



# 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:** March 13, 2023  
**Re:** Appeal BOZA2023-003

## GENERAL INFORMATION

**Applicant:**

Austin Thompson

**Status of Applicant:**

Representative  
Atlas Land Consulting  
14500 Parallel Road, Unit R  
Basehor, Kansas 66007

**Requested Actions:**

Approval of a variance request.

**Date of Application:**

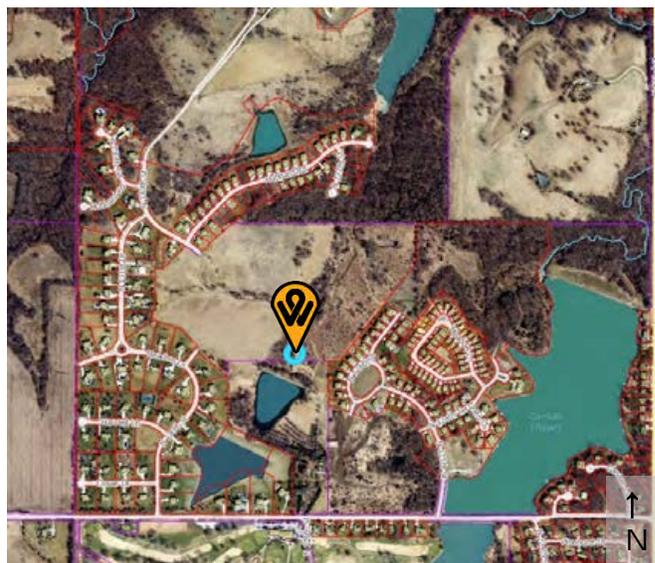
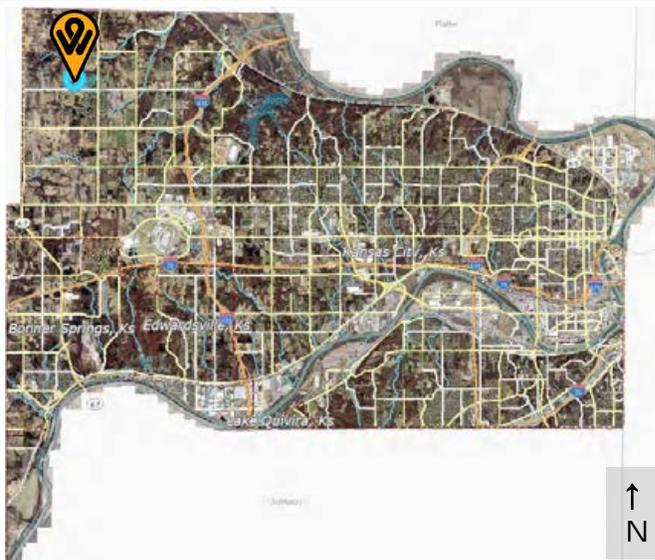
January 27, 2023

**Purpose:**

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 that Lot 2 be platted with a depth-to-width ratio of 3.25:1, a violation of 8 percent.

**Property Location:**

12602 Hollingsworth Road  
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:** A-G (WyCo) Agriculture, R Rural Residential, R-1 Single Family, and RP-1(B) Planned Single-Family Districts  
**East:** RP-1(B) Planned Single Family District  
**West:** R Rural Residential and R-1 Single-Family Districts

**Adjacent Uses:**  
**North:** Single-family residences; Undeveloped property  
**South:** Single-family residences; Undeveloped property  
**East:** Single-family residences; Undeveloped property  
**West:** Single-family residences

**Neighborhood Characteristics:** The subject property is within the Prairie-Piper Statistical Neighborhood and is not within a Neighborhood Group. The subject property is an undeveloped 53-acre parcel at the intersection of undeveloped lies at the northwest corner of a neighborhood that is bordered by the Canaan Lake housing subdivision to the east and southeast, the Freeman Farms housing subdivision to the north and west, and a single-family homestead to the south.

**Total Tract Size:** 53.87 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 Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is recommended north of Donahoo Road. Currently, these areas are not as densely developed as a typical suburban residential subdivision. These areas are for single family detached residential units and should appear to be less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area. These areas may include lots ranging in size from 3 acres to 1/3 of an

acre. Clustering units and dedicating large areas for open space are encouraged. Clustering of units would allow for open space and other community amenities. Areas within the plan that are limited by transportation and infrastructure improvements as well as the conditions of the existing topography and vegetation afford areas for large lot development. Residential development of these parcels should work with the natural terrain of the site to be functionally compatible with their rural setting.

<b>Major Street Plan:</b>	The Major Street Plan designates North 103 <sup>rd</sup> Street as a Local/Neighborhood Street. The Major Street Plan designates Meadow Lane as a Local/Neighborhood Street.
<b>Required Parking:</b>	Section 27-454(e) requires two (2) paved off-street parking spaces on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. There are no building nor paved parking spaces on the subject property; therefore, there are no parking spaces required. Required parking must be provided for all developments on the parcels created by concurrent and future plats.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023
<b>Public Hearing:</b>	March 13, 2023
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. The previous property owners have received no noise or disturbance complaints.
2. The current property owner has received no noise or disturbance complaints.

### **Building or Code Enforcement Complaints:**

1. There are no outstanding Notices of Violations attached to this property.
2. The current property owner has been cited by Property Maintenance Compliance for overgrown weeds in 2008.

**Outstanding or Related Permits and Cases:**

1. The previous property owners have no outstanding or related permits and cases.
2. The current property owner has no outstanding or related permits and cases.

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**STATUTORY REQUIREMENTS/FACTORS TO BE CONSIDERED**

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

The applicant is requesting a variance from the maximum depth-to-width ratio allowed for newly created residential parcels. The subject property is proposed to be subdivided into two (2) parcels, designated as Lot 1 (the northwestern parcel) and Lot 2 (the southwestern parcel). The subject property is proposed to be initially subdivided in order for each separate parcel to be developed by different housing subdivisions as a next phase of those respective subdivisions. The simultaneous Preliminary and Final Plat, PLAT2023-006, is therefore intended to be a necessary first step in the process to create two (2) separate developments on the land that makes up the subject property. As the next step requires a new Preliminary and Final Plat to be filed separately for Lot 1 and Lot 2—to reflect the proposed change in ownership of the lot(s)—the violation created by PLAT2023-006 will not have any lasting effects. Therefore, the temporary nature of Canaan Lake West Estates Plat, as defined by PLAT2023-006, creates a condition which is unique to the subject property. As a plat for the subject property has not been filed with the Register of Deeds, the unique condition under which the variance arises is considered to not be created by the property owner.

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

As previously mentioned, the subdivision of the subject property into two (2) separate parcels is the first step in a process intended to develop the land for residential uses, but as phases of separate and distinct existing housing subdivisions. While it is procedurally possible for the subject property to receive a Final Plat, halt any future subdivision plans, and instead construct a single residence on each of the newly created parcels, Applicant has stated that all parties involved in the development process are incentivized to proceed with further plating and development. Furthermore, the size of Lot 2 (29.79 acres), its non-rectangular shape, and the degree of deviation from the Zoning Code (percent (8%) greater than the maximum allowed width-to-depth ratio) are all conditions that create a lot that would not be noticeably in violation with the Zoning Code. Therefore, granting the requested 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.***

Strict application of the zoning ordinance would require the proposed subdivision to either be reconfigured in order to ensure compliance with Section 27-280(b), or for a revised Preliminary and Final Plat demonstrating the layout and design of the housing subdivisions to be submitted instead (Applicant has submitted a concept of the lot and street layout, but this concept is intended to be inspirational rather than a binding design; a new Preliminary and Final Plat for each of the two (2) separate subdivisions must be filed before any further development shall occur. The concept plan can be found under “Canaan Lake West Estates Concept Plat Demonstrating the Development Phase” within the *Attachments* section of this report). Applicant has spoken to Staff regarding the proposed subdivision process and has provided rationale for completely subdividing and platting the subject property under PLAT2023-006 before then submitting entirely new Preliminary and Final Plats for each parcel later; a written explanation of the subdividing, sale, and development process can be found as the Applicant Response to “Planning and Urban Design Comments: General #1” under the *Staff Comments and Suggestions* section of this report. Therefore, due to the procedural requirements of subdivisions and plats and in the context of the proposed development, strict application of the relevant provisions of the zoning ordinance of which variance is requested constitutes an unnecessary hardship upon the property owner.

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

As previously mentioned, the subdivision of the subject property into two (2) separate parcels is the first step in a process intended to develop the land for residential uses, but as phases of separate and distinct existing housing subdivisions. While it is procedurally possible for the subject property to receive a Final Plat, halt any future subdivision plans, and instead construct a single residence on each of the newly created parcels, Applicant has stated that all parties involved in the development process are incentivized to proceed with further plating and development. Furthermore, the size of Lot 2 (29.79 acres), its non-rectangular shape, and the degree of deviation from the Zoning Code (percent (8%) greater than the maximum allowed width-to-depth ratio) are all conditions that create a lot that would not be noticeably in violation with the Zoning Code. Noticeability aside, the proposed arrangement of Lot 2 under PLAT2023-006 will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Therefore, granting the requested variance will not adversely affect the rights of adjacent property owners or residents.

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

The spirit of Section 27-280(b) is to keep the dimensions of parcels proportionate in order to maintain buildability and marketability. While Lot 2 has a depth-to-width ratio that exceeds the maximum allowed ratio by eight percent (8%), the overall sizes of the parcels are large enough that constraints on buildability imposed by the parcel dimensions is not a concern. Furthermore, the creation of two (2) lots under PLAT2023-006 is temporary, as separate Preliminary and Final Plats for both Lot 1 and Lot 2 are required as part of further development proposals. Due to the size of the violating lot and the temporary nature of the proposed plat arrangement, granting the requested variance will not be opposed to the general spirit and intent of the zoning ordinance.

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## **PREVIOUS ACTIONS**

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- PLAT2023-006, a simultaneous Preliminary and Final Plat for two (2) residential parcels (designated as Lot 1 and Lot 2).

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## **NEIGHBORHOOD MEETING**

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The applicant received neighborhood comments by receiving letters or phone calls through the date of March 1, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Future Site Design  
Future Street Design  
Justification for the Plat

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

#### **General**

1. While Applicant has spoken to Staff regarding the proposed subdivision process and has provided rationale for completely subdividing and platting the subject property under PLAT2023-006 before then submitting entirely new Preliminary and Final Plats for each parcel later, a written explanation would be beneficial, as it would provide a clearer explanation for the audience of this report.

*Applicant Response: The owner is currently looking to sell the eastern portion of the proposed 2 lot subdivision. The buyer of the portion is the developer of Canaan Lake (the subdivision neighboring this property to the east). The Canaan*

*Lake developer is purchasing this eastern parcel to continue developing the property at a later date.*

2. A separate Preliminary and Final Plat for Lot 1 of the Canaan Lake West Estates Plat demonstrating residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed.

*Applicant Response: Acknowledge, both owners are aware that any further development will require to go through the entire planning process over again.*

3. A separate Preliminary and Final Plat for Lot 2 of the Canaan Lake West Estates Plat demonstrating residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed.

*Applicant Response: Acknowledge, both owners are aware that any further development will require to go through the entire planning process over again.*

### **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. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
3. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - a. None

### **GeoSpatial Services**

1. We find that the plat is presently unacceptable for posting. Please note the following comments.
  - a. Legal Description: On the first line of the legal description, it should be, "Commencing at the Northwest Corner." On the tenth and eleventh lines, it should be, "Continuing along said West Line and the North Line of Canaan Lake West Phase 1." On the twelfth and thirteenth lines, it should be, "along said North Line and leaving said North Line, a distance of 1006.05."

*Applicant Response: Update description.*

- b. FIRM: I don't find FIRM – Flood Insurance information.

*Applicant Response: FEMA information added.*

- c. Ownership: The ownership is different than shown on plat.

*Applicant Response: Ownership added.*

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## **STAFF RECOMMENDATION**

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Staff recommends that the Board of Zoning Appeals **APPROVE** Appeal **BOZA2023-003** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **A separate Preliminary and Final Plat for Lot 1 of the Canaan Lake West Estates Plat demonstrating residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed;**
2. **A separate Preliminary and Final Plat for Lot 2 of the Canaan Lake West Estates Plat demonstrating residential lots, streets, and amenities must be filed before further development, including the issuance of building permits, shall proceed;**
3. **This Board of Zoning Appeals case is being heard in conjunction with PLAT2023-006. 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 PLAT2023-006 by the Unified Government City Planning Commission and upon any ordinance publications required by law;**
4. **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](mailto: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;**
5. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
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;**

7. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by [info@wycokck.org](mailto:info@wycokck.org) prior to construction to arrange this meeting;
8. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
9. 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,
10. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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## ATTACHMENTS

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Aerial Map  
Zoning Map  
Land Use Map  
Five Statutory Requirements Answered by Applicant  
Neighborhood Meeting Minutes  
Canaan Lake West Estates Preliminary Plat  
Canaan Lake West Estates Final Plat  
Canaan Lake West Estates Concept Plat Demonstrating the Development Phase

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## REVIEW OF INFORMATION AND SCHEDULE

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<u>Action</u>	<u>Board of Zoning Appeals</u>
Public Hearing	
Variance	March 13, 2023

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**STAFF CONTACT:**    **Michael Farley**  
                                 [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

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## MOTIONS

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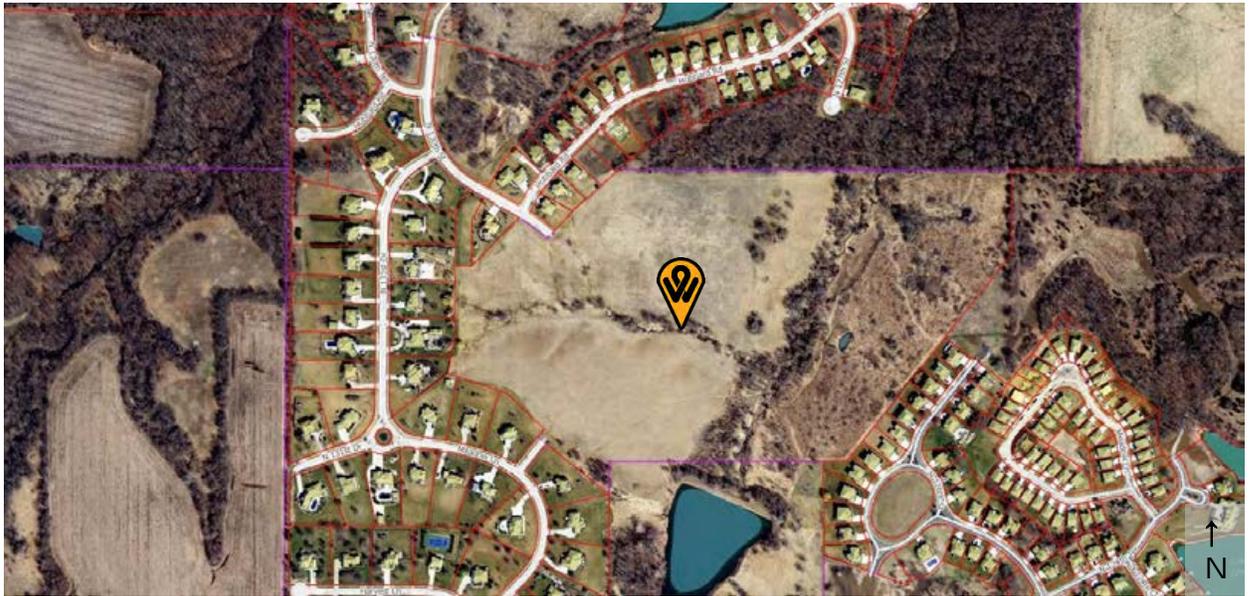
I move the Kansas City, Kansas Board of Zoning Appeals **APPROVE** Appeal **BOZA2023-003** as meeting all the requirements of the City code and being in the interest of the public health, safety and general welfare, subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas Board of Zoning Appeals:

1. \_\_\_\_\_
2. \_\_\_\_\_; AND
3. \_\_\_\_\_

## OR

I move the Kansas City, Kansas Board of Zoning Appeals **DENY** Appeal **BOZA2023-003**, as it is not in compliance with the City Code, as it will not promote the public health, safety and general welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

# 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

## FIVE STATUTORY REQUIREMENTS ANSWERED BY APPLICANT

- 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.***

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The variance is unique because two developers are looking to purchase a larger piece of property and split the property in half. After the split, this is the cause of the requested variances.

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

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This variance does not affect any adjacent property owners, no use of the property is changing and is planned to be developed in the future.

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- 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.***

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If the variance is denied, this will cause an unnecessary hardship to the owner due to not being able to sell the two split properties to the two separate buyers.

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

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This variance will not adversely affect the public, as nothing is changing except splitting of the property and ownership.

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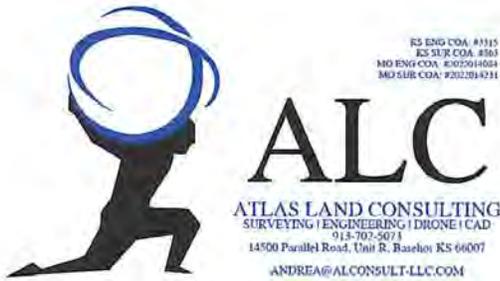
- 5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

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This does not go against the general spirit of the zoning, as a development preliminary plan is in place and the two new owners have plans to develop the properties.

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# NEIGHBORHOOD MEETING MINUTES



## NEIGHBORHOOD MEETING RESPONSES **BOZA2023-003 & PLAT2023-006**

Jasmine Alexander  
[jasminelofon92@gmail.com](mailto:jasminelofon92@gmail.com)

February 17, 2023

"I received a letter in the mail regarding 12602 Hollingsworth Rd.

I'm curious what this letter means for me as far as my property goes. My address is 12930 Meadow Ln. Is the property owner's request going to affect my property?"

Response: An explanation about the property owner splitting the property and a pdf attached for the neighbor's reference.

Kelly Dobyngs Ziegler  
[kellyzigs@gmail.com](mailto:kellyzigs@gmail.com)

February 20, 2023

"I received your letter regarding the separation of the 54 acre tract at 12602 Hollingsworth Rd in KC KS.

Are there any drawings of the tract and what will be on the tract that you can share? Or any plans for the land? Thanks!"

Response: An explanation about the property owner splitting the property and a pdf attached for the neighbor's reference.

14500 Parallel Road, Unit R, Basehor Kansas 66007

## NEIGHBORHOOD MEETING MINUTES, CONT.

Judy Broyles

4953 N 131<sup>st</sup> Terr Kansas City, KS 66109

913-961-5202

Judy, called asking about the letter received. An explanation was given to her about the property owner and the plans for the future of the two create parcels. Judy mentioned a pool being built at some point. Judy also mentioned taking the letter to the HOA President for their review as well.

Don Lietzke

February 24, 2023

4900 N 126<sup>th</sup> St Kansas City, KS 66109

[donlietzke@gmail.com](mailto:donlietzke@gmail.com)

Don called and left me a message. Don then emailed and asked about the project and what was going on.

Response: An explanation about the property owner splitting the property and a pdf attached for the neighbor's reference.

14500 Parallel Road, Unit R, Basehor Kansas 66007

NEIGHBORHOOD MEETING MINUTES, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS )  
COUNTY OF Johnson ) SS:

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

1. That I am the petitioner for Petition # BOZA 2022-070 and COZ 2022-051.
2. That I conducted a neighborhood meeting on JANUARY 24th 2023.
3. 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 Urban Planning and Land Use Department.

Further affiant saith not.

\_\_\_\_\_



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28<sup>th</sup> day of February, 2023.

My commission expires 12<sup>th</sup> of January, 2024.

  
\_\_\_\_\_  
Notary Public









# CANAAN LAKE WEST ESTATES CONCEPT PLAT DEMONSTRATING THE DEVELOPMENT PHASE: CONTOURS



STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023



**Site 1:** View of the portion of the subject property to be sold and developed for Canaan Lake Estates. Photos are of views from the North 126<sup>th</sup> Street right-of-way, facing north-northeast.

STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023, CONT.



**Site 2:** View of the portion of the subject property to be sold and developed for Canaan Lake Estates. Photos are of views from the Meadow Lane off-shoot right-of-way, facing north (upper left), north-northeast (upper right and lower left), and east (lower right).

STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023, CONT.



**Site 3:** View of the portion of the subject property to be developed for Freeman Farms. Photos are of views from the North 130<sup>th</sup> Street right-of-way, facing southeast (upper left), north (upper right), east (lower left), and south (lower right).

STAFF SITE VISIT PHOTOGRAPHS, DATED FEBRUARY 20, 2023, CONT.



**Site 4:** View of the portion of the subject property to be developed for Freeman Farms. Photos are of views from the North 127<sup>th</sup> Street right-of-way, facing south-southwest.

