



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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**To:** City Planning Commission  
**From:** Planning and Urban Design Staff  
**Date:** March 13, 2023  
**Re:** **Special Use Petition SP2023-001**

## GENERAL INFORMATION

**Applicant:**

Adam and Danielle Boyle

**Status of Applicant:**

Property Owners  
802 North 82<sup>nd</sup> Terrace  
Kansas City, Kansas 66112

**Requested Action:**

Approval of a Special Use Permit.

**Date of Application:**

January 27, 2023

**Purpose:**

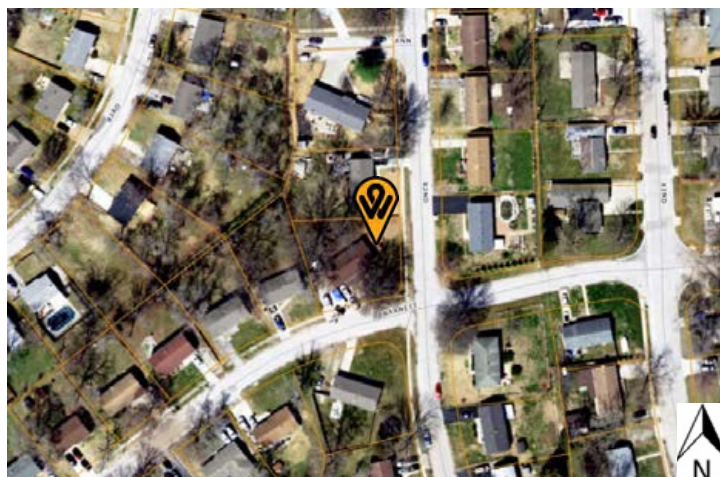
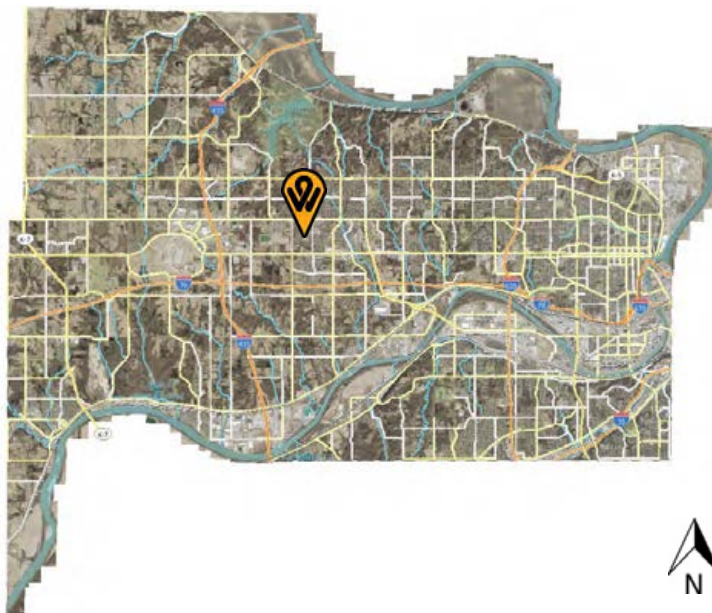
To approve a Special Use Permit to operate a short-term rental. This is not the owner's primary residence.

**Property Location:**

802 North 82<sup>nd</sup> Terrace  
Kansas City, Kansas 66112

**Commission Districts:**

Commissioner At-Large, District #1  
Melissa Bynum  
District #5 Commissioner:  
Mike Kane



<b>Existing Zoning:</b>	R-1 Single Family District
<b>Adjacent Zoning:</b>	<b>North:</b> R-1 Single Family District <b>South:</b> R-1 Single Family District <b>East:</b> R-1 Single Family District <b>West:</b> R-1 Single Family District
<b>Adjacent Uses:</b>	<b>North:</b> Single Family Residence <b>South:</b> Single Family Residence <b>East:</b> Single Family Residence <b>West:</b> Single Family Residence
<b>Total Tract Size:</b>	0.24 Acre
<b>Master Plan Designation:</b>	The City-Wide Master Plan designates this property as Low-Density Residential, which allows for single family homes.
<b>Major Street Plan:</b>	The Major Street Plan designates North 82 <sup>nd</sup> Terrace as a Local/Neighborhood Street.
<b>Parking Requirement:</b>	Section 27-454(e) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The property provides two (2) parking spaces in the driveway, and one (1) in the garage, a total of three (3) parking spaces.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owner – February 17, 2023
<b>Public Hearing:</b>	March 13, 2023
<b>Public Support:</b>	None to date.
<b>Public Opposition:</b>	None to date.

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## **PROPOSAL**

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Detailed Outline of Requested Action: The applicants, Adam and Danielle Boyle, are requesting a Special Use Permit to operate a short-term rental at 802 North 82<sup>nd</sup> Terrace. This is not the owner’s primary address.

City Ordinance Requirements: 27-592 through 27-606

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. There have been no Noise or Disturbance complaints on the subject property.

### **Building, Zoning, or Code Enforcement Complaints:**

1. There are no Notices of Violation on the subject property.

### **Outstanding or Related Permits and Cases:**

1. There are no additional outstanding or related permits on the subject property.

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## **FACTORS TO BE CONSIDERED**

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### ***1. The Character of the Neighborhood.***

The subject property is located within the Victory Hills Statistical Neighborhood. The neighborhood consists of primarily single-family residences on medium-sized lots with generous setbacks, and the mixed-use corridor of State Avenue located to the north and Interstate 70 to the south.

### ***2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

The zoning and uses are set out above. The proposed use as a short-term rental, is consistent with other nearby properties in the neighborhood, thus, the proposed use is compatible if properly managed.

### ***3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

### ***4. The length of time the property has remained vacant as zoned.***

The property is not vacant and has been used as a single-family residence.

### ***5. The degree of conformance of the proposed use to the Master Plan.***

Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential, which allows for single family homes. The proposed use conforms to the low-density residential designation.

**6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use is not expected to result in the increase of the amount of vehicular traffic to the point where it exceeds the capacity of Fisher Street, a local street. The property provides ample parking in the rear with two (2) spaces in the driveway and one (1) in a covered garage.

**7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

**8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application. Vibration, dust, or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby property.

**9. *Whether the proposed use will pollute the air, land or water.***

The proposed use would not pollute air or land as it is located in an existing, permitted structure. If the applicant properly manages the property, trash from guests should be minimal and temporary.

**10. *Whether the use would damage or destroy an irreplaceable natural resource.***

The proposed use would not damage or destroy an irreplaceable natural resource as it will operate within an existing structure in a built-out, mixed-use neighborhood.

**11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic

benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental or their primary residence.

**12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.**

The proposed use would not result in overcrowding as it operates within an existing structure on the site. The maximum number of overnight guests at one time is seven (7) and the maximum number of vehicles for guests is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

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## **PREVIOUS ACTIONS**

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There have been no previous planning entitlements at the subject property.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on January 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Building Conformance  
Home Occupation  
Noise Concerns  
Parking  
Traffic

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## **STAFF COMMENTS AND SUGGESTIONS**

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### **Planning and Urban Design Comments:**

- 1. The applicant shall repair the following items outlined in their home inspection report as “Safety Hazards” or “Major Concerns”, and provide proof of repairs prior to approval:**
  - a. The driveway and sidewalks shall be patched or repaved;**
  - b. The stairs shall be repaired or replaced to create a consistent height between stairs;**
  - c. The basement stairs shall have a fire barrier installed;**
  - d. An anti-tip bracket shall be installed on the gas range/stove;**
  - e. A TPR valve shall be installed on the water heater that extends to within 6” of the floor;**
  - f. The trees in the rear yard shall be trimmed to clear branches from the overhead service wires;**
  - g. The abandoned wiring shall be removed from the electrical panel;**
  - h. Any identified ungrounded outlet shall be grounded;**

- i. **Replace the flexible gas line with a rigid gas line; and,**
- j. **Perform a furnace inspection to ensure the furnace is operating properly.**

Staff Response: Applicant shall provide proof of repair, or proof of contract to repair prior to their ordinance being approved.

**2. Provide a detailed description of the areas rented for short-term rental.**

*Applicant Response:* The short-term rental will include the front room, dining and kitchen along with three bedrooms and the finished part of the basement. The renters will also have access to the backyard.

**3. How many rooms are rented? Provide a scaled floor plan of the unit.**

*Applicant Response:* There are three bedrooms that guests can stay in.

**4. What is the maximum number of vehicles allowed and where will they park?**

*Applicant Response:* The maximum number of vehicles allowed is 3 and they can all fit in the driveway with one in the garage as well.

**5. What is the maximum number of people that will be staying at any one time?**

*Applicant Response:* The maximum number of guests is 7.

**6. What is the projected annual occupancy rate for this listing?**

*Applicant Response:* The hope is 50% occupancy by renters and the rest by our family as it is our second home to stay in when we go to the KC area for things.

**7. Who will be the designated property manager? Explain the details of this arrangement. What is their contact information? Provide the contact information to the neighbors within the notice area.**

*Applicant Response Summarized:* Our property manager is Cheryl Townsend. She will be called and asked to be onsite until we can get there. Phone Number: (913) 240-9454.

**8. How will you communicate with the neighbors if there are any issues?**

*Applicant Response Summarized:* Our neighbors have both our cell phone numbers as well as our email address to contact us if needed.

**9. Do you have a Business License/Occupational Tax Receipt from the Unified Government?**

*Applicant Response Summarized: No response.*

Staff Response: The applicant will be required to obtain their business license prior to operation.

**10. How will you pay appropriate Kansas State Lodging Taxes? Does AirBNB or other short-term rental company deduct and pay these taxes?**

*Applicant Response Summarized: Both AirBNB and VRBO pay these taxes out and we have an accountant that will make sure all taxes are paid as needed.*

**11. Indicate how you will maintain the property in a safe and sanitary manner, including:**

- a. Working smoke detectors in each bedroom plus each level of the unit/house
- b. GFCI outlets required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/ risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe; and
- i. Facility cleaned and sanitized after each guest check-out.

Staff Response: The applicant has completed a home inspection.

**12. Note that the Unified Government uses the services of Host Compliance by Granicus to monitor issues related to short-term rentals such as noise, etc. and to address violations. Their contact information needs to be made available to all guests in the welcome packet. The Unified Government issues notices on all short-term rentals who are not compliant. 913-246-5133. [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips)**

**13. Do you provide a guest manual that lists rules and regulations such as "no parties," etc.?**

*Applicant Response Summarized: We provide a physical copy in the house and an electronic copy prior to check in that states the rules of the house.*

**14. The number of guests allowed must be appropriate to the number of available rooms and bedding.**

**15. Will guests be allowed to bring pets to the property?**

*Applicant Response Summarized: No.*

16. In the event that there is an issue on the property, how fast can the owner or manager be on-site if necessary?

*Applicant Response Summarized: Property manager will be on site with 20 minutes if an issue arises that she's needed.*

17. Actions taken to achieve compliance:

*Applicant Response Summarized: We have held the neighborhood meeting and received no emails or phone calls or attendance to meeting to stay in compliance there. We will continue to work towards finishing the house how it is asked of us.*

### **Planning Engineering Comments:**

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
1. None.
- B. Items that are conditions of approval:
1. None.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
1. None

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### **STAFF RECOMMENDATION**

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Staff recommends that the City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-001** subject to all comments and suggestions outlined in this staff report.

1. **The applicant shall provide proof to staff of the following repairs prior to their ordinance being approved by the Board of Commissioners**
  - a. **The stairs shall be repaired or replaced to create a consistent height between stairs;**
  - b. **The basement stairs shall have a fire barrier installed;**
  - c. **An anti-tip bracket shall be installed on the gas range/stove;**
  - d. **A TPR valve shall be installed on the water heater that extends to within 6" of the floor;**
  - e. **The trees in the rear yard shall be trimmed to clear branches from the overhead service wires;**
  - f. **The abandoned wiring shall be removed from the electrical panel;**
  - g. **Any identified ungrounded outlet shall be grounded;**
  - h. **Replace the flexible gas line with a rigid gas line; and,**
2. **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 as both the property owner and the business owner that they 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;
3. Maximum number of guests shall be seven (7);
  4. All parking must be off-street, maximum number of vehicles is three (3);
  5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
  6. Applicant must maintain liability insurance;
  7. Applicant must maintain the property's physical condition through the duration of the permit;
  8. All reservations shall be a minimum stay of 24 hours;
  9. No meals shall be prepared in the dwelling by the owner or owner's agent;
  10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
  11. The owner or owner's agent/operator shall provide a guest book with the following information:
    - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
    - b. A lead-based paint notification for any property built before 1978.
    - c. An asbestos notification for any property built before 1981.
    - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);
  12. The property must remain in proper maintenance and free of hazards, pests, or infestations.
  13. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions;

- however, all requirements must be completed for all items not secured by the bond;
14. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
  15. 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;
  16. Approval of this case by the Board of Commissioners, 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 real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
  17. The Special Use Permit shall be valid for one (1) year 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 in order 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;
  18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,
  19. 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.

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## **ATTACHMENTS**

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Aerial Imagery  
Zoning Map  
Land Use Map  
Floor Plan  
Site Plan  
Site Photos, Taken by Staff, Dated February 6, 2023  
Neighborhood Meeting Materials

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## REVIEW OF INFORMATION AND SCHEDULE

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Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2023	March 30, 2023
Special Use		

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**STAFF CONTACT:**

**James Molloy**  
[jmolloy@wycokck.org](mailto:jmolloy@wycokck.org)

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## MOTIONS

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I move the Kansas City, Kansas, City Planning Commission **RECOMMEND APPROVAL** of Petition **SP2023-001** to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. \_\_\_\_\_;
2. \_\_\_\_\_; And
3. \_\_\_\_\_.

## OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of Petition **SP2023-001**, to the Unified Government Board of Commissioners as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

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# ATTACHMENTS

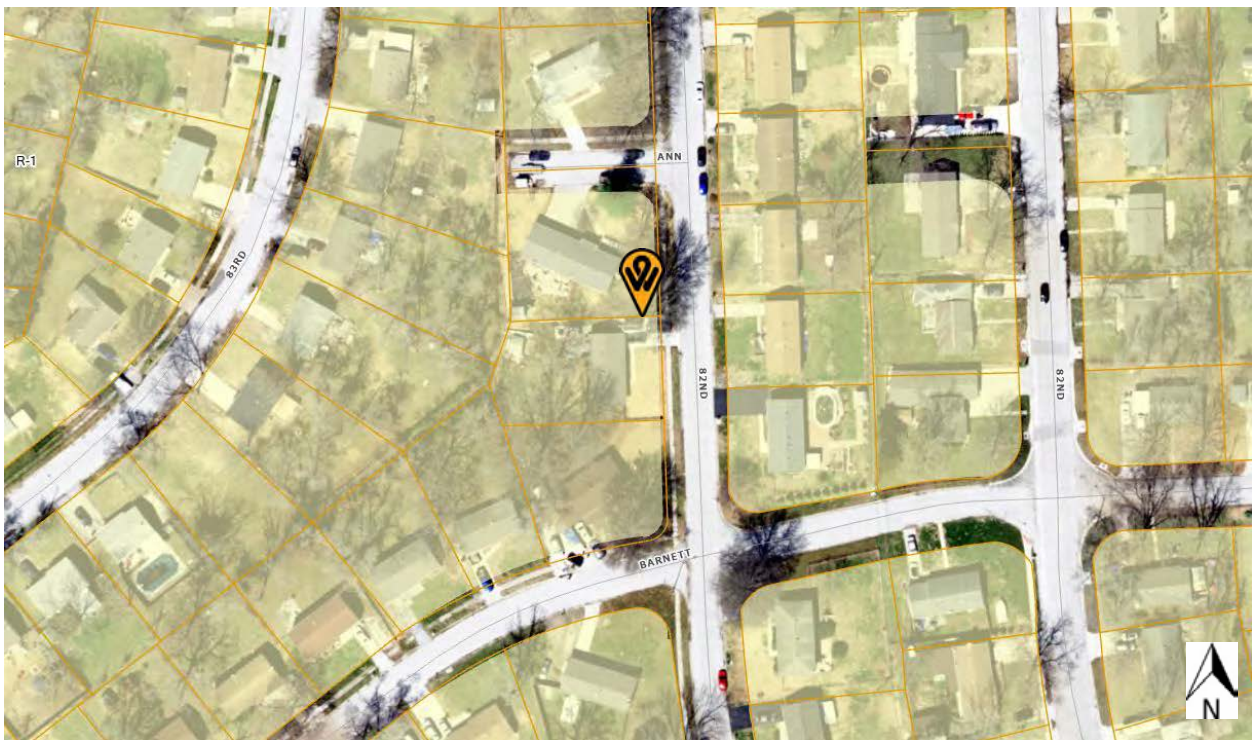
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## AERIAL IMAGERY



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## ZONING MAP

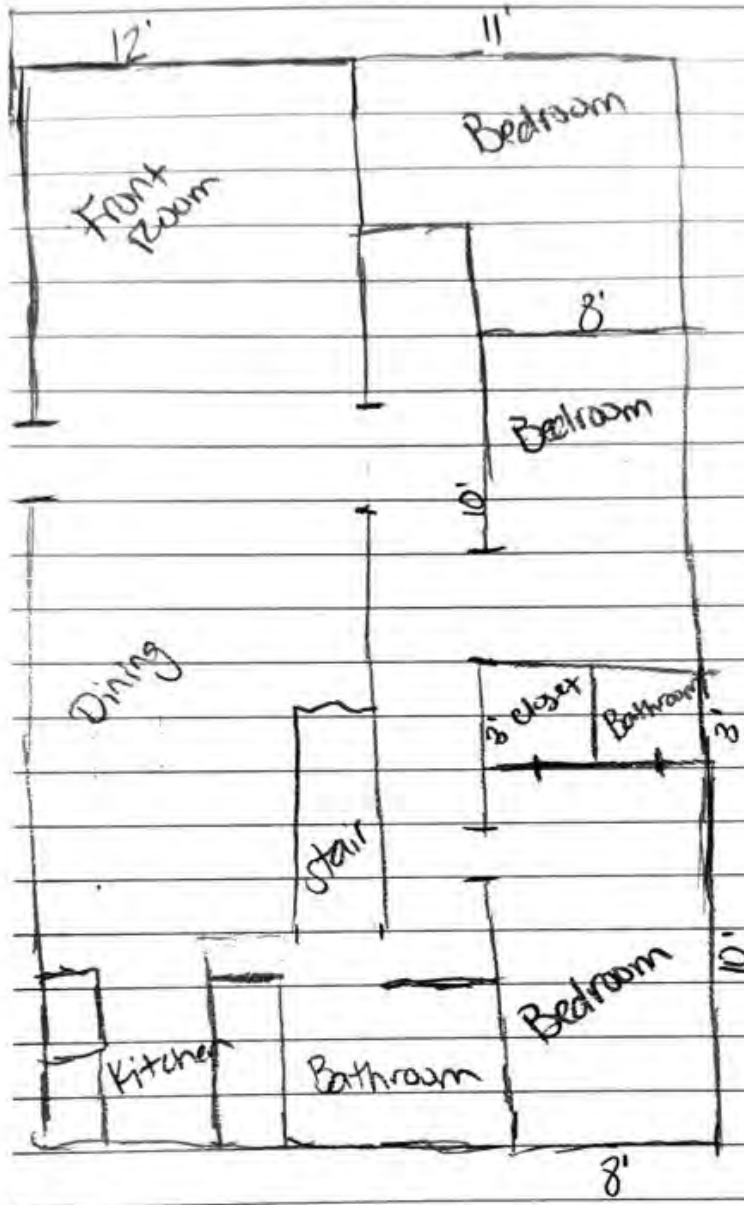




# LAND USE MAP

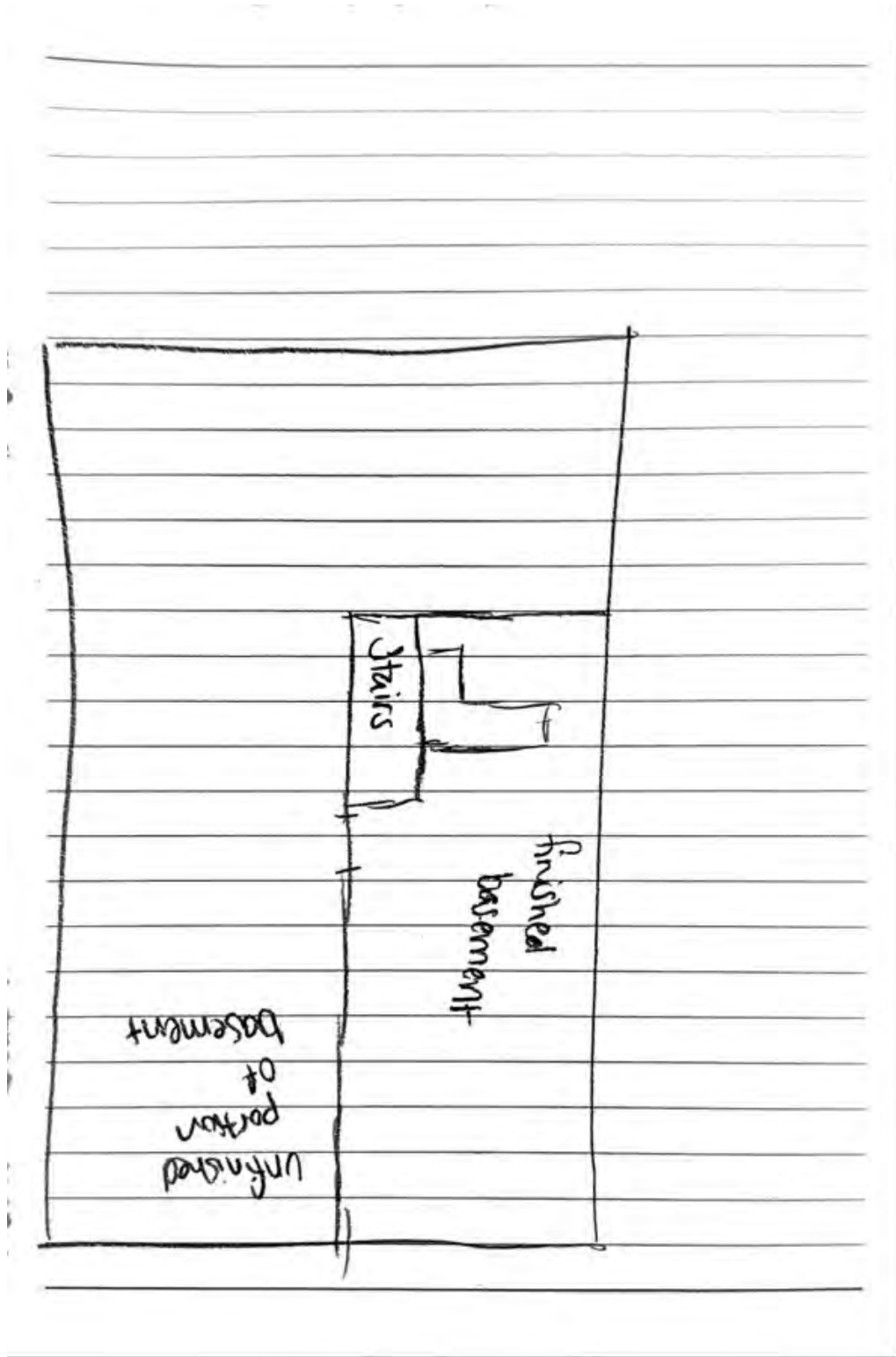


FLOOR PLAN



30' x 23'

FLOOR PLAN



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**SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023**

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## NEIGHBORHOOD MEETING MATERIALS

application number: SP2023-001

Meeting held via Virtually via Microsoft Teams.

Attendee Names:

• No attendees

Introductions:

Adam Boyle - Homeowner

Meeting called to order at February 27th at 3:32pm

Presentation:

Planned to review how we are wanting to utilize the home as a short term rental when we are not occupying it to help Supplement the mortgage, maintain, and overall cost of the home.

Questions and answers

no questions via email, phone, or at meeting

Meeting Adjourned at: 4:03pm

Minutes Taken by Adam Boyle

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF \_\_\_\_\_ )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

Comes now Adam Boyle, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-001
2. That I conducted a neighborhood meeting on Feb 27 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

  
\_\_\_\_\_   
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

My commission expires \_\_\_\_\_ of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Notary Public