



Board of Zoning Adjustment Minutes

Hearing Date: September 12, 2023

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

Docket Item: 1

CD-SUP-2023-00010 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.

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, applicant and those providing testimony. Ahnna Nanoski presented the case. Applicant team attorney Mark Bryant, Adam Brandenburg construction manager, attorney Audrey Manito, engineer Doug Ubben spoke about the requests. Board members moved to closed session; after they arrived from closed session board chair Ebbitts stated that this board was unable to hear a use variance on this case and that the applicant could go to city council if they wished to do so and see if they could get a different result. A motion was offered that the board is not authorized to hear this case because the applicant is requesting a use variance. Board members approved to deny the case.

Motion: Denied
Motioned by: Mixdorf
Seconded by: Stiller
Voting Aye: Ebbitts; Mixdorf; Stiller
Voting Nay: Moran; Gorenc
Abstaining: None

Docket Item: 2

CD-SUP-2023-00035 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.

Applicant: Brian Hochstein of MKEC Engineering, Inc.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested continuance to 10/10/23 due to procedural matters. Board members approved to continue the case to 10/10/23 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: 3

CD-BZA-2023-00067 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.

Applicant: J. Eric Effertz

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested dismissal since they are no longer requesting variances. Board members approved to dismiss the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 4

CD-BZA-2023-00097 A request to approve a variance to the maximum allowable size of an incidental sign in an M-1.5 (Manufacturing) district, plus any additional variances as necessary on about 2.33 acres of land generally located at 417 E 135th Street.

Applicant: of INFINITY SIGNS, INC.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. Board chair Ebbitts asked the applicant if he wanted to proceed with only 4 board members or if he preferred to wait until 5 members were present; the applicant agreed to proceed with 4 members. 9 exhibits were admitted. Applicant, Darin Heyen, spoke about their requests. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Moran

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 5

CD-SUP-2023-00034 A request to approve a Special Use Permit to allow for an addition on an existing Campus in District R-6/R-80 (Residential dash six, Residential dash eighty), on about 95 acres generally located at the southwest corner of NW Barry Rd and N Congress Ave.

Applicant: DAVID WOOD of KAW VALLEY ENGINEERING, INC.

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Justin Smith presented the case. 9 exhibits were admitted. Board chair Ebbitts asked the applicant if he wanted to proceed with only 4 board members or if he preferred to wait until 5 members were available; the applicant agreed to proceed with 4 members. Applicant team David Wood from Kaw Valley Engineering and Bryan Walters from Hollister Miller Architects appeared and spoke about their requests; they stated that they wanted to request an amendment to condition #20. Also for testimony appeared Kirk Rome from KC Water; he stated that this condition was part of his department rules and regulations. Board members approved the case with the revision of the language of condition #20.

Motion: Approved

Motioned by: Moran

Seconded by: Gorenc

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 6

CD-SUP-2023-00037 A request to approve a special use permit to allow a self-storage warehouse in an existing building in districts M1-5 and B4-5 on about 2.7 acres generally located on Gillham Plaza, north of Linwood Boulevard and south of E 31st Street.

Applicant: Zach Flitcroft of Blue Ribbon Capital

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and requested continuance to 10/10/23 because the revised plans need to be re-submitted. Board members approved to continue the case to 10/10/23 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: 7

CD-BZA-2023-00087 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.

Applicant: Joanna Morse

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. Board chair Ebbitts asked the applicant if he wanted to proceed with only 4 board members or if he preferred to wait until 5 members were available; the applicant agreed to proceed with 4 members. 9 exhibits were admitted. The applicant Joanna Morse appeared and spoke about their requests. Board members discussed merits of the case, suggested a revised proposal to be brought and approved to continue the case to 10/10/23 without fee.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by:

Voting Aye: None

Voting Nay: None

Abstaining: None

Docket Item: 8

CD-BZA-2023-00090 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.

Applicant: Joseph Snapp

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. Applicant appeared and spoke about their requests. Also for testimony appeared neighbor Le'Shon Leni to express her support. Board members discussed merits of the case and approved it incorporating a condition that states a 6' fence with 2" spacing on the area above 4' high.

Motion: Approved

Motioned by: Moran

Seconded by: Stiller

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

Voting Nay: None

Abstaining: None

Docket Item: 9

CD-BZA-2023-00096 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.

Applicant: Victor Caballero-Barron of Handyman 2 The Rescue LLC

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case. The applicant did not appear for the hearing. Board members approved to continue the case to 11/14/23.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by: Gorenc

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

Voting Nay: None

Abstaining: None

Docket Item: 10

CD-BZA-2023-00098 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.

Applicant: Matthew Heagy

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Stephanie Saldari presented the case. 9 exhibits were admitted. The applicant appeared and spoke about their requests. Board members discussed merits of the case approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 11

CD-BZA-2023-00099 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.

Applicant: Tyler Steusloff

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Stephanie Saldari presented the case. 9 exhibits were admitted. Applicant appeared and spoke about their requests. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Moran

Seconded by: Stiller

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

Voting Nay: None

Abstaining: None

Docket Item: 12

CD-BZA-2023-00105 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 0.1 acres generally located at 2546 Charlotte Street.

Applicant: ROBERT GIBLER of GIBLER CONSTRUCTION

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Stephanie Saldari presented the case. 9 exhibits were admitted. Applicant appeared and spoke about their requests. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Gorenc

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

Voting Nay: None

Abstaining: None

Docket Item: 13

CD-BZA-2023-00107 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.

Applicant: Julie Higgins of Heartland Sign & Lighting

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. Applicant Gaylen Davenport appeared and spoke about their requests. Board members discussed merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Mixdorf

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

Voting Nay: None

Abstaining: None

Docket Item: 14

CD-BZA-2023-00110 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.

Applicant: TOM SKRAM of REACHING SOLUTIONS LLC

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. Applicant appeared and spoke about their requests. 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: None

Docket Item: 15

CD-BZA-2023-00115 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.

Applicant: Sara Ladd of Elevate Design + Build

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. PowerPoint presentation was admitted as exhibit 10. Applicant team Sara Ladd and Shawn appeared and spoke about their requests. Also for testimony appeared neighbor Tracy VanVlack to express her support to the project. 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: None

Docket Item: 16

CD-BZA-2023-00116 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.

Applicant: Leslie Marshall of Cicada Build LLC

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff. Anna Nanoski introduced the case and stated that the applicant was no longer pursuing a variance and that the case needed to be dismissed. Board members approved to dismiss the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Stiller

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

Voting Nay: None

Abstaining: None

Docket Item: 17

CD-BZA-2023-00117 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.

Applicant: Gabriel Goetzman

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

Commissioners Absent:

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Stephanie Saldari presented the case. 9 exhibits were admitted. Applicant appeared and spoke about their requests. 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: None

Docket Item: 18.1

CD-BZA-2023-00068 1704 Jefferson - 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.

Applicant: Megan Duma of MD KC, LLC

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 19 exhibits were admitted for this case. The appellant appeared and spoke about their requests. The president of the West Side Neighborhood association appeared and stated that he was interested in this case, however he did not offer further testimony in support or opposition. Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 18.10

CD-BZA-2023-00074 20 E 32nd St - 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."

Applicant: Jeramey Jordan

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested dismissal since they no longer need an appeal case. Board members approved to dismiss the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 18.11

CD-BZA-2023-00078 I [the property owner of 4817 N Fremont Ave] 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 did 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.

Applicant: Justin Sanchez
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Commissioners Absent:
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO
Motioned by: Stiller
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Voting Nay: None
Abstaining: None

Docket Item: 18.12

CD-BZA-2023-00083 "I [the property owner of 3938 Forest Ave] 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."

Applicant: Matthew Rich of New Beginning Investments, LLC
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Commissioners Absent:
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO
Motioned by: Stiller
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Voting Nay: None
Abstaining: None

Docket Item: 18.13

CD-BZA-2023-00073 720 Main St - 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.

Applicant: Tyler Shirk

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 18.2

CD-BZA-2023-00082 4037 Forest - "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 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."

Applicant: Dirk Younkin of Popandpinehome

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item #18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases.

15 exhibits were admitted plus one additional labeled as #16. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction; she also requested a chance for the applicants to be heard.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 18.3

CD-BZA-2023-00080 2 Janssen PI - 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.

Applicant: Stephen Mitchell

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction; she also requested a chance for the applicants to be heard.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 18.4

CD-BZA-2023-00079 136 Kensington - 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.

Applicant: Jeanie Shook of River Jordan Realty
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Commissioners Absent:
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO
Motioned by: Stiller
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Voting Nay: None
Abstaining: None

Docket Item: 18.5

CD-BZA-2023-00071 I [the property owner of 5026 N Topping Ave] 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.

Applicant: Harmony Brown
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Commissioners Absent:
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO
Motioned by: Stiller
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf; Stiller
Voting Nay: None
Abstaining: None

Docket Item: 18.6

CD-BZA-2023-00103 I [the property owner of 5028 N Topping Ave] 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.

Applicant:

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted plus an additional labeled as #13. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction.

Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 18.7

CD-BZA-2023-00102 I [the property owner of 34 E 32nd St] 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.

Applicant: Amber Wright

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. 10 cases for docket item 18 were heard all together. Ahnna Nanoski and Joseph Rexwinkle presented the cases. 12 exhibits were admitted. Megan Duma, the attorney representing the applicant appeared and spoke about the appeals and stated that all the cases overlapped due to the similarities, and she wanted to offer a statement for all of them in conjunction. Also, property owner/applicant, Amber Wright offered testimony in reference to her case. Board members went into closed session; after coming from closed session, board chair Ebbitts stated that the board needed to understand the timeline and look at the merits of each case to allow them to see any discrepancies and make a decision on each and every matter. Board members approved to continue the cases to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Moran

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

Voting Nay: None

Abstaining: None

Docket Item: 18.8

CD-BZA-2023-00070 3903 Central - 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.

Applicant: Jason Newman of 3931 Wyandotte LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested dismissal since they no longer need an appeal case. Board members approved to dismiss the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 18.9

CD-BZA-2023-00072 4442 Harrison - I am making this application under protest, and in order to preserve my rights. I was notified via email that my application was denied on 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.

Applicant: Sandra Swearingen of SAS Properties LLC

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested dismissal since they no longer need an appeal case. Board members approved to dismiss the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: None

Docket Item: 19

CD-BZA-2023-00084 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.

Applicant: Adam Weindling
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf
Commissioners Absent: Stiller
Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested continuance to 10-10-23 due to the attorney representing the case is out of town. Board members approved to continue the case to 10/10/23 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: 20

CD-BZA-2023-00092 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.

Applicant: Chip Walsh of Sustainable Development Partners Kansas City
Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf
Commissioners Absent: Stiller
Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the applicant requested dismissal since they no longer need an appeal case. Board members approved to dismiss the case.

Motion: Dismissed
Motioned by: Mixdorf
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf
Voting Nay: None
Abstaining: None

Docket Item: 21

CD-BZA-2023-00106 A request to appeal zoning violations related to a conforming sign (vacant pole sign) on about .15 generally located at 1321 Westport Rd.

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

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the representing attorney requested more time to work on the case. Board members approved to continue the case to 10/10/23 without a fee.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by: Mixdorf

Voting Aye: Moran; Ebbitts; Gorenc; Mixdorf

Voting Nay: Stiller

Abstaining: None

Docket Item: 22

CD-BZA-2023-00108 A request to appeal a notice of abandonment (termination of a pole sign) on about .5 acres generally located at 3441 Main St.

Applicant: Douglas Stone of LEWIS RICE

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the representing attorney requested more time to work on the case. Board members approved to continue the case to 11/14/23 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: 23

CD-BZA-2023-00109 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.

Applicant: Douglas Stone of LEWIS RICE

Commissioners Present: Moran; Ebbitts; Gorenc; Mixdorf

Commissioners Absent: Stiller

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski introduced the case and stated that the representing attorney requested more time to work on the case. Board members approved to continue the case to 11/14/23 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: 24

CD-BZA-2023-00112 A request to appeal zoning violations related to a nonconforming sign (vacant pole sign) on about .3 acres generally located at 1106 Westport Rd.

Applicant: Sherry DeJanes of Sherry D. DeJanes, PC

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Anna Nanoski offered an update on the case and informed that the applicant requested continuance to 11/14/23. Board members approved to continue the case to 11/24/23.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

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

Voting Nay: None

Abstaining: None

Docket Item: 25

CD-BZA-2023-00111 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.

Applicant: Tobin Kennedy

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski and Joseph Rexwinkle introduced the case. Attorney Megan Duma appeared. Board members approved to continue the case to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Stiller

Voting Nay: Mixdorf

Abstaining: None

Docket Item: 26

CD-BZA-2023-00113 A request to appeal the absence of an address in the KCMO parcel viewer for a duplex on about .2 acres generally located at 32 E 32nd St.

Applicant: Amber Wright

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

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Board chair Ebbitts swore in staff. Ahnna Nanoski and Joseph Rexwinkle introduced the case. Attorney Megan Duma appeared. Board members approved to continue the case to 10/10/23.

Motion: Continued Fee: NO

Motioned by: Moran

Seconded by: Stiller

Voting Aye: Moran; Ebbitts; Gorenc; Stiller

Voting Nay: Mixdorf

Abstaining: None
