

BOARD OF ZONING APPEALS
AUGUST 8, 2022
Decisions

The Board of Zoning Appeals met in regular session on Monday, August 8, 2022, at 6:00 p.m., (via Zoom Webinar and the Commission Chamber of the Municipal Office Building) with the following members present: Mr. Jeff Carson, Chairman Presiding (Zoom), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Ms. Susannah Pauley (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Armstrong, Mohler and Straws). Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning and Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Commission Chamber), Ms. James Molloy, Planner (Commission Chamber), and Mr. Daniel Kuhn, Assistant Counsel (Zoom), were also present.

Chairman Carson called the meeting to order at 6:00 p.m.

Recording Secretary Parker read the Board of Zoning Appeals Statement: “We would like to welcome those participating by telephone, Zoom or in the Commission Chamber to the meeting of the Board of Zoning Appeals. Members of the Board of Zoning Appeals are participating remotely by Zoom or are present in the Commission Chamber and Mr. Jeff Carson is serving as chairman this evening.

Please note the following instructions for the meeting:

1. If you are joining by Zoom Video, please make sure you have an appropriate background and plan to stay visible during the meeting;
2. Board Members - Use the raise your hand feature when you want to speak, and after Chairman Carson recognizes you, please unmute your microphone and state your name when you begin to speak. If you need to recuse or if you need a break, use the raise your hand feature.
3. For those attending the meeting this evening, please use the “raise your hand” feature if you want to speak on an application. If you are present in the Commission Chamber, please come to the microphone at the front of the room when the application is called, and Staff will let the Chairman know you want to speak. After the Chairman recognizes you, please state your name and address and make your comments.
4. If you are having issues getting in the Zoom meeting, please email planninginfo@wycokck.org and let Secretary Parker know.
5. Proper meeting decorum is expected of all participating in the meeting and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue a meeting if any improper behavior occurs which prevents the uninterrupted conduct of business.

The format for this evening's meeting is as follows:

1. The applicant will make the opening statement explaining the proposal. The applicant will be given fifteen (15) minutes to present their case, which includes the applicant, consultants, and other members of the applicant's team.
2. Members of the Board will then address any questions they may have to the applicant.
3. Any persons wishing to speak in favor will be recognized and allowed to do so at that time.
4. Then those persons in opposition will be recognized to make their statements and ask questions with each member of the public being given five (5) minutes to express their opinions. Time may not be shared between speakers.
5. A speaker's time may be extended in five-minute intervals by a 2/3rd majority vote of the Board.
6. The applicant will then answer questions and make a closing statement.
7. The public hearing portion of the meeting will be closed, and the public will only be allowed to address the Board if a question is directed to them.
8. The staff will make their recommendation.
9. The Board will discuss the application and make their decision with a brief statement of the reason for the motion preceding the making of the motion.
10. Motions to approve shall include the staff stipulations unless otherwise stated in the motion.

Application starts at 4:45:

BOZA2022-035 – JOSH BOYER, 217 South 74th Street, zoned R-1 Single Family District. This appeal has been filed to grant a variance from the maximum accessory building floor area in the R-1 District. Section 27-609(2) requires that the total area of a detached accessory building not exceed 1,000 square feet. The appellant is requesting an accessory building with a total floor area of 1,680 square feet, a violation of 680 square feet.

Recording Secretary Parker asked if the Board had any contact to disclose on this application. (No one responded in the affirmative.)

Appeared in Support:

- Josh Boyer, applicant, 217 South 74th Street, Kansas City, Kansas 66111

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 7:25: Planner Toy stated Staff recommends approval subject to the conditions outlined in the staff report.

Motion/Vote starts at 7:40:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Miller, seconded by Mrs. Jones, the Board of Zoning Appeals voted as follows to **APPROVE** this appeal:

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye

Motion to APPROVE Passed: 7 to 0

Subject to:

1. The proposed accessory building must continue to meet the following requirements for Section 27-609(2), as addressed in "Planning & Urban Design Comments: General #2" within the *Staff Comments and Suggestions* section of this report:
 - a. The siding on the building must be horizontal;
 - b. The exterior wall materials shall be limited to customary residential finish materials, including horizontal clapboard siding of all materials, wood and plywood siding, stone and brick (both actual and artificial), and textured finishes such as stucco and stucco board which visually cover the underlying material regardless of the underlying material. Metal cannot be used for the walls of the building unless they have a factory-applied paint finish closely matching the color of the primary residence; and,
 - c. The exterior roofing materials for roofs sloped more than two (2) in 12 shall be shingles or tiles and not metal, fiberglass or plastic sheets. Metal may be allowed if the roof has a factory-applied painted finish that closely matches the roof color of the primary residence or the color of the primary residence itself, if the roof and walls of the accessory structure are to be the same color;
2. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary

- structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 4. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 6. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 7. 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.

Application starts at 8:35:

BOZA2022-037 – WYLIE DENTON, 2730 South 69th Street, Zoned R-1 Single Family District. The appeal has been filed in conjunction with COZ2022-024, a Change of Zone from R-1 Single Family District to A-G Agriculture District. This appeal has been filed to grant a variance from the maximum depth-to-width ratio for a lot. Section 27-280(b) states

that the depth of a lot shall not exceed three (3) times the width. The appellant is requesting a lot with a depth-to-width ratio of 8.30:1, a violation of 176%, respectively. Recording Secretary Parker asked if the Board had any contact to disclose on this application. (No one responded in the affirmative.)

Appeared in Support:

- Applicant was not present
- Helen Hokanson, 6453 Cernech Road, Kansas City, Kansas

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 9:40: Planner Toy stated that this application will correct a non-conforming use for lot depth to width ratio. He further stated that the property is located in the Turner area and has very narrow frontage and large depth in the rear of the property. Staff recommends approval subject to the conditions in the staff report. Planner Toy stated that the applicant will come back before the Commission with a Change of Zone application to A-G Agriculture District that would allow livestock and agricultural uses.

Motion/Vote starts at 12:60:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Miller, seconded by Mrs. Jones, the Board of Zoning Appeals voted as follows to **APPROVE** this appeal:

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Not Present
Pauley	Aye
Straws	Not Present
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Aye
Ernst	Aye

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with Change of Zone petition COZ2022-024, which is scheduled to be heard on September 12, 2022. This variance does not affect the future Change of Zone request;**

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;
3. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
4. 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.

The meeting was adjourned at 6:14 p.m.

THE BOARD OF ZONING APPEALS

BY: Janet L. Parker, CSC/APC
Janet L. Parker, Secretary, CSC/APC