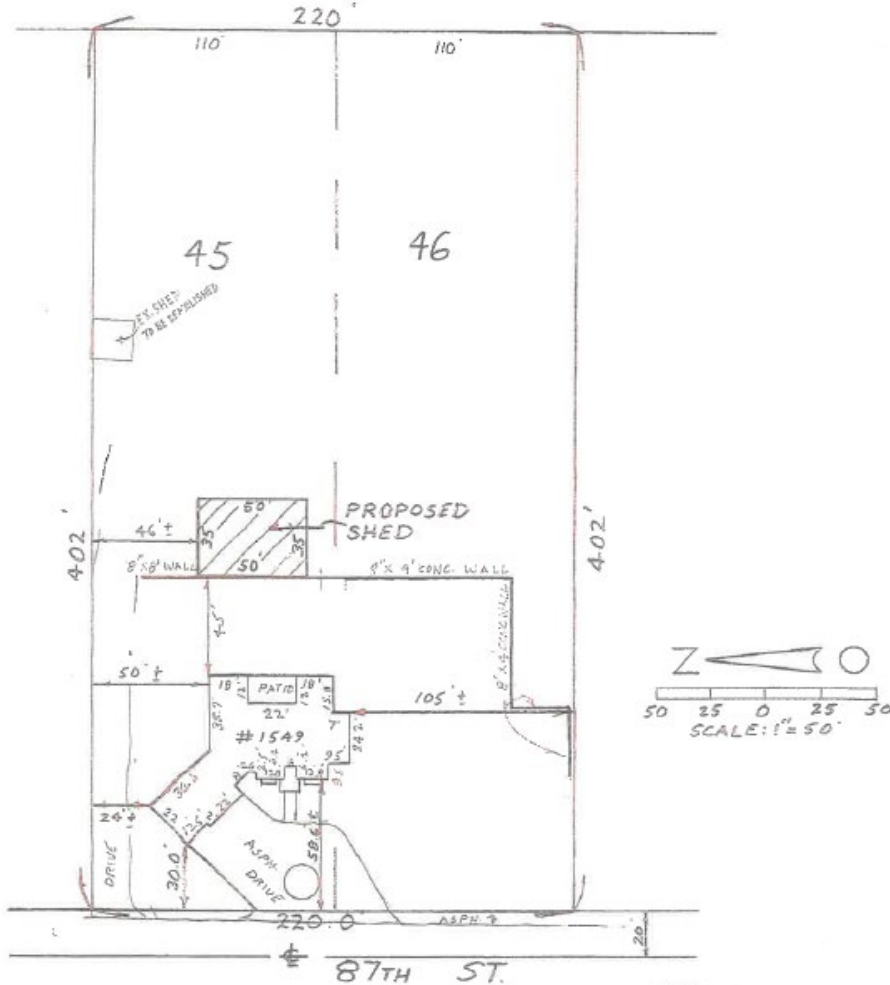
The intent of this Site Plan is to show the location of a proposed detached shop.

See plans for additional details on proposed improvements. All building locations are ± 3.0 foot.

A full boundary survey is recommended prior to any additional improvements.

Call 1-800-DIG-SAFE for utility location prior to any excavation.

A full boundary survey may need to be performed to determine more precise wall location.



Richard D. Moore Land Survey, Inc. (913) 334-3888
23673 212th Street Leavenworth, KS 66048

MAY 2, 2026

Date

Rev. June 12, 2026



Richard D. Moore L.S. 1394

**HODGES
GARAGES**
945 W 52ND TERR
KANSAS CITY, MO
913.385.9945

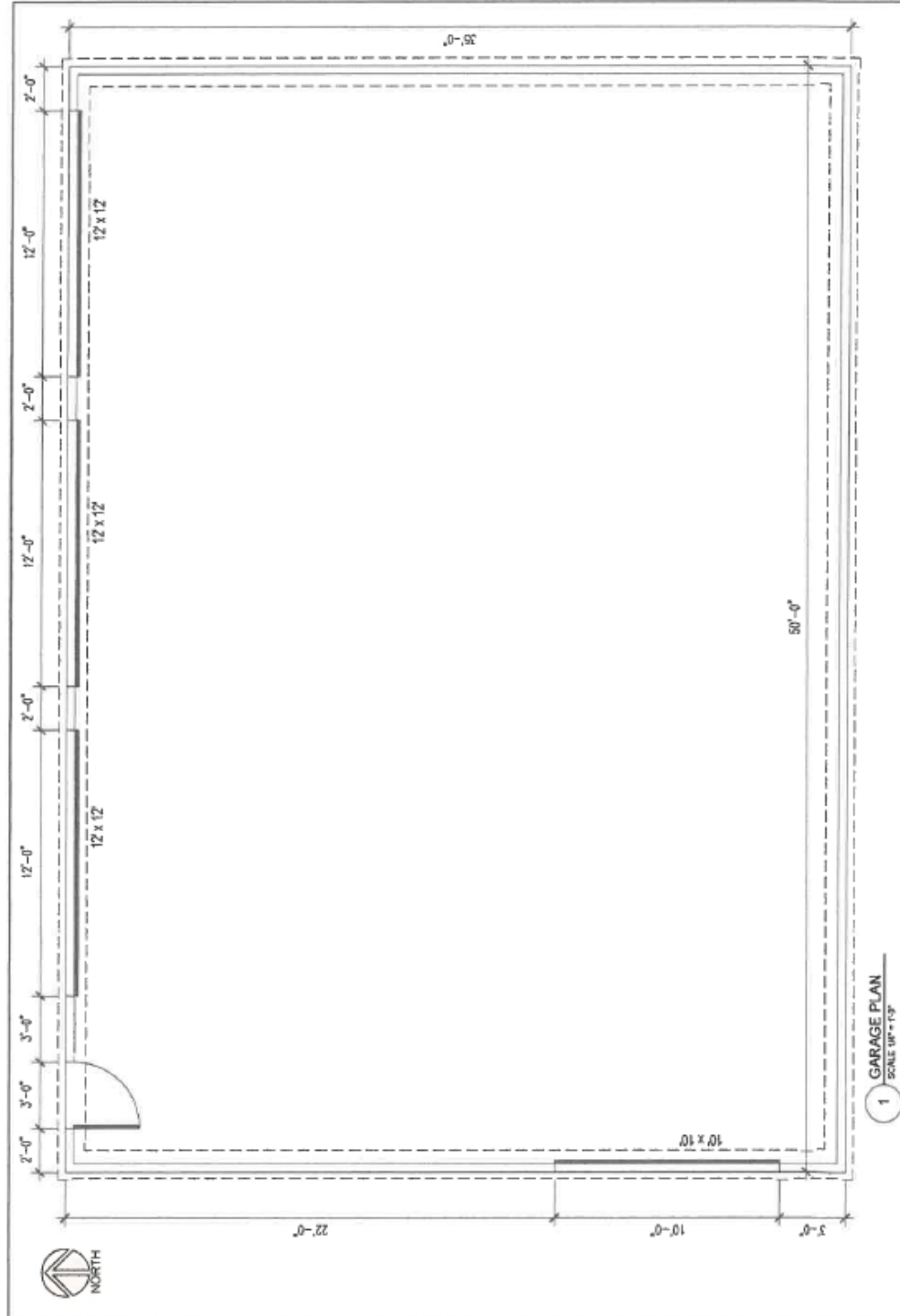
35' x 50' GARAGE PLAN
Pinella Flatwork
1549 S 87th KC., Kansas



**ASSOCIATED
BUILDERS
AND
CONTRACTORS**
1549 S 87TH ST
KANSAS CITY, MO 64111
913.385.9945
WWW.ABC-KC.ORG

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	09/14/2026

A101
KANSAS CITY, MO



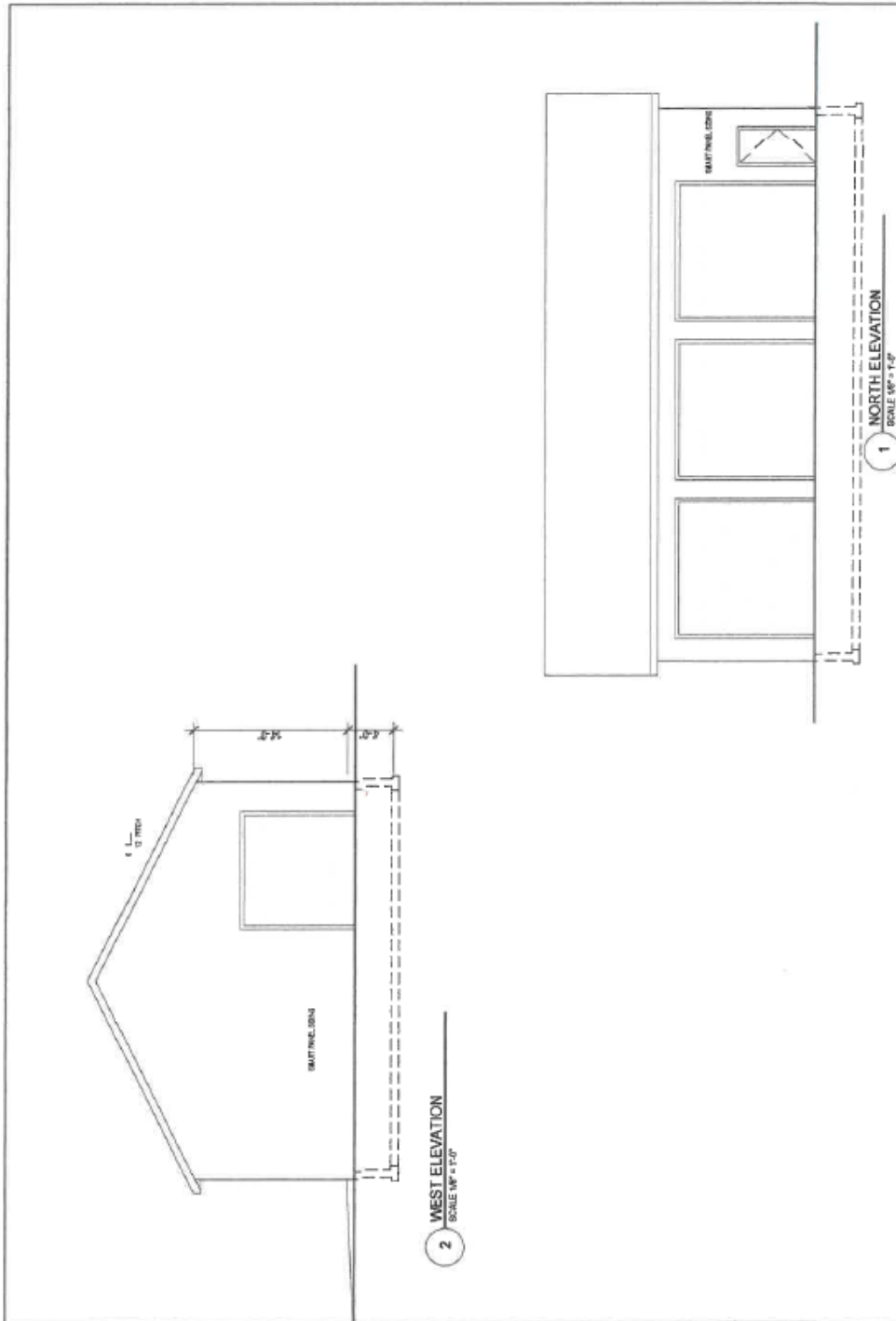
**HODGES
GARAGES**
845 W 52nd TERR
KANSAS CITY, MO
913.385.9945

35' x 50' GARAGE PLAN
Pinella Flatwork
1549 S 87th KC., Kansas

HS ASSOCIATES
ARCHITECTS
1549 S 87th KC., Kansas
913.385.9945
www.hs-architects.com

DATE	09/14/2026
PROJECT	35' x 50' GARAGE
CLIENT	Pinella Flatwork
ARCHITECT	HS ASSOCIATES
DESIGNER	ARCHITECT
DRAWN BY	ARCHITECT
CHECKED BY	ARCHITECT
APPROVED BY	ARCHITECT

WEST ELEVATION
A201
www.hs-architects.com











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: September 14, 2026

Re: Board of Zoning Appeals Petition BOZA2026-021

GENERAL INFORMATION

Applicant Information:

Ashley Dixon
317 North 61st Street
Kansas City, Kansas 66102

Subject Property:

3218 North 80th Terrace
Kansas City, Kansas 66109

Requested Action and Purpose:

Approval of a Variance for minimum lot width.

Commission Districts:

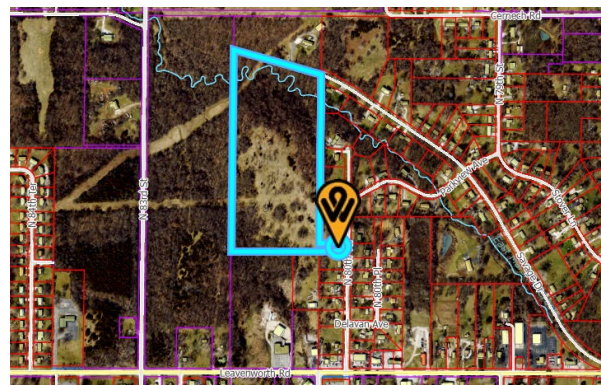
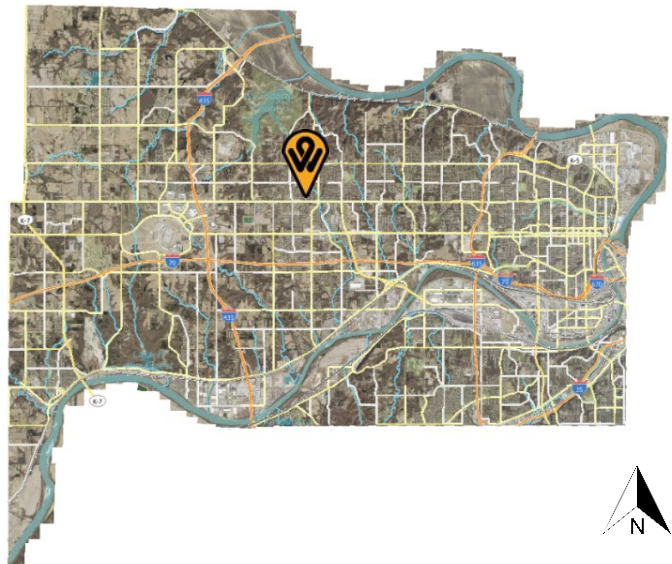
At-Large Commissioner, District #1:
Melissa Bynum
District Commissioner #8:
Andrew Davis

Existing Zoning District(s):

R-1 Single Family District

Plan Area:

PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	A-G Agriculture 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: 21.24 Acres

Neighborhood Characteristics: The subject property is located within the Nearman Hills Statistical Neighborhood and Census Block Group 0446011. The neighborhood consists primarily of large single-family lots to the north, south, east, and west of the property. Some commercial uses are also located to the south of the property as well as Leavenworth Road.

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 North 80th Street as Local street type.

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

Landscaping Requirement: Section 27-700(a) requires one (1) shade tree per dwelling unit required in the front or corner side yard. The subject property meets the requirement.

Advertisement: The Wyandotte Echo – August 20, 2026
Letters to Property Owners – August 21, 2026

Public Hearing(s): September 14, 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. CAC23-2217 – Code Admin Citation – July 17, 2023 – No Payment – Special Assessment – 2024 Lien tax role. Administrative Citation – Previous property owner.
2. ABT23-1578 – Abatement – June 28, 2023 – No Payment – Special Assessment – Weeds and fallen tree – Previous property owner.

Outstanding or Related Permit and Cases:

1. COZ2026-016 – Change of Zone – June 17, 2026 – Change of Zone from R-1 Single Family District to A-G Agriculture District.

Previous Planning Actions:

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Ashley Dixon, is requesting the following Variance at 3218 North 80th Terrace:

Section 27-452(3)(a) states that the lot width shall be not less than 250 feet measured at the building line; provided, however, that where a lot or tract has been in a single ownership since December 28, 1982, and has less width than required herein, this regulation shall not prohibit the erection of a single-family dwelling on a lot not less than 70 feet wide. The lot has a width of 55 feet; a violation of 195 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 property is unique in that the property owner is not proposing to modify the lot; rather, the existing configuration of the lot itself creates the hardship.

To the applicant's point, if the property owner does not request the change of zone, the R-1 zoning standards under Section 27-454(3)(a) require a minimum lot width of 65 feet. The existing lot does not meet this requirement, as it has only 55 feet of frontage.

- 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 impact the rights of adjacent land owners or residents.

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

Due to the parcel's limited lot frontage, the existing lot configuration is not a result of the applicant's actions but is a unique characteristic of the property. If the variance is not granted, the property owner would be limited in the number and size of accessory structures that could be constructed on the site.

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

There will be no adverse impacts.

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

Granting the variance would not conflict with the general spirit and intent of the zoning ordinance, as the existing lot does not currently meet the minimum lot width requirements established for the R-1 Single-Family District.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 1737 North 82nd Street (West Wyandotte Library, Conference Room B) on August 27, 2026. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Lot width frontage

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. Is the applicant aware that livestock is permitted under the current zoning, as the property is of sufficient size to accommodate livestock? However, the current

zoning regulations limit the size and number of accessory structures permitted on the property.

Applicant's Response: Yes. We understand that livestock may be permitted under the existing R-1 zoning based on the size of the property. However, our request to change the zoning to A-G is not solely for the purpose of keeping livestock.

Our long-term plan is to use the property as both our primary residence and an agricultural homestead. Planned agricultural uses include livestock, gardening and crop production, a barn, and a high tunnel. The A-G Agriculture District more accurately reflects the intended long-term use of the property and accommodates the agricultural accessory structures needed to support those activities. The property is established with the USDA Farm Service Agency as an active farm, and we are actively working with the USDA Natural Resources Conservation Service (NRCS) on conservation practices and agricultural land management.

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** case **BOZA2026-021** 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 COZ2026-016. 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) COZ2026-016 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
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. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

Aerial Imagery
Zoning Map
Land Use Map
Five (5) Criteria Set by State Statue
Neighborhood Meeting Sign-In Sheet
Neighborhood Meeting Minutes
Neighborhood Meeting Affidavit
Plot Plan
Images of the Property Submitted by the Applicant

PUBLIC HEARING SCHEDULE

Action(s)	Board of Zoning Appeals
Variance	September 14, 2026

STAFF CONTACT:

Osiris Nuñez Espinoza, Planner
Oespinoza@wycokck.org

MOTIONS

I move the Board of Zoning Appeals **APPROVE** Case **BOZA2026-021** 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:

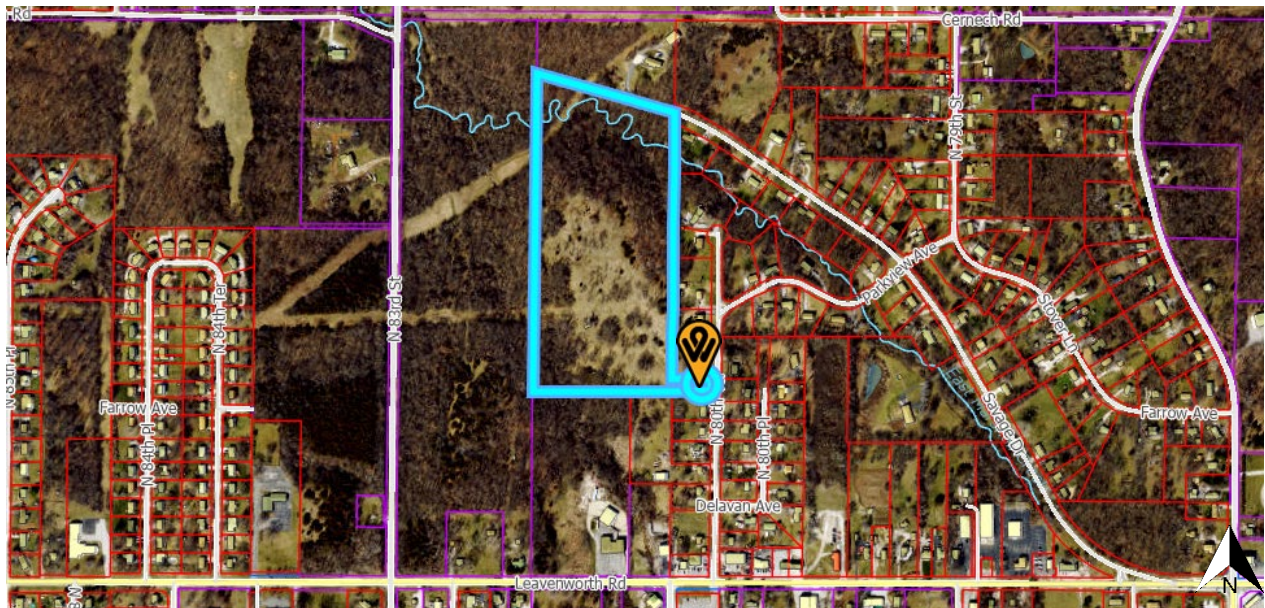
1. _____;
2. _____; And
3. _____.

OR

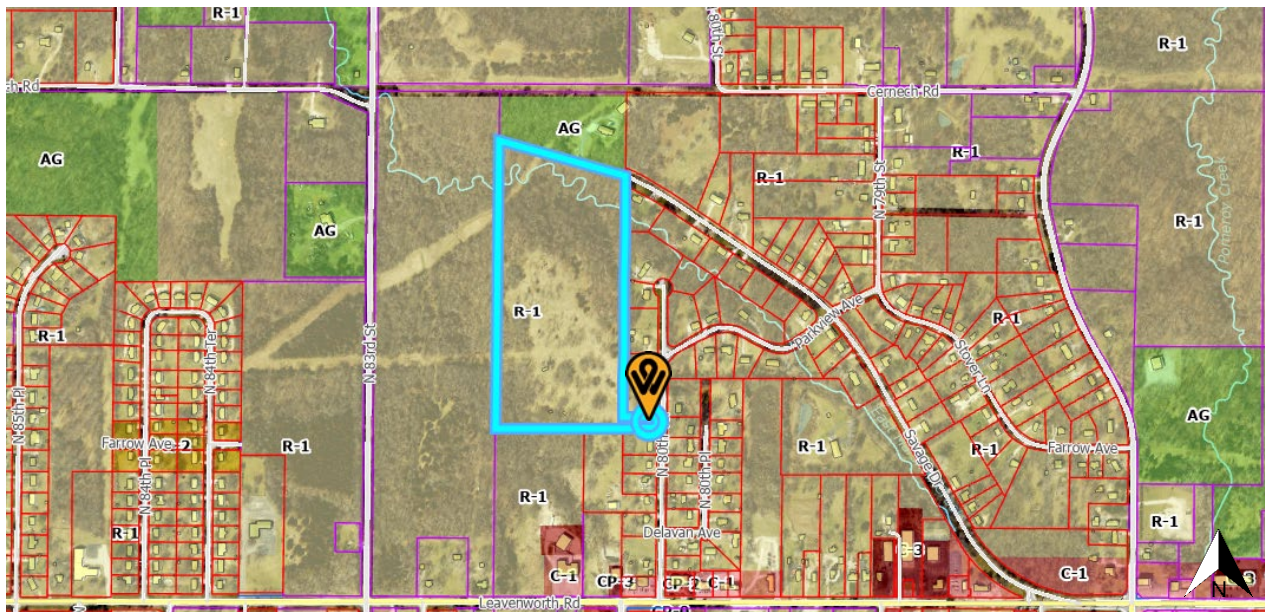
I move the Board of Zoning Appeals **DENY** Case **BOZA2026-021**, as it is not in compliance with the City Ordinances as it will not promote the health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

ATTACHMENTS

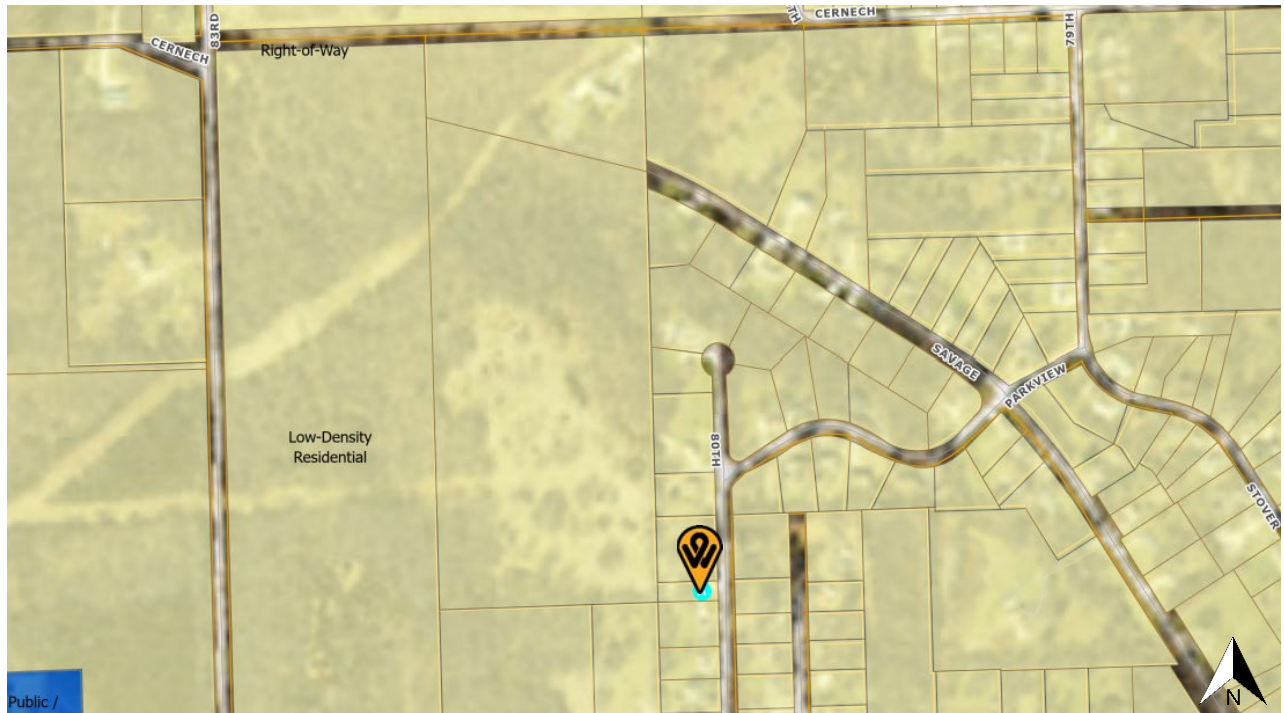
AERIAL IMAGERY



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. The property does not meet the 250 foot lot width requirement measured at the building line; however, the front parcel was added to accommodate a driveway. This area is not intended for building or additional development. The lot configuration and the location of the building area create a unique circumstance not ordinarily found on similarly situated properties in the district. The requested variance is not the result of an action taken by the property owner or applicant to create a hardship, but rather is based on the existing configuration and intended use of the property.
2	The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. Granting the variance will not adversely affect the rights of adjacent property owners or residents. The requested variance concerns the lot width requirement and will not authorize development that would encroach upon or interfere with neighboring properties. The front portion of the property is intended to be used for access and driveway purposes.

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 250 ft lot width requirement would create an unnecessary hardship because the property is already configured and intended to function as a single property with access provided through the front parcel. Without the variance, the owner would be unable to reasonably use the property as intended despite the properties existing configuration and available building area.
4	The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The requested variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or the general welfare. The property will continue to be used in a manner consistent with the surrounding area and applicable zoning requirements.a
5	The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. The requested variance is consistent with the general spirit and intent of the zoning ordinance. The purpose of the lot width requirement is to ensure orderly development and appropriate use of property. Granting this variance will not undermine that purpose because the property has adequate area for its intended use, and the front parcel is being used to provide access rather that to create additional building or development opportunities.

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.

Petitions COZ2026-016 (Change of Zone R-1 to AG) and BOZA2026-021 (Variance)

Thursday, August 27, 2026 — 5:00 p.m. — West Wyandotte Library, Conference Room B, 1737 N 82nd St, Kansas City, KS 66112

[illegible]

ATTACHMENT A - NEIGHBORHOOD MEETING SUMMARY

COZ2026-016 / BOZA2026-021

August 27, 2026 | 5:00 PM | West Wyandotte Library

Meeting Purpose: Neighborhood meeting regarding the proposed change of zoning from R-1 Single Family District to A-G Agriculture District and the related minimum lot-width variance for the property at 3218 North 80th Terrace, Kansas City, Kansas 66109.

Community Question / Comment	Response
How big of a house will be built on the property?	We plan to build a home of approximately 2,500 square feet.
Will there be secondary structures on the property?	Yes. We plan to have a barn and a high tunnel to support the agricultural use of the property.
Will the property have a septic system?	Yes. The home will use a private septic system.
Will this increase traffic on 80th Terrace?	No significant increase in traffic is anticipated. The property will primarily be our private residence and small farm.
How do you plan on keeping goats contained?	Goats will be contained using appropriate agricultural fencing, including electronic fencing, and kept on our property.
Will there be any rental structures on the property?	No. We do not currently plan to have rental homes or rental structures on the property.
Do you plan on cutting down the forest/wooded area?	No. We intend to preserve the wooded areas as much as possible. We are also working with USDA conservation professionals regarding conservation and land-management practices for the property.

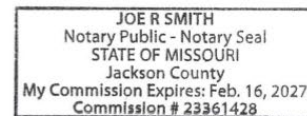
STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

1. That I am the petitioner for Petition # COZ2026-016 / BOZA2026-021.
2. That I conducted a neighborhood meeting on August 27, 2026, at 5:00 PM at the West Wyandotte Library.
3. The notice to nearby property owners was sent on August 13, 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.


Ashley Dixon, Affiant

My commission expires 16 of FEBRUARY, 2027.

Joe R. Smith
Notary Public









INTERIM DIRECTOR'S DETERMINATION

TO: File – SUP for 408 Sandusky

FROM: Rodney Lucas

DATE: July 1, 2026

SUBJECT: Whether application for SUP is to be considered a new application or renewal and whether the requirement for a home inspection can be waived.

DETERMINATION

Upon discussion with the Legal Department for the Unified Government, I have been advised of the following and adopt the same as my determination for the application of an SUP for a short-term rental at this property.

LEGAL AUTHORITY

The property located at 408 Sandusky will require an extensive remodel due to the actions of a previous renter. Per the plans provided by the applicant, only two walls of the existing structure will remain while the rest of the structure will be completely replaced. Thus, the structure, though retaining the address of the current SUP, for all intents and purposes will be a new structure. Thus, a new application for an SUP for a short-term rental is more appropriate in this situation than a renewal of the existing SUP.

Unified Government Code Sec. 27-263(c)(2)a.3.iii lists two specific situations in which an application for an SUP must be considered a new application rather than a renewal (i.e. a change in ownership of the parcel or lot or the transfer of the SUP to a separate parcel or lot). However, the fact that this section is silent does not preclude the director from viewing this proposed extensive remodel as a new application; rather, it sets out two situations where no discretion is allowed.

Unified Government Code Sec. 27-623(c)(2)a.3.ii sets out the submission materials for a short-term rental SUP, and subsection J within that section states as follows:

- J. Report from a full safety home inspection.
 - 1. For a new short-term special use permit application only, the report from a full safety home inspection conducted within the past six months by a home inspector registered with the unified government and in compliance with all business licensing requirements.

2. Additional inspections may be required at the discretion of the director of planning and/or their designee(s).
3. While a full safety home inspection shall not be required upon every renewal application of an existing special use permit, under no circumstances shall the time from the last full home inspection was conducted be greater than five years.

Because this application should be viewed as a new application, a home inspection is mandatory under Sec. 27-623(c)(2)a.3.ii.J.1 and not discretionary. Specifically, due to the extensive remodel that will occur at the property, the requirement of a home inspection should not be waived. Further, should this be considered a renewal application, a home inspection may still be required under Sec. 27-623(c)(2)a.3.ii.J.2, and should be required due to the extensive remodel that will occur at the property. As such, whether the application is a new application or a renewal, the director by way of staff can require a home inspection as part of the submission materials for the application.