



Board of Zoning Adjustment Minutes

Hearing Date: October 9, 2024

414 E 12th Street, 10th Floor, Council Committee Room
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: Ebbitts; Gorenc; Hays; Meier; Wright

Commissioners Absent: Moran; Mixdorf

Commissioners Recusing: None

Testimony: No

Ahna Nanoski introduced the case and stated staff is recommending continuance without fee to October 16, 2024. No one appeared for testimony. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued Fee: NO
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 2

CD-SUP-2024-00026 A request to approve a Special Use Permit for two second story apartments in an M2-1 zoning district on about 0.923 acres generally located at 1203 Woodswether Rd.

Applicant: Ben Bortnick of BDB Properties llc

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright

Commissioners Absent: Moran; Mixdorf

Commissioners Recusing: None

Ahna Nanoski introduced the case and stated staff is recommending continuance without fee to October 16, 2024. No one appeared for testimony. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 3

CD-BZA-2024-00086 A request to approve a variance to the features allowed to encroach on the setbacks, to permit a deck to encroach on the side setback, plus any other needed variances on about 0.14 acres generally located on the SW corner of Thompson Avenue and Cypress Avenue.

Applicant: Roger Avalos of raengineering

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright

Commissioners Absent: Moran; Mixdorf

Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case for Stephanie Saldari. 10 exhibits were admitted. The applicant and an interpreter, Ester Silva, appeared and spoke about their request. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Gorenc
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier
Voting Nay: Wright
Abstaining: None

Docket Item: 4

CD-BZA-2024-00099 A request to approve a variance to the infill lot & building standards plus any other needed variances in an R-6 zoning district on about 0.08 acres generally located at 1842 Mercier Street.

Applicant: Brandon Schwabauer of Norton & Schmidt

Commissioners Present:
Commissioners Absent:
Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented for Stephanie Saldari's case. Quorum was reestablished and confirmed. 1-11 exhibits were admitted. The applicant appeared and spoke about their requests and adjustments made to their prior plans. Board members discussed the merits of the case and approved.

Motion: Approved
Motioned by: Wright
Seconded by: Hays
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 5

CD-BZA-2024-00115 A request to approve a variance to the residential vehicular standards to permit a smaller setback for a parking space in the front yard, plus any other needed variances on about 0.12 acres generally located at 4224 Charlotte Street.

Applicant: JACK ANDERSON

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case and presented the case for Stephanie Saldari. 9 exhibits were admitted. The applicant team Jack Anderson and Chris Koch, President of HOA, appeared and spoke in support of the request. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Hays; Meier; Wright
Voting Nay: Gorenc
Abstaining: None

Docket Item: 6

CD-BZA-2024-00131 A request to approve a variance to the parking and loading standards to permit a decreased parking ratio, plus any other needed variances on the subject site in an M1-5 zoning district on about 0.30 acres generally located at 1813 Locust Avenue.

Applicant: Daren Carney of ALINEA ARCHITECTS, P. A.

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced and presented the case for Stephanie Saldari. 9 exhibits were admitted. The applicant team 1813 Lotus, LLC and Daren Company appeared and spoke about their request. The applicants discussed their reasons for picking the location for their business even though there is no direct parking lot. No one appeared in

opposition from the public. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Wright
Seconded by: Hays
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 7

CD-BZA-2024-00133 A request to approve a variance to the infill residential lot and building standards to permit a smaller front setback, plus any other needed variances on an R-1.5 zoning district on about 0.09 acres generally located at 29 E 32nd Street.

Applicant: Christopher Dandurand of Gorny Dandurand, LC

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case for Stephanie Saldari. 10 exhibits were admitted. The applicant, Christopher Dandurand, appeared and spoke about their request for 3 variances based on ADA compliant standards for wheelchair accessibility. No one appeared for public testimony. Board members discussed the merits of the case and approved it, with the modification of the Variance C to 06.5 inches instead of feet.

Motion: Approved
Motioned by: Hays
Seconded by: Wright
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 8

CD-BZA-2024-00135 A request to approve a variance to the sign location regulations of the Main Street Overlay District on about 1.9 acres generally located at 4201 Main St.

Applicant: of INFINITY SIGNS, INC.

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated staff is recommending dismissal. Commissioners approved to dismiss the case.

Motion: Dismissed Fee: NO
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 9

CD-BZA-2024-00136 A request to approve a variance to the residential lot and building standards to permit additional apartment units on the subject site, plus any other needed variances on an R-1.5 zoning district on about 0.66 acres generally located at 3930 Warwick Boulevard.

Applicant: Aaron Clemons

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case. Applicant Aaron Clemons requested continuing the case so the neighborhood could discuss and write an approval letter next week. No one else appeared for public testimony. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued Fee: NO
Motioned by: Meier
Seconded by: Gorenc
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 10

CD-BZA-2023-00137 A request to appeal zoning violations related to a prohibited use (Adult Business) on about .4 acres generally located at 208 Westport Rd.

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

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Companion Case CD-BZA-2024-00062, was overturned, making this case non-existent.

Motion: Dismissed
Motioned by: Hays
Seconded by: Gorenc
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 11

CD-BZA-2024-00062 A request to appeal a denial of a Certificate of Legal Nonconforming Use on about .67 generally located at 208 Westport Rd.

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

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Meier; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing public testimony. Ahnna Nanoski introduced and presented the case and companion case CD-BZA- 2023-00137. 14 exhibits were admitted. The applicant team Rachelle Biondo, et al, appeared and spoke about their request to overturn a denial. Several people came forward in person and online to support the request, while no one spoke against approving the request. 5 people were decided on to talk about their support including Justin W., James M. John P., Kevin B., and Charles M. Board members discussed the merits of the case and approved the overturning of the denial.

Motion: Approved
Motioned by: Gorenc
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 12

CD-BZA-2024-00067 A request to appeal a Notice of Abandonment related to a nonconforming sign on about .9 acres generally located at 6850 E Front St.

Applicant: Kerrie Hale of Hale Real Estate

Commissioners Present:
Commissioners Absent:
Commissioners Recusing: None

Testimony: No

Mitch Hale, representing the applicant, requested a continuance without being heard to 12/11/24.

Motion: Continued Fee: NO

Motioned by: Meier
Seconded by: Gorenc
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 13

CD-SUP-2024-00036 A request to approve a special use permit to allow one temporary, modular classroom building in district R-6 on about 3.89 acres generally located at 7302 Pennsylvania Avenue.

Applicant: EDWARD PHILLIPS of NORTON & SCHMIDT CONSULTING ENGINEERS

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Larisa Chambi is presenting for Genevieve Kohn's case. 9 exhibits were admitted. The applicant team, Eddie Phillips and James Morril appeared online to speak about their requests. No one else appeared for testimony. Board members discussed the merits of the case and approved it with conditions in accordance of the staff report.

Motion: Approved with Conditions
Motioned by: Hays
Seconded by: Wright
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 14

CD-BZA-2024-00118 A request to approve a variance to the infill lot and building standards to permit a shorter rear setback, plus any other needed variances on about 0.14 acres generally located at 7 E 65th Terrace.

Applicant: Laura Bauers of Lo Design

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated applicant is requesting a continuance to continue work with HOA. Gino Serra, HOA President, was on hand to discuss project and did not oppose continuance. Laura Bauers requested continuance until December 11th hearing. Commissioners approved to continue the case to December 11, 2024, without fee.

Motion: Continued Fee: NO
Motioned by: Hays
Seconded by: Wright
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 15

CD-BZA-2024-00123 A request to approve a variance to the required front yard setbacks in District R-10 on about 1 acre generally located at 5134 Baltimore Ave.

Applicant: Sarah Knight of MKEC Engineering

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Justin Smith presented the case. 10 exhibits were admitted. The applicant team appeared and spoke about their requests Board members discussed the merits of the case and approved it with the amendment of the variance from a 6.7 ft setback to 5ft.

Motion: Approved
Motioned by:
Seconded by:
Voting Aye: None
Voting Nay: None
Abstaining: None

Docket Item: 16

CD-BZA-2024-00139 A request to approve a variance to the accessory structure lot and building standards, to permit a smaller rear setback, plus any other needed variances on an R-7.5 zoning district on about 0.09 acres generally located at 5543 Central Street.

Applicant: Steven Woods of WGN & ASSOCIATES, LLC

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Ahnna Nanoski introduced the case. Connor Tomlin presented the case for Stephanie Saldari. 9 exhibits were admitted. The applicant, Steven Woods, and the owner, Stephen Kirschbaum, appeared and spoke about their request to replace a shared garage. No one appeared for public testimony. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Wright
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 17

CD-BZA-2024-00141 A request to approve a variance to the residential lot and building standards to permit a smaller rear setback, plus any other needed variances on an R-7.5 zoning district on about 0.20 acres generally located at 6 W 108th Court.

Applicant: DANIEL FOSTER of Foster Construction Co

Commissioners Present:
Commissioners Absent:
Commissioners Recusing: None

Testimony: No

Ahnna Nanoski introduced the case and stated staff is recommending continuance without fee to October 16, 2024. No one appeared for testimony. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued Fee: NO
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 18

CD-BZA-2024-00134 A request to approve a special exception to permit a fence greater than 4 feet in the street side yard and front yard in an R-7.5 zoning district, plus any additional variances on about 0.48 acres generally located at 10435 Wornall Road.

Applicant: Bria Clemmons of Wyldehaus

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the fence case. 11 exhibits were admitted. The applicant and owner, Bria Clemmons, appeared and spoke about their request. Kevin Barthol appeared to speak in opposition. Board members discussed the merits of the case and approved to continue it to December 11, 2024 so owner can provide more complete and current photos and site plans.

Motion: Continued
Motioned by: Wright
Seconded by: Hays
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 19

CD-BZA-2024-00129 A request to approve a variances to the height and square footage of accessory buildings on the subject site, plus any additional variances on about 52.948 acres generally located at 16201 Ess Rd.

Applicant: Phil LeVota

Commissioners Present: Ebbitts; Gorenc; Hays; Meier; Wright
Commissioners Absent: Moran; Mixdorf
Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case and presente dit for Alec Gustafson. 11 exhibits were admitted. No one appeared from the public. The applicant appeared and spoke about their requests for a garage and pavilion. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Hays
Seconded by: Meier
Voting Aye: Ebbitts; Gorenc; Hays; Meier; Wright
Voting Nay: None
Abstaining: None

Docket Item: 20

CD-BZA-2023-00049 A request to appeal city staff's determination related to zoning violations issued for the subject site on about 13 acres generally located at 5500 Bennington Ave.

Applicant: Daniel Heryer of Urbavore Urban Farm

Commissioners Present: Moran; Ebbitts; Hays; Meier
Commissioners Absent: Moran; Gorenc; Mixdorf
Commissioners Recusing: None

Ahnna Nanoski introduced the continuances and applicant requested a continuance on this case due to lack of quorum. B Neighbors and F. George provided public testimony from the public requesting the case be heard as soon as possible. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued
Motioned by: Meier
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Hays; Meier
Voting Nay: None
Abstaining: None

Docket Item: 21

CD-BZA-2024-00138 A request to appeal city staff's determination on the revocation of an approved alternative compliance parking plan on about 0.138 acres generally located at the southwest corner of East 69th Street and Prospect Avenue.

Applicant: John Roe of The Roe Law Firm LLC

Commissioners Present: Ebbitts; Hays; Meier; Wright
Commissioners Absent: Moran; Gorenc; Mixdorf
Commissioners Recusing: None

Testimony: No

Motion: Continued Fee: NO
Motioned by: Meier
Seconded by: Moran

Voting Aye: Moran; Ebbitts; Hays; Meier
Voting Nay: None
Abstaining: None

Docket Item: 22

CD-BZA-2024-00127 A request to approve a variance to the required side setback in an R-7.5 zoning district to permit the reconstruction of a deck, plus any additional variances on about 0.27 acres generally located at 5004 NW 66th Street.

Applicant: of DAVIS CONSTRUCTION

Commissioners Present: Moran; Ebbitts; Hays; Meier

Commissioners Absent:

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case after Ebbitts discussed only having 4 board members to hear the case today. 9 exhibits were admitted. The applicant, Tim Davis, and owner, Stuart Cohan, appeared and spoke about their request. No one appeared for public testimony. Board members discussed the merits of the case and approved it.

Motion: Approved
Motioned by: Meier
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Hays; Meier
Voting Nay: None
Abstaining: None

Docket Item: 23

CD-BZA-2024-00052 A request to appeal determinations related to a denied Temporary Use Permit on about 2.29 acres generally located at 5005 N Brighton Ave.

Applicant: Randall Brack of Trinity Christian Center

Commissioners Present:

Commissioners Absent:

Commissioners Recusing: None

Ahnna Nanoski introduced the case and stated staff is recommending continuance without fee to November 13, 2024. The applicant and owner appeared to confirm request due to continuance in City Council. Commissioners approved to continue the case to November 13, 2024, without fee.

Motion: Continued
Motioned by: Meier
Seconded by: Moran
Voting Aye: Moran; Ebbitts; Hays; Meier
Voting Nay: None
Abstaining: None

Docket Item: 24

CD-BZA-2024-00081 A request to approve a variance in an R-2.5 district to permit a digital sign be located in a residentially zoned parcel, plus any additional variances on about 19.77 acres generally located at 1801 White Ave.

Applicant: Douglas Day of Frontier Restoration, LLC.

Commissioners Present: Moran; Ebbitts; Hays; Meier

Commissioners Absent: Hays; Mixdorf; Wright

Commissioners Recusing: None

Board chair Ebbitts swore in staff and applicant. Ebbitts discussed only having 4 board members to hear the case today. The applicant, D. Day, requested the case to be continued to November 13, 2024. Board members approved to continue the case to November 13, 2024 without fee.

Motion: Continued
Motioned by: Moran
Seconded by: Hays
Voting Aye: Moran; Ebbitts; Hays; Meier
Voting Nay: None

Abstaining: None

Docket Item: 25

CD-BZA-2024-00124 A request to approve a special exception to permit a fence greater than 4 feet in the front yard in a R-7.5 zoning district, plus any additional variances on about 0.43 acres generally located at 511 Gladstone Boulevard.

Applicant: Megan Duma of MD KC, LLC

Commissioners Present: Moran; Ebbitts; Hays; Meier

Commissioners Absent: Gorenc; Mixdorf; Wright

Commissioners Recusing: None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Ahnna Nanoski introduced the case. Connor Tomlin presented the case after Ebbitts discussed only having 4 board members to hear the case today. 10 exhibits were admitted. The applicant, Megan Duma, appeared and spoke about her request. No one appeared for public testimony. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Moran

Seconded by: Meier

Voting Aye: Moran; Ebbitts; Hays; Meier

Voting Nay: None

Abstaining: None

Docket Item: 26

CD-BZA-2024-00077 A request to approve a variance to the accessory structures to allow a shorter setback for a swimming pool, plus any other needed variances in the Shoal Creek zoning district on about 0.35 acres generally located at 8541 N McKinley Avenue.

Applicant: Neal Anson

Commissioners Present: Moran; Ebbitts; Hays; Meier

Commissioners Absent: Gorenc; Mixdorf; Wright

Commissioners Recusing: None

Testimony: Yes

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 his requests. Board members discussed the merits of the case and approved it.

Motion: Approved

Motioned by: Hays

Seconded by: Moran

Voting Aye: Moran; Ebbitts; Hays; Meier

Voting Nay: None

Abstaining: None