



Board of Zoning Adjustment Minutes

Hearing Date: October 11, 2022

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

Docket Item:

CD-BZA-2022-00092 A request to approve a variance to the lot and building standards and all other necessary variances on about .616 acres generally located at 7000 Cleveland Ave

Applicant: of Squareone Collaboration, Inc.

Commissioners Present: Ebbitts; Gorenc; Mixdorf

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Najma Muhammad presented the case. Steve Warger spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: Stiller

Docket Item:

CD-SUP-2022-00038 A request to approve a Special Use Permit to allow for a Short Term Rental in zoning district R-2.5 on about 0.13 acres generally located at 4412 Terrace Street.

Applicant: Theodore Anderson of The Real Estate Law Firm

Commissioners Present: Ebbitts; Gorenc; Stiller

Commissioners Absent: Mixdorf

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022 since the applicant wasn't present. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00143 A request to approve variances to parking and loading standards and all other necessary variances on about 1.5 acres generally located at 6101 Ward Pkwy

Applicant: James Mitchell of LOOK Design Studio

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Najma Muhammad presented the case. The applicant spoke about his requests. He submitted a site plan that was admitted as Exhibit 10. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Mixdorf

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00100 A request to approve a variance to the lot width requirements, plus any other necessary variances in zoning district R-5 on about 0.13 acres generally located at 4200 Bell Street

Applicant: Travis Willson of Veritas A+D

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Jared Clements presented the case. The applicant spoke about his requests and submitted a new site plan that was admitted as Exhibit 10. Jared Clements presented the new calculations for Variances A-H. No one else appeared for testimony. Board members discussed the merits of the case and approved it as written in the revised staff report.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Stiller

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00121 A request to approve an oversized garage and all other necessary variances on about 0.09 acres generally located at 719 Gladstone Avenue

Applicant: Joel Avitia

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Larisa Chambi presented the case. The applicant and his son spoke about their requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00019 A request for rehearing regarding a previously dismissed appeal to the denial of a Certificate of Legal Non-Conforming Use in zoning district R-7.5 on about five acres generally located at 8820 Indiana Ave

Applicant: Michaela Hunter of Milana Hunter Consulting LLC

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice Chair Ebbitts introduced the case. Jared Clements presented the case. The applicant spoke about their requests. City Planning Compliance Supervisor Jim Duddy stated the 5th dwelling unit (mobile home) had been removed from the site. He also stated the site was in compliance for 4 dwelling units, as it was prior to annexation by the city. Board members discussed the merits of the case and upheld staff's decision to deny the 5 units. They remanded the case back to city staff for evaluation of the CLNU in light of the current 4 dwelling units.

Motion: Decision Upheld

Motioned by: Ebbitts

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00137 A request to approve variances to the accessory structures and uses standards, and all other necessary variances on about .371 acres generally located at 1864 E 76th Ter

Applicant: BRYAN MILLER of Essendant

Commissioners Present: Ebbitts; Gorenc; Stiller

Commissioners Absent: Mixdorf

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Najma Muhammad presented the case. The applicant spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00138 A request to approve an accessory structure height variance, plus any other necessary variances in zoning district R-6 on about 0.13 acres of land generally located at 1002 W 77th Terrace

Applicant: Joseph Rathermel of JWR Architecture

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice Chair Ebbitts introduced the case and advised it was to be dismissed. No one appeared for testimony. Board members dismissed the case.

Motion: Dismissed

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-SUP-2022-00040 A request to approve a Special Use Permit in District M1-5 (Manufacturing) on about 15 acres generally located at the southwest corner of East 149th Street and Botts Road.

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

Commissioners Present: Ebbitts; Gorenc; Mixdorf

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Matt Barnes presented the case. The applicant team of attorney Aaron March and architect Will Dubois spoke about their requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it with conditions.

Motion: Approved with Conditions

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf

Voting Nay: None

Abstaining: Stiller

Docket Item:

CD-BZA-2022-00133 A request to approve a rear yard setback variance, plus any other necessary variances in zoning district R-7.5 on about 0.38 acres of land generally located at 9819 Bellevue Avenue

Applicant: Mark Murdick of Sullivan Palmer Architects

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Larisa Chambi presented the case. The applicant spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Stiller

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00128 A request to appeal CPC's decision to approve case number CD-CPC-2022-00103 for a 40 unit apartment complex in zoning district B3-2 on about 0.71 acres generally located at 8116 N Oak Trafficway

Applicant: David Best

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Jared Clements presented the case. The applicant spoke about his requests. The following appeared for testimony:

Carey Burke of 224 NE 81st St--supported applicant's appeal based on the loss of greenspace for wildlife, overflowing creek, said apartment complex will cause property damage

Jan Byrn of 215 NE 81st St--supported applicant's appeal based on increased traffic, loss of greenspace, height of building

Sarah Lyons Belisle of 312 NE 81st St--due to increased traffic, creek overflow, trespassers

Board members discussed the merits of the case and upheld the decision of City Plan Commission.

Motion: Approved

Motioned by: Stiller

Seconded by: Mixdorf

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00024 A request to appeal staff's determination surrounding property violations related to the storage of commercial vehicles on about 9 acres generally located at 4507 Blue Ridge Cutoff.

Applicant: George EDDIE JAMES of JAMES SOBBA, LLC

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

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

Docket Item:

CD-BZA-2022-00132 A request to approve a special exception to fence height requirements in zoning district R-6 on about 0.086 acres generally located at 700 W 44th Terrace

Applicant: Jennifer Lewis of Kansas City Hardscapes

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Justin Smith presented the case. Property owner Ken Pierson spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

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

Docket Item:

CD-SUP-2021-00093 A request to approve a special use permit for a short-term rental in an R-7.5 district on about 0.203 acres generally located at 6800 NW 79th Ter

Applicant: Quoc Lam

Commissioners Present: Ebbitts; Gorenc; Mixdorf

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Matt Barnes presented the case. The applicant spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it with conditions.

Motion: Approved with Conditions
Motioned by: Mixdorf
Seconded by: Gorenc
Voting Aye: Ebbitts; Gorenc; Mixdorf
Voting Nay: None
Abstaining: Stiller

Docket Item:

CD-SUP-2022-00007 Site Preparations - A request to approve a Special Use Permit to allow for a Temporary Use Permit for Demolition and Debris landfill (grading, rock crushing, and filing) in district R-7.5 (Residential) on about 110 acres generally located at 4507, 4521 and 4523 Blue Ridge Cut Off, and 9500 E 47th Street.

Applicant: Amy Grant of Polsinelli PC

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-SUP-2022-00039 A request to approve a Special Use Permit to allow for a Short Term Rental in zoning district R-2.5 on about 0.12 acres generally located at 4742 Jarboe Street

Applicant: Theodore Anderson of The Real Estate Law Firm

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00139 A request to appeal staff's decision to approve a site plan (CRBF-2022-50296) in zoning district B4-5 on about 0.52 acres of land generally located at 612 W 47th Street

Applicant: Brian Madden of Wagstaff & Cartmell LLP

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Vice Chair Ebbitts introduced the case. Ahnna Nanoski presented the case. The applicant team of attorney Patricia Jensen, Brian Madden, David Olson & Matt Pennington spoke about their requests. The board went to a closed session. Board members discussed the merits of the case and continued it to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00017 A request to appeal staff's determination to deny a Certificate of Legal Nonconforming Use on about 1.5 acres generally located at 4500 N Brighton Ave.

Applicant: Brent Cline

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Ahnna Nanoski presented the case. The applicant team of attorney Luke Demaree and owner Brent Cline spoke about their requests. Property manager Tasha Moran appeared for testimony. Board members discussed the merits of the case and granted the CLNU for all 5 structures as single family homes only.

Motion: Approved

Motioned by: Stiller

Seconded by: Gorenc

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

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00141 A request to approve variances to the lot and building standards and all other necessary variances on about .055 acres generally located at 4241 Charlotte St

Applicant: Todd Crippen

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Najma Muhammad presented the case. The applicant spoke about his requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00144 A request to approve a variance to the rear yard setback standards to allow for the remodel of an existing deck on about 0.14 acres generally located at 516 Olive Street.

Applicant: Masoud Shahbazi

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00136 A request to approve an accessory structure siting variance and a special exception, plus any other necessary variances in zoning district R-6 on about 0.17 acres of land generally located at 6826 Main Street

Applicant: Michelle Giblin

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice chair Ebbitts introduced the case. Jared Clements presented the case. Michelle Giblin & Brennan Smith spoke about their requests. They submitted a petition of support signed by 30 people. The following appeared for testimony: Bradley Diekmann, representing the Armour Hills Homes Association--opposed
Marles Waters-supported
Mary Jo Saviano-supported
Joseph Carr of 14 W 8th Ter-supported
Renee Daniels, lives in Armour Hills-supported
Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00120 A request to approve variances to projecting sign square footage requirements in zoning district B4-5 on about 0.52 acres generally located at 612 w 47th Street

Applicant: of INFINITY SIGNS, INC.

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice Chair Ebbitts introduced the case and advised the applicant requested a dismissal. No one appeared for testimony. Board members dismissed the case.

Motion: Dismissed

Motioned by: Stiller

Seconded by: Mixdorf

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-BZA-2022-00135 A request to approve variances to the lot and building standards and all other necessary variances on about .168 acres generally located at 6821 Rockhill Rd

Applicant: Michelle Decker of RETOUCH REAL ESTATE ENHANCEMENT GROUP, LLC

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item:

CD-SUP-2022-00033 A request to approve a drive-through facility on about .55 acres generally located at E. Linwood Boulevard and Van Brunt Boulevard.

Applicant: Matthew Gibbs of BHC Rhodes

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Mixdorf

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item: 5

CD-SUP-2022-00041 A request to approve a Type 2 -Year round Short Term Rental through the Special Use Permit process on about 0.084 acres generally located at 716 W 44th Ter

Applicant: James Engle

Commissioners Present: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Vice Chair Ebbitts introduced the case and advised 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: Ebbitts; Gorenc; Mixdorf; Stiller

Voting Nay: None

Abstaining: None

Docket Item: 19

CD-BZA-2022-00027 A request to approve a variance to density standards to allow for a five unit residential structure where a three unit residential structure exists in zoning district R-1.5 on about 7000 square feet generally located at 561 Harrison Street

Applicant: Corey Henry of Chinnery Evans & Nail, P.C.

Commissioners Present: Ebbitts; Gorenc; Stiller

Commissioners Absent: Mixdorf

Commissioners Recusing: None

Testimony: No

Vice Chair Ebbitts introduced the case and advised it was to be continued to November 8, 2022. No one appeared for testimony. Board members continued the case to November 8, 2022.

Motion: Continued Fee: NO

Motioned by: Stiller

Seconded by: Gorenc

Voting Aye: Ebbitts; Gorenc; Stiller

Voting Nay: None

Abstaining: None

Docket Item: 29
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: Ebbitts; Gorenc; Mixdorf; Stiller

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Vice Chair Ebbitts introduced the case. Ahnna Nanoski presented the case. The applicant appeared and spoke about his requests. City Planning & Development Compliance Supervisor spoke about inspection findings. Board members discussed the merits of the case and continued it to December 13, 2022 to allow the applicant time to bring back tenant leases and rent receipts.

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