

BOARD OF ZONING APPEALS Agenda

11/14/2022

6:00 PM

A. Zoning Appeal Application(s)

1. **BOZA2022-047**

Filed: Petitioner: VANESSA B. NYHUS
08/28/2022

Address: 11411 HOLLINGSWORTH RD, KANSAS CITY, KS 66109

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 limitation of the location of an accessory building to the side and/or rear yard in the R-1 District. Section 27-609(2) requires that an accessory building not be located within the front yard. The appellant is requesting an accessory building that extends 66 linear feet into—and has a building area of 1,800 square feet within—the front yard, a violation of 66 linear feet and 1,800 square feet, respectively.

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 an accessory building with a total floor area of 1,800 square feet, a violation of 800 square feet.

2. **BOZA2022-049**

Filed: Petitioner: EMILY VALERIO,
09/21/2022

Address: 634 S 81ST ST, KANSAS CITY, KS 66111

SYNOPSIS: This appeal has been filed to grant a variance from the maximum percentage of the front yard paved. Section 27-673(b) states that paved parking areas or customary driveways in the required yards abutting streets shall not exceed 40 percent of the area of those yards for one- and two-family dwellings. The applicant is requesting a paved area that covers 100% of the front yard, a violation of 150% of the allowed paved coverage.

3. **BOZA2022-051**

Filed: Petitioner: KATHYRN MEYER
09/29/2022

Address: 2715 S 37TH ST, KANSAS CITY, KS 66106

SYNOPSIS: This appeal has been filed to allow for five (5) variances in conjunction with PLAT2022-034 for a subdivision of the parcel.

Variance 1: Section 27-454(d)(3)(a) states that the front yard width shall be no less than 65 feet. Lot 1 measures 57 feet, a deviation of 8 feet. Lot 2 measures 27 feet, a deviation of 38 feet.

Variance 2: Section 27-454(d)(2)(a) states that the front yard setback shall not be less than 27 feet. The front porch is within the setback area of 10 feet, a violation of 10 feet.

Variance 3: Section 27-454(d)(3)(b) states that lot area must be no less than 7,150 square feet. Lot 1 measures 6,840 square feet, a violation of 310 square feet. Lot 2 measures 3,240 square feet, a deviation of 3,910 square feet.

Variance 4: Section 27-454(4) states that the minimum habitable square footage for each dwelling unit shall be 864 feet of habitable floor space. The dwelling unit on Lot 2 measures 120 square feet, a deviation of 744 square feet.

Variance 5: Section 27-454(e) states that two (2) parking spaces must be provided for each dwelling unit, one (1) of which must be in a garage or car port. Lot 1 provides no off-street parking spaces with no covered parking, a deviation of two (2) parking spaces, one (1) of which must be a garage or carport. Lot 2 provides no off-street parking and no covered parking, a deviation of two (2) spaces, one (1) of which must be a garage or carport.

4. BOZA2022-052

Filed: 09/30/2022 Petitioner: **RIAD BAGHDADI/RB ARCHITECTURE**

Address: **1201 STATE AVE, KANSAS CITY, KS 66102**

SYNOPSIS: This appeal is requesting two (2) variances.

Variance 1: This appeal has been filed to grant a variance from the parking minimum requirement. Section 27-467(e) requires paved off-street parking 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. The total area of the proposed commercial building measures 15,577 square feet, requiring a total of 63 parking spaces. The applicant is requesting 33 parking spaces, a violation of 30 parking spaces.

Variance 2: This appeal has been filed to grant a variance from the front yard setback. Section 27-467(d)(2)a states that the front yard setback shall be no less than 25 feet in the C-3 District. The appellant is requesting a front yard setback of one (1) foot and eight (8) inches, a violation of 23 feet and four (4) inches.

5. BOZA2022-053

Filed: 09/30/2022 Petitioner: **JOHN ROWE/SPEEDY'S PRESCOTT PLAZA LLC**

Address: **141 S 18TH ST, KANSAS CITY, KS 66102**

SYNOPSIS: The appeal has been filed in conjunction with PR2022-028, a Final Plan Review of the construction of a new car wash within an existing commercial site. This appeal has been filed to grant a variance from the parking minimum requirement. Section 27-467(e) requires paved off-street parking 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 5,381 square feet, 3,449 square feet of which is used for retail, approximately 1,150 square feet for seating, and approximately 782 square feet of remaining floor space, resulting in 40 required parking spaces. The applicant is requesting 25 parking spaces, a violation of 15 parking spaces.

6. BOZA2022-054

Filed: 09/30/2022 Petitioner: **CURTIS PETERSEN/POLSINELLI**

Address: **9400 STATE AVE, KANSAS CITY, KS 66111**

SYNOPSIS: This appeal has been filed to modify a hotel resort, conference center and stand-alone restaurant.

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 10 off-street parking spaces. 80 spaces are required.

Sec. 27-668(a)(8) One (1) space for each guest room, plus one (1) space for each two employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. 325 spaces are required.

Sec. 27-668(a)(11) One (1) space for each four (4) seats. 100 spaces are required.

The Appellant is requesting 315 spaces for the development, a violation of 190 spaces.

7. BOZA2022-055

Filed: 09/30/2022 Petitioner: **DANIEL CUNNINGHAM/PARKWAY LIQUOR KCK**

Address: **8222 PARALLEL PKWY, KANSAS CITY, KS 66112**

SYNOPSIS: The appeal has been filed in conjunction with MPL2022-018, a Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan), and SP2022-086, a Special Use Permit for a liquor store. This appeal has been filed to grant a variance from the minimum allowed distanced between a new liquor store and any existing or proposed liquor store location, place of worship, school, or public park. Section 27-593(b)(18) states that there must be a minimum separation distance of 1,300 feet between any new liquor store location and any existing or proposed liquor store location, church, school, or public park. The applicant is requesting the expansion of an existing liquor store that is 263 feet and 278 feet from two (2) separate places of worship, and 1,046 feet from a school, a violation of 1,037 feet, 1,022 feet, and 254 feet, respectively.

8. BOZA2022-056

Filed: 09/30/2022 Petitioner: **CHUCK CUDA**

Address: **3151 FIBERGLASS RD, KANSAS CITY, KS 66115**

SYNOPSIS: This appeal has been filed to allow for two (2) variances in conjunction with PR2022-042 and SP2022-099 for a Special Use Permit for Automotive Body Repair.

Variance 1: Section 27-470(d)(2) states No equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six (6) feet from the street line. The subject property has a fence that sits directly on the property line with no setback, a violation of six (6) feet.

Variance 2: Section 27-470(f) states that parking must be provided at a ratio of one (1) space per every 500 feet of building area up to 20,000 square feet then one (1) space for every 1,000 square feet up to 50,000 square feet. The subject property has a building area of 44,257 square feet requiring 45 parking spaces. The subject property is proposing 40 parking spaces, a deviation of five (5) spaces.

9. BOZA2022-058

Filed: 09/30/2022 Petitioner: WIL ANDERSON / BHC

Address: 1050 ARMSTRONG AVE, KANSAS CITY, KS 66102

SYNOPSIS: This appeal is requesting two (2) variances.

Variance 1: This appeal has been filed to grant a variance from the minimum lot width. Section 27-455(c)(3)a requires a lot to be no less than 50 feet. The appellant is requesting a lot width of 33 feet, a violation of 17 feet.

Variance 2: This appeal has been filed to grant a variance from the minimum lot size. Section 27-455(c)(3)b requires a lot to be no less than 5,000 square feet. The appellant is requesting a lot size of 4,224 square feet, a violation of 776 square feet.

Total Number of Agenda Items: 9