

Board of Zoning Appeals AGENDA

March 13, 2023
6:00 PM

A. Zoning Appeal Application(s)

1. BOZA2022-050

Filed: 09/29/2022 Petitioner: COLBY KIRK/CAP OUT INVESTMENTS

Address: 915 BARNETT AVE, KANSAS CITY, KS 66101

SYNOPSIS: This appeal has been filed to modify a residential building to a 9-unit multi-family building with a group home/transitional housing. Sec. 27-460(c)(2)b. states the side yard, interior setback shall not be less than ten (10) feet between any building and any property line. Appellant is requesting 8 feet, 11 inches, a violation of 1.1 feet.

Sec. 27-460(c)(3) states the lot area shall not be less than 1,500 square feet per dwelling; however, provided that an area equal to at least 40 percent of the site area is maintained as non-vehicular open space. Appellant is requesting 905.564 square feet of lot area per dwelling unit, a violation of 594.436 square feet of lot area.

Sec. 27-460(c)(4) states the minimum floor area is not less than 380 square feet of habitable floor area per dwelling unit. Appellant is requesting between 247 – 315 square feet per unit, a violation of 133 – 65 square feet per unit.

Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. Appellant is requesting zero (0) off-street parking spaces, a violation of 9 spaces.

2. BOZA2022-065

Filed: 11/28/2022 Petitioner: LUKE KUSH

Address: 1327 MINNESOTA AVE, KANSAS CITY, KS 66102

SYNOPSIS: This appeal has been filed to grant a variance from the paved area setback. Section 27-467(d)(2)e states that parking and other paved areas shall be not less than six (6) feet from any property line and not less than 10 feet from any street right-of-way. The appellant is requesting a paved area/parking space setback of no more than zero (0) feet from the property line and no more than zero (0) feet from the street right-of-way, a violation of six (6) feet and 10 feet, respectively.

3. BOZA2022-074

Filed:
12/30/2022

Petitioner: **FERNANDO GOMEZ/ENVISION CONSTRUCTION, INC.**

Address: **825 MINNESOTA AVE, KANSAS CITY, KS 66101**

SYNOPSIS: This appeal has been filed to grant a variance from the parking minimum requirement for a restaurant in the C-D District. Section 27-465(f)(1) states that non-residential or hotel uses in this district need not provide off-street parking. 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 existing and proposed floor space of the subject building measures a total of 5,037 square feet. Of this total area, 2,072 square feet will be used for seating and 2,965 square feet will be remaining floor area, resulting in a total of 52 required parking spaces. The appellant is requesting 11 parking spaces, a violation of 41 parking spaces.

4. BOZA2022-076

Filed:
12/30/2022

Petitioner: **VITALIY SOYARKOVVS SERVICES, LLC**

Address: **6220 KANSAS AVE, KANSAS CITY, KS 66111**

SYNOPSIS: This appeal has been filed to grant a variance from the requirement to screen mechanical equipment on a roof. Section 27-699(b)(6) states that mechanical equipment or other utility hardware on a building shall be screened from public view. Rooftop mechanical equipment will be up to nine (9) feet, three (3) inches above the edge of the rooftop. The appellant is requesting rooftop screening of zero (0) feet, a violation of nine (9) feet, three (3) inches.

5. BOZA2022-077

Filed:
12/30/2022

Petitioner: **CHAD R. SCHIMKE**

Address: **13700 MARXEN RD, KANSAS CITY, KS 66109**

SYNOPSIS: This appeal has been filed to allow for two (2) variances in conjunction with Change of Zone COZ2022-045 for a Change of Zone from AG WyCo Agricultural District to C-3 Commercial District, MPL2022-026 Master Plan Amendment, and PLAT2023-001 Subdivision Plat.

Variance 1: This appeal has been filed to grant a variance from the minimum parking requirements in a C-3 zone. Section 27-467(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor area. The subject property has multiple buildings for a total of 81,616 square feet, requiring 327 parking spaces including eight (8) ADA parking spaces. The current proposal has 11 parking spaces, a deviation of 316 parking spaces.

Variance 2: The appeal has been filed to grant a variance from the maximum allowed outdoor storage in a C-3 Zone. Section 27-467(c)(6) states that outdoor storage shall not be allowed to exceed 20 percent of the property. The proposed project has approximately 50 percent outdoor storage, a violation of 30 percent.

6. BOZA2023-001

Filed: Petitioner: **MICHAEL A. RHODES**
01/17/2023

Address: **10702 DONAHOO RD, KANSAS CITY, KS 66109**

SYNOPSIS: This appeal is being requested in conjunction with SP2022-119, a Special Use Permit for the removal of earthen material.

This appeal has been filed to grant a variance from the maximum continuous display time period for a wood-framed temporary sign. Section 27-729(b)(4)c.2, states that the maximum continuous time period is 90 days. The appellant is requesting to erect a temporary sign for 731 days, a violation of 641 days.

7. BOZA2023-002

Filed: Petitioner: **RYAN SWINFORD / CHICK-FIL-A INC**
01/27/2023

Address: **10770 PARALLEL PKWY, KANSAS CITY, KS 66109**

SYNOPSIS: This appeal is being requested in conjunction with PR2023-003, a Final Plan Review for site alterations to include additional drive-thru lanes. This appeal has been filed to grant a variance from the front yard setback in the CP-2 District. Section 27-466(d)(1)a states that the front yard setback is 25 feet. The appellant is requesting a drive-thru canopy attached to the primary building that will create a front yard setback of 11 feet and eight (8) inches, a violation of 13 feet and four (4) inches.

8. BOZA2023-003

Filed: Petitioner: **AUSTIN THOMPSON / ATLAS LAND CONSULTING**
01/27/2023

Address: **12602 HOLLINGSWORTH RD, KANSAS CITY, KS 66109**

SYNOPSIS: This appeal is being requested in conjunction with PLAT2023-006, a Preliminary and Final Plat for two (2) residential parcels (designated as Lot 1 and Lot 2). 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 eight percent (8%).

Total Number of Agenda Items: 8