



Board of Zoning Adjustment Minutes

Hearing Date: March 14, 2023

414 E 12th Street, 26th Floor, Council Chamber
Kansas City, Missouri 64106
kcmo.org/planning

Docket Item: 1

CD-BZA-2022-00114 A request to rehear an appeal of city staff's determination related to multiple zoning violations regarding pole signs on about .9 acres generally located at 3901 N Wayne Ave.

Applicant: Randall Robb of THISTLE HILL DEVELOPMENT INC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023 as there were only 4 board members present. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 2

CD-BZA-2022-00196 A request to appeal city staff's determination related to a zoning determination for a Day Labor Employment Agency on about 1.5 acres generally located at 3033 Prospect Ave.

Applicant: Nathan Prather of OPES Property Management

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Ahna Nanoski introduced the case and stated the applicant requested a dismissal. No one appeared for testimony. Board members dismissed the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 3

CD-BZA-2023-00006 A request to appeal staff's decision regarding the use of a property in zoning district UR on about 11.86 acres generally located at 1900 N Corrington Ave

Applicant: Kellee Madinger of Rouse Frets White Goss Gentile Rhodes, P.C.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Ahna Nanoski introduced the case and stated the applicant requested a dismissal. No one appeared for testimony. Board members dismissed the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 4

CD-SUP-2022-00002 A request to approve a Special Use Permit to allow for a gas station in zoning district B1-1 on about 0.32 acres of land generally located at 11511 Blue Ridge Boulevard

Applicant: KHALID BANDAY of KAM DESIGN GROUP LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023 as there were only 4 board members present. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 5

CD-BZA-2023-00010 A request to approve a variance to the accessory structure separation standards (accessory structure less than 10 feet from principal structure) plus any other necessary variances in zoning district R-7.5 on about 0.27 acres of land generally located at 40 E 55th Street

Applicant: of Cobuild LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicant and those giving testimony. Board members admitted the exhibits from the staff report. Jared Clements presented the case. The applicant appeared and spoke about his requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 6

CD-BZA-2023-00004 A request to approve a variance to platted setback requirements plus any other necessary variances in zoning district R-7.5 on about 0.3 acres of land generally located at 10227 N Highland Pl

Applicant: Alejandro Mateos of NALY'S OUTDOOR CO. LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicant and those giving testimony. Board members admitted the exhibits from the staff report. Jared Clements presented the case. The applicant appeared and spoke about his requests. He submitted notarized letters of support that were admitted as Exhibit 10. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 7

CD-BZA-2023-00008 A request to approve a variance to the accessory structure standards plus any other necessary variances in zoning district R-6 on about 0.86 acres of land generally located at 3526 NE 102nd Ter

Applicant: Kari Lunn of Don Julian Builders, Inc.

Commissioners Present: Ebbitts; Gorenc

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicant and those giving testimony. Board members admitted the exhibits from the staff report. Jared Clements presented the case and said another variance request was added for an additional 350 square feet and 13.4 ft in height. He submitted a Parcel Viewer picture of property that was admitted as Exhibit 10. The applicant team of Rodney Fager, architect and Jeff Julian, developer, both of Don Julian Builders appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and approved it, including the additional variance.

Motion: Approved

Motioned by: Moran

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 8

CD-SUP-2023-00003 A request to approve a Special Use Permit to allow multiple modifications which jointly require a major amendment in district R-7.5 (Residential 7.5) on about 37.80 acres generally located at 11511 State Line Road.

Applicant: DAVID WOOD of KAW VALLEY ENGINEERING, INC.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicant and those giving testimony. Board members admitted the exhibits from the staff report. Larisa Chambi presented the case. She said Variance A measurements were changed to 4, 222 sqft and 31.5 building height for the athletics building. The applicant team of David Wood with Kaw Valley Engineering, Joe Hatley, attorney with Spencer Fane, and Robert Wynn, Director at Barstow School appeared and spoke about their requests. School neighbor Charlie Schloegel appeared in opposition. He voiced concerns about fencing, screening, lighting, field materials, and more. City Compliance Supervisor Jim Duddy appeared and said the applicant was compliant regarding light screening and fencing plans. Board members discussed merits of the case and approved it with conditions.

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 9

CD-BZA-2023-00024 A request to appeal city staff's determination to deny a CLNU on about .35 acres generally located at 3214 Main St.

Applicant: Jose-Angel Martinez

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, the applicant, and the owner. 11 exhibits were admitted. Ahnna Nanoski presented the case. The applicant and the owner spoke about their requests. The following were admitted as exhibits:

Exhibit 13- letter of opposition

Exhibit 14- notarized letter from Subway stating last day open was November 2, 2021

Exhibit 15- KCMO Health Dept Food Establishment Permit, insurance policy letter, pest management invoice, sign permits

Exhibit 16- sales report from Square Up

Exhibit 17- photos

The board had a closed session from 12:16-12:24pm. Upon their return, they discussed merits of the case and continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by: Mixdorf

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 10

CD-BZA-2022-00197 A request to approve a variance to the front yard setback on about .09 acres generally located at 8814 E 9th St, plus any other necessary variances.

Applicant: alberto rodriguez

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff and the applicant. Board members admitted exhibits from the staff report. Jared Clements presented the case. The applicant appeared and spoke about his requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Gorenc

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 11

CD-BZA-2022-00204 A request to approve a variance to the setback requirements of zoning district R-6 plus any other necessary variances on about 0.86 acres of land generally located at 421 Prospect Boulevard

Applicant: CRAIG DAVIS of Saint Enterprise. LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 12

CD-BZA-2022-00201 A request to approve a variance to the residential parking requirements of zoning district R-5 plus any other necessary variances on about 0.28 acres of land generally located at 4326 Warwick Blvd

Applicant: Eileen Orloff

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Ahnna Nanoski introduced the case and stated the applicant requested a dismissal. No one appeared for testimony. Board members dismissed the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 13

CD-BZA-2023-00017 A request to approve a variance to pool siting standards in an R-6 (Residential) District on about .23 acres generally located at 1300 W 50th Ter, plus any other necessary variances.

Applicant: Julie Tozier

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicants. Board members admitted the exhibits from the staff report. Connor Tomlin presented the case. The applicant and her fiancé, Kevin Swanson appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 14

CD-BZA-2023-00012 A request to approve a side yard setback variance in zoning district R-6, plus any other necessary variances on about 0.155 generally located at 2001 E 48th Terrace

Applicant: Sandra Rocha

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff and the applicant. Board members admitted the exhibits from the staff report. Jared Clements presented the case. The applicant appeared and spoke about her requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approval

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 15

CD-BZA-2023-00015 A request to approve a variance to the street side yard setback on about .3 acres generally located at 14324 E 96th Ter, plus any other necessary variances.

Applicant: Aaron McKie

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicant and those giving testimony. Board members admitted the exhibits from the staff report. Ahnna Nanoski presented the case and advised a special exception would also be required for a 6ft fence. The applicant appeared and spoke about his requests. Rodrick Sparks appeared and voiced his support. Board members discussed merits of the case and approved it with the additional special exception for a 6ft fence around the pool.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 16

CD-BZA-2023-00018 A request to approve a variance to the front yard setback of 7.5 feet for the construction of a second story balcony on about 0.11 acres located at 2117 Olive St.

Applicant: Melvin Bowie

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 17

CD-BZA-2023-00021 A request to approve a variance to the setback requirements in zoning district AG-R, plus any other necessary variances on about 0.891 acres of land generally located at 8500 NW Barry Road

Applicant: Brandon Gaw

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023 as there were only 4 board members present. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 18

CD-BZA-2023-00022 A request to approve a sign variance for a monument sign in a Residential Zoning District on about 2 acres generally located at 4900 Oak St, plus any other necessary variances.

Applicant: Christi Jones of Russell Stover Chocolates

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, the applicants and those giving testimony. Board members admitted exhibits from the staff report. Ahnna Nanoski presented the case. The applicants Jim Kissinger and Christy Jones appeared and spoke about their requests. Joe Rexwinkle spoke about the parameters staff had to make decisions regarding signs. Board members discussed merits of the case and approved it for 18 months.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 19

CD-BZA-2023-00023 A request to approve a variance to the setback requirements of zoning district R-2.5, plus any other necessary variances on about 0.14 acres of land generally located at 2020 Brighton Avenue

Applicant: Roger Avalos of raengineering

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 20

CD-BZA-2023-00016 A request to appeal zoning violations related to a swimming pool on about .3 acres generally located at 14324 E 96th Ter.

Applicant: Aaron McKie

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Crosby; Stiller

Commissioners Recusing: None

Testimony: No

Ahna Nanoski introduced the case and stated the applicant requested a continuance to April 11, 2023. No one appeared for testimony. Board members continued the case to April 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None
