



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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To: Board of Zoning Appeals
From: Planning and Urban Design Staff
Date: May 9, 2022
Re: Appeal BOZA2022-020

GENERAL INFORMATION

Applicant:
William Siscoe

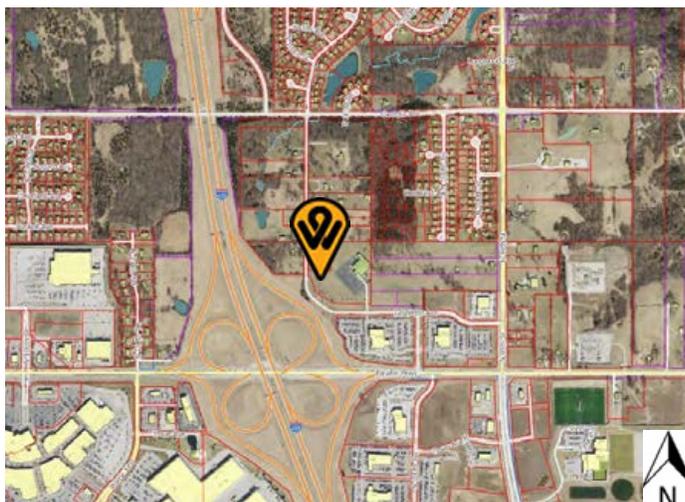
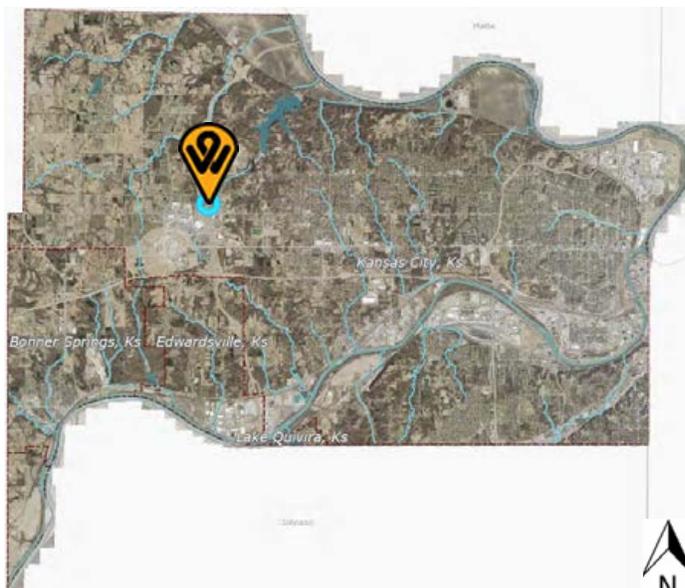
Status of Applicant:
Property Owner
2305 North 102nd Street
Kansas City, Kansas 66109

Requested Action:
Approval of a variance.

Date of Application:
March 25, 2022

Purpose:
Variance 1: This appeal has been filed to grant a variance from the maximum number of accessory buildings allowed in the R-1 District. Section 27-609(2) allows for one (1) detached accessory building. The appellant is requesting the construction on an additional accessory building for a total of two (2) accessory buildings, a violation of one (1) accessory building.

Purpose (cont.):



Variance 2: 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 a total floor area of all accessory buildings of 2,028 square feet, a violation of 1,028 square feet.

Property Location: 2305 North 102nd Street, Kansas City, Kansas 66109

Commission Districts: Commissioner At-Large, District #1: Melissa Bynum
District #5 Commissioner: Mike Kane

Existing Zoning: R-1 Single Family District

Adjacent Zoning:
North: R-1 Single Family District
South: R-1 Single-Family District; Right-of-Way
East: R-1 Single Family District
West: R-1 Single Family District

Adjacent Uses:
North: Single-family residence
South: Place of worship;
Interstate-435 right-of-way
East: Place of worship
West: Single-family residence

Neighborhood Characteristics: The subject property is within the I-435 West Statistical Neighborhood and is not within a neighborhood group. Bordered by Interstate-435 to the west, by Parallel Parkway to the south, and by Georgia Avenue to the north, the neighborhood is a mix of small single-family lots, large residential- and agricultural-zoned parcels, and commercial uses such as car dealerships.

Total Tract Size: 1.48 Acres

Master Plan Area: The subject property is within the Prairie-Delaware-Piper Area Master Plan.

Master Plan Designation: The Prairie-Delaware-Piper Area Master Plan designates this property as Suburban Residential/Mixed Residential. The Suburban Residential Land Use District allows for typical single-family detached residential units on what are typically referred to as quarter-acre lots. Generally, these subdivisions will develop with 3-to-4 units per acre. The Mixed Residential land use designation is appropriate in limited areas. These areas could include a variety of residential densities and unit

types. These areas could be developed with patio (zero-lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. Public-oriented uses such as schools, libraries, community recreation facilities (both indoor and outdoor) and places for worship may also be planned within a mixed residential development.

Major Street Plan: The Major Street Plan classifies North 102nd Street as a Local/Neighborhood Street.

Parking Requirement: Section, 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The subject property has an existing detached garage that can hold at least two (2) vehicles, as well as a paved driveway that can hold at least two (2) vehicles as well.

Advertisement: The Wyandotte Echo – April 14, 2022
Letters to Property Owner – April 15, 2022

Public Hearing: May 9, 2022

Public Support: None to date.

Public Opposition: None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has not received any building or code enforcement complaints. The previous property owners have not received any building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection cases.

STATUTORY REQUIREMENTS/FACTORS TO BE CONSIDERED

- 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.***

Variance 1: This variance request has been filed to grant a variance from the maximum number of accessory buildings. The applicant has stated that the proposed second accessory structure—free-standing carport—is needed to keep an RV protected from heavy winds. The existing accessory building—the garage—has a floor plan of 1,488 square feet. This existing garage was constructed in 2003 to replace the previous garage; at 1,488 square feet, the existing garage is already 488 square feet larger than allowed by the Zoning Code. The applicant has stated that they have proposed the carport because the existing garage does not have a door tall enough to accommodate the height of their RV. While not every residence possesses an RV, ownership of such a vehicle is not a condition unique to the property in question.

Variance 2: This variance request has been filed to grant a variance from the maximum accessory building floor area. The existing garage has a floor plan of 1,488 square feet, when constructed in 2003 already exceeds the allowed floor area by 488 square feet; the proposed carport is an additional 540 square feet. As the applicant has already violated Section 27-609(2) by constructing a detached garage with a floor area over 1,000 square feet, the variance requested arises from a condition created by the actions of the applicant.

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

Variance 1: Although the carport is freestanding, the location of the structure is located on the property in such a manner that from a neighboring property it may not be discernable that the carport is a separate accessory structure, and thus to a neighboring observer there will not appear to be a second accessory structure. Therefore, the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Variance 2: The subject property is approximately one and one-half (1.5) acres, and the homestead—consisting of the primary residence, paved driveways and parking areas, and existing garage—is located in roughly the middle of the property. The size of the subject property and the location of the existing and proposed buildings in relation to the neighboring parcels are proportional to the total floor area of the accessory structures. Therefore, the granting of the permit for the variance will not adversely affect the rights of adjacent property 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.***

Variance 1: Strict application of the provisions of the zoning ordinance would prevent the applicant from erecting the carport. The applicant has stated that the carport is needed in order to cover their RV, as it is too tall to fit through the existing garage door. Preventing the applicant from constructing an additional accessory unit, while inconvenient to the applicant, does not rise to such a level as to constitute an unnecessary hardship.

Variance 2: Strict application of the provisions of the zoning ordinance would prevent the applicant from erecting the carport and would require the applicant to demolish a portion of the existing garage so that the floor area does not exceed 1,000 square feet. While it is unclear if preventing the erection of a new carport would constitute an unnecessary hardship upon the applicant, requiring the demolition and/or down-sizing of the existing garage would constitute an unnecessary hardship.

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

Variance 1: A free-standing carport that is detached, but located close to a garage, may give off the aesthetic of an extra-large, albeit singular, accessory structure. As the carport may give the appearance of a single accessory structure, and is located behind the primary residence, it will not have effect outside the subject property. Therefore, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Variance 2: The subject property measures 1.48 acres, the primary residence has a total floor area of 1,330 square feet, the existing accessory building has a floor area of 1,488 square feet, and the proposed accessory structure will measure an additional 540 square feet. While the additional accessory structure may be proportional for a 1.48-acre parcel, floor area of the existing accessory building already surpasses both the accessory building maximum as well as the total floor area of the primary residence. The proposed accessory structure will further exacerbate both the violation of the maximum accessory building floor area and the difference between the primary residence and the larger garage. Due to the curve in North 102nd Street, the subject property is effectively a corner lot and thus the full massing of the structure will be visible from the public right-of-way. Therefore, the variance requested will 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.*

Variances 1-2: The spirit and intent of Section 27-609(2) is to prevent accessory structures from visually dominating the view of the subject property and therefore maintaining the aesthetics of a single-family parcel. The proposed accessory

structure will be erected 10 feet south of the existing garage. This will entail an expansion of the existing driveway to accommodate access and parking for the RV. While the proposed accessory structure will therefore be positioned directly behind the primary residence, this proposed structure, as well as the existing garage, will be visible from the property to the south and from the North 102nd right-of-way. Issues of size and massing are also a concern. The total floor area for the existing and proposed accessory buildings is 2,028 square feet, which exceeds the primary residence's 1,330-square-foot floor area (excluding the basement). Taking into account these factors, the granting of the variances requested will be opposed to the general spirit and intent of the zoning ordinance.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant hand delivered letters to property owners per the list provided by Planning Staff. Per the applicant, no one objected to the proposed petition.

KEY ISSUES

Actions by the Applicant
Massing
Parking
Storage

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General

1. The existing garage has a floor area of 1,488 square feet, which exceeds Section 27-609(2) by 488 square feet. Why is the applicant unable to store the RV inside the existing garage, which would not require any variances and/or further exacerbate any existing violations?

Applicant Response: *The RV is too tall to fit through the current garage door, and the rafters cannot be raised in order to raise the ceiling.*

2. Provide a revised site plan demonstrating the exact proposed location of the car port.

Staff Response: The applicant has submitted a revised site plan demonstrating that the car port will be located 10 feet south of the existing accessory building.

The revised site plan can be found under “Site Plan of 2305 North 102nd Street” in the *Attachments* section of this report.

3. Is the driveway to be expanded or increased? Provide the approximate dimensions of the expanded driveway and parking pad area underneath the carport’s roof.

Planning Engineering Comments

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

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2022-020, Variance 1** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) **The variance request does not fulfill Statutory Requirement #1. The variance requested arises from the applicant’s need to store an RV in a separate carport, a condition which is not unique to the subject property in question, and, furthermore, a condition which could ordinarily be found in the same zone or district;**
- 2) **The variance request does not fulfill Statutory Requirement #3. Strict application of the zoning ordinance—disallowing the applicant from constructing a second accessory structure in addition to the existing 1,488 square foot accessory structure—does not constitute unnecessary hardship upon the applicant; and**
- 3) **The variance request does not fulfill Statutory Requirement #5. The construction to a separate carport in addition to an existing garage that exceeds the maximum allowed area is opposed to the general spirit and intent of the zoning ordinance.**

If the Board of Zoning Appeals were to approve **BOZA2022-020, Variance 1**, Staff recommends that the following conditions apply:

- 1) **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;**
- 2) **A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to begin this process;**

- 3) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
- 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) Any business or land use in Wyandotte County that is required to provide off- street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27- 470; 27-592 through 27-616; 27-667 through 27-676). Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,
- 6) Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

Staff recommends that the Board of Zoning Appeals **DENY** Appeal **BOZA2022-020, Variance 2** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) **The variance request does not fulfill Statutory Requirement #1. The variance requested arises from the existing and proposed increase of a violation of the maximum allowed accessory structure area;**
- 2) **The variance request does not fulfill Statutory Requirement #4. The proposed carport will add to the excessive massing uncharacteristic to the subject property and neighborhood, and visible from the right-of-way and adjacent properties; and**
- 3) **The variance request does not fulfill Statutory Requirement #5. Further exacerbating an existing violation of the maximum allowed accessory structure area is opposed to the general spirit and intent of the zoning ordinance.**

If the Board of Zoning Appeals were to approve **BOZA2022-020, Variance 2**, Staff recommends that the following conditions apply:

- 1) **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;
- 2) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to begin this process;
 - 3) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
 - 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) Any business or land use in Wyandotte County that is required to provide off- street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27- 470; 27-592 through 27-616; 27-667 through 27-676). Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,
 - 6) Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

ATTACHMENTS

Aerial Map
 Zoning Map
 Land Use Map
 Five Statutory Requirements Answered by the Applicant
 Neighborhood Meeting Materials
 Site Plan of 2305 North 102nd Street
 Elevations of the Proposed Accessory Building
 Primary Residence and Garage Floor Area, UGMaps Records
 Staff Site Visit Photographs, Dated May 5, 2022

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Board of Zoning Appeals</u>
Public Hearing	
Variance	May 9, 2022

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Board of Zoning Appeals **DENY** Appeal **BOZA2022-020** as it is not in compliance with the City Code, as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Kansas City, City Board of Zoning Appeals **APPROVE** Appeal **BOZA2022-020** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare, subject to such modifications as are necessary to resolve to the satisfaction of City Staff and all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

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

AERIAL MAP



ZONING MAP



LAND USE MAP



Prairie-Delaware-Piper
Area Master Plan Land Uses

- Low Density Residential District
- Planned Suburban Residential District
- Planned Mixed Residential District
- Planned Office District
- Planned Commercial District
- Public / Semi-Public
- Planned Open space
- Planned Entertainment District
- Planned Mixed Business Park / Commercial District
- Planned Mixed Business Park / Office District
- Planned Mixed Entertainment / Commercial District
- Planned Small Commercial District
- Future Interchange

BOARD OF ZONING APEALS

Five Conditions Set by State Statute
(Please feel free to use additional pages if necessary)

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.

Asking for a carport (18x30x12) - free standing structure on south side of garage - Breeze way attachment.

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

The carport 8' feet between the existing garage on south side of garage.

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.

No - The free standing carport is necessary to protect the RV from heavy winds.

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

No - The carport will not have plumbing or electricity and only support poles and walls.

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

No The carport will mirror the garage and is behind the house and increase value property.

NEIGHBORHOOD MEETING MATERIALS

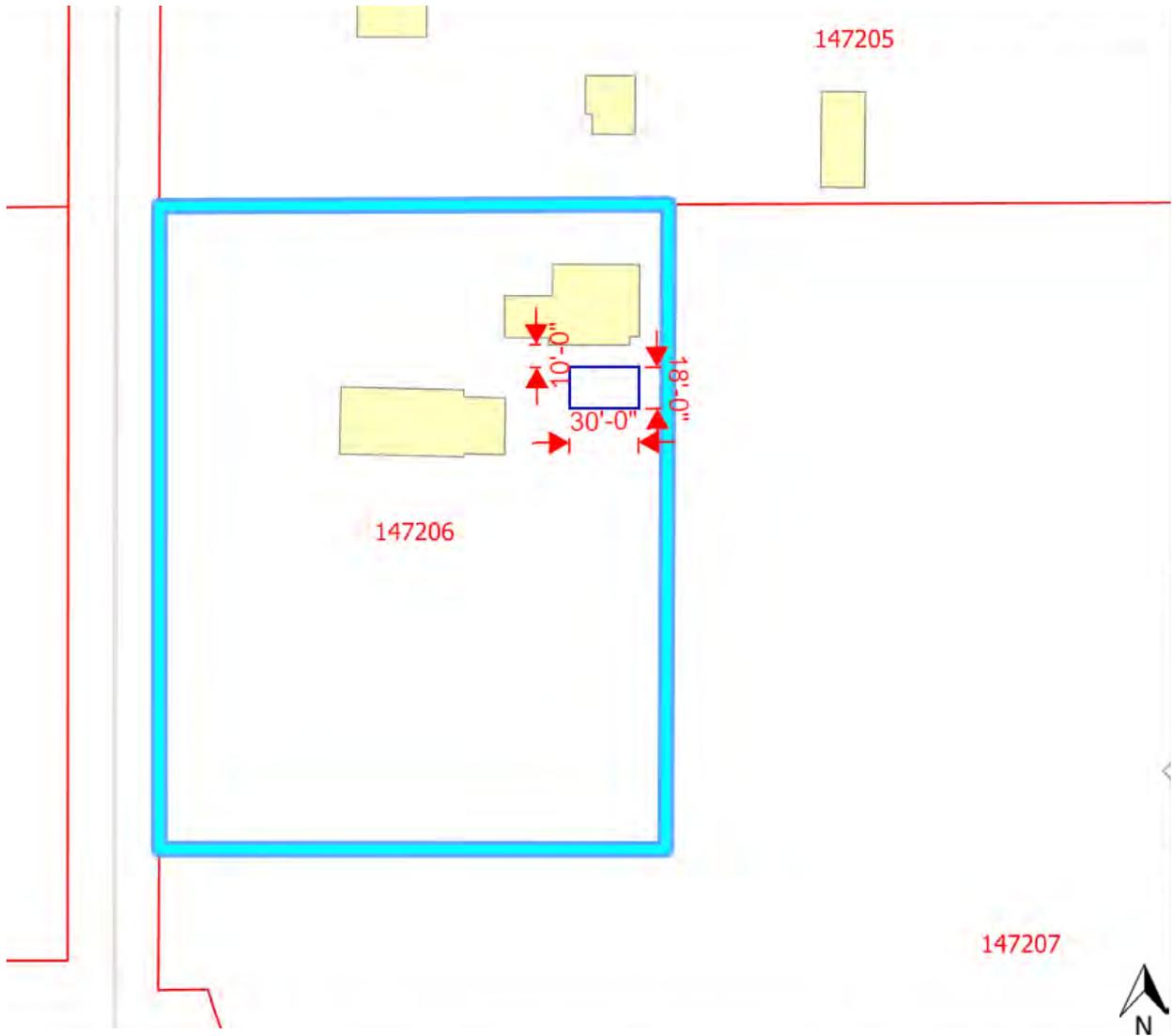
Delivered Address letters in person
Sign In Sheet

1. Diane Siscoe
2. Wm Siscoe
3. Pastor Ken Kendall - Hope Chapel Legends
formerly Village West Family Church
4. Bruce Bruehl
5. A Duane Shaw
6. Alan Hockin
7. Maniah Priddy
8. Zachary Martin
9. Dyrnell Martin
10. Mark C
11. notified by phone
No questions (left letter)

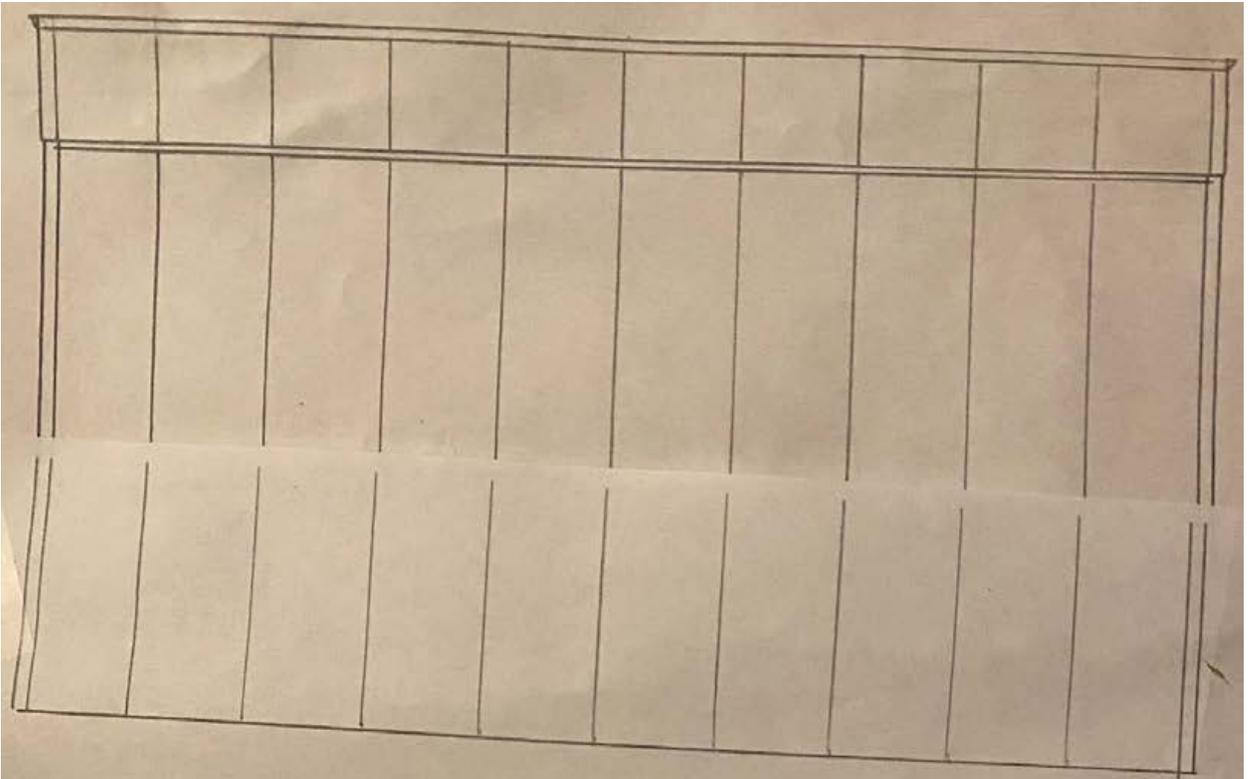
Leavenworth Rd Assoc
913-788 3988
913 270 8266

(AC) Cost
Permit Fee
March

SITE PLAN OF 2305 NORTH 102ND STREET

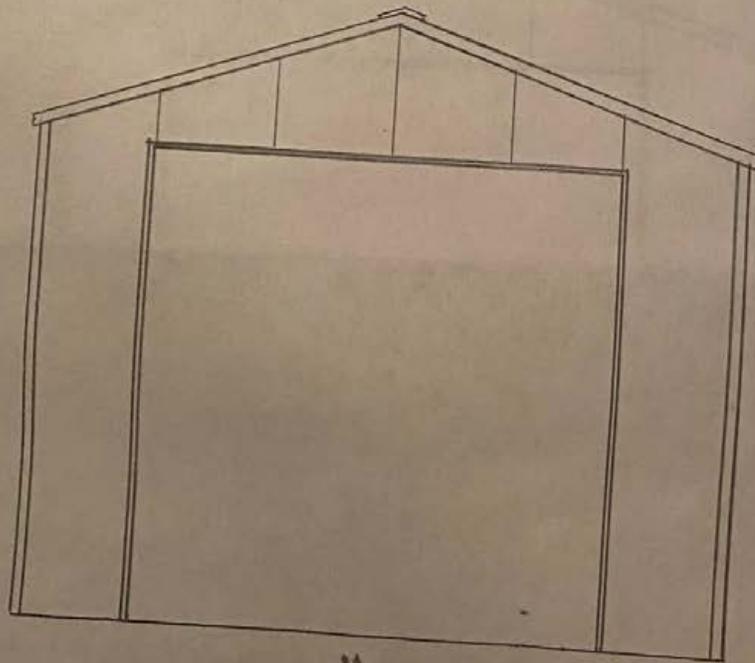


ELEVATIONS OF THE PROPOSED ACCESSORY BUILDING

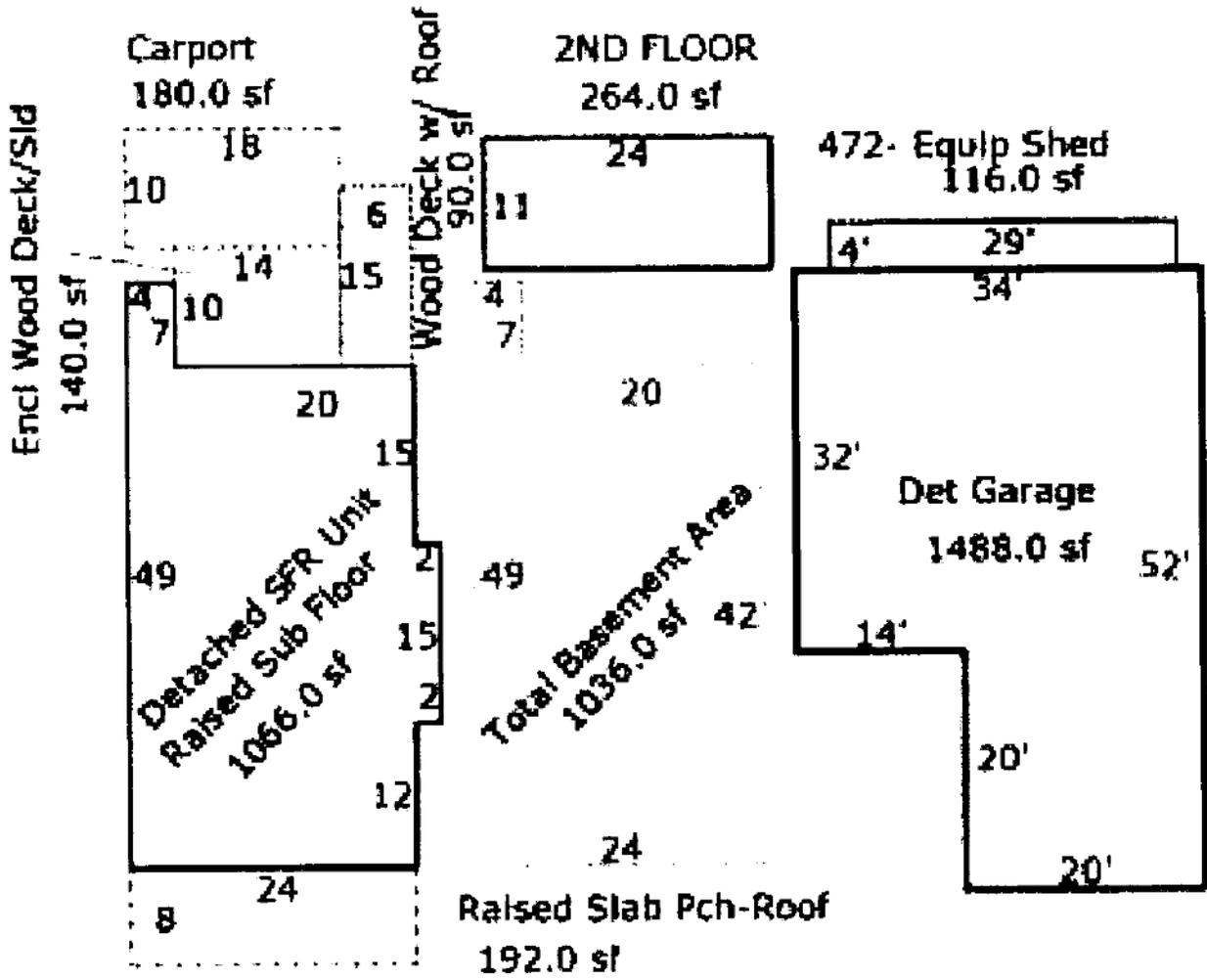


Above: Side view of the proposed carport.

Below: Front view of the proposed carport.



PRIMARY RESIDENCE AND GARAGE FLOOR AREA, UGMAPS RECORDS



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022



Various views of the subject property and existing accessory structure.



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022, CONT.



Views of the existing garage from the south/southeast. The proposed carport will be located on the south side of the existing garage, which will also make it view able from the right-of-way and the adjacent property to the south.

