

# **BOARD OF ZONING ADJUSTMENT DOCKET**

September 12, 2023 9:00 A.M.

The hearing will be hybrid, both in-person at City Hall, 414 East 12th Street, 26th floor Council Chamber, Kansas City, Missouri and virtually via Zoom. Details can be found at  $\frac{https://kcmo.gov/bza}{https://kcmo.gov/bza}$ 

# **OTHER MATTERS**

- 1. The Board of Zoning Adjustment may hold a closed session to discuss legal matters and legal advice pursuant to Section 610.021 (1), RSMO.
- 2. There may be general discussion(s) regarding current Board of Zoning Adjustment issues.
- 3. The Board of Zoning Adjustment will take breaks (lunch and water) at regular intervals. The Chair will announce the time length of each break.

BZA CASES			
Docket Item	Planner	Case Information	Council District
1	Ahnna Nanoski	CD-SUP-2023-00010 – 3255 Main St – A request to approve a Special Use Permit for a drive-through restaurant within the Main Street Corridor Overlay District on about 1 acre generally located at 3255 Main St.  Owner: McDonald's Real Estate Company Applicant: Mark Bryant (Rouse Frets White Goss) Attorney Attendance City Plan Commission Recommendation: Approval, Subject to Conditions Continued from 6/13/2023, 7/11/2023, 8/8/2023	3
0		Re-established Quorum on 8/8/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller	
2	Andrew Clarke	CD-SUP-2023-00035 – 414 Wallace Ave – A request to approve a Special Use Permit (SUP) in District R-2.5 and District B1-1 to allow for a parking lot and school amenities on about 8 acres generally located at Wallace Avenue and Wilson Avenue.	4
		Owner: KC International Academy Applicant: Brian Hochstein (MKEC Engineering, Inc.) Consent form: Attached to CompassKC City Plan Commission Recommendation: Approval, Subject to Conditions Continued from 8/8/2023 Continue to 10/10/2023	
3	Stephanie Saldari	CD-BZA-2023-00067 – 630 W 51st St – A request to approve a variance for the platted set back and any other needed variances on about 0.26 acres generally located at the northeast corner of Summit Street and W 51st Street.  Owner: James Hickok Applicant: Eric Effertz Attendance or Consent Form: Unknown Continued from 7/11/2023, 8/8/2023 Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller DISMISS	4

4	Connor Tomlin	CD-BZA-2023-00097 – 417 E 135 <sup>th</sup> St – A request to approve a variance to the maximum allowable size of an incidental sign in an M-1.5 (Manufacturing) district on about 2.33 acres generally located at 417 E 135 <sup>th</sup> Street.	6
		Owner: DSH Properties LLC Applicant: Infinity Signs Attendance or Consent Form: Unknown Continued from 8/8/2023	
5	Justin Smith	CD-SUP-2023-00034 – 7701 NW Barry Rd – A request to approve a Special Use Permit to allow for an addition on an existing Campus in District R-6/R-80 (Residential) on about 95 acres generally located NW Barry Rd and N Congress Ave.	2
		Owner: Jim Rich Applicant: David Wood Attendance or Consent form: Attendance City Plan Commission Recommendation: Approval with Conditions	
6	Larisa Chambi	<u>CD-SUP-2023-00037 – 3122 Gillham Plz</u> – A request to approve a special use permit to allow a self-storage warehouse in districts M1-5 and B4-5 in an existing building.	4
		Owner: William Hodes, 3122 Gilham LLC Applicant: Zach Flitcroft Consent form: Attached to CompassKC City Plan Commission Recommendation: Continue to 10/10/2023	
7	Connor Tomlin	<u>CD-BZA-2023-00087 – 4840 St John Ave</u> – A request to approve a special exception for a fence in an R-2.5 zoning, plus any additional variances on about 0.11 acres generally located at 4840 St John Avenue.	4
		Owner: Estate of Vincent Donze Applicant: Angela Morse Attendance or Consent Form: Unknown	
8	Connor Tomlin	CD-BZA-2023-00090 – 1301 E 41st St – A request to approve a special exception for a fence in an R-1.5 zoning, plus any additional variances on about 0.09 acres generally located at 1301 E 41st Street.	3
		Owner: Joseph Snapp Applicant: Joseph Snapp Attendance or Consent Form: Attendance	
9	Stephanie Saldari	CD-BZA-2023-00096 – 1105 Topping Ave – A request to approve a special exception for a privacy fence plus any other needed variances on about 0.13 acres generally located at 1105 Topping Avenue.	4
		Owner & applicant: Victor Caballer-Barron Attendance or Consent Form: Attendance	
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10	Stephanie Saldari	CD-BZA-2023-00098 – 1315 NE 84 <sup>th</sup> Ter – A request to approve a variance to the footprint of an accessory structure, plus any other needed variances on about 0.4 acres generally located at 1315 NE 84th Terrace.	2
		Owner & applicant: Matthew Heagy Attendance or Consent Form: Attendance	
11	Stephanie Saldari	CD-BZA-2023-00099 – 6928 Wornall Rd – A request to approve a variance to the front yard impervious coverage percentage, width of the driveway, plus any other needed variances on about 0.19 acres generally located at 6928 Wornall Road.	6
		Owner & applicant: Tyler Steusloff Attendance or Consent Form: Attendance	
12	Stephanie Saldari	CD-BZA-2023-00105 – 2546 Charlotte St – A request to approve a variance to place the staircase on the side of an accessory dwelling unit, plus any other needed variances on about 1.0 acres generally located at 2546 Charlotte Street.	4
		Owner: Heather Macintosh Applicant: Robert Gibler Attendance or Consent Form: Affidavit	
13	Connor Tomlin	CD-BZA-2023-00107 – 3121 Prospect Ave – A request to approve a variance to the setback of a monument sign in a UR zoning district, plus any additional variances on about 0.5 acres generally located at 3121 Prospect Avenue.	3
		Owner: Arvest Bank Applicant: Heartland Sign and Lighting Attendance or Consent Form: Applicant attendance w/ consent	
14	Connor Tomlin	CD-BZA-2023-00110 – 11180 NW Prairie View Rd – A request to approve a variance to the setback of a monument sign in a KCIA zoning district, plus any additional variances on about 423 acres generally located at 11180 NW Prairie View Road.	1
		Owner: KCIA Applicant: Tom Skram Attendance or Consent Form: Unknown	
15	Connor Tomlin	CD-BZA-2023-00115 – 4230 Tracy Ave – A request to approve a variance to the Infill Lot and Building Standards to permit a garage, plus any additional variances on about 0.17 acres generally located at 4230 Tracy Avenue.	3
		Owner: Elevate Design + Build Applicant: Sara Ladd Attendance or Consent Form: Attendance	
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16	Stephanie Saldari	<u>CD-BZA-2023-00116 – 6721 Valley Rd</u> – A request to approve a variance to the infill vehicular standards to allow a front-facing garage, plus any other needed variances on about 0.3 acres generally located at 6721 Valley Road.	6
		Owner: Rau Boyd Applicant: Leslie Marshall Attendance or Consent Form: Property Owner Attendance	
17	Stephanie Saldari	CD-BZA-2023-00117 – 600 E 96 <sup>th</sup> St – A request to approve a variance for a detached garage on the street side yard, plus any other needed variances on about 0.5 acres generally located at 600 E 96th Street.	6
		Owner & applicant: Gabriel Goetzman Attendance or Consent Form: Property Owner Attendance	

\*Due to the size of the docket, appeal cases originally scheduled for 9/12/2023 may be heard during a special session on 9/26/2023 or as listed below (conditional to the BZA's approval)\*

during a special session on $9/26/2023$ or as listed below (conditional to the BZA's approva			
Docket	Planner	Case Information	Council
Item			District
18.1	Joe Rexwinkle	<u>CD-BZA-2023-00068 - 1704 Jefferson St</u> -	4
		APPLICANT REQUEST	
		"I [the property owner] am making this application under protest, and in	
		order to preserve my rights. I was notified via email that my application was	
		denied May 31, 2023. That email did not meet the requirements as set forth in	
		88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it	
		does not identify the "basis for the determination of ineligibility." Nor does it	
		"include a statement of information advising the short term host or proposed	
		host that the host is entitled to a hearing to contest the determination of	
		ineligibility for listing, suspension, or revocation by filing an appeal of	
		administrative decision in accordance with 88.575. 3. However, I am	
		submitting the current application to appeal in an abundance of caution as to	
		not waive any rights I have under law."	
		Owner and Applicant	
		MD KC, LLC (Megan Duma)	
		1943 Edgemont St	
		San Diego, CA 92102	
		Continued from 7/11/2023	
		Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran,	
		Stiller	
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## 18.2 Joe Rexwinkle

#### CD-BZA-2023-00082 - 4037 Forest Ave -

## APPLICANT REQUEST

"I [the property owner] am making this application under protest, and in order to preserve my rights. I was notified via email that my application was denied May 30, 2023. That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3." However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law."

Owner and Applicant Dirk Younkin 34112 Ruby Lantern St Dana Point, CA 92629

Attorney Attendance (Megan Duma)

Continued from 7/11/2023

Joe Rexwinkle

## APPLICANT REQUEST

"I am making this application under protest, and in order to preserve my rights. I was notified on May 31, 2023 via email that my STR application was denied. That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88,575, 3." However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law or equity including without limitation, Applicant's current lawsuit as one of the plaintiffs against the City - MDKC LLC et al. vs KCMO et al. At the same time on August 7, 2018 Applicant filed for "information purposes" an Administrative Approval Application/Request for a STR Registration Number under Chapter 88 for Applicant's 2 Janssen Place Carriage House, which holds a Certificate of Legal Nonconformance (CLN File #4158) from the City for leasing on "a short-term basis". Applicant received no response from the City on this STR Application/Request. Applicant also was told on June 9, 2023 at City Hall by Samuel Morris, Small Business Advocate for Neighborhood Services, that any appeal of the City's STR denial of Applicant's Applications is not needed under Chapter 56 as the STR provisions under Chapter 56 are not effective until June 15, 2023. Further, Applicant requests that the City waive any fee for this Appeal because of the City's extensive delay of 4 yrs 9 mo and at a minimum credit the Applicant's fee paid August 7, 2018, (which check #5763 the City cashed) for Applicant's 2018 STR Application. If the BZA needs anything else for the Appeal please advise. Thank you."

Owner and Applicant Stephen Mitchell 2 Janssen Pl Kansas City, MO 64109

Attorney Attendance (Megan Duma)

Continued from 7/11/2023 Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller

160 Alamo Plaza, Unit 504

Attorney Attendance (Megan Duma)

Alamo, CA 94507

## 18.8 Joe Rexwinkle

#### CD-BZA-2023-00070 - 3903 Central St

## APPLICANT REQUEST

"I am making this application under protest, and in order to preserve my rights. I was notified via email that my application was denied May 24th, 2023. That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3. However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law."

Owner and Applicant 3931 Wyandotte LLC (Jason Newman) PO Box 41 Mission, KS 66201

Attorney Attendance (Megan Duma)

Continued from 7/11/2023 Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller DISMISS

18.9 Joe Rexwinkle

## CD-BZA-2023-00072 - 4442 Harrison St

# APPLICANT REQUEST

"I [the property owner] am making this application under protest, and in order to preserve my rights. I was notified via email that my application was denied May 31, 2023. That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3. However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law."

Owner and Applicant SAS Properties LLC (Sandra Swearing) 3409 W 122<sup>nd</sup> St Leawood, KS 66209

Attorney Attendance (Megan Duma)

Continued from 7/11/2023

Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller DISMISS

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# 18.10 | Joe Rexwinkle

#### CD-BZA-2023-00074 - 20 E 32<sup>nd</sup> St

#### APPLICANT REQUEST

"I am making this application under protest, and in order to preserve my rights. I was notified via email that my application was denied May 31, 2023. That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3. However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law."

Owner and Applicant Lux Properties (Jeramey Jordan) 6807 N Liberty St Kansas City, MO

Attorney Attendance (Megan Duma)

Continued from 7/11/2023

Quorum established on 7/11/2023: Ebbitts, Gorenc, Mixdorf, Moran, Stiller DISMISS

18.11 Ahnna Nanoski

# CD-BZA-2023-00078 - 4817 N Fremont Ave

## APPLICANT REQUEST

I [the property owner] am making this application under protest, and in order to preserve my rights. I was never officially notified via email that my application was voided on May 18, 2023.

The lack of proper notification did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, the city did not identify the "basis for the determination of ineligibility." Nor does they (the city) "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3."

However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law.

Owner and Applicant Justin Sanchez 4817 N Fremont Ave

Attorney Attendance (Megan Duma)

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## 18.12 Ahnna Nanoski

## CD-BZA-2023-00083 - 3938 Forest Ave

#### APPLICANT REQUEST

I [the property owner] am making this application under protest, and in order to preserve my rights. I was notified via email that my application was [voided on May 24, 2023] [denied May 24, 2023].

That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3."

However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law.

Owner and Applicant Matthew Rich New Beginning Investments KC 7115 Summit St Kansas City, MO

Attorney Attendance (Megan Duma)

18.13 Ahnna Nanoski

## CD-BZA-2023-00073 - 720 Main St, Unit 203

## APPLICANT REQUEST

I am making this application under protest, and in order to preserve my rights. I was notified via email that my application was [voided on May 16, 2023] [denied May 31, 2023].

That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3."

However, I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law.

Owner: Wi Flashcube LLC

Applicant: Tyler Shirk Bear BnB KC

Attorney Attendance (Megan Duma)

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19	Joe Rexwinkle = presentation by Ahnna Nanoski	CD-BZA-2023-00084 – 4821 Roanoke Pkwy Unit 10 C – Applicant's Request I [the STR permit applicant] am making this application under protest, and in order to preserve my rights. I was never notified via email that my application was voided, and it was denied May 31, 2023.  That email did not meet the requirements as set forth in 88-321-04-C. PERMIT DENIAL, SUSPENSION, OR REVOCATION. Specifically, it does not identify the "basis for the determination of ineligibility." Nor does it "include a statement of information advising the short term host or proposed host that the host is entitled to a hearing to contest the determination of ineligibility for listing, suspension, or revocation by filing an appeal of administrative decision in accordance with 88.575. 3.  I am submitting the current application to appeal in an abundance of caution as to not waive any rights I have under law.  Owner: Sunset Building LLC 803 W 48th St Kansas City, MO 64112 Applicant: Adam Weindling PO BOX 10110 Kansas City, MO 64171 Attorney Representation = Patricia Jensen  Continued from 8/8/2023	4
20	Ahnna Nanoski	CD-BZA-2023-00092 – 131 E 39th St – A request to appeal zoning violations related to a nonconforming sign (Fast Stop pole sign) on about .2 acres generally located at 131 E 39th St.  Owner: HP Development Partners 5 LLC Applicant: Chip Walsh (Sustainable Development Partners Kansas City and David Brian (Brian Group) Consent Form: Attached to CompassKC Continued from 8/8/2023	4
21	Ahnna Nanoski	CD-BZA-2023-00106 – 1321 Westport Rd – A request to appeal zoning violations related to a conforming sign (vacant pole sign) on about .15 generally located at 1321 Westport Rd.  Owner: Jire of Kansas City LLC Applicant: Chris Mattix (Rouse Frets White Goss) Attorney Attendance Continue to 10/10/2023	4

22	Ahnna Nanoski	CD-BZA-2023-00108 – 3441 Main St – A request to appeal a notice of abandonment (termination of a pole sign) on about .5 acres generally located at 3441 Main St.	4
		Owner: JL Group Holdings LLC Applicant: Doug Stone (Lewis Rice) Attorney Attendance	
		Continue to 11/14/2023	
23	Ahnna Nanoski	<u>CD-BZA-2023-00109 – 340 W 72nd St</u> – A request to appeal zoning violations related to a nonconforming sign (vacant pole sign) on about 1 acre generally located at 340 W 72nd St.	6
		Owner: JL Group Holdings LLC Applicant: Doug Stone (Lewis Rice) Attorney Attendance	
		Continue to 11/14/2023	
24	Ahnna Nanoski	CD-BZA-2023-00112 – 1106 Westport Rd – A request to appeal zoning violations related to a nonconforming sign (vacant pole sign) on about .3 acres generally located at 1106 Westport Rd.	4
		Owner: Tong & Ouk Shin Applicant: Sherry DeJanes (Westport Law Offices) Attorney Attendance	
25	Ahnna Nanoski	Application does not meet 88-575-03-B., Appeals of Administrative Decisions must be filed within 15 days of the date of the decision being	2
		appealed.  CD-BZA-2023-00111 – 7825 N Platte Purchase Dr – A request to appeal a decision made on plan number CD-AA-2023-00234 on about 1.9 acres generally located at 7825 N Platte Purchase Dr.	
		Owner and Applicant Tobin Kennedy	
		1804 NW 79 <sup>th</sup> Ter Kansas City, MO 64151	
26	Ahnna Nanoski	Application does not meet 88-575-03-B., Appeals of Administrative Decisions must be filed within 15 days of the date of the decision being appealed.	4
		CD-BZA-2023-00113 – 32 E 32 <sup>nd</sup> St – A request to appeal the absence of the of an address in the KCMO parcel viewer for a duplex on about .2 acres generally located at 32 E 32 <sup>nd</sup> St.	
		Owner and Applicant SWW Properties LLC Amber Wright	
		1590 Las Trampas Rd Alamo, CA 94507	
		Attorney Attendance (Megan Duma)	