

BOARD OF ZONING APPEALS
March 14, 2022
Decisions

The Board of Zoning Appeals met in regular session on Monday, March 14, 2022, at 6:00 p.m., (via Zoom Webinar and the Lobby of the Municipal Office Building was open) with the following members present: Mr. Jeff Carson, Chairman Presiding, Mrs. Karen Jones, Vice Chairman, Ms. Brandie Armstrong, Mr. James Connelly, Mr. Jim Ernst, Mr. Mark Mohler (joined at 6:09 p.m.), Mr. Joseph Straws III and Mr. Aaron Ward (Absent: Miller and Pauley). Mr. Gunnar H. Hand, AICP, Director of Planning and Urban Design, Ms. Janet L. Parker, CSC/APC, Executive Assistant, Mr. Daniel Kuhn, Assistant Counsel, and Ms. Kallie McLaughlin, Planner (in the City Hall Lobby) were also present.

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

Recording Secretary Parker stated that she would like to welcome Mr. Aaron Ward to the Board of Zoning Appeals.

Recording Secretary Parker read the Board of Zoning Appeals Statement: "We would like to welcome those participating by telephone, Zoom or in the Lobby 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 this evening, please use the "raise your hand" feature if you want to speak on an application. 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.
11. I would remind the Board and audience that we have a lengthy Board of Zoning Appeals Agenda followed by the lengthy City Planning Commission agenda, and we would ask that you keep your comments as concise as possible.

Application starts at 4:45:

BOZA2021-027 – DANA BLAY/DBL ARCHITECTURE, INC, 4720 State Avenue, Zoned C-1 Limited Business District and R-2 Two Family 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, applicant, 8031 Wenonga Road, Leawood, Kansas 66206 – the applicant requested a 90 day hold over of this application.

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 10:52: Planning Director Hand stated that Staff has requested materials from the applicant for several months with no response. Staff is now moving forward with a recommendation for denial to clear this application from the list of existing applications. If the Board wishes to move forward with a hold over, Staff recommends a 90-day hold over as Staff has requested a Change of Zone and Preliminary and Final Plat also be submitted, which is a minimum 90-day process. This project is in the Mid-Town area. The last application approved was for changes to the adjacent gas station. The property has split zoning and Staff has requested that a lot split be submitted to divide the property in half or submit a Change of Zone to rezone the entire property, which would also require a Preliminary Plan review and a Final Plan.

Motion/Vote starts at 14:14:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mrs. Jones, seconded by Mr. Connelly, the Board of Zoning Appeals voted as follows to **HOLD OVER** this appeal **until the June 13, 2022 meeting as per the applicant’s request:**

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

Motion to HOLD OVER Passed: 6 to 2

Application starts at 15:45:

BOZA2021-038 – MICHAEL B. RIPPETOE, 1636 South 12th Street, zoned **R-1 Single Family District**. This appeal has been filed to grant a variance for an existing accessory building without a primary dwelling unit. Section 27-609(2) states that for any dwelling unit there may be permitted a detached accessory building. The appellant is requesting not to build a primary dwelling unit, a violation of one (1) dwelling unit.

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 Rippetoe, applicant, 1636 South 12th Street, Kansas City, Kansas 66103

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 23:08: Planning Director Hand stated that the appeal is for an accessory structure on the property without a primary structure. He further stated that there are three (3) structures currently on the property. The court case referred to by the applicant was in response to a previous enforcement case. When the new inspector went by the property and saw the violations, a new case was generated accordingly. The applicant wants to have electricity to this location and BPU will not install until the applicant receives all the required entitlements. Director Hand stated that this property is in the Argentine area. Staff has received no letters in opposition and one (1) neighbor called Staff in support. There has been a history of violations on this property. One of the conditions of approval is that all accessory structures should be removed except the garage. The structures cannot be moved to the applicant's property across the street, or the applicant will again be in violation. Also, no commercial activity can take place in the garage. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 25:35:

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

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

Motion to APPROVE Passed: 5 to 2

Subject to:

- 1) This variance request is only for the largest accessory building on the subject property (the garage). This accessory building is featured in the photographs taken by Staff and submitted by the applicant. The requested variance does**

not extend to any other accessory building or structure on the subject property;

- 2) There are several other accessory structures identified on the subject property. Regardless of the legal non-conforming status of these structures, they must be moved or demolished within six (6) months of this variance being granted;
- 3) The accessory building is to be used only as a garage, which includes the storage of personal vehicles and personal equipment and a working space for house projects or hobbies, but prohibits habitable use by any persons. No person may use the accessory building as a place to sleep overnight, nor as a mailing address without a primary residence;
- 4) No commercial activity may occur on the site or may be stored in the garage, related to, but not limited to lawn and landscaping equipment, general or special trade contractor materials;
- 5) In addition to the standard conditions below, the design and accessory materials of the existing accessory building must match the design and exterior materials of the future primary residence. This means that either the primary residence must be constructed with the accessory building in mind, or the accessory building must be renovated to match the future primary residence;
- 6) There must be a driveway to access the subject property and the accessory building, 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;
- 7) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Department to begin that process;
- 8) 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; and,
- 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.

Application starts at 26:37:

BOZA2021-050 – LATISHA AND REGINALD HOLLINSHED, 950, 951 and 955 Walker Avenue and 1805 North 10th Street, zoned **C-3 Commercial District**. This appeal has been filed to grant a variance from the parking minimum requirement for a restaurant in the C-3 District. Section 27-467(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 in the C-3 District. Section 27-668(a)(5) further states that for restaurants, one (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area is required. The building measures a total of 1,827 square feet, zero (0) square feet of which will be used for seating and 1,827 square feet of which will be remaining floor area, resulting in seven (7) required parking spaces. The appellant is requesting zero (0) 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:

- Reginald Hollinshed, applicant, 1805 North 10th Street, Kansas City, Kansas 66104

Appeared in Opposition/Questions:

- No one appeared

Staff Recommendation starts at 29:40: Planning Director Hand stated that the application is for a parking variance. Ordinance requires 10 parking spaces, and the applicant is providing three (3) parking spaces. He further stated that the applicant has talked about acquiring a Landbank property next to this property and one (1) across the street for parking. The area in front of his building along 10th Street is right-of-way. Director Hand stated the applicant is proposing a grab-and-go restaurant and Staff felt it was important to save the Landbank properties for a different development purpose, one of which is zoned commercial, but sits between two (2) existing single-family homes. He stated that the property is in the Northeast Master Plan. The curb on 10th Street is eroded and it has a designated bike lane. One of the conditions of approval is that the applicant acquire a right-of-way permit from Public Works for the parking spaces that will be in the right-of-way along Walker Avenue, as well as pave and stripe these parking spaces. This property is in the Sidewalks and Trails Master Plan and Staff is not asking the applicant to build a sidewalk along 10th Street, but would request a curb be constructed to prevent illegal and unsafe parking that could also block the bike lane. Parking for employees is not provided on-site and Staff is requesting the applicant to obtain a parking agreement with a surrounding neighbor for required employee parking. There are old Notices of Violation which the applicant will resolve with this proposed project. One (1) neighbor called Staff in

support of the project and Staff has received no letters in opposition. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 33:10:

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1) The area between the side of the existing building and North 10th Street is primarily unpaved public right-of-way. Due to the size and dimension of the subject property and the proximity to North 10th Street, the applicant has proposed utilizing a portion of non-street public right-of-way. If the applicant requests to use the area off the shoulder, they must receive a Right-of-Way Permit from the Public Works Department and pave the designated area in compliance with UG standards;**
- 2) A signed parking agreement between the applicant and an owner of a property in compliance with Section 27-672 must be filed with the Office of the Register of Deeds before the requested variance can go into effect;**
- 3) Per the Sidewalk and Trail Master Plan, a ten (10)-foot sidewalk must be installed along the east side of the North 10th Street right-of-way from the northeast corner of the intersection of North 10th Street and Walker Avenue to the north boundary line of the subject property;**
- 4) The applicant has filed and maintained a current business occupation tax application;**
- 5) A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;**
- 6) A Right-of-Way Permit is 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;**

- 7) If any parking spaces are striped in the future, ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards, in compliance with Section 27-676;
- 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; and,
- 9) 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 to begin this process.

Application starts at 34:33:

BOZA2022-003 – BLAKE LOSTAL/HILLSIDERS LLC, 403 North 5th Street, zoned **C-3 Commercial District**. Sections 27-467(e) states that for a C-3 Commercial District, four (4) parking spaces are required for every 1,000 square feet. The subject property currently has no private parking spaces and a combined building square footage of 3,550 square feet, a violation of fourteen (14) 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:

- Blake Lostal, applicant, 1919 Farrow Avenue, Kansas City, Kansas 66103
- John Stoner, 648 Splitlog Avenue, Kansas City, Kansas 66101
- Ross Stewart, 620 Sandusky Avenue, Kansas City, Kansas 66101
- Mary Schwartz, 604 South Thompson, Kansas City, Kansas 66101
- Edgar Galicia, Director of Central Area Betterment Association

Appeared in Opposition:

- Nicholas Tomasic, 518 North Thompson Street, Kansas City, Kansas 66101

Staff Recommendation starts at 42:42: Planning Director Hand stated that this case is being heard in conjunction with Special Use Permit SP2022-011 for a drinking establishment which will be heard at the City Planning Commission meeting later this evening. He stated that the property does not have any off-street parking spaces, which is a violation of 14 parking spaces. The property is in the Central Area Master Plan. As noted by several people tonight, this establishment has been a drinking establishment in the past. He stated Staff has received numerous letters in support of this application and half were from people not from Kansas City, Kansas. Staff also received letters in

opposition to this application. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 43:44:

The Board directed questions to the applicant/staff prior to the vote on the motion concerning the capacity of the building and parking.

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with SP2022-011. 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 SP2022-011 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
- 2. Sidewalks must remain clean and clear of debris and trash;**
- 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 buildinginspector@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,**
- 4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Application starts at 49:01:

BOZA2022-010 – ADAM AND LAURA JOHNSON, 3030 South 63rd Street, zoned **R-1 Single Family District**. Variance 1: The Approval of a variance for number of allowed accessory structures. The applicant has one (1) accessory structure and is requesting to convert a non-accessory structure into an accessory structure and construct a new accessory structure for a total of three (3) accessory structures. This is a deviation in violation of Section 27-609(2). Variance 2: The Approval of a variance for maximum allowed total square footage of accessory structures. The existing accessory structure and the proposed new or modified structures bring the total square footage to 1,118 square feet, a deviation of 118 square feet per Section 27-609(2).

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

Appeared in Support:

- Adam Johnson, applicant, 3030 South 63rd Street, Kansas City, KS 66106

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 51:14: Planning Director Hand stated that this case is being heard in conjunction with Special Use Permit SP2022-026, which will be heard later this evening by the City Planning Commission. There are two (2) variances being requested this evening. One is for the number of allowed accessory structures on the property. There are currently two (2) structures, and the applicant proposes to add another structure. The second variance is for the maximum allowed total accumulative square feet of accessory structures which is 1,000 square feet and the total buildings will be 118 square feet over that requirement. This property is in the Turner area. Staff has received one (1) letter in support and no letters in opposition. Staff has two (2) conditions to add by motion that were not included in the staff report:

1. The accessory structures match the materials of the primary structure; and,
2. A building permit is obtained for the structure(s).

The applicant can have a maximum of 25 fowl at this location if the Special Use Permit is approved. There are additional conditions of approval for the Special Use Permit.

Motion/Vote starts at 52:55:

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

1. **This Board of Zoning Appeals case is being heard in conjunction with SP2022-026. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition(s) SP2022-026 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.**
2. **The accessory structures match the materials of the primary structure.**
3. **A building permit is obtained for the structure(s).**

Application starts at 54:10:

BOZA2022-011 – JUSTIN TODD/APR KANSAS CITY, LLC, 2250, 2300, and 2314 North 99th Street, and 10020 and 10108 R Parallel Parkway zoned A-G Agriculture District. This appeal has been filed to grant a variance from maximum building height. Section 27-459(c)(1) states that building height shall be not more than 2½ stories or 35 feet. The appellant is requesting eight (8) separate multi-family buildings measuring three (3) stories in height and 46 feet in height, a violation of one-half (0.5) story and 11 feet, respectively, for each of the eight (8) buildings.

Recording Secretary Parker asked if the Board had any contact to disclose on this application. Chairman Carson stated that he had contact from residents in the Windhill Subdivision.

Appeared in Support:

- Curtis Petersen, representing the applicant, Polsinelli, 900 West 48th Place, Kansas City, Missouri
- Amy Grant, Polsinelli, 900 West 48th Place, Kansas City, Missouri
- Greg Kindle, Director of Wyandotte County Economic Development Council

Appeared in Opposition:

- Pat Crilly, 2331 North 100th Street, Kansas City, Kansas 66109
- Nadine Dragush, 2419 North 100th Terrace, Kansas City, Kansas 66109
- George Dragush, 2324 North 100th Terrace, Kansas City, Kansas 66109
- Kathy Kovac, 2319 North 100th Terrace, Kansas City, Kansas 66109
- Ms. Siscoe 2305 North 102nd Street, Kansas City, Kansas

Staff Recommendation starts at 1:40:15: Planning Director Hand stated that this case is being heard in conjunction with Master Plan Amendment MPL2022-008 and Change of Zone Application COZ2022-009 which will be heard later this evening by the City Planning Commission. The application before the Board is a variance for the height of the building and the extra story on the building. He further stated that height requirement for the RP-4 zoning is the same as the R-3, R-1 and R-2 zoning, which is 2 ½ stories and 35 feet maximum. This property is located in the Prairie-Delaware-Piper Master Plan and the primary entrance is off North 99th Street. The property does slope north to south and east to west. He stated that higher density residential is usually a buffer between single family homes and commercial uses as is proposed here. Director Hand showed the Board photographs of the site and drawings of the proposed buildings. He stated that there are some similar housing typologies west of The Legends. Staff recommended RP-4 District as it better matches density per acre than the RP-5 zoning category. Staff included the petition from the opposition in the staff report. There are some old Notices of Violation on the property. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

Motion/Vote starts at 1:46:09:

Prior to the vote, Chairman Carson allowed the applicant to show an additional slide of the sight line and landscaping for the project at the request of one (1) of the Board members.

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Ward, seconded by Mr. Ernst, the Board of Zoning Appeals voted as follows to **DENY** this appeal as the request does not meet Statutory Requirement #2:

Carson	Chairman
Armstrong	Aye

Connelly **Aye**
Ernst **Aye**
Jones **Aye**
Miller **Not Present**
Mohler **Aye**
Pauley **Not Present**
Straws **No**
Ward **Aye**
Motion to DENY Passed: 6 to 1

Application starts at 1:54:55:

BOZA2022-013 – FREDERIC NTAKIRTIMANA/K&N LLC, 901 Minnesota Avenue, **zoned C-D Central Business District.** Section 27-593(18) states that the required distance between a liquor store and any other liquor store location, church, school, or public park shall be no less than 1,300 feet. The appellant’s subject property currently 195 feet from the nearest church, a violation of 1,108 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:

- Frederic Ntakirtimana, applicant, K&N LLC, 901 Minnesota Avenue, Kansas City, Kan 66101

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:56:51: Planning Director Hand stated that this case is being heard in conjunction with Special Use Permit SP2022-013. The code requires 1,300 feet between a liquor store and any other liquor store, church, school or public park. The applicant’s property would be 195 feet from the nearest church, a violation of 1,108 feet. This property is in the Downtown Area Master Plan. Staff has received no letters in support nor opposition. There are numerous Notices of Violation that will be addressed during the Special Use Permit hearing later this evening by the City Planning Commission if this variance is approved. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:57:57:

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with SP2022-009. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition(s) SP2022-009 by the Unified Government Board of Commissioners and upon any ordinance publications required by law.**

Application starts at 1:58:48:

BOZA2022-014 – ANGELA M. TURNER, 428 North 5th Street, **zoned R-1 Single Family District**. Approval of a variance for setback requirements in a R-2(B) zone. Section 27-457(c)(2)(a) states that the required setback in the front yard shall not be less than 25 feet. The appellant's subject property currently has 8 feet in the front yard, a violation of seventeen (17) feet. Section 27-457(c)(2)(b) states that the required side yard interior setback be not less than five (5) feet. The appellant's subject property currently has one (1) foot to the North property adjacent, a violation of four (4) feet.

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

Planning Director Hand stated that he lives in the buffer area and is recusing himself from this application. He further stated that he was not present during any discussion of this application and did not review the staff report. Planner Kallie McLaughlin will be the staff member answering questions and giving the staff recommendation.

Appeared in Support:

- Angela Turner, applicant, 4110 North 112th Street, Kansas City, Kansas 66109

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:39: Planner McLaughlin stated that this variance is in conjunction with Change of Zone Application CO2022-011 and Special Use Permit SP2022-032. The Change of Zone is being requested to bring the property into conformity as a duplex. The structure has always been a duplex and staff is not aware when the zoning was changed. The variances are for front yard and side yard setbacks. She further stated that the applicant has a Special Use Permit renewal on the City Planning Commission agenda later this evening for a home occupation. Staff recommends approval subject to the conditions in the staff report.

Recording Secretary Parker stated that she would like to clarify a statement made by the applicant. She stated that Director Hand advised her to apply for the Change of Zone and he did not have any input in this application. She stated that the applicant was advised by Planner McLaughlin to apply for the Change of Zone.

Motion/Vote starts at 2:03:42:

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

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

Motion to APPROVE Passed: 7 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with COZ2022-011. 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(s) COZ2022-011 by the**

- Unified Government Board of Commissioners and upon any ordinance publications required by law;
2. If approved, rental licensing shall be obtained prior to any non-owner occupancy;
 3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit;
 4. If Approved, the Applicant shall make repairs to the rear sidewalk and driveway to UG Standards, possibly requiring a Right of Way Permit from Public Works; and,
 5. A Right-of-Way Permit is 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.

The meeting was adjourned at 8:05 p.m. (2:04:53)

THE BOARD OF ZONING APPEALS

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