

**BOARD OF ZONING APPEALS
NOVEMBER 14, 2022
DECISIONS**

The Board of Zoning Appeals met in regular session on Monday, November 14, 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 (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Mark Mohler (Zoom), and Mr. Aaron Ward (Commission Chamber) (Absent: Connelly, Miller, Pauley and Straws). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design (Commission Chamber), Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Patrick Waters, Assistant Counsel (Commission Chamber), 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 or are present in the Commission Chamber 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 by Zoom this evening, please use the “raise your hand” feature if you want to speak on an application. If you are present in the Commission Chamber, please come to the microphone at the front of the room when the application is called. 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 Chairman will ask for a show of hands of people who are in support or opposition that did not speak.
7. The applicant will then answer questions and make a closing statement.
8. 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.
9. The staff will make their recommendation.
10. 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.
11. Motions to approve shall include the staff stipulations unless otherwise stated in the motion.

Application starts at 4:30:

BOZA2022-047 – VANESSA NYHUS, 11411 Hollingsworth Road, **RP-1 Planned Single Family District**. 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.

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

Appeared in Support:

- Vanessa Nyhus, applicant
- Jared Nyhus, applicant

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 28:24: Planning Director Hand stated that the Applicant is requesting two (2) variances. One is the location of the accessory structure and the other is the size of the structure. The property is located in the Prairie-Delaware-Piper Master Plan area. Staff received two (2) letters in support and no letters in opposition. There are no Notices of Violation on the property. This property is a corner lot and as such owners can choose which street the house will face for a new construction like this project. The applicant has chosen to face Hollingsworth Road, which cause the setback issues. He further stated that the property is 5.53 acres and Staff believes that with the size of the property, the Applicant could meet all the requirements. Staff recommends denial of Variance 1 and approval of Variance 2. If the Board approves both variances, Staff has included conditions of approval for both variances.

The Board directed questions to Director Hand.

Motion/Vote starts at 32:58:

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 **DENY Variance 1 as it does not meet the Statutory requirements and APPROVE Variance 2:**

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

Motion to DENY Variance 1 and Approve Variance 2 Passed: 5 to 1
For the following reasons for denial of Variance 1:

1. The variance request does not fulfill Statutory Requirement #1. The variance arises from the ongoing construction of the primary residence, which limited possible compliant locations for the accessory building by both increasing the front yard area and fracturing the remaining buildable area in the side and rear yards;
2. The variance request does not fulfill Statutory Requirement #3. Requiring a redesign of the subject property, or at least requiring proof that no other location of the site is buildable, does not constitute unnecessary hardship upon the property owner-applicant;
3. The variance request does not fulfill Statutory Requirement #4. An accessory building in the front yard and visible from the right-of-way has an adverse effect on the general order; and,
4. The variance request does not fulfill Statutory Requirement #5. An accessory building in the front yard and visible from the public right-of-way does not meet the spirit of intent of the zoning ordinance.

Variance 2 subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. All tree stands in between Hollingsworth Road and the accessory building must be maintained in a manner that creates full arboreal screening of said building from being seen in the public right-of-way. All tree stands in between any and all adjacent parcels to and the accessory building must be maintained in a manner that creates full arboreal screening of said building from being seen from the adjacent parcels;
2. The accessory building shall not be used for the operation of a commercial business, nor for the storage of any inventory, vehicles, or equipment used as part of a commercial business;
3. All parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two (2) inches of asphalt over six (6) inches of compacted gravel or an acceptable alternative as determined by the county engineer;
4. This Board of Zoning Appeals case is being heard in conjunction with PR2022-040. 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 PR2022-040 by the Unified Government City Planning Commission and the Unified Government Board of Commissioners and upon any ordinance publications required by law;
5. 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; the exterior of the accessory building must match the materials and color of the primary residence. 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;

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 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;
8. 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;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Per Section 27-700(a), one (1) shade tree per dwelling unit is required in the front or corner side yard, and (1) one tree per 7,000 square feet of site area for uses other than residences;
11. 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; and,
12. 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 34:38:

BOZA2022-049 – EMILY VALERIO, 634 South 81st Street, zoned **R-1 Single Family District**. 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.

Appeared in Support:

- Karen Garcia, representing her mother Emily Valerio, applicant, 634 South 81st Street, Kansas City, Kansas 66111

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 38:50: Planning Director Hand stated that the variance before the Board is for a full paved yard. The application comes before the Board due to an enforcement action. This is a self-imposed hardship as the Applicant has already paved the yard and is now asking for forgiveness. As this is a self-imposed hardship, Staff recommends denial. This property is located in the Midtown area. Staff has received some letters in support and no letters in opposition. There are some old Notices of Violation that have been rectified by the Applicant and closed out. If the Board moves forward with approval of this application, Staff has included conditions of approval in the staff report. He further stated that part of the paved driveway is in the right-of-way and the Applicant did not acquire a right-of-way permit to improve the driveway. If approved, that permit will need to be acquired retroactively.

The Board directed questions to Staff regarding the stormwater management on the site and if the Applicant spoke to UG Staff.

Motion/Vote starts at 45:43:

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

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye

Connelly Not Present
Ernst Aye
Jones Aye
Miller Not Present
Mohler Aye
Motion to APPROVE Passed: 6 to 0
Subject to:

1. Due to the large portion of right-of-way between the paved street and the subject property's front boundary line, the property owner-applicant has paved over a significant portion of right-of-way in creating the driveway apron. The property owner-applicant must receive a retroactive Right-of-Way Permit from the Public Work Department for the improvements made in the public right-of-way. The Public Works Department can be reached by phone at (913) 573-5311 or by email at info@wycokck.org;
2. All parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two (2) inches of asphalt over six (6) inches of compacted gravel or an acceptable alternative as determined by the county engineer;
3. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
4. 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 46:45:

BOZA2022-051 – KATHRYN MEYER, 2715 South 37th Street, Zoned **R-1 Single Family Residential District**. This appeal has been filed to allow for five (5) variance 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.

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

Appeared in Support:

- Kathryn Meyer, applicant, 2136 South 18th Street, Kansas City, Kansas 66106

Appeared in Opposition:

- Barb Kill, Turner Community Connection, 5548 Pawnee Drive, Kansas City, Kansas 66106

Staff Recommendation starts at 52:47: Planning Director Hand stated that the variance is a result of the Applicant's request to split a parcel with two (2) legal non-conforming single-family homes into two (2) separate parcels. As the Unified Government does not have an accessory dwelling unit ordinance, the variance process is required. Director Hand stated that this application is associated with PLAT2022-034, which will be heard by the City Planning Commission later this evening. In response to the comment made by the opposition, the requirement for off-street parking is not being removed. The variance requests that no covered parking space be provided. There would still be the requirement for two (2) off-street parking spaces. The property is in the City-Wide Area Master Plan. Staff received no letters in support nor opposition prior to this meeting. There are prior Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 55:03:

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

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

Jones Aye
Miller Not Present
Mohler Aye
Motion to APPROVE Passed: 6 to 0
Subject to:

- 1) 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 Inspection 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;
- 2) 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;
- 3) All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
- 4) 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 55:58:

BOZA2022-052 – RIAD BAGHDADI WITH RB ARCHITECTURE, 1201 State Avenue, Zoned **C-3 Commercial District**. 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.

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

Appeared in Support:

- Riad Baghdadi, applicant, RB Architecture, 11661 College Boulevard, Overland Park, Kansas 66210

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 59:14: Planning Director Hand stated that there are two (2) variances before the Board. The first one is for parking and the second one is for front yard setback. Director Hand stated that he has previously stated that the zoning code is over parked. The current code requires 63 parking spaces and the Applicant is proposing 33 spaces for a violation of 30 spaces. As a reference, the still draft zoning code parking requirements at only 32 parking spaces. In working with the applicant on this project to comply with the commercial design guidelines, the parking would be in the rear and the Applicant is proposing for the parking to be at the side. A 25' setback variance is also required. Director Hand stated that the property is in the Downtown Area Master Plan. Staff has received no letters in support nor in opposition. There are numerous Notices of Violation which have been closed and will be addressed during the proposed redevelopment of this vacant site. He further stated that the building will match the frontage of the building to the west. Staff recommends approval of these variances subject to the conditions in the staff report.

Motion/Vote starts at 1:01:45:

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 petition:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. Upon guidance from BPU, the applicant must submit a revised site plan that reflects the Staff comments contained in this report. This revised site plan must be produced before Development Review Committee (DRC) review of the subject property and the proposed project can be completed;**

2. **Windows, windows with awnings, and covered pedestrian walkways should total at least 101 feet and 11 inches on the north façade, and at least 57 feet and 3 inches on the east façade;**
3. **A total of 16 trees are required to meet the subject property's landscaping requirements;**
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. **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;**
6. **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;**
7. **If approved, the applicant must file and maintain a current business occupation tax application with this office;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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;**
10. **Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 36,468 square feet, requiring six (6) trees be provided on the site plan;**
11. **Section 27-467(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;**
12. **Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;**
13. **Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;**
14. **Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental**

deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;

15. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy; and,
16. 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 1:02:30:

BOZA2022-053 – JOHN ROWE WITH SPEEDY’S PRESCOTT PLAZA LLC, 141 South 18th Street, Zoned **C-3 Commercial District**. 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.

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

Recording Secretary Parker stated that an email in support was received today from Stephanie Cashion with Conduit Consulting.

Appeared in Support:

- Doug Ubben, Phelps Engineering, 1270 North Winchester, Olathe, Kansas 66061

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:04:50: Planning Director Hand stated that this application is related to the new car wash at Prescott Plaza. This property is in the Central Area Master Plan. Staff has received one (1) letter in support and one (1) letter in opposition. A car wash at this location was in the original development plan and there is an existing setback variance approved for this project. He stated that they do still need a variance for parking. Staff has reviewed the traffic study and is requesting the applicant extend the median entering the shopping center so people cannot turn left directly into the facility. Instead of the hash lines that people ignore, and waiting in the que which causes back-up onto 18th Street, Staff is requesting the median be extended. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:07:00:

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

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with PR2022-028. 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 PR2022-028 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;**
- 2. The subject property is currently zoned CP-2 Planned General Business District. The zoning does not change with the construction of the automobile washing facility. All structures and plans are subject to further review by Building Inspection Department, Public Works Department, or other applicable agencies, including to but not limited to a review by the Development Review Committee (DRC);**
- 3. BOZA-2028 was granted for an encroachment over the twenty-five (25) front yard setback, the variance obtained was for an 11-foot encroachment, a violation of 14 feet. The proposed structure falls within these guidelines;**
- 4. The property owner must enter into a parking agreement with the property owner of Parcel #299802, in order to designate that patrons of any business or use on the subject property may be allowed to park in the off-site parking lot. The parking agreement must be signed by all relevant parties, notarized, and filed with the Register of Deeds;**
- 5. The median improvement to the Prescott Plaza entranceway shall be improved prior to the operation of the car wash;**
- 6. This review does not substitute for any additional building permits, sign permits, or reviews by any other agency;**
- 7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;**
- 8. 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;**
- 9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
- 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;**
- 11. 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;

12. 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;
13. Any business or land use in Kansas City, Kansas 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;
14. Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be nine (9) feet wide from the inside of stripe to inside of stripe and 18' in length. ADA Stalls must be eight (8) wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle;
15. Any automotive-related use in Kansas City, Kansas 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;
16. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file

and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office; and,

17. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06.

Application starts at 1:07:48:

BOZA2022-054 – CURTIS PETERSEN WITH POLSINELI, 9400 State Avenue, Zoned **A-G Agriculture and C-0 Nonretail Business Districts (proposed zoning to CP-2 Planned General Business District)**. 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.

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

Appeared in Support:

- Curt Petersen, applicant, Polsinelli, 900 West 48th Place, Suite 900, Kansas City, Missouri 64112

Appeared in Opposition:

- Shirley Ikred, 804 South 89th Street, Kansas City, Kansas

Staff Recommendation starts at 1:15:04: Planning Director Hand stated that this appeal is being heard in conjunction with Change of Zone COZ2022-039, Special Use Permit SP2022-097 and PLAT2022-035, which will be heard by the City Planning Commission later this evening. The request is for former parking variance for the Margaritaville development in the middle of the Homefield development, which is the former Schlitterbahn site. This property is in the Prairie-Delaware-Piper Master Plan area. Staff has received no letters in support and one (1) letter in opposition along with the testimony this evening. There are several Notices of Violation for property maintenance and weeds related issues. These issues will be resolved during the redevelopment of the site. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:16:25:

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 petition:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. This Board of Zoning Appeals case is being heard in conjunction with COZ2022-039, SP2022-097, and PLAT2022-035 which is to rezone the property from A-G Agriculture and CP-0 Planned Nonretail Business Districts to CP-2 Planned General Business District to build a 250-room Margaritaville Resort and Hotel that includes restaurants and bars, a convention center, swimming pools and other guest amenities;**
- 2. 505 parking spaces are required for all of the uses proposed within this development. 315 parking spaces are provided.
The proposed zoning code would require 20 spaces for the convention center, 50 spaces for the stand-alone restaurant, and 175 spaces for the hotel, totaling a minimum of 245 parking spaces.
The majority of patrons will be guests are the hotel/resort and use the amenities on site, so reducing the need for off-street parking will not burden surrounding properties and commercial businesses and their parking lots;
and,**
- 3. Ensure all parking spaces comply with the parking code (i.e. ADA, striping and landscaping within parking lot islands).**

Application was called at 1:17:10 and the Applicant was not present; the application was recalled at 1:28:12 and the Applicant was present:

BOZA2022-055 – DAVID CUNNINGHAM FOR PARKWAY LIQUOR, 8222 Parallel Parkway, Zoned C-1 Limited Business District. 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 distance 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.

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

Appeared in Support:

- David Cunningham, applicant, Parkway Liquors, 8222 Parallel Parkway, Kansas City, Kansas 66112

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:31:03: Planning Director Hand stated that this case is being heard in conjunction with Special Use Permit SP2022-086 and Master Plan Amendment MPL2022-018, which will be heard later this evening by the City Planning Commission. This is a legal non-conforming liquor store that the Applicant is wanting to expand which triggers all the zoning entitlements being heard this evening. The appeal has been filed to grant a variance from the minimum allowed distance between a new liquor store and any existing or proposed liquor store location, place of worship, school and/or public park. The property is 1300 feet from a school and two (2) churches. This property is in the City-Wide Master Plan. Staff has received no letters in support nor opposition. The Applicant addressed the police calls for service that were included in the staff report. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:32:24:

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

Carson	Chairman
Pauley	Not Present
Straws	Not Present
Ward	Aye
Armstrong	Aye
Beth	Aye

Connelly Not Present
Ernst Aye
Jones Aye
Miller Not Present
Mohler Aye
Motion to APPROVE Passed: 6 to 0
Subject to:

1. This Board of Zoning Appeals case is being heard in conjunction with MPL2022-018 and SP2022-086. 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 MPL2022-018 and SP2022-086 by the Unified Government Board of Commissioners and upon any ordinance publications required by law;
2. The property owner is maintaining an active access agreement with QuikTrip;
3. Per Section 27-699(b)(5), the on-site trash receptacle shall be repaired and completely screened by a fence/gate that is of a height no less than the trash receptacle;
4. The property owner must continue to designate 11 non-ADA-compliant parking spaces for use of the Parkway Liquors;
5. Per Section 27-699(b)(5), the on-site trash receptacle shall be repaired and completely screened by a fence/gate that is of a height no less than the trash receptacle;
6. Trees and landscaping must be planted and maintained per Sections 27-464(g) and 27-703;
7. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 21,000 square feet, requiring three (3) trees be provided on the site plan;
8. Signage, including window signage, that does not comply with Section 27-464(f) or other sections within the Sign Code shall be removed;
9. The on-site parking lot must be maintained in compliance with the Zoning Code and with the amenities demonstrated in the submitted plot plan;
10. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;

11. 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;
12. 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;
13. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
14. The applicant has filed and maintained a current business occupation tax application;
15. 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;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided; and,
18. 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.

Application starts at 1:18:30:

BOZA2022-056 – CHUCK CUDA, 3151 Fiberglass Road, Zoned **M-3 Heavy Industrial District**. 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.

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 Moore, representing the applicant, 8040 North Oak Trafficway, Kansas City, Missouri

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:22:33: Planning Director Hand stated Variances 1 and 2 are correct as published in response to the Applicant’s representative stating Variance 1 is incorrect. The Applicant does not need a setback variance. The request is for a parking variance. This application is being heard in conjunction with Special Use Permit SP2022-099 and Plan Review PR2022-042 which will be heard later this evening by the City Planning Commission. This property is in the Northeast Area Master Plan in the Fairfax Industrial District. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:23:43:

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 petition:

Carson **Chairman**

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. The following improvements shall be made to the property:**
 - a. The parking lot shall be restriped;**
 - b. The barbed-wire fencing shall be tilted inward;**
 - c. The trash enclosure shall follow commercial design guidelines if visible from the public street;**
 - d. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;**
 - e. Any entrance gates shall slide parallel to the fence or shall open inward as to not interfere with the right-of-way;**
- 2. A cross-access agreement between the two (2) parcels shall be maintained;**
- 3. Vehicle repairs shall not be done in any right-of-way easement or roadway;**
- 4. Landscaping shall be installed per plan and continuously maintained;**
- 5. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;**
- 6. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:**
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;**
- 7. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:**

- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that all such proposals are consistent with the need to minimize flood damage;
 - g. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - h. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - i. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
8. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
9. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
- a. Certificate of elevation shall be provided when the top of the first floor has been constructed;
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);

10. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
11. 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;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. If approved, the applicant must file and maintain a current business occupation tax application with this office;
14. 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;
15. 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;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. 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;
18. 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,
19. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of

Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy.

Application starts at 1:24:50:

BOZA2022-058 – WIL ANDERSON WITH BHC RHODES, 1044 and 1050 Armstrong Avenue, Zoned **R-1(B) Single Family District**. 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.

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

Appeared in Support:

- Augustin Flores, property owner, 1022 Armstrong Avenue, Kansas City, Kansas

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 1:26:03: Planning Director Hand stated that this case was heard earlier this year and was denied by the Board of Zoning Appeals as it was a self-imposed hardship. Mr. Flores owns two (2) pieces of property and he is proposing a lot line adjustment. One (1) of the parcels would be larger than the other parcel necessitating this variance request. The larger piece of property would retain its legal non-conforming status

and does not need variances due to this proposed action. Because they are exacerbating the requirements on the other parcel, the variance is needed. When the application was previously denied, Mr. Flores had however, an existing fence between the two (2) properties that caused the self-imposed hardship. Director Hand stated that the fence has since been removed and the self-imposed hardship eliminated. This project is in the Central Area Master Plan. Staff has received no letters in support nor opposition. There are remaining Notices of Violation that will be cleared as a condition of approval. Staff recommends approval subject to the conditions in the staff report.

Motion/Vote starts at 1:27:30:

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 petition:

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

Motion to APPROVE Passed: 6 to 0

Subject to:

- 1. 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;**
- 2. 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;**
- 3. 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; and,**

4. 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 7:36 p.m.

THE BOARD OF ZONING APPEALS

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