

BOARD OF ZONING APPEALS
May 9, 2022
Decisions

The Board of Zoning Appeals met in regular session on Monday, May 9, 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), Mr. Duane Beth (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Ms. Susannah Pauley (Zoom – arrived at 27:50), and Mr. Aaron Ward (Commissioner Chambers) (Absent: Armstrong, Connelly, Mohler and Straws). Ms. Janet L. Parker, CSC/APC, Executive Assistant, Mr. Byron Toy, AICP, Lead Planner, and Mr. James Molloy, Planning Intern, were also present.

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

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 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.

Application starts at 5:15:

BOZA2022-007 – MARICELA ZAMORA, 4639 Parallel Parkway, Zoned C-1 Limited Business District. **SYNOPSIS:** This appeal is requesting two (2) variances. This appeal has been filed in conjunction with COZ2022-007, a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District, and with SP2022-022, a Special Use Permit for light automotive service and maintenance. Variance 1: This appeal has been filed to grant a variance from the rear yard setback. Section 27-466(d)(1)d states that if a property in the CP-2 District abuts a zoning district wherein a setback is required, then a rear yard setback of ten (10) feet shall be provided on the property in the CP-2 District. The subject property is adjacent to a parcel in the R-1(B) Single Family and R-2 Two Family Districts, which require setbacks. The appellant is requesting a rear yard setback of zero (0) feet, a violation of ten (10) feet. Variance 2: This appeal has been filed to grant a variance from the minimum setback for parking spaces and paved area. Section 27-466(d)(1)e states that parking spaces and other paved areas may be located no less than six (6) feet from any property line and not less than ten feet from any street right-of-way line. The appellant is requesting a paved area as close at zero (0) feet from the property and parking spaces as close as zero (0) feet from the property line, a violating of six (6) feet and six (6) feet, respectively.

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

Appeared in Support:

- Juan Pardo, representing his wife who is the applicant, 4639 Parallel Parkway, Kansas City, Kansas 66104

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 8:08: Planner Toy stated that the applicant is requesting a rear yard setback and a reduction in parking. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 8:47:

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

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

Motion to APPROVE Passed: 5 to 0

Subject to:

- 1) The proposed residence must be constructed to the plans provided by the applicant to Staff and/or attached to this staff report, subject to any other conditions of approval contained herein;**
- 2) This Board of Zoning Appeals case is being heard in conjunction with COZ2022-007 and SP2022-022. The following are conditions for COZ2022-007 and SP2022-022 and are stated here for reference only, as BOZA2022-007 is solely for a variance from the paved area, parking spaces, and rear yard setback requirements;**
- 3) The applicant has filed and maintained a current business occupation tax application;**
- 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 to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;

- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 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;
- 7) 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;
- 8) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 9) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 10) 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;

- 11) 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;
- 12) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions; and,
- 13) Section 27-466(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas.

Application starts at 9:54:

BOZA2022-020 - WILLIAM SISCOE, 2305 North 102nd Street, Zoned R-1 Single Family District. **SYNOPSIS:** This appeal has been filed to allow for two (2) variances. 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 2,028 square feet, a violation of 1,028 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:

- William Siscoe, applicant, 2305 North 102nd Street, Kansas City, Kansas 66109

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 11:58: Planner Toy stated that the request is for an additional accessory structure to house their RV. Staff stated that the proposal does not meet Statutory requirement 1 as the variance arises from the applicant's desire to store an RV in a separate carport, a condition that is not unique to this property. The request does not fulfill Statutory Requirement 2 as strict application of the zoning ordinance, disallowing the applicant from constructing a second accessory structure does not constitute an unnecessary hardship. The request does not fulfill Statutory Requirement 5 as constructing a separate carport in addition to an existing garage that exceeds the maximum allowable area is opposed to the general spirit and intent of the zoning ordinance and does not constitute a hardship for the applicant. Staff recommends denial.

Applicant directed questions to the Staff.

Motion/Vote starts at 15:30:

A motion for denial was made and failed due to a lack of a second.

Board Member Ernst asked Staff if there is an alternative. Planner Toy stated that the applicant could attach the carport to the house and would have to meet the setback requirements in the R-1 District.

The Board directed questions to Staff.

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

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

Motion to APPROVE Passed: 5 to 0

Subject to:

- 1) The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a**

- factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 2) A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to begin this process;
 - 3) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
 - 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - 5) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676). Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance; and,
 - 6) Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

Application starts at 20:47:

BOZA2022-022 – VERNON HOPKINS, 2724 North 13th Street, Zoned C-1 Limited Business District. **SYNOPSIS:** This appeal has been filed to allow for one (1) variance in conjunction with Special Use Permit SP2022-018 and Change of Zone COZ2022-006. Variance 1: This appeal has been filed to grant a variance from the amount of required parking. Sections 27-468(5) states that for the C-3 Commercial District, one (1) space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area is required. The subject property currently has no private parking spaces

and a building square footage of 2,004 square feet, a violation of forty-one (41) 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:

- Vernon Hopkins, applicant, 7861 Northwest Roanridge Road, Kansas City, Missouri 64151

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 25:45: Planner Toy stated that the building takes up almost the entire property and the applicant is correct that the previous business had little parking. Planner Toy stated that there are 12 parking spaces available for this building. He stated that an event space, restaurant or in this case a restaurant that serves alcohol with live entertainment requires a variance. Staff recommends approval subject to the conditions in the Staff report. He also noted that there will be a Change of Zone and Special Use Permit for this property later this evening on the Planning Commission agenda.

Motion/Vote starts at 26:52:

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

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

Motion to APPROVE Passed: 5 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with COZ2022-006 and Special Use Permit SP2022-018. The following conditions**

for COZ2022-006 and SP2022-018 are stated here for reference only, as BOZA2022-022 is solely for a variance from parking spaces and front yard setback requirements;

2. 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 at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Tash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f), including:
 - a. Security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles.
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;
11. 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;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

- 14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,**
- 15. 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 27:50:

BOZA2022-023 – BOB JOHNSON, 4601 Rainbow Boulevard, Zoned C-1 Limited Business and R-1(B) Single Family Districts (proposed zoning to RP-6 Planned High-Rise Apartment District). **SYNOPSIS:** This appeal has been filed to build a seven (7) story, 164-unit apartment building. Sec. 27-461(c)(2)a. states the front yard setback shall not be less than twenty-five (25) feet from any public street. Appellant is requesting 21.75 feet, a violation of 3.25 feet. Sec. 27-461(c)(2)b. states the side yard, interior setback shall not be less than ten (10) feet between any building and any property line, plus an additional three (3) feet for each story over four (4) to a maximum requirement of twenty-five (25) feet Appellant is requesting 23.35 feet, a violation of 1.65 feet. Sec. 27-461(c)(2)c. states the side yard, corner setback shall not be less than twenty-five (25) feet from any public street. Appellant is requesting eighteen (18) feet, one (1) inch, a violation of six (6) feet, eleven (11) inches. Sec. 27-461(c)(2)d. states the rear yard setback shall not be less than the height of the building. The building height is seventy-four (78) feet, nine (8) inches. Appellant is requesting zero (0) feet, a violation of seventy-four (78) feet, nine (8) inches.

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

Appeared in Support:

- Aaron Messmer, 4622 Pennsylvania, Suite 700, Kansas City, Missouri
- Bob Johnson, applicant, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Amy Grant, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Mr. Philgreen, 4512 Rainbow Boulevard, Kansas City, Kansas 66103
- Traci Edwards, 4522 Francis Street, Kansas City, Kansas 66103
- Linda Bergman, 4520 Francis Street, Kansas City, Kansas 66103

Appeared in Opposition:

- Dr. Shelley Cooper, 4526 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103/President of Hanover Heights Neighborhood Association
- Rose Eilts, 506 North 4th Street, Kansas City, Kansas
- Sarah Waggoner, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Chris Steineger, 4529 Francis Street, Kansas City, Kansas 66103
- Sheri Wilson, 4529 Francis Street, Kansas City, Kansas 66103

Staff Recommendation starts at 1:17:25: Planner Toy stated when the application was submitted the variances included side yard, interior, corner, rear yard and front yard setbacks. He further stated that Staff worked with the applicant on the plans, and they do not need the front yard or interior side yard setbacks. The variance is now for the west side corner yard and rear yard that faces Westwood. An application can be revised for less than requested (and not require republication). They are requesting a 6' setback on the west along Rainbow Boulevard and a 70' setback along the south rear property line which faces the City of Westwood and the Woodside Racquet Club. The initial setback that is needed off 46th Avenue was 3.25 feet, and the requirement is 25' and they were requesting 21.75'. The applicant no longer needs that setback. The other request was the interior side yard setback of 1.65 feet; the requirement is 25 feet, and the Applicant was requesting 23.25 feet, but that variance is also no longer needed. Planner Toy stated that the majority of the comments from the opposition this evening related to the Master Plan. The Applicant is not requesting a Master Plan amendment as this is an allowable use. The Applicant is seeking some deviations to the Code but that will be discussed strictly with the zoning applications at the Planning Commission meeting. Planner Toy stated relating to the side yard setback and rear yard setback, Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

Motion/Vote starts at 1:24:25:

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

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

Motion to DENY Passed: 6 to 0

Application starts at 1:28:55:

BOZA2022-024 – SAM LORING WITH GOULD EVANS, 0 Kansas Avenue (557 River Park Drive), Zoned Unzoned (proposed zoning to CP-2 Planned General Business District).

SYNOPSIS: This appeal has been filed to covert a railroad bridge into a multi-purpose structure for a public trail, restaurants and bars and an event space. Sec. 27-466(e) states uses in this district require paved off-street parking at a ratio not less than four (4) spaces per 1,000 square feet of floor area in the building. Three (3) parking spaces are required. Sec. 27-668(a)(5) states restaurants shall provide 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. Such establishments with less than 500 square feet of seating area shall supply with at least ten (10) off-street parking spaces. Thirty (30) spaces are required. Sec. 27-668(a)(12) states taverns and event spaces shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Thirty-two (32) parking spaces are required for the tavern and 117 parking spaces are required for the event space. The Appellant is requesting 76 spaces for the development, a violation of 106 spaces.

Appeared in Support:

- Sam Loring, applicant, Gould Evans, 4200 Pennsylvania, Kansas City, Missouri
- Sarah White, UG Public Works Engineering

Appeared in Opposition (Comment Only):

➤ Brett Epp

Staff Recommendation starts at 1:39:54: Planner Toy stated that the majority of the parking for this project is on the east side on the bank of the river with the majority of the spaces in Kansas City, Missouri. He further stated that the bridge is in Kansas City, Kansas so it is a joint venture. There will be 76 parking spaces that will be part of the trail head and the trail would have access to the bridge. The balance of the parking will be provided in Kansas City, Missouri which is outside the radius of parking allowed by code and that is the reason for the variance of all the parking on the Kansas City, Kansas side. There will be spaces available in the parking garage and on the east side of the property which is Yards II. There are a total of 122 parking spaces available for people going to the development on the bridge and accessing the trail on the east side of the river. Planner Toy stated that this will be a regional destination for this development and the trail. This is an exciting and unique project. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:41:47:

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

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. This This Board of Zoning Appeals case is being heard in conjunction with COZ2022-016, SP2022-044, MPL2022-010 and PR2022-019, which is to rezone the property from unzoned to CP-2 Planned General Business District to build and operate restaurants, bars, an event space, community space, public trail, and parking lot;**
- 2. The applicant has access to the 975-space parking garage in Kansas City, Missouri, aka West Bottoms Garage, which is approximately 0.2 miles north**

- of the bridge along American Royal Drive;
3. On the west side of the bridge, the proposed parking lot (to be constructed by others) must be completed before a TCO is issued for the bridge;
 4. The bikeshare hub should be on the west side of the parking lot as part of the “trailhead amenity zone”;
 5. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;
 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 existing and future driveways must feature curb cuts that are constructed to UG standards;
 8. 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;
 9. 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; and,
 10. 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 1:42:40:

BOZA2022-026 – ANGELA CHASE, 5048 Gibbs Road, Zoned R-1 Single Family District.
SYNOPSIS: This appeal has been filed to allow for five (5) variances. Variance 1: 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 a subdivision that will create one (1) lot, Tract 1, with a depth-

to-width ratio of 3.70:1, a violation of 23%. Variance 2: This appeal has been filed to grant a variance from the minimum size of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum lot size of five (5) acres. The new lots created receive access from Gibbs Road, which is designated as a Collector Street per Section 27-763(f)(14). The appellant is requesting a lot (Tract 1) of 0.44 acres and a lot (Tract 2) of 0.34 acres, a violation of 4.56 acres and 4.66 acres, respectively. Variance 3: This appeal has been filed to grant a variance from the minimum frontage of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum frontage of 300 feet. The two (2) lots created receive access from Gibbs Road, which is designated as a Collector Street per Section 27-763(f)(14). The appellant is requesting a lot (Tract 1) with a frontage of 81.5 feet and a lot (Tract 2) with a frontage of 63.5 feet, a violation of 218.5 feet and 236.5 feet, respectively. Variance 4: This appeal has been filed to grant a variance from the interior side yard setback in the R-1 District. Section 27-454(d)(2)b requires an interior side yard setback of seven (7) feet. The appellant is requesting a lot (Tract 1) with an interior side yard setback of zero (0) feet, and a lot (Tract 2) with an interior side yard setback of six (6) feet and four (4) inches, a violation of seven (7) feet and eight (8) inches, respectively. Variance 5: This appeal has been filed to grant a variance from the corner side yard setback in the R-1 District. Section 27-454(d)(2)c requires a corner side yard setback of 25 feet. The appellant is requesting one (1) lot, Tract 1, with a corner side yard setback of 20.5 feet, a violation of four and one-half (4.5) feet.

Appeared in Support:

- Amber Dollard, representing the applicant, 2226 North 126th Street, Kansas City, Kansas 66109

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:45:00: Planner Toy stated there are two (2) homes with two (2) detached structures on one (1) parcel that need several variances from the Subdivision Code. Gibbs Road is a major street and according to the code needs a minimum of 300' frontage and three (3) acres per home. They are requesting to split the lot into two (2) separate lots with one (1) house and one (1) accessory structure each. The lots would be in compliance with the R-1 Single Family District. The variance is for interior side yard setback, lot size, minimum frontage, depth-to-width ratio, and corner side yard setback. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:46:50:

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

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1) Any encroaching structures must be demolished or removed up to the boundary line of any current parcels or the boundary line of any parcels created by a subsequent subdivision;**
- 2) A portion of the direct route between the driveway apron on Gibbs Road and the detached garage at 5044 Gibbs Road is not entirely paved. Per Section 27-676, the full extent of the driveway, from the public right-of-way to the entrance of the garage, must be paved (either concrete, asphalt, or pavers) in compliance with UG standards. The driveway must be paved before the administrative lot split (subdivision) of the subject property can be completed;**
- 3) No additional driveways may be installed on the subject property, other than the driveway paving requirement for 5044 Gibbs Road as mentioned in above in "Planning and Urban Design Comments: General #1";**
- 4) All outstanding violations as cited by the Property Maintenance Compliance Division must be satisfactorily completed before the administrative lot split (subdivision) of the subject property can be completed;**
- 5) A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;**
- 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.

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