

**BOARD OF ZONING APPEALS  
SEPTEMBER 11, 2023  
DECISIONS**

The Board of Zoning Appeals met in regular session on Monday, September 11, 2023, at 6:12 p.m., (Via Zoom Webinar and Commission Chamber of the Municipal Office Building) with the following members present: Mr. Jeff Carson, Chairman Presiding (Commission Chamber), Mrs. Karen Jones, Vice Chairman (Zoom), Mr. Duane Beth (Commission Chamber), Mr. James Connelly (Zoom), Ms. Rose Elites (Commission Chamber), Mr. Jim Ernst (Zoom), Mr. Jake Miller (Zoom arrived at 6:15 p.m.), Mr. Mark Mohler (Zoom), and Mr. Aaron Ward (Commission Chamber). (Absent: Armstrong and Straws). Mr. Gunnar H. Hand, AICP, Director of Planning + Urban Design, Ms. Janet L. Parker, CSC/APC, Executive Assistant to the Director of Planning + Urban Design (Zoom), Mr. Byron Toy, AICP, Lead Planner (Zoom), and Mr. Jeff Conway, Assistant Counsel (Commission Chamber), were also present.

Chairman Carson called the meeting to order at 6:12 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;
2. Board Members that are participating by Zoom please 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 are in the Commission Chamber, please state your name before speaking once the Chairman recognizes you.
3. For those members of the public attending the meeting virtually this evening, please use the "raise your hand" feature if you want to speak on an application. If you are present in the Commission Chamber, please come to the microphone at the front of the room when the application is called. After the Chairman recognizes you, please state your name and address and make your comments.
4. If you are having issues getting in the Zoom meeting, please email [planninginfo@wycokck.org](mailto: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 2/3<sup>rd</sup> 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 4:10:00:**

**BOZA2023-019 – TOMAS DE LA PAZ FOR WHITTIER SCHOOL LOFTS, LP**, 290 South 10<sup>th</sup> Street, Zoned CP-O Planned Non-Retail Business and RP-5 Planned Apartment Districts. This appeal has been filed to rehab a vacant school building into a 20-unit multi-family apartment building. Variance 1: This appeal has been filed to grant a variance from the rear yard setback in the RP-5 District. Section 27-460(c)(2)d requires a setback of not less than 25 feet from the rear property line. The appellant is requesting that Lot 2 have a rear yard setback of 10 feet, a violation of 15 feet. This appeal has been filed to rehab a vacant school building into a 20-unit multi-family apartment building. Variance 1: This appeal has been filed to grant a variance from the rear yard setback in the RP-5 District. Section 27-460(c)(2)d requires a setback of not less than 25 feet from the rear property line. The appellant is requesting that Lot 2 have a rear yard setback of 10 feet, a violation of 15 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:**

- Christine Brewood, HJM Architects, representing the applicant, 7520 Washington Street, Kansas City, Missouri 64114

**Appeared in Opposition:**

- No one appeared

**Staff Recommendation starts at 7:34:** Planning Director Hand stated that originally there were three (3) variances submitted for this property. Through a revision and resubmission of the design, Variance #3 was eliminated. The property is in the Central Area Plan just off 10<sup>th</sup> Street just south of Central Avenue. There is a developable parcel on the other side of this property and the application is part of the Plat that will be heard later this evening at the City Planning Commission meeting. The Plat is proposed to split the property. Staff received no letters in support nor opposition. There are some older Notices of Violation due to the vacancy of the property that will be addressed, and will continue to be addressed, by the proposed redevelopment project. He stated that originally the front yard of this Historic building faced Gilmore. All access is proposed to be off 10<sup>th</sup> Street moving forward. As submitted by the applicant, the rear yard is the western property line. Staff's recommendation is for denial of the rear yard setback variance as it could be fixed by simply moving the rear line over. A previous revision already reduced this variance request. Part of this was already accomplished and removed the third variance. He showed the Board the existing driveway and parking lot from the former school and then they proposed a new parking lot where what would have been the hard top four-square area playground area. Staff agrees with the approval of Variance #2 as it relates to the setback of the existing parking but recommends denial of the variance for the required setback as the property address is Gilmore Avenue. This project was heard by the Landmarks Commission and received a Certificate of Appropriateness. Staff believes that the stairwell should be saved and closed off with fencing as opposed to a major partial infill and a retaining wall. Director Hand stated that this item should be addressed at the City Planning Commission meeting. If the Board of Zoning Appeals does not agree with Staff's recommendation of denial of Variance 1, then there are conditions of approval in the staff report.

The Board of Zoning Appeals addressed questions to Staff.

**Motion/Vote starts at 16:08:**

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Ward, seconded by Mr. Ernst, the Board of Zoning Appeals voted as follows to **Deny Variance 1, Approve Variance 2, and eliminate Variance 3 subject to the conditions in the staff report:**

**Carson**                      **Chairman**

<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion Passed: 8 to 0**

On motion by Mr. Miller, seconded by Mr. Ward, the Planning Commission voted as follows to reconsider their previous decision on this application:

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion to Reconsider Previous Decision Passed: 8 to 0**

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Mr. Ward, seconded by Mr. Ernst, the Board of Zoning Appeals voted as follows to Deny Variance 1, Approve Variance 2 and eliminate Variance 3 and remove Condition #3 in the Staff Report:

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion Passed to DENY VARIANCE #1 for the following reasons:**

1. The variance request does not fulfill Statutory Requirement #1. The subject property is not subject to a unique condition for its area or zoning district that would require the proposed property line to the split as desired by the applicant. The present lot is one (1) parcel, and the applicant wants to subdivide the parcel into two (2) parcels. By creating two (2) separate parcels, the applicant can shift adjust the west property line and therefore the requested variance is no longer necessary;
2. The variance request does not fulfill Statutory Requirement #3. The strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the property owner. The vacant, developed land along the west property line of Lot 2 can be moved 15 feet west into Lot 1 and if the Preliminary Plat and future Final Plat are approved by the City Planning Commission, the property line will be adjusted west, and the existing building will no longer be within the rear yard setback.

**APPROVE VARIANCE #2**, subject to:

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2023-012, MPL2023-007, and PLAT2023-017;
2. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a recommendation by the City Planning Commission and decision by the Unified Government Board of Commissioners. Secondly, any comments generated by SHPO must be incorporated into these entitlement documents;
3. Per the Multi-Family Residential Design Guidelines:
  - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
  - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
    - i. The primary entrance or entrances to each principal multi-family building; and,
    - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
  - c. Exterior building materials shall not include the following:
    - i. Board and batten wood;
    - ii. Smooth-faced or grey concrete block;
    - iii. Painted concrete block;
    - iv. Tilt-up concrete panels;
    - v. Field painted or pre-finished standard corrugated metal siding;
    - vi. Standard single or double tee concrete systems; and,
    - vii. Vinyl siding.
  - d. Landscaping is required to screen all parking areas and service entries;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;

5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
8. 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; and,
9. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

**Application starts at 20:51:**

**BOZA2023-026 – BRIAN LOCKETT**, 614 Orville Avenue, Zoned R-1(B) Single Family District. Variance 1: This appeal has been filed to grant a variance from the maximum number of accessory buildings allowed in the R-1(B) District. Section 27-609(2) allows for one (1) detached accessory building. The appellant is requesting to keep a total of two (2) accessory buildings, a violation of one (1) accessory building. Variance 2: This appeal has been filed to grant a variance from the rear yard setback for accessory buildings allowed in the R-1(B) District. Variance 2 (cont.): Section 27-609(2) requires an accessory building to be no less than three (3) feet from the rear property line. The appellant is requesting to keep two (2) separate accessory buildings zero (0) feet from the rear property line, a violation of three (3) feet and three (3) feet, respectively. Variance 3: This appeal has been filed to grant a variance from the maximum accessory building floor area in the R-1(B) 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 accessory buildings with a combined floor area of 1,180 square feet, a violation of 180 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:**

- Brian Lockett, applicant, 614 Orville Avenue, Kansas City, Kansas 66101

**Appeared in Opposition:**

- No one appeared

**Staff Recommendation starts at 25:29:** Planning Director Hand stated that this variance is related to a second accessory structure being built. Ordinance allows one (1) detached accessory structure. The request also includes a setback variance as the structure is abutting the property line. The third variance is due to the size of the existing structure and the second accessory structure combined totaling over 1,000 square feet. This property is located on a very unique street in Strawberry Hill. There is a grade change going down to 6<sup>th</sup> Street, so the door of the existing garage faces east. Director Hand showed the Board the ingress and egress into the garage in the aerial photograph. There is a slight change in grade upward from Elizabeth that the applicant is saying makes accessing the garage difficult. Director Hand stated that this is a self-imposed hardship and although this building appears to be a carport, what is proposed is a garage as it would be enclosed and have a door. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are Notices of Violation on this property as it was being constructed without permits and a Stop Work Order issued. Staff recommends denial of all three (3) requested variances.

The Board of Zoning Appeals directed questions to Staff.

**Motion/Vote starts at 31:00:00:**

After considering the reasons for the appeal and the evidence and testimony presented at the hearing, on motion by Ms. Eilts, seconded by Mr. Ernst, the Board of Zoning Appeals voted as follows to **DENY this appeal as it is not in compliance with the City Code, and will not promote the public health, safety and general welfare of the City of Kansas City, Kansas:**

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion to DENY Passed: 8 to 0**

**Application starts at 32:21:**

**BOZA2023-030 – LOURDES MENDOZA**, 1608 North 23<sup>rd</sup> Street, Zoning R-1(B) Single Family District. Variance 1: This appeal has been filed to grant a variance from the maximum percentage of the front yard paved. Section 27-673(b) states that paved parking areas or customary driveways in the required yards abutting streets shall not exceed 40 percent of the area of those yards for one- and two-family dwellings. The applicant is requesting a paved area that covers 100% of the front yard, a violation of 150% of the allowed paved coverage. Variance 2: This appeal has been filed to grant a variance from the minimum open fence requirement. Section 8-191 states open fence means a fence in which openings between the materials of which the fence is constructed represent not less than 40 percent of the total surface of the fence when viewed perpendicular to the face of the fence. The applicant is requesting to have a solid fence in the front yard, a variance of 60%. Variance 3: This appeal has been filed to grant variance from the maximum fence height in the front yard. Section 8-223(a) states an open fence no more than four feet in height is permitted anywhere on the owner's property except within the sight distance triangle. The applicant is requesting a fence that is five (5) feet tall, a violation of one (1) foot.

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

**Appeared in Support:**

- Lourdes Guizar Mendoza and Yairet Reyes, applicants, 1608 North 23<sup>rd</sup> Street, Kansas City, Kansas 66102

**Appeared in Opposition:**

- No one appeared

**Staff Recommendation starts at 34:50:** Planning Director Hand stated that this is a self-imposed hardship both for the fence not being built to code, as well as the front yard violating the open space requirement. The front yard was paved all concrete. This case is similar to other cases that have come before the Board of Zoning Appeals. Staff recommends denial and believes there are other options to remedy the stormwater run-off. This property is in the Northeast Area Plan right off drainage channel that flows into the Jersey Creek and then a stretch of right-of-way. There is an alleyway behind them, and the house is at the low point of North 23<sup>rd</sup> Street. Director Hand showed the Board pictures of the concrete in the front yard, the fence and the side yard where parking occurs. Staff received no letters of support nor opposition. Staff recommends denial of all the variances. However, conditions of approval are included in the staff report if the Board moves forward with a decision of approval. Staff believes there is another way to design the property to



manage stormwater that does not inhibit the code. As the applicant stated, it is not a very large front yard, and it does have all the terrain going against it. If the Board agrees with the applicant regarding the stormwater runoff issue, then Staff recommends they at least deny the Variances related to the fence.

The Board of Zoning Appeals directed questions to Staff.

**Motion/Vote starts at 39:18:**

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

<b>Carson</b>	<b>Aye</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>No</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>No</b>
<b>Jones</b>	<b>No</b>
<b>Miller</b>	<b>No</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion to APPROVE Passed: 5 to 4**

**Subject to:**

- 1. All outstanding Notices of Violation must be addressed and closed;**
- 2. The applicant's fencing and treehouse must be removed from the public right-of-way;**
- 3. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,**
- 4. Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**

**Application starts at 41:28:**

**BOZA2023-035 – LARRY HAHN WITH HAHN SURVEYING**, 2620 South 69<sup>th</sup> Street, Zoned R-1 Single Family District. Variance 1: Section 27-280(b) states that the depth of a lot shall not exceed three (3) times the width. Lot 1 has a width of 260 feet and a depth of 1,295.04 feet. The Appellant is requesting a depth-to-width ratio of 4.98:1, a violation of 66 percent.

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

**Appeared in Support:**

- Kenny Khongmaly, owner, 2620 South 69<sup>th</sup> Street, Kansas City, Kansas 66106

**Appeared in Opposition:**

- No one appeared

**Staff Recommendation starts at 44:30:** Planning Director Hand stated that this case is being heard in conjunction with PLAT2023-024. The variance is for a violation of the depth to width ratio standard. The property is in the Comprehensive Plan area in the Turner neighborhood. Director Hand showed the Board the parcel on the map that is going to be split. It is already a legal non-conforming parcel in terms of lot to depth ratio. They have proposed creating a legal-size second parcel which exacerbates the existing legal nonconformity of the parcel. The width has been cut in half but still has the same depth. This is a former county lot that was approved at some point. Staff recommends approval subject to the conditions in the staff report.

**Motion/Vote starts at 46:06:**

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

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>
<b>Mohler</b>	<b>Aye</b>
<b>Straws</b>	<b>Not Present</b>
<b>Ward</b>	<b>Aye</b>

**Motion to APPROVE Passed: 8 to 0**

**Subject to:**

1. This variance is in conjunction with PLAT2023-024 to subdivide one (1) parcel into two (2) single family lots;
2. Maintain the rear of Lot 1 as natural, open space;
3. In the future, if animals are kept on the property, contact to the Conservation District at (913) 334-6329 or [wycoco.conservaion@gmail.com](mailto:wycoco.conservaion@gmail.com);
4. Any accessory buildings constructed, 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;
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. 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;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards; and,
8. 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](mailto: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.

**Application starts at 47:03:**

**BOZA2023-036 – ALEX ELLIOTT WITH ATLAS LAND CONSULTING**, 2324 Grandview Boulevard, Zoned CP-O Planned Non-Retail Business District. This appeal has been filed to grant a variance from the minimum required parking in the CP-1 Planned Limited Business District. Section 27-464(e) states that any business shall provide paved off-street parking at a ratio of no less than four (4) spaces per 1,000 square feet of floor area. The property provides 1,015 square feet of floor area, requiring five (5) parking spaces. The property currently provides one (1) space, a violation of four (4) spaces.

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

**Appeared in Support:**

- Alex Elliott, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Board Member Eilts directed questions to the applicant.

**Appeared in Opposition:**

- No one appeared

Recording Secretary Parker read a letter in support into the record from Mr. Paul Soptick, Jr.

**Staff Recommendation starts at 52:15:** Planning Director Hand stated that the request is for a parking variance for an existing commercial business that has been vacant for some time. The property is in the Central Area Plan at the Corner of 24<sup>th</sup> Street and Grandview Boulevard. Staff received no letters in support nor opposition. There are Notices of Violation in 2022-2023 all regarding the structure. A building permit is a condition of approval and the land entitlements to be heard at the City Planning Commission meeting later this evening will all be addressed in a tenant finish. He further stated that there is only room for one (1) off-street parking space, and they could have added a second curb cut for additional parking in the rear; however, it would not have provided much additional parking. As it is on the corner, there is parking on both 24<sup>th</sup> Street and Grandview Boulevard. Staff recommends approval subject to the conditions in the staff report.

Board Member Eilts directed questions to the Staff.

**Motion/Vote starts at 54:53:**

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

<b>Carson</b>	<b>Chairman</b>
<b>Armstrong</b>	<b>Not Present</b>
<b>Beth</b>	<b>Aye</b>
<b>Connelly</b>	<b>Aye</b>
<b>Eilts</b>	<b>Aye</b>
<b>Ernst</b>	<b>Aye</b>
<b>Jones</b>	<b>Aye</b>
<b>Miller</b>	<b>Aye</b>

Mohler                   Aye  
Straws                   Not Present  
Ward                    Aye  
Motion to APPROVE Passed: 8 to 0  
Subject to:

1. Plant two (2) street trees along Grandview Boulevard and two (2) additional trees in the rear yard;
2. Plant bushes and or scrubs around the gas meter in order to screen it from public view. Consult Kansas Gas Service prior to doing so;
3. Install a bike rack on the property;
4. Install handrails for all steps on the property;
5. This Board of Zoning Appeals case is being heard in conjunction with COZ2023-022 and MPL2023-011. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of COZ2023-022 and MPL2023-011 by the Unified Government City Planning Commission and upon any ordinance publications required by law;
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](mailto:signpermits@wycokck.org) to begin this process;
7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant must file and maintain a current business occupation tax application with this office;
9. 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;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street; and,
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in

required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

The meeting was adjourned at 7:06 p.m.

***THE BOARD OF ZONING APPEALS***

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