

**BOARD OF ZONING APPEALS
SEPTEMBER 12, 2022
DECISIONS**

The Board of Zoning Appeals met in regular session on Monday, September 12, 2022, at 6:00 p.m., (via Zoom Webinar and the Commission Chamber of the Municipal Office Building) with the following members present: Mr. Jeff Carson, Chairman Presiding (Zoom), Ms. Brandie Armstrong (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom), Mr. Mark Mohler (Zoom), Mr. Joseph Straws (Zoom) and Mr. Aaron Ward (Commission Chamber) (Absent: Jones and Pauley). 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 and Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), Mr. James Molloy, Planner (Zoom), and Mr. Daniel Kuhn, 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 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, and Staff will let the Chairman know you want to speak. 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 and the applicant was not present and was recalled at 45:00 and the applicant was not present:

BOZA2022-034 – MATT WATKINS WITH REECE COMMERCIAL, 2908 North 103rd Terrace, Zoned CP-2 Planned General Business District. Variance 1: This appeal has been filed to grant a variance from the minimum setback for temporary signs. Per Section 27-729(b)(3), the height of a temporary sign shall not exceed three (3) feet at the minimum setback line and may increase one (1) foot for every additional 10 feet that the sign is set back up to the maximum height permitted in Table VIII-11-12; the total minimum setback required for the sign as proposed is 35 feet. The appellant is requesting a setback of five (5) feet, a violation of 30 feet. Variance 2: This appeal has been filed to grant a variance from the maximum continuous display time period for a wood-framed temporary sign. Section 27-729(b)(4)c.2, states that the maximum continuous time period is 90 days. The appellant is requesting to erect a temporary sign for 180 days, a violation of 90 days. Variance 3: This appeal has been filed to grant a variance from the maximum sign face area for a temporary sign. Section 27-729(b), Table VIII-11-12.5 states that the maximum area cumulative sign area of a temporary sign in the C-2/CP-2 District is 300 square feet. The appellant is requesting a temporary sign with a cumulative sign area of 640 square

feet, a violation of 340 square feet. Variance 4: This appeal has been filed to grant a variance from the maximum height of a temporary sign. Section 27-729(b), Table VIII-11-12.6 states that the maximum height of a temporary sign in the C-2/CP-2 District is six (6) feet. The appellant is requesting a temporary sign with a height of 16 feet, a violation of 10 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:

- No one appeared

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 45:26: Planning Director Hand stated that the request is for four (4) variances. The property was before the Board previously for a sign functioning as a billboard. The property is in the Prairie-Delaware-Piper Master Plan area. A variance was previously approved for the size and location of the sign. This request is to allow additional time for the temporary sign is only allow a maximum 90 days (which has since expired). Staff has not received all the requested materials to review this request. The applicant has been nonresponsive to Staff and Staff recommends denial. If this application is denied, Staff will follow-up with Code Enforcement in order to ensure the removal of the sign.

Motion/Vote starts at 49:00:

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

Carson	Chairman
Miller	No
Mohler	No
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	No
Beth	Aye
Connelly	Did not call his name
Ernst	No
Jones	Not Present

Motion to DENY Failed: 3 to 4

For the following reasons:

- 1) The variance request does not fulfill Statutory Requirement #1. There are no terrain constraints that would create a condition preventing the sign from not meeting the required setback;
- 2) The variance request does not fulfill Statutory Requirement #3. Meeting the setback required of the sign, especially a sign requested to exceed the maximum height by 10 feet, does not constitute an unnecessary hardship;
- 3) The applicant has failed to respond to staff questions and requests for information provided in the BOZA2022-034 draft staff report sent on June 21, 2022;
- 4) The applicant has failed to provide neighborhood meeting materials, and has provided no indication that the required neighborhood meeting was conducted; and,
- 5) The applicant has failed to remove the existing accessory sign after 90 days, as stated in the *Staff Recommendations* section of the BOZA2021-044 staff report, and approved as the same by the Board of Zoning Appeals on December 13, 2021.

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

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

Motion to Hold Over Failed: 4 to 5

After the hold over vote, it was discovered that Board Member Connelly's name was not called by Secretary Parker for the denial vote.

On motion by Mr. Straws, seconded by Mr. Connelly, the Board voted to **reconsider** the denial motion previously made and voted on:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present

Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Not Present

Motion to reconsider Passed: 8 to 0

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

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

Motion to DENY Passed: 5 to 4

For the following reasons:

- 1) The variance request does not fulfill Statutory Requirement #1. There are no terrain constraints that would create a condition preventing the sign from not meeting the required setback;
- 2) The variance request does not fulfill Statutory Requirement #3. Meeting the setback required of the sign, especially a sign requested to exceed the maximum height by 10 feet, does not constitute an unnecessary hardship;
- 3) The applicant has failed to respond to staff questions and requests for information provided in the BOZA2022-034 draft staff report sent on June 21, 2022;
- 4) The applicant has failed to provide neighborhood meeting materials, and has provided no indication that the required neighborhood meeting was conducted; and,
- 5) The applicant has failed to remove the existing accessory sign after 90 days, as stated in the *Staff Recommendations* section of the BOZA2021-044 staff report, and approved as the same by the Board of Zoning Appeals on December 13, 2021.

Application starts at 5:25:

BOZA2022-036 – ALONZO BURTON WITH BURTON GROUP, 3232 Sewell Avenue, Zoned R-1(B) Single Family District. 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 2,000 square feet, a violation of 1,000 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:

- Alonzo Burton, applicant, representing the owner of property at 3232 Sewell Avenue, Kansas City, Kansas

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 9:25: Planning Director Hand stated that this property is in the Northeast Area Master Plan in the Sortor Drive area. Staff has received no letters in support nor in opposition. There have been numerous Notices of Violation on this property. The five (5) parcels have been combined into one (1) parcel and the frontage for the house is on 32nd Street and the frontage for the remaining parcel is on 32nd Terrace. There is a Special Use Permit for the Temporary Use of Land to park dump trucks on a residentially zoned property. Director Hand stated that one (1) of the conditions of approval is the structure will not become an accessory dwelling unit as it has a kitchen and bathroom on the proposed floor plan. No full bath allowed. Staff has asked for additional landscaping and that the proposed accessory structure be located off the existing driveway accessed off 32nd Street. There is an existing accessory structure that needs to be removed. The property is within the Quindaro and Western University Historic District environs and the applicant must apply for an environs review through the Historic Landmarks and Districts process. Staff has also requested a revised set of plans be submitted for building permits. Staff recommends approval subject to the conditions in the Staff report.

Motion/Vote starts at 12:06:

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

Carson **Chairman**

Miller **Aye**
Mohler **Aye**
Pauley **Not Present**
Straws **Aye**
Ward **Aye**
Armstrong **Aye**
Beth **Aye**
Connelly **Aye**
Ernst **Aye**
Jones **Not Present**
Motion to APPROVE Passed: 8 to 0
Subject to:

- 1) As the subject property is within the Quindaro & Western University Historic District environs, the applicant must apply for an environs review letter by October 1, 2022;**
- 2) The applicant must submit a revised set of plans by October 1, 2022 that include the following:**
 - a. An accessory building floor plan demonstrating that the bathroom has been removed;**
 - b. A site plan demonstrating that the proposed driveway accessing North 32nd Terrace has been removed; and,**
 - c. A landscaping plan must be provided;**
- 3) No renewal of a Special Use Permit for temporary commercial or industrial uses for the storage of dump trucks may be granted for more than one (1) year;**
- 4) Within 90 days of the date in which the Special Use Permit for temporary commercial or industrial uses for the storage of dump trucks is no longer in effect the property owner shall add additional siding across the top of the garage doors in order to prevent semi-truck from entering the accessory building, but which will still allow a vehicle such as an RV to enter;**
- 5) No accessory building shall be habitable nor shall be used for residential purposes;**
- 6) All lighting on the property must be facing downward at a 90-degree angle and all lighting shall be designed to direct all light onto the subject property;**
- 7) The tree line on the north side of the subject property must be maintained to a degree that it effectively serves as landscape screening between the accessory building and neighboring properties to the north;**
- 8) The existing shed on the subject property must be demolished before building permits can be issued for the proposed accessory building;**
- 9) The property owner current holds a Special Use Permit for land for temporary commercial or industrial uses (SP-2020-53). Therefore, regardless of the outcome of this variance request, the applicant must file and maintain a current business occupation tax application with this office;**

- 10) The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 12) 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) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 14) 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;
- 15) 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;
- 16) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly; and,
- 17) 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 13:00:

BOZA2022-038 – GLENN BENNETT, 2615 Espenlaub Lane, Zoned R-1 Single Family District. Variance 1: This appeal has been filed to grant a variance from the minimum size of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum lot size of five (5) acres. The new lots created by PLAT2022-022 receive access from Espenlaub Lane, which is designated as a Collector Street per Section 27-763(f)(8). The appellant is requesting lots of 0.28 acre (Lot 1A) and 4.22 acres (Lot 1B), a violation of 4.72 acres and 0.78 acre, respectively. Variance 2: This appeal has been filed to grant a variance from the minimum frontage of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum frontage of 300 feet. The new lots created by PLAT2022-022 receive access from Espenlaub Lane, which is designated as a Collector Street per Section 27-763(f)(8). The appellant is requesting frontages of 61.8 feet (Lot 1A) and 50 feet (Lot 1B), a violation of 238.2 feet and 250 feet, respectively. Variance 3: This appeal has been filed to grant a variance from the maximum depth-to-width ratio for a lot. Section 27-280(b) states that the depth of a lot shall not exceed three (3) times the width. The appellant is requesting lots with depth-to-width ratios of 3.24:1 (Lot 1A) and 13.21:1 (Lot 1B), a violation of eight percent (8%) and 340%, respectively. Variance 4: This appeal has been filed to grant a variance from the minimum lot size in the A-G District. Section 27-452(a) requires that all new lots must be five (5) acres or greater. The appellant is requesting a lot size of 4.22 acres, a violation of 0.78 acre.

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

Appeared in Support:

- Glenn Bennett, applicant, 5501 Barkley, Mission, Kansas

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 23:20: Planning Director Hand stated that this case is being heard in conjunction with Change of Zone COZ2022-025 and PLAT2022-029 later this evening before the City Planning Commission. This property is in the City-Wide Master Plan and in the Shawnee Heights neighborhood. Staff has received no letters in support

nor in opposition. There are some Notices of Violation and this application came forward due to a stop-work order related to the unimproved driveway without a right-of-way permit. Staff recommends approval subject to the conditions in the Staff report.

Motion/Vote starts at 24:20:

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

- 1) Stop Work Order BSR21-0074 shall remain in place until the applicant files for all appropriate building permit(s);**
- 2) The applicant must contact the Wyandotte County Conservation District and receive a conservation plan for the parcel to be rezoned to the A-G District;**
- 3) The tree line along the south and east boundary lines of the subject property should be maintained. Further trees should be planted along the west property line to provide landscape screening for the adjacent neighbors along Espenlaub Lane as well;**
- 4) Any other parking, loading, or maneuvering areas related to the accessory building must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or an acceptable alternative as determined by the county engineer;**
- 5) 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;**
- 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) This Board of Zoning Appeals case is being heard in conjunction with Petitions COZ2022-025 and PLAT2022-022;
- 8) All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 9) 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;
- 10) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 11) Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
- 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; and,
- 13) 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 25:42:

BOZA2022-040 – STANLEY AND LAURA GEORGE, 5933 Oak Grove Road, Zoned R-1 Single Family District. Variance 1: 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 2,080 square feet, a

violation of 1,080 square feet. Variance 2: This appeal has been filed to grant a variance from the minimum lot size required for an accessory building to refrain from meeting the color- and material-matching standards. Section 27-609(2)a states that in any residential district on a parcel less than three (3) acres, preformed, corrugated or ribbed metal, fiberglass or plastic sheets or panels are specifically excluded, except that metal can be used for the walls of the unit provided they have a factory applied and painted finish closely matching the color of the primary structure. The appellant is requesting a metal accessory building with colors that do not match the primary structure on a parcel of 1.10 acres, a violation of 1.9 acres.

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

Appeared in Support:

- Stanley George, applicant, 5933 Oak Grove Road, Kansas City, Kansas 66106

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 27:30: Planning Director Hand stated that the request is for an oversized structure and building materials matching the primary structure on residentially zoned properties under three (3) acres. The property is in the City-Wide Master Plan and in the Turner area. Staff has received no letters in support nor in opposition. There are some old Notices of Violation that predate this case and have been resolved and closed. Staff recommends approval of the size of the structure and denial of the building materials deviation. As this property is under three (3) acres, Staff feels that the materials and color should match the primary structure. Staff recommends approval of Variance 1 and denial of Variance 2.

Motion/Vote starts at 30:45:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Straws, seconded by Mr. Ernst, the Board of Zoning Appeals voted as follows to **APPROVE** Variance 1 and **DENY** Variance 2 as the color and materials of the accessory structure should match the primary structure:

Carson	Chairman
Miller	Aye
Mohler	Aye
Pauley	Not Present
Straws	Aye
Ward	Aye
Armstrong	Aye

Beth Aye
Connelly Aye
Ernst Aye
Jones Not Present

Motion to APPROVE Variance 1 and DENY Variance 2 Passed: 8 to 0

Subject to:

- 1) 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;
- 2) Any driveway, driveway apron, 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. All paving work must be completed within 12 months of the date that the variance is approved by the Board of Zoning Appeals;
- 3) The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
- 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) 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,

- 8) 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 32:20:

BOZA2022-044 – WIL ANDERSON WITH BHC RHODES, 1050 Armstrong Avenue, Zoned R-1(B) Single Family District. 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:

- Wil Anderson, applicant, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66101

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 35:04: Planning Director Hand stated there are two (2) variances being heard together. The fence was built across the property line and does not meet the code for transparency in a front yard. Therefore, the request is for a self-imposed hardship. The owner owns both lots and now wants to move the property line before selling one of their lots. Staff recommends denial of both variances.

Motion/Vote starts at 36:00:

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Connelly, seconded by Mr. Straws, the Board of Zoning Appeals voted as follows to **DENY Variances 1 and 2 as this is a self-imposed hardship created by the actions of the owner who now wants to sell one (1) of the lots. The owner split the two (2) lots administratively and the fence constructed is now not in compliance with the code:**

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

Motion to DENY Passed: 8 to 0

Application starts at 39:10:

BOZA2022-045 – ANDREA WEISHAUBT WITH ATLAS LAND CONSULTING, 3222 North 38th Street, Zoned R-1 Single Family District. Variance 1: This appeal has been filed to grant a variance from the minimum size of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum lot size of five (5) acres. Lot 2, created by PLAT2022-019, receives access from North 38th Street, which is designated as a Collector Street per Section 27-763(f)(61). The appellant is requesting a lot of 0.70 acre, a violation of 4.30 acres. Variance 2: This appeal has been filed to grant a variance from the minimum frontage of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum frontage of 300 feet. Lot 2, created by PLAT2022-019, receives access from North 38th Street, which is designated as a Collector Street per Section 27-763(f)(61). The appellant is requesting a frontage of 175 feet, a violation of 125 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:

- Austin Thompson, representing the applicant, 2300 Hutton Road, Suite 108, Kansas City, Kansas 66109

Appeared in Opposition:

- No one appeared

Staff Recommendation starts at 42:30: Planning Director Hand stated this application is being heard in conjunction with PLAT2022-019 by the City Planning Commission later this evening. The request is to take a legal non-conforming parcel and make it legal by splitting it into two (2) lots. According to code, two (2) single family houses are not allowed on one (1) lot. Staff discovered in their research that the two (2) homes were probably built before the property was incorporated. The property was agricultural before it was annexed and two (2) homes were allowed on the property under previous zoning codes. The variance and plat will bring this property into conformance. The property is in the City-Wide Master Plan in the Sortor Drive/Quindaro Townsite area. Staff has received no letters in support nor in opposition. There are numerous Notices of Violation unrelated to this request. Staff recommends approval subject to the conditions in the Staff report.

Motion/Vote starts at 44:00:

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

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

Motion to APPROVE Passed: 8 to 0
Subject to:

- 1. 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;**
- 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;
4. Per Section 27-317, electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided; and,
5. 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 7:05 p.m.

THE BOARD OF ZONING APPEALS

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