



Board of Zoning Adjustment Minutes

Hearing Date: May 30, 2023

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

Docket Item: 4

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; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Jared Clements presented the case. Applicant Roger Avalos with RA Engineering appeared and spoke about his requests. He submitted pictures, 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:

Seconded by:

Voting Aye: None

Voting Nay: None

Abstaining: None

Docket Item: 5

CD-BZA-2023-00011 A request to approve a variance to the standards of the zoning and development code in zoning district R-5 plus any other necessary variances on about 0.255 acres of land generally located at 5114 NE Barnes Ave

Applicant: Danielle Saulino of Hive

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Jared Clements presented the case. He noted on the revised staff report, the variance changed from 7ft to 4.33ft. 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: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 6

CD-BZA-2023-00031 A request to approve several variances to encroachment standards in an R-6 (Residential) zoning district for 24 properties on about 1.9 acres total generally located between W 44th St to the north, Jefferson St to the east, W 45th St to the south, and Summit St to the west.

Applicant: Rachelle Biondo of Rouse Frets White Goss Gentile Rhodes, a Professional Corporation

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Ahnna Nanoski presented the case. The applicant appeared and spoke about his requests. He submitted a presentation that was 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: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 7

CD-SUP-2023-00006 A request to approve a special use permit to allow for a short term rental in zoning district R-6 on about 0.15 acres of land generally located at 5704 Oak Street

Applicant: Ross Tiemeyer

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski advised the applicant requested a continuance to June 13, 2023. No one appeared for testimony. Board members continued the case to June 13, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 8

CD-SUP-2023-00008 A request to approve a Special Use Permit in District R-6 (Residential) on about 7 acres generally located at the northwest corner of North Norton Avenue and Northeast 46th Street to allow for the construction of a new elementary school.

Applicant: Braden Taylor of MKEC Engineering, Inc.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and the applicant team. Jared Clements presented the case. The applicant team from MKEC Engineering and NKC School District appeared and spoke about their requests. No one else appeared for testimony. 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; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 9

CD-SUP-2023-00011 A request to approve a Special Use Permit to allow for a Hotel on a Boulevard in Zoning District DX-15 on about 0.18 acres of land generally located at 2100 Grand Boulevard

Applicant: Michelle Lockman of KANSAS CITY DESIGN GROUP, LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and the applicant team. Board members admitted 9 exhibits. Jared Clements presented the case. The applicant team appeared and spoke about their requests. They asked to remove condition 8. Staff agreed it wasn't necessary. No one else appeared for testimony. Board members discussed merits of the case and approved it with conditions, removing condition 8.

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 10

CD-SUP-2023-00012 A request to approve a special use permit to allow for an expansion to an existing school in district R-7.5 (Residential 7.5) on about 5.3 acres generally located at N Green Hills Road and NW 76th Terrace, just east of Lake Waukomis city limits.

Applicant: kyle kippes of kaw valley engineering, inc

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and the applicant team. The board admitted 9 exhibits. Connor Tomlin presented the case. The applicant team appeared and spoke about their requests. They asked to remove conditions 6-9. No one else appeared for testimony. Board members discussed merits of the case and approved it with conditions, removing conditions 6-9.

Motion: Approved with Conditions

Motioned by: Moran

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 11

CD-SUP-2022-00013 A request to approve a Special Use Permit to allow for an event venue in zoning district R-80 on about 14 acres generally located at 16499 E 83rd street

Applicant:

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 11 exhibits. Jared Clements presented the case. The applicant appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and approved it with conditions.

Motion: Approved with Conditions

Motioned by: Stiller

Seconded by: Mixdorf

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 12

CD-SUP-2023-00004 A request to approve a Special Use Permit for a temporary structure used as a transfer station in M3-1 (Manufacturing 3-1) on about 7.8 acres generally located at 6709 E US 40 Highway.

Applicant: Daniel Finn of Phelps Engineering, Inc.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicants and those providing testimony. Board members admitted 9 exhibits. Ahnna Nanoski introduced the case. Larisa Chambi presented the case; she stated that one condition was updated -a 3-year extension for their Special Use Permit-. She also stated the 2nd variance, regarding height, was no longer needed, and clarified that Condition 5 has been revised. The applicant team of attorney Chris Mattix with Rouse Frets Gentile Rhodes, LLC, located at 4510 Belleview Avenue, Suite 300; representing the owner Mr. Adan Montheiser; Judd Clausen, civil engineer, part of the development team and Anastasia Welch with SCS Engineering, appeared and spoke about their requests. Board members discussed the merits of the case and approved it with conditions (Revision to condition 5 and removal of the height requirement).

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 13

CD-SUP-2023-00015 A request to approve a Special Use Permit for an event space (Firehouse KC Event Center) in District B3-2 (Community Business District) on about 0.15 acres on about 0.15 acres generally located on the west side of Troost between east 45th Street on the north and Brush Creek Boulevard on the south (4518 Troost).

Applicant: Erica Hartley of UC-B Properties

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Olofu Agbaji presented the case. He stated there were 4 conditions replacing the previous conditions in the old expired Special Use Permit. The applicant team appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and approved it with the 4 conditions replacing the prior conditions in the Special Use Permit that expired in 2021.

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: Ebbitts

Docket Item: 14

CD-SUP-2023-00016 A request to approve a special use permit for outdoor warehousing, wholesaling use in district M1-5 on about 2.7 acres generally located at 2000 Guinotte Avenue

Applicant: Brian Hochstein of MKEC Engineering, Inc.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Genevieve Kohn presented the case. The applicant and the owner both appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 15

CD-BZA-2022-00018 A request to approve a variance for two structures on one lot on about 3.2 acres generally located at 5600 Noland Rd, plus any other necessary variances.

Applicant: Bryan Kingsbury of KCS, LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Ahnna Nanoski presented the case. She presented annexation documents that were admitted as exhibit 10. The applicant and the owner appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and continued it to July 11, 2023 to allow Ahnna Nanoski time to work with the applicant regarding accessory dwelling unit info.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Mixdorf

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 16

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

Applicant: Kari Lunn of Don Julian Builders, Inc.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Jared Clements presented the case. The applicant appeared and spoke about the owners' requests. No one else appeared for testimony. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 17

CD-BZA-2023-00033 A request to approve a signage-height variance in zoning district B1-1 to allow for a library sign, plus any other necessary variances on about 1.64 acres of land generally located at 8700 North Oak Traffic-way

Applicant: Mark Nelson of Star Signs LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Jared Clements presented the case. He said variance 2 wasn't needed any longer. The applicant team of Mark Nelson, Jim Staley and Brad McKinsey appeared and spoke about their requests. No one else appeared for testimony. Board members discussed merits of the case and suggested a continuance to allow time for the applicant to submit revised plans. The applicant team agreed and will have the plans submitted within a week. Board members continued the case to June 13, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 18

CD-BZA-2023-00037 A request to approve a variance to the platted front setback in zoning district R-6 plus any other necessary variances on about 0.34 acres generally located at 1100 W 74th Street

Applicant: Judi Bauer of McHenry Shaffer Architecture

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Stephanie Saldari presented the case. She stated the variance request changed to 11ft for a 17ft addition. The applicant 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: Stiller

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 19

CD-BZA-2023-00039 A request to approve a sign variance for a permanent dedicated pickup sign in zoning district B4-5. on about 19 acres generally located at N Church Road and NE Barry Road, plus any other necessary variances.

Applicant: Lisa Collins of BRR Architecture

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Connor Tomlin presented the case. Applicant Scott Piper appeared instead of Lisa Collins 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: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby

Docket Item: 20

CD-BZA-2023-00042 A request to approve a variance to parking requirements for a restaurant expansion on about .1 acres generally located at 3105 Gillham Rd, plus any other necessary variances.

Applicant: Keith Mueller of Keith Mueller Architecture

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Board members admitted 9 exhibits. Ahnna Nanoski presented the case. The applicant team of architect Keith Mueller, Chris Riggins of Brewer's Kitchen and property owner Butch Rigby appeared and spoke about their requests. They gave a presentation that was 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: Moran

Voting Aye: Moran; Gorenc; Mixdorf; Stiller

Voting Nay: Ebbitts

Abstaining: Crosby

Docket Item: 21

CD-BZA-2023-00036 A request to rehear CD-SUP-2023-00003 (Special Use Permit) in order to address items included within the Special Use Permit review on about 38 acres generally located at 11511 State Line Rd.

Applicant: CHARLES SCHLOEGEL

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent: Crosby

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicants and those providing testimony. Board members admitted 9 exhibits. Ahnna Nanoski presented the case; she stated that that this is a request to re-hear case CD-SUP-2023-00003. Ahnna requested the board to make a decision about the re-hearing first and Ms. Mixdorf recused herself from the case, however chair Ebbitts clarified that case could be continued since 4 is a quorum; Mr. Stiller reviewed the case and became part of the quorum. Applicant for the re-hearing of case CD-SUP-2023-00003, appeared and spoke about his requests. Board members questioned the applicant, Mr. Charlie Schloegel, about new evidence, however he was not able to provide new evidence. Attorney for the City Eluard Alegre offered clarification about the standard for re-hearing pursuant to code section 88-525-11, specifies that if there is new evidence or good cause shown that wasn't available at the prior hearing, then a re-hearing can take place. The applicant team for case CD-BZA-2023-0036, Joe Hatley Spenser and Robert Wendt appeared for case CD-BZA-2023-00036 and offered testimony about the re-hearing case CD-SUP-2023-00003; they stated that the school did have permits and that the complaint from Mr. Schloegel is not subject to the SUP, and also stated that they believe this is a bad faith request for the re-hearing. The board went into a closed session; when they came back into open session, they discussed the merits of the rehearing and concluded that they were not able to see any new evidence and the case was denied.

Motion: Denied

Motioned by: Stiller

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Stiller

Voting Nay: None

Abstaining: None

Docket Item: 22

CD-BZA-2023-00035 A request to appeal zoning violations related to a tavern/bar and its parking on about .2 acres generally located at 5713 Troost Ave.

Applicant: rick gepford

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski advised the applicant requested a continuance to July 11, 2023. No one appeared for testimony. Board members continued the case to July 11, 2023 without a fee.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: Crosby
