



# 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:** November 13, 2023  
**Re:** **Special Use Petition SP2023-077**

## GENERAL INFORMATION

**Applicant:**  
Brian Glasser

**Status of Applicant:**  
Property Owner  
730 Minnesota Avenue  
Kansas City, Kansas 66101

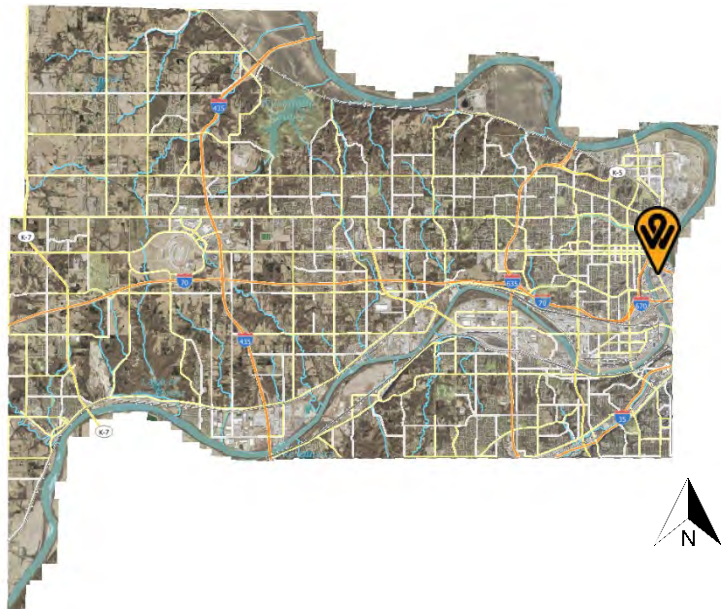
**Requested Action:**  
Approval of a Short-Term Rental  
Special Use Permit.

**Date of Application:**  
September 25, 2023

**Purpose:**  
To approve a Special Use Permit  
for a Short-Term Rental. This is not  
the applicant's primary residence.

**Property Location:**  
508 Ohio Avenue  
Kansas City, Kansas 66101

**Commission Districts:**  
Commissioner At-Large, District #2:  
Tom Burroughs  
District #2 Commissioner:  
Brian McKiernan



<b>Existing Zoning:</b>	R-1(B) Single Family District
<b>Adjacent Zoning:</b>	<b>North:</b> R-1(B) Single Family District <b>South:</b> None (Right-of-way) <b>East:</b> None (Right-of-way) <b>West:</b> R-1(B) Single Family District
<b>Adjacent Uses:</b>	<b>North:</b> Single family residence <b>South:</b> Interstate 70 <b>East:</b> Interstate 70 <b>West:</b> Single family residence
<b>Total Tract Size:</b>	0.08 Acres
<b>Comprehensive Plan Designation:</b>	The Central Area Plan designates the property as Urban Density, which allows a mix of detached and attached residential.
<b>Major Street Plan:</b>	The goDotte Mobility Plan designates Ohio Avenue as a Local/Neighborhood Street.
<b>Parking Requirement:</b>	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
<b>Advertisement:</b>	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
<b>Public Hearing:</b>	November 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 applicant, Brian Glasser, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 508 Ohio Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 500 block of Ohio Avenue.

*City Ordinance Requirements:* 27-592 through 27-606, 27-214, and 27-623.

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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 is an active Notice of Violation on the subject property. The property also received two (2) citations since its previous approval.
  - a. 2023 – ENV23-3161 – Environment – Indoor furniture sitting on the deck
  - b. 2020 – 2020-01594 – Environment – Appliance sitting on the deck
  - c. 2020 – 2020-01511 – Environment – Grass and Weeds

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

1. There are no additional outstanding or related permits and cases.

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## **FACTORS TO BE CONSIDERED**

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

The subject property is located in the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Group and the Central Area Betterment Association (CABA) group. The neighborhood consists of a mix of single-family residences as well as duplexes and fourplexes and small-scale commercial uses.

### ***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 subject property is surrounded primarily by the R-1(B) Single Family District. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. 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 has been utilized as a short-term rental since 2019. The rental has been operating without permits since the expiration of it's last permit in 2021.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Urban Density, which allows for attached and detached residential. The use as a short-term rental conforms to the Area Plan.

**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 has the potential to increase vehicular traffic but should not exceed the capacity of Ohio Avenue, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

**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, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

**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 and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out 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 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, their primary residence, or sell the property.

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is (x). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

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## **PREVIOUS ACTIONS**

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Approval of a Special Use Permit (SP-2020-13) for short-term rental for one (1) year in 2019.

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## **NEIGHBORHOOD MEETING**

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The applicant held a neighborhood meeting on October 30, 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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Home Inspection Report  
Illumination  
Noise  
Operating without a Special Use Permit  
Overcrowding  
Parking  
Vibration

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## **STAFF COMMENTS AND SUGGESTIONS**

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**Planning and Urban Design Comments:**

1. This short-term rental was operating for two (2) years without a valid Special Use Permit. Was the applicant aware that they were required to renew the Special Use Permit? Why has the applicant continued to operate despite being told to cease operation until the proper permits have been obtained? Why did the

applicant subsequently apply for an additional Special Use Permit for another property but not renew this one.

*Applicant Response: The applicant does not continue to operate the short-term rental without proper permits. We currently have long-term tenants in the unit and have had them in there for nearly 2+ months now. As soon as the applicant realized that the permit had lapsed by the former owner (aKCo Investments purchased from a Thomas Vanderbrand), we contacted city planners and made sure we got educated on the new guidelines (such as proximity to other BnB's, etc.)*

Staff Response: The property has been removed from platforms as of October 31, 2023.

2. The following items identified in the home inspection report shall be repaired prior to the case being heard by the Planning Commission:
  - a. Repair damaged roof shingles and plumbing vent boot (Page 6);
  - b. Clean the gutters (Page 7);
  - c. Replace the cover for the electrical panel (Page 8);
  - d. Install a furnace air filter (Page 10).

*Applicant Response: Understood and non-issue.*

3. The parking in front of the residence on Ohio Avenue shall be restriped.

*Applicant Response: Understood and non-issue.*

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

*Applicant Response: We rent the whole home.*

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

*Applicant Response: 2*

6. What is the maximum number of vehicles allowed and where will they park? Indicate guest parking on the site plan.

*Applicant Response: One (1) vehicle is allowed to park in front of the residence. At the aforementioned area which shall be restriped (site plan previously provided).*

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

*Applicant Response: Five (5) guests.*

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

*Applicant Response: We hope to achieve 75% occupancy in the calendar year*

9. 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: Brian Glasser is a licensed real estate professional and manager of the home. My partner Andrew Morgans and I live about 5 minutes away and our office is located at 730 Minnesota, only about 3-5 minutes away.*

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

*Applicant Response Summarized: The direct adjacent neighbor to us has our phone number and contact information. Their real estate agent also has our contact information.*

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

*Applicant Response Summarized: Will obtain the business license for this property upon completion of the application.*

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

*Applicant Response Summarized: Yes the platform deducts these. We also pay our taxes in general for living and operating in the state.*

13. Indicate how you will maintain the property in a safe and sanitary manner, including:
- Working smoke detectors in each bedroom plus each level of the unit/house
  - GFCI outlets required in bathrooms
  - Double keyed locks are not allowed
  - Copper cannot be used for gas supply lines
  - Windows must be operable, not blocked or boarded
  - Handrails are required at sets of 4 or more stairs/ risers
  - Hot water tank and furnace must be vented properly and operational
  - Electric panel and circuits must be safe; and
  - Facility cleaned and sanitized after each guest check-out.

Staff Response: The applicant has completed a home inspection.

14. 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)

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

*Applicant Response Summarized: We have that in our host book and we notify our guests, we are not a party house.*

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

17. Will guests be allowed to bring pets to the property?

*Applicant Response Summarized: We cannot deny service animals, etc. but we typically do not prefer pets stay.*

18. 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: 5 to 10 minutes.*

19. Actions taken to achieve compliance:

*Applicant Response Summarized: Following the Unified Government protocol.*

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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 recommend **APPROVAL** of Petition **SP2023-077** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. **The parking in front of the property shall be restriped;**
2. **All repair items shall be completed prior to operation. Any additional repair items not mentioned in the report shall be repaired and completed prior to renewal of SP2023-077;**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is one (1);**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **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;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**



- 10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips) (website);**
- 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](mailto:signpermits@wycokck.org) to begin this process;**
- 12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
- 13. 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](mailto: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;**
- 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 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. 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;**
- 17. 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;**

18. **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;**
19. **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 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;**
20. **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; and,**
21. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

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## **ATTACHMENTS**

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Aerial Imagery  
Zoning Map  
Land Use Map – Central Area Plan  
Host Compliance Map – October 19, 2023  
Floor Plan  
Home Inspection Report  
Site Photos, Taken by Staff, Dated October 14, 2023

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## REVIEW OF INFORMATION AND SCHEDULE

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Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 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 **SP2023-077** 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 **SP2023-077**, 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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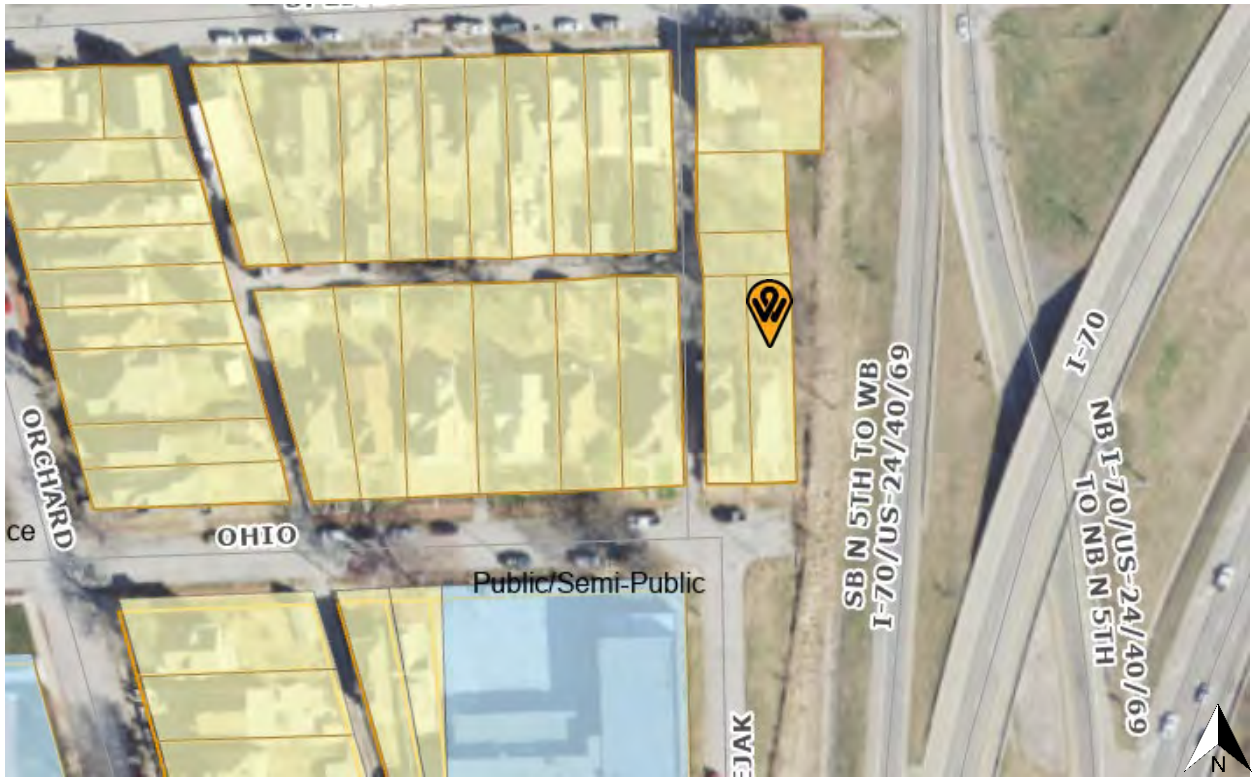
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## ZONING MAP

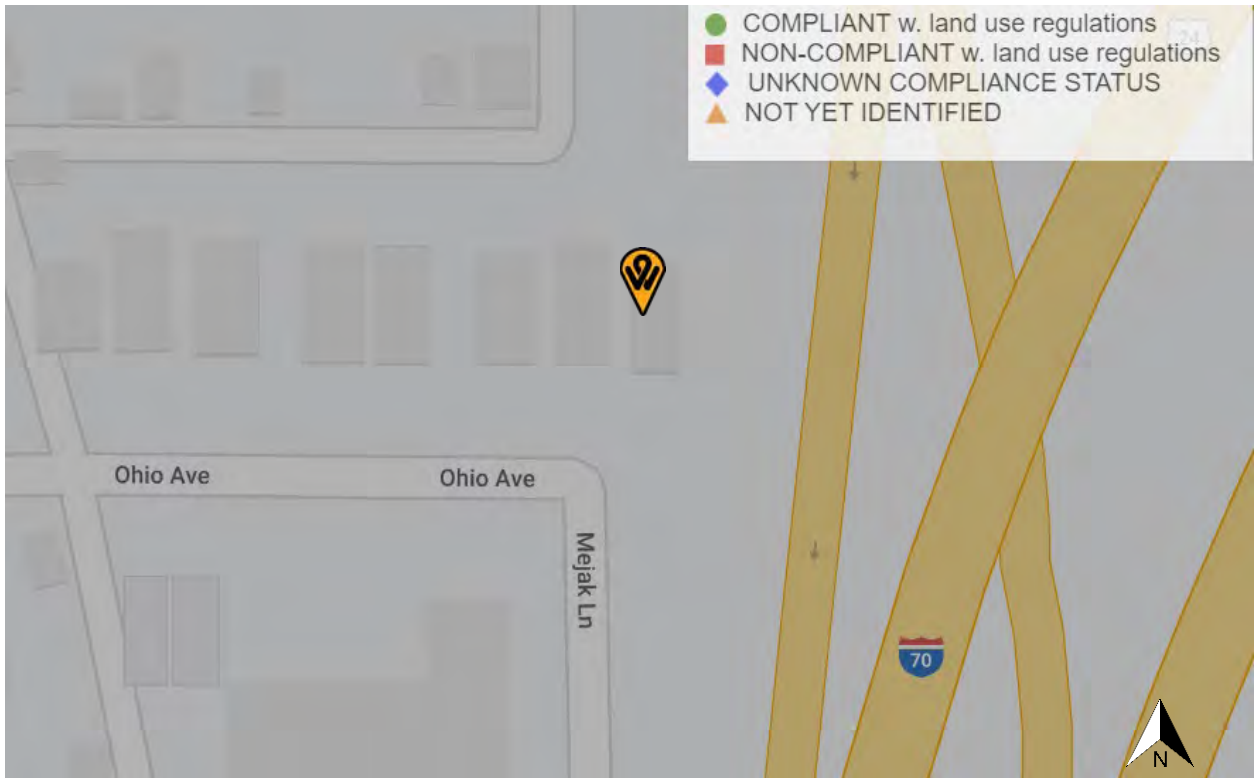
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# LAND USE MAP – CENTRAL AREA PLAN



# HOST COMPLIANCE MAP – OCTOBER 31, 2023



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## NEIGHBORHOOD MEETING MATERIALS

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### MEETING MINUTES:

**Application Number:** #SP2023-077

**Date and Location:** 30-OCT-23 via Virtual Meeting

**Meeting called to order at:** 18:00 pm, CST, on 30-OCT-23

**Names of people in attendance:** Brian Glasser & Andrew Morgans

**Overview:** No attendees showed up, and no attendees called or emailed us personally.

- We concluded the meeting at 18:30 and we were available via phone call as well until 19:00 pm CST.

**Meeting adjourned at:** 18:30, on 30-OCT-23

**Minutes taken by:** Andrew Morgans

**AFFIDAVIT – NEIGHBORHOOD MEETING**

STATE OF Kansas )  
 ) SS:  
COUNTY OF Wyandotte )

Comes now Brian Glasser (akCo Investments), of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-077.
2. That I conducted a neighborhood meeting on 30-OCT-23.
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.

DocuSigned by:  
Brian Glasser  
Affiant  
470038DA46C04A3

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20<sup>th</sup> day of October, 2023  
My commission expires 20<sup>th</sup> of March, 2024

FALLON MICHELLE THOMPSON  
NOTARY PUBLIC, NOTARY SEAL  
STATE OF MISSOURI  
Commissioned for Jackson County  
Commission Number 18260418  
My Commission Expires Mar. 20, 2026

[Signature]  
Notary Public

Legacy Home Inspections		508 Ohio Ave, Kansas City, KS
Report Summary		
<b>Structure</b>		
Page 4	Foundation	<ul style="list-style-type: none"> <li>• Monitor: Observed horizontal cracking at the rear foundation wall. This is an indication that some lateral movement has occurred at the wall. Recommend that a structural engineer evaluate the foundation and structural components of the home.</li> </ul>
<b>Roofing</b>		
Page 6	Sloped Roofing	<ul style="list-style-type: none"> <li>• Repair: Observed tree limbs laying across the roof. Recommend that limbs be cut by a qualified contractor to prevent damage to the roof.</li> <li>• Repair: Observed damage to the roofing shingles. Recommend that a licensed roofing professional evaluate the roof.</li> <li>• Monitor: Observed some granule loss on the roofing shingles. This is an indication that the roof is showing signs of aging. A licensed roofing professional could give an estimate on the expected remaining life of the roof.</li> <li>• Repair: Observed exposed nails on the roof. All exposed nails should be covered with a waterproof sealant to prevent rusting and moisture intrusion. Recommend repair by a licensed roofing professional.</li> <li>• Repair: Observed damage to a plumbing vent boot on the roof. Recommend that a licensed roofing professional evaluate for repairs.</li> </ul>
Page 7	Gutters	<ul style="list-style-type: none"> <li>• Repair: The gutters require cleaning to avoid spilling roof runoff around the building - a potential source of water entry or water damage.</li> </ul>
<b>Electrical</b>		
Page 8	Main Panel	<ul style="list-style-type: none"> <li>• Safety Issue: The cover was missing for the electric panel. Recommend installing cover to prevent electrocution hazard.</li> <li>• Repair: Recommend replacement of missing bushings/grommets.</li> <li>• Repair: Recommend plugging open knockouts in the panel.</li> </ul>
<b>Heating</b>		
Page 10	Furnace	<ul style="list-style-type: none"> <li>• Repair: The furnace air filter was not installed at the time of inspection. Recommend installing filter.</li> </ul>
<b>Insulation/Ventilation</b>		
Page 13	Attic	<ul style="list-style-type: none"> <li>• Repair: There was no insulation in the attic at the time of inspection. Recommend adding insulation to the attic to achieve a minimum R-30 insulation level.</li> </ul>
		Page 2 of 17



FLOOR PLAN



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**SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 19, 2023**

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