

BOARD OF ZONING APPEALS
June 13, 2022
Decisions

The Board of Zoning Appeals met in regular session on Monday, June 13, 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), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), Ms. Susannah Pauley (Zoom), Mr. Joseph Straws III (Zoom), and Mr. Aaron Ward (Commission Chambers) (Absent: Miller). Mr. Gunnar Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant (Zoom), Mr. Patrick Waters, Assistant Counsel (Zoom), and Mr. Byron Toy, AICP, Lead Planner (Zoom) were also present.

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

Recording Secretary Parker stated that Staff has two (2) applications to remove from the agenda tonight:

BOZA2021-041 – Dana Blay for property at 146 South 18th Street. The staff report did not include all of the variances required for this application and the report will be revised and updated for the July 11, 2022 Board of Zoning Appeals meeting.

BOZA2022-021 – John Emanuels for property at 4411 North 67th Street. The publication in the newspaper for the requested variance was incorrect and a new publication will be sent to the newspaper. Due to the deadline for publication this appeal cannot be heard until the August 8, 2022 Board of Zoning Appeals meeting. NOTE: After the meeting it was discovered that the publication was correct and will be heard at the July 11, 2022 meeting.

a

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 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 virtually this evening, please use the “raise your hand” feature if you want to speak on an application. If you are attending in-person in the Commission Chamber, please come to the microphone at the front of the room and Staff will inform Chairman Carson that 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 20:25:

BOZA2021-027 – DANA BLAY/DBL ARCHITECTURE, INC., 4720 State Avenue, Zoned **C-1 Limited Business District and R-2 Two-Family District**. The appeal has been filed in conjunction with COZ-3241, a Change of Zone from CP-1 Planned Limited Business District to CP-2 Planned General Business District. This appeal has been filed to grant a variance from the parking minimum requirement. Section 27-464(e) states that paved off-street parking spaces are required at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The existing building on the parcel measures 3,873

square feet, which requires 16 parking spaces. The appellant is requesting nine (9) parking spaces, a violation of seven (7) parking spaces.

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

Appeared in Support:

- Dana Blay, DBL Architecture, 8031 Wenonga Road, Leawood, Kansas 66206

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 29:12: Director Hand stated that this application was held over in March for 90 days by the Board of Zoning Appeals to allow the applicant to work with Staff through the identified design issues. He stated that Staff has received nothing from the applicant since that time. The application is seeking a parking and front yard setback. The property is located in the City-Wide Master Plan in the mid-town area. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. It is a vacant property, and the applicant has worked with an adjacent property owner through the entire process. Since the application has been held over for 90 days, code allows up to a total of 120 day hold over. The applicant could either be granted another 30-day hold over, the applicant can withdraw the application, or the applicant could refile a new application when they are ready with a site design that meets the code requirements and would not require a variance. They will need to meet all the Commercial Design Guidelines. The Planning Commission has granted deviations from the Commercial Design Guidelines in the past, but the Board of Zoning Appeals cannot grant such deviations. Staff recommends denial of this application as it is incomplete and the applicant being non-response to Staff questions and requests.

Motion/Vote starts at 34:44:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Ernst, seconded by Ms. Pauley, the Board of Zoning Appeals voted as follows to **DENY** this appeal as it is not in compliance with City Ordinances:

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

Ward Aye
Armstrong Aye
Beth Aye
Motion to DENY Passed: 9 to 0

Application starts at 36:00:

BOZA2021-028 – JEFF MEADOR WITH OPEN DOOR HOMES, 4136 Springfield Street, Zoned **R-1(B) Single Family District (proposed zoning to RP-5 Planned Apartment District)**. This appeal has been filed to build two (2) triplex units. Sec. 27-460(c)(2)a. states the front yard setback shall not be less than twenty-five (25) feet from any public street. Appellant is requesting thirteen (13) feet, a violation of twelve (12) 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:

- Jeff Meador, applicant, 4136 Springfield Street, Kansas City, Kansas 66103

Appeared in Opposition:

- Greg Hall, 1414 West 54th Street, Shawnee, Kansas 66216 and owner of 4131 Springfield
- Joanne McCann, 3915 Holmes, Kansas City, Missouri and owner of the 4132 Springfield
- Carol Fagan, 4132 Springfield Street, Kansas City, Kansas 66103
- Nathaniel Ward, Jr., 4133 Springfield Street, Kansas City, Kansas 66103
- Raymond Winn, 4123 Springfield Street, Kansas City, Kansas 66103
- Helen Hokanson, 6453 Cernech Road, Kansas City, Kansas

Staff Recommendation starts at 55:20: Director Hand stated that this application is for a variance for the front yard. This case is associated with Change of Zone COZ2021-034, which will be heard later this evening by the Planning Commission. This property is in the Rosedale Area Master Plan. Staff has received no letters in support and there have been a couple of letters in opposition in addition to those present this evening. He stated that there are old Notices of Violation the last of which was in 2020 for a dead tree limb. One of the conditions in the staff report is to meet all the Master Plan Design Guidelines, which is upgraded in the proposed as proposed. He further stated that the proposed setback does serve as a transition between the building to the south which has an approximately 8 to 10 feet front yard setback and the house to the north which has an approximately 20 foot front yard setback. Staff would not call this spot zoning as there is RP-5 zoning both on the subject block and directly across the street. He stated that spot zoning is when you match whatever you want to build on your property and that zoning is not found elsewhere in the

immediate neighborhood context. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:00:15:

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

Carson	Chairman
Connelly	No
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye

Motion to APPROVE Passed: 8 to 1

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with COZ2021-034, which is to rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex building, totaling four (4) units on 0.29 acres at 4136 Springfield Street;**
- 2. The applicant intends to terrace the fourplex down Springfield Street (south to north) thirteen (13) feet from the front porch to the front property line to mimic the single-family homes along Springfield Street and not seek a deviation from the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines;**
- 3. The fourplex, attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front yards facing the west side of the street, whereas the rear of these single-family homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;**
- 4. Must comply with the Rosedale Master Plan Urban Multi-Family Residential Design Guidelines;**
- 5. Proposed site trees shall comply with the approved Parks Department Street Tree list;**
- 6. 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;

7. All future driveways must feature curb cuts that are constructed to UG standards;
8. A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
9. 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.

Application starts at 1:01:30:

BOZA2021-037 – MICHAEL R. BOURQUIN, 5910 County Line Road, Zoned R-1 Single Family District. This appeal has been filed to grant a variance from the maximum total area allowed for an accessory building. Section 27-609(2) states that total area of a detached accessory building shall not exceed 1,000 square feet. The appellant is requesting an accessory building measuring a total area of 4,800 square feet, a violation of 3,800 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:

- Michael R. Bourquin 5910 County Line Road, Kansas City, Kansas 66106

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:04:39: Director Hand stated that this is a request for a larger accessory structure to replace the existing barn. It is currently a legal non-conforming use. The site is technically three (3) parcels all separately owned by different family members. This parcel of the three (3) includes the barn and the legal non-conforming nursery operation at this location. He stated that this is an odd-shaped parcel and effectively the barn would service the business. Staff believes that a larger barn would help clean-up the property by providing space for storage of materials currently stored outside across the property. This property is in the City-Wide Master Plan in the Turner neighborhood. Staff has received no letters in support nor opposition. There are no Notices of Violation on the property. He stated that Staff does have conditions of approval,

one of which is that the new barn would match the materials of the primary structure. Staff is also requesting that ADA parking spaces are installed at the business as part of the project and the applicant pave all the driveways as well on the three family parcels that provide access to this parcel. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:06:17:

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

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

Motion to APPROVE Passed: 9 to 0

Subject to:

- 1) The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;**
- 2) The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;**
- 3) The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;**
- 4) All vehicles must be parked on a paved surface;**
- 5) 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 an existing structure (i.e., change of occupancy). The applicant is required to contact the Building Inspections**

Division at (913) 573-8620 or by buildinginspecton@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;

- 6) 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;
- 7) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 8) 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;
- 9) The applicant, contractors, subcontractors, and related third parties shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets and Retaining Walls, as applicable;
- 10) 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,
- 11) 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 1:07:22:

BOZA2022-019 – DONALD PIKE, 3311 North 72nd Street, Zoned R-1 Single Family District. 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. 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 2,192 square feet, a violation of 1,192 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:

- Donald Pike, applicant, 3311 North 72nd Street, Kansas City, Kansas 66106

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:11:01: Director Hand stated that there are three (3) variances listed on the agenda, but one (1) of the variances was eliminated. The two (2) remaining variances are for a second accessory structure and the size of all accessory structures exceeding the total square footage of what is allowed by code. He stated that the applicant wants to build a second garage. This is not an historically designated property, but it is a historic building and garage. The property is located in the City-Wide Master Plan in the midtown area. Staff has received no letters in support nor opposition. There are a few old Notices of Violation but none that pertain to this case. Staff is requesting that the material for the new garage match the primary structure. Staff also had the applicant move the building off the side yard to match the edge with the existing garage so it will be placed adjacent to the existing garage and not require a side yard setback variance. From the street it will look like one larger garage instead of two (2) garages. Staff recommends approval subject to the conditions in the staff report.

Board Member Connelly asked if the applicant would need to pave to the garage and Director Hand stated yes. Board Member Straws asked if the garage will be constructed of stone and Director Hand stated yes.

Motion/Vote starts at 1:15:05:

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

Carson	Chairman
Connelly	Aye
Ernst	Aye
Jones	Aye
Miller	Not Present

Mohler Aye
Pauley Aye
Straws Aye
Ward Aye
Armstrong Aye
Beth Aye
Motion to APPROVE Passed: 9 to 0
Subject to:

- 1) The proposed accessory building must be constructed at least three (3) feet from the side yard property line, and no eaves, buttress, or other extension off the building shall enter the land or air space of the neighboring parcel;
- 2) The historic nature and architectural characteristics of the existing garage are such that it should be preserved, even if the applicant is not using it;
- 3) 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;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet. 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;
- 5) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 6) 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; 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 1:16:30:

BOZA2022-025 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISES LLC, 3015 and 3020 North Baltimore, Zoned RP-5 Planned Apartment District. This appeal

has been filed to allow for two (2) variances. This appeal has been filed in conjunction with COZ2022-017, a Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District, with PLAT2022-011, a Preliminary Plat for two (2) single-family lots, and with SP2022-045, a Special Use Permit to sell produce and farm goods grown on site. Variance 1: This appeal has been filed to grant a variance from the minimum lot size in the A-G District. Section 27-452(a) requires that all new lots must be five (5) acres or greater. The appellant is requesting a lot size of 3.79 acres, a violation of 1.21 acres. Variance 2: This appeal has been filed to grant a variance from the minimum habitable area of a residence in the A-G district. Section 27-452(d)(4) requires a minimum habitable floor area of 864 square feet for each residence. The appellant is requesting a residence with a habitable floor area of 350 square feet, a violation of 514 square feet.

Appeared in Support:

- Kallie D. McLaughlin, applicant, 4000 Denton Road, Kansas City, Missouri
- Alicia Ellingsworth, 5720 Lowell Street, Mission, Kansas 66202 and Executive Director of KC Farm School at 4423 Gibbs Road, Kansas City, Kansas
- Helen Hokanson, 6453 Cernech Road, Kansas City, Kansas

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:36:00: Director Hand stated that Ms. McLaughlin is an employee of the Unified Government in the Planning + Urban Design Department. She was neither involved nor privy to any of the conversations related to any of her cases on the Board of Zoning Appeals and City Planning Commission agendas this evening. Director Hand stated that the applicant is seeking two (2) variances; one for lot size under the required minimum for agricultural zoning, as well as one for under the minimum house size in terms of square footage. Staff would note that the property is just under four (4) acres. Once replated that's not too dissimilar to other cases Staff has recommended approval for variances under that requirement. There are currently two (2) agricultural zoning districts neither of which meets the totality of needs and the diversity of agricultural uses in Kansas City, Kansas. Staff recommends approval of Variance 1. Staff does not believe that the applicant fully met the Statutory requirements, specifically requirement number three (3) so technically this is a self-imposed (monetary) hardship. Staff recommends denial of Variance 2; however, this is not unprecedented as there are plenty of legal non-conforming uses of this size and secondly Staff is working on a tiny home ordinance that would eliminate the minimum square foot size. This property is in the Northeast Area Master Plan. Staff has received some letters in support and no letters in opposition. There are some old notices of violation that will be rectified through this project. Regardless of what happens on this application the proposal will be required to go through the Landmarks Commission for a Certificate of Appropriateness as it is located in the Parkwood Historic District.

Motion/Vote starts at 1:39:16:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Mohler, seconded by Ms. Pauley, the Board of Zoning Appeals voted as follows to **APPROVE** Variance 1 and Variance 2:

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

Motion to APPROVE Passed: 9 to 0

Subject to:

- 1) All relevant setback requirements must be met and properly demonstrated on the Final Plat;**
- 2) Any additional violations created in the development process must receive a separate variance;**
- 3) All relevant landscaping and screening requirements must be met within 18 months of approval;**
- 4) The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;**
- 5) If any required parking is provided off site, a notarized parking agreement between the applicant and the property owner(s) of the parcels used to fulfill the parking requirements must be signed by all parties and recorded with the Wyandotte County Register of Deeds;**
- 6) The building elevations demonstrate a residence that appears to be consistent with the design and the neighborhood character of the Parkwood Historic District. As the subject property is within the Parkwood Historic District, a Certificate of Appropriateness is required before permit from the Building Inspections Division or from the Public Works Department can be issued;**
- 7) If approved, the applicant must file and maintain a current business occupation tax application with this office;**
- 8) 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 buildinginspecton@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;

- 9) The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
- 10) 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;
- 11) 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;
- 12) This Board of Zoning Appeals case is being heard in conjunction with COZ2022-017 and SP2022-045. 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 Petitions COZ2022-017 and SP2022-045 by the Unified Government Board of Commissioners and upon any ordinance publications required by law; and,
- 13) This Board of Zoning Appeals case is being heard in conjunction with PLAT2022-011. 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 PLAT2022-011 by the Unified Government City Planning Commission and upon any ordinance publications required by law.

Application starts at 1:43:40:

BOZA2022-028 – JESSE ELDRINGHOFF WITH THE SIGN GUY KC, 2205 North 102nd Street, Zoned **R-1 Single Family District**. This appeal is requesting two (2) variances. Variance 1: This appeal has been filed to grant a variance from the maximum distance between a monument sign and the street right-of-way abutting the driveway entrance. Section 27-728(c)(3)b.4 requires that a monument sign shall be located within 25 feet of the edge of the street right-of-way abutting the principal driveway entrance into the lot. The appellant is requesting a monument sign located 400 from the nearest portion of the street right-of-way abutting the principal driveway, a violation of 375 feet. Variance 2: This appeal has been filed to grant a variance from the maximum sign area. Section 27-728(c)(3) Table

VIII-11-9.7 requires a sign area no greater than 40 square feet. The appellant is requesting a sign face of 297 square feet, a violation of 257 square feet.

Appeared in Support:

- Jesse Eldringhoff, applicant, The Sign Guy KC, 7891 Mastin Drive, Overland Park, Kansas 66204

Appeared in Opposition:

- Steve Miller, 6037 North 115th Street, Kansas City, Kansas
- Barbara Coble, 8817 West 160th Street, Overland Park, Kansas, owner of the property to the east

Staff Recommendation starts at 1:50:33: Director Hand stated the requested variances are the distance from the primary driveway and the size of the proposed sign. This property is in the Prairie-Delaware-Piper Master Plan. Staff has received no letters in support and some opposition including the testimony tonight. He stated that there are no Notices of Violation on the property. The property is zoned R-1 Single Family District which allows monument signs that address the entrance to a location and notifies drivers of where to approach. He further stated that the intent of the code is not to effectively be a billboard. Staff recommends denial of both variances.

Motion/Vote starts at 1:51:35:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Ms. Pauley, seconded by Mr. Mohler, the Board of Zoning Appeals voted as follows to **DENY** this appeal due to the size of the proposed sign:

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

Motion to DENY Passed: 9 to 0

The meeting was adjourned at 7:50 p.m.

THE BOARD OF ZONING APPEALS

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