



# Board of Zoning Adjustment Minutes

Hearing Date: November 13, 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, P.C.

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Ahnna Nanoski presented the case. 9 exhibits were admitted. The applicant team , Adam Brandonberg and D. Mark, appeared and spoke about their request. In opposition, Laura Berkhauler, appeared to share her public testimony. Board members discussed the merits of the case and approved it with conditions: SUP approval w/ variances A B C E F G H I w/ applicant submitting application showing actual sign sizes, J K (not D).

**Motion:** Approved with Conditions

**Motioned by:** Wright

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Wright

**Voting Nay:** Mixdorf

**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:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Sara Copeland introduced the case and Alec Gustafson is recommending continuance with fee to December 11, 2024. No one appeared for testimony. Commissioners approved to continue the case to December 11, 2024, with fee.

**Motion:** Continued - With Fee

**Motioned by:** Wright

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

**Docket Item:** 3

**CD-BZA-2024-00108** A request to approve a variance to the maximum floor space in the Accessory Dwelling Unit standards, plus any additional variances on about 0.14 acres generally located at 3419 Baltimore Avenue.

**Applicant:** Erich McGrew

**Commissioners Present:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Commissioners Absent:** Hays; Meier

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff. Sara Copeland introduced the case and stated staff recommended a continuance off-docket. No one appeared for testimony. Board members continued the case off-docket.

**Motion:** Continued - Off Docket

**Motioned by:** Moran

**Seconded by:** Mixdorf

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 4

**CD-BZA-2024-00130** A request to approve a variance to the maximum size of a monument sign, plus any additional variances in an R-1.5 zoning district on about 45.789 acres generally located at 2700 Main St.

**Applicant:** Robert Whitman of Multistudio

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Alec Gustafson presented the case. 9 exhibits were admitted. The applicant team, including Robert Whitman, appeared and spoke about their request for a sign variance. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Moran

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 5

**CD-BZA-2024-00132** A request to approve a variance to required setbacks in a M1-5 district to permit townhouses and accessory garages to be developed on the site, plus any additional variances on about 0.35 acres generally located at 1805 Washington Street.

**Applicant:** Lance Scott of Cook, Flatt & Strobel Engineers, P.A.

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. The applicant team, Lance Scott, appeared and spoke about their request. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Wright

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 6

**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:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Stephanie Saldari presented the case. 11 exhibits were admitted. The applicant team John Roe and Aaron Clemons appeared and spoke about their request. It was mentioned that the HOA of Southmoreland submitted a notarized approval letter for the project. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Moran

**Seconded by:** Wright

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 7

**CD-BZA-2024-00147** A request to approve a variance to the features allowed to encroach onto the side setback, plus any other needed variances in a R-6 zoning district on about 0.074 acres generally located at 2327 Jarboe Street.

**Applicant:** Dante Passantino

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Stephanie Saldari presented the case. 9 exhibits were admitted. The applicant Dante Passantino appeared and spoke about the request. No one appeared for public testimony. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Mixdorf

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 8

**CD-BZA-2024-00105** A request to approve a special exception to permit a fence greater than 4 feet in height on a corner lot, plus any additional variances on about 0.27 acres generally located at 5204 N Virginia Avenue.

**Applicant:** Alan Avey of Self

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. The applicant team Alan Avey and Chris Humbey appeared and spoke about their request. No one appeared for public testimony. Board members discussed the merits of the case and granted the variance with the condition of a 6.5 foot max fence height and resubmit plans/pictures showing it is that height within 90 days of the determination.

**Motion:** Approved

**Motioned by:** Moran

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 9

**CD-BZA-2024-00126** A request to appeal a zoning violation related to a nonconforming pole sign on the subject site on about 2 acres generally located at 1501 N Corrington Ave.

**Applicant:** Nick Collard of American Truck Centers

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

**Commissioners Absent:** Moran

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Sara Copeland presented the case. 9 exhibits were admitted. The applicant team, Nick Collard and George Haynes appeared and spoke about their requests. Board members discussed the merits of the case and denied the request.

**Motion:** Denied

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 10

**CD-BZA-2024-00153** A request to appeal several zoning violations related to unpermitted uses (industrial) on about 9 acres generally located at 421 N Atlantic St.

**Applicant:** Rachele Biondo of Rouse Frets White Goss Gentile Rhodes, P.C.

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: No

Board chair Ebbitts swore in staff. Sara Copeland introduced the case and stated staff recommends a continuance to February 12, 2025. No one appeared for testimony. Board members continued the case to February 12, 2025.

**Motion:** Continued Fee: NO

**Motioned by:** Moran

**Seconded by:** Mixdorf

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 11

**CD-BZA-2024-00145** A request to rehear case CD-SUP-2024-00012 on about .8 acres generally located at 1125 Grand Blvd.

**Applicant:** David Waters of Spencer Fane LLP

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicants. Sara Copeland introduced the case. No one appeared for public testimony. Andrew Clarke presented the case with a recommendation to re-hear the case. The applicant team David Waters, Aaron Mesmer, and Joe Friedrich appeared and spoke about their request to re-hear the case. Board members discussed the case and granted a re-hearing. The case was then presented by Andrew Clarke and 12 exhibits were admitted. The applicant team David Waters, Aaron Mesmer, and Joe Friedrich spoke about their requests. Board members discussed the merits of the case and approved it with conditions as stated.

**Motion:** Approved with Conditions

**Motioned by:** Moran

**Seconded by:** Gorenc

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 12

**CD-SUP-2024-00032** A request to re-approve a Special Use Permit for "light equipment sales/rental (outdoor)" and any other necessary variances in District B3 2 (Community Business) on about 0.35 acres located at 2920 Prospect Avenue, or generally located at the southwest corner of E. 29th St and Prospect Avenue.

**Applicant:** Robert Lewis of True value motors

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Olofu Agbaji presented the case. 9 exhibits were admitted. The applicant, Robert and Michelle Lewis, appeared and spoke about their requests. No one appeared for public testimony. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Wright

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 13

**CD-SUP-2024-00034** A request to approve a Special Use Permit for a Light Equipment Sales/Rental in a B3-2 zoning district on about 0.39 acres generally located at 3108 E 9th St.

**Applicant:** GEORGE NIEWRZEL of GEORGE NIEWRZEL ARCHITECT PC

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Alec Gustafson presented the case. 9 exhibits were admitted. The applicant team appeared and spoke about their request. No one appeared for public testimony. Board members discussed the merits of the case and approved the SUP for 2 yrs based on the conditions listed in the staff report.

**Motion:** Approved with Conditions

**Motioned by:** Wright

**Seconded by:** Mixdorf

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 14

**CD-SUP-2024-00035** A request to approve a Special Use Permit for a Motor Vehicle Repair, General in a B3-2 zoning district on about 0.39 acres generally located at 3108 E 9th St.

**Applicant:** GEORGE NIEWRZEL of GEORGE NIEWRZEL ARCHITECT PC

**Commissioners Present:** Moran; Ebbitts; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Alec Gustafson presented the case. 9 exhibits were admitted. The applicant team appeared and spoke about their request. No one appeared for public testimony. Board members discussed the merits of the case and approved the SUP for 2 yrs based on the conditions listed in the staff report.

**Motion:** Approved with Conditions

**Motioned by:** Wright

**Seconded by:** Mixdorf

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 15

**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; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, and the applicants. Sara Copeland introduced the case. Connor Tomlin presented the case. 9 exhibits were admitted. The applicant team Skip Cox, Douglas Day, and Justin Burton appeared and spoke about their request for a digital sign in a residential zone. No one appeared for testimony. The Board requested closed session and then returned. The Board members discussed the merits of the case and denied it.

**Motion:** Denied

**Motioned by:** Moran

**Seconded by:** Mixdorf

**Voting Aye:** Moran; Ebbitts; Gorenc; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 16

**CD-BZA-2024-00015** A request to appeal zoning violations related to the storage of commercial vehicles and gravel parking areas on about 5 acres generally located at 2804 Blue Ridge Blvd.

**Applicant:** TIMOTHY GATES

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Testimony: No

Sara Copeland introduced the case and stated staff is recommending continuance without fee to December 11, 2024. No one appeared for testimony. Commissioners approved to continue the case to December 11, 2024, without fee.

**Motion:** Continued

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 17

**CD-BZA-2024-00027** A request to appeal zoning violations related to outdoor storage, unapproved accessory structures, and an unpermitted use on about 5 acre generally located at 2808 Blue Ridge Blvd.

**Applicant:** TIMOTHY GATES

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Sara Copeland introduced the case and stated staff is recommending continuance without fee to December 11, 2024. No one appeared for testimony. Commissioners approved to continue the case to December 11, 2024, without fee.

**Motion:** Continued

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 18

**CD-BZA-2024-00063** A request to appeal a Notice of Abandonment related to a nonconforming sign on about 1.6 acres generally located at 8912 E US 40 Hwy.

**Applicant:** Anthony Privitera of MARK ONE ELECTRIC COMPANY, INC.

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Sara Copeland introduced the case and stated staff is recommending continuance with fee to February 12, 2025. No one appeared for testimony. Commissioners approved to continue the case to February 12, 2025, with fee.

**Motion:** Continued - With Fee

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 19

**CD-BZA-2024-00146** A request to appeal a zoning violation related to an unpermitted use (vehicle services) on the subject site on about .1 acres generally located at 2118 Olive St.

**Applicant:** Luis Barnoya of Luis Miguel

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case and Ahnna Nanoski presented the case. Staff is recommending continuance without fee to October 16, 2024. The applicant, Douglas Livingston and interpreter, Ana Morales, discussed how to show progress on the property. Board members heard the merits of the case approved to continue the case to February 12, 2025 without fee.

**Motion:** Continued Fee: NO

**Motioned by:**

**Seconded by:**

**Voting Aye:** None

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 20

**CD-BZA-2024-00148** A request to rehear CD-SUP-2024-00013 due to the project's noncompliance with Chapter 34 of the KCMO Municipal Code on about .4 acres generally located at 511 Gladstone Blvd.

**Applicant:**

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

Testimony: Yes

Board chair Ebbitts swore in staff. Sara Copeland introduced the case and stated that staff request the case to be dismissed. Megan Duhma the applicant also requested the case be dismissed. Board members approved to dismiss the case.

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

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**Docket Item:** 21

**CD-BZA-2024-00149** A request to rehear case CD-BZA-2024-00072 on about 2 acres generally located at 5631 E US 40 Hwy.

**Applicant:** Mark Meyer of Law Offices of Mark E. Meyer LLC

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

Testimony: No

Sara Copeland introduced the case and stated staff is recommending continuance without fee to December 11, 2024. No one appeared for testimony. Commissioners approved to continue the case to December 11, 2024, without fee.

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

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**Docket Item:** 22

**CD-SUP-2024-00029** A request to approve a Special Use Permit (SUP) for a hotel in district R-0.5 (Residential) on about .253 acres generally located at 804 W 48th St.

**Applicant:** Heather Caster

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

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Ahnna Nanoski presented the case sharing the Staff and City Plan Recommendations of Approval, Subject to Conditions for a Hotel vs STR. 9 exhibits were admitted. The applicants, Heather and Peter Caster appeared and spoke about their requests. Board members discussed the merits of the case and approved it.

**Motion:** Approved  
**Motioned by:** Mixdorf  
**Seconded by:** Moran  
**Voting Aye:** Moran; Ebbitts; Mixdorf; Wright  
**Voting Nay:** None  
**Abstaining:** None

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**Docket Item:** 23

**CD-BZA-2024-00103** A request to approve a variance for an attached garage and any additional variances in an R-2.5 zoning district on about 0.11 acres generally located at 4440 Wyoming St.

**Applicant:** Jesse Crupper of Kala

**Commissioners Present:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Commissioners Absent:** Gorenc; Meier

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Alec Gustafson presented the case discussing the front facing garage variances request and complete deviation. 9 exhibits were admitted. The applicants, Jesse Crupper and Roman Pohorecki, appeared and spoke about their requests to build a new home on the infill lot, which included a single front facing garage. Board members discussed the merits of the case and approved it.

**Motion:** Approved

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 24

**CD-BZA-2024-00140** A request to approve a variance to the permitted setbacks for a swimming pool, plus any other needed variances on about 0.063 acres generally located at 716 W 45th Street.

**Applicant:** Derrion Thomas of Thomas 58 construction llc

**Commissioners Present:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Commissioners Absent:** Gorenc; Meier

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Stephanie Saldari presented the case discussing the variances request and complete deviation. 11 exhibits were admitted. The applicants, Derrion Thomas and George Heyns, appeared and spoke about their requests to bring a pool and deck into compliance. The home owner believed there was no issue with the set-backs based on email correspondence with City Staff. Board members discussed the merits of the case and continued the case to December 11, 2024 to allow for more information from the applicant.

**Motion:** Continued

**Motioned by:** Moran

**Seconded by:** Wright

**Voting Aye:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 25

**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:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Stephanie Saldari presented the case discussing the variances request and complete deviation. 10 exhibits were admitted. The applicants, Dan Foster and Steve Williamson, appeared and spoke about their requests for an expanded deck. Board members discussed the merits of the case and did not approve the request.

**Motion:** Denied

**Motioned by:** Moran

**Seconded by:** Meier

**Voting Aye:** Moran; Ebbitts; Meier

**Voting Nay:** Hays; Mixdorf

**Abstaining:** None

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**Docket Item:** 26

**CD-BZA-2024-00157** A request to approve a variance to the maximum footprint of an accessory dwelling unit, plus any additional variances on about 0.18 acres generally located at 31 E 62nd Street.

**Applicant:** Keith Mueller of Keith Mueller Architecture

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case discussing the variances request and complete deviation. 9 exhibits were admitted. The applicants, Keith Mueller and Agnes Laundry, appeared and spoke about their requests accessory dwelling unit for an ADU. No neighbors are in opposition. Board members discussed the merits of the case and approved the request.

**Motion:** Approved

**Motioned by:** Hays

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 27

**CD-BZA-2024-00143** A request to approve a special exception in a R- district to permit a fence greater than 4 feet in the front yard of the subject site, plus any additional variances on about 0.15 acres generally located at 423 W 59th Street.

**Applicant:** Matthew Watson

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case discussing the variances request and complete deviation. 10 exhibits were admitted. The applicants, Matt Watson and Bruce Harvey, appeared and spoke about their request for an iron fence variance. No neighbors appeared or in opposition. Board members discussed the merits of the case and approved the request.

**Motion:** Approved

**Motioned by:** Hays

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 28

**CD-BZA-2024-00142** A request to approve a variance to the location of an accessory structure, plus any other needed variances in an R-6 zoning district on about 0.38 acres generally located at 5421 N Jackson Avenue.

**Applicant:** Mark Durham

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Stephanie Saldari presented the case discussing the variance request. 9 exhibits were admitted. The applicant, Mark Durham, appeared and spoke about their request for a detached garage. No one appeared for testimony. Board members discussed the merits of the case and approved the request due to the unusual lot lines.

**Motion:** Approved

**Motioned by:** Mixdorf

**Seconded by:** Meier

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 29

**CD-BZA-2024-00150** A request to approve multiple variances to accessory structure standards in an R-7.5 district to permit an accessory structure larger, taller, and closer to the primary structure than currently permitted, plus any additional variances on about 0.31 acres generally located at 22 NW 90th Terrace.

**Applicant:** Michael Pack

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case discussing the accessory structure in the rear yard. 9 exhibits were admitted. The applicants, Michael and Daniell, appeared and spoke about their requests for a large, covered deck and being too close to the primary structure. No one appeared for testimony. Board members discussed the merits of the case and approved on the condition it remain an open air structure.

**Motion:** Approved with Conditions

**Motioned by:** Hays

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier

**Voting Nay:** Mixdorf

**Abstaining:** None

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**Docket Item:** 30

**CD-BZA-2024-00158** A request to approve a variance to the floor area limits for industrial establishments to permit a self-storage warehouse on the subject site on about 2 acres generally located ~600 ft north of NW 64th St along N Chatham Ave, plus any additional variances.

**Applicant:** Jacob Hodson of Olsson

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Testimony: Yes

Board chair Ebbitts swore in staff, applicant and those providing testimony. Sara Copeland introduced the case. Ahnna Nanoski presented the case. 10 exhibits were admitted. The applicant, Daniel Gregory and Nick McFee property owner appeared and spoke about their request for a variance. Board members discussed the merits of the case and decided to continuance off docket with fee to allow approval of the project and neighborhood awareness first.

**Motion:** Continued - Off Docket

**Motioned by:** Hays

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 31

**CD-BZA-2024-00128** A request to approve a special exception for a 6 foot fence in the front yard, plus any additional variances in an R-7.5 zoning district on about 3.365 acres generally located at 7717 N Green Hills Rd.

**Applicant:** Ward Brown of Withers, Brant, Igoe & Mullennix, P.C.

**Commissioners Present:** Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Moran; Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Alec Gustafson presented the case discussing the variance request. 9 exhibits were admitted. The applicant, Ward Brown, representing the owners, appeared and spoke about their request and spoke about their request for a front yard fence variances. No one appeared for testimony. Board members discussed the merits of the case and approved the request.

**Motion:** Approved

**Motioned by:** Hays

**Seconded by:** Meier

**Voting Aye:** Ebbitts; Hays; Meier; Mixdorf

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 32

**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:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Testimony: No

Board chair Ebbitts swore in staff. Sara Copeland introduced the case and stated staff is requested the case to be dismissed. Board members approved to dismiss the case.

**Motion:** Dismissed

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 33

**CD-BZA-2024-00155** A request to approve a variance to setback standards in an R-7.5 district to permit the addition of an enclosed rear deck, plus any additional variances on about 0.23 acres generally located at 9500 NE 90th Street.

**Applicant:** john benedetti

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case discussing the setback variance request for a rear deck. 9 exhibits were admitted. The applicant, Rebecca Wright and John Benedetti appeared and spoke about their requests. The exception is to accommodate a large wheelchair. No one appeared for testimony. Board members discussed the merits of the case and approved the request.

**Motion:** Approved

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Voting Nay:** None

**Abstaining:** None

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**Docket Item:** 34

**CD-BZA-2024-00156** A request to approve a variance to the Vehicular Use Areas in Residential Districts in an R-7.5 district to permit a parking space be located closer to the property line, plus any additional variances on about 0.35 acres generally located at 9205 NE 114th Terrace.

**Applicant:** Owens Hull

**Commissioners Present:** Moran; Ebbitts; Hays; Meier; Mixdorf

**Commissioners Absent:** Gorenc; Wright

**Commissioners Recusing:** None

Board chair Ebbitts swore in staff and applicant. Sara Copeland introduced the case. Connor Tomlin presented the case discussing the setback variance request for a rear deck. 9 exhibits were admitted. The applicant, Owens Hull, III. appeared and spoke about the requests a wider driveway and to replace the sidewalk in an existing cul-de-sac. The exception is to accommodate a large wheelchair. Steven Millet, a neighbor, appeared for testimony against the project. Board members discussed the merits of the case and denied the request.

**Motion:** Denied

**Motioned by:** Hays

**Seconded by:** Mixdorf

**Voting Aye:** Ebbitts; Hays; Mixdorf

**Voting Nay:** Moran; Meier

**Abstaining:** None

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**Docket Item:** 35

**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; Gorenc; Hays; Mixdorf; Wright

**Commissioners Absent:** Meier

**Commissioners Recusing:** None

Testimony: No

Board chair Ebbitts swore in staff and applicants. Sara Copeland introduced the case and Ahnna Nanoski introduced the case and shared 3 options, including the continuance, due to the case still being unheard in NPD. The applicant team, Rachelle Biondo, spoke to the merits of continuing the case and their ability to appeal the case. Leah Suttington, Deborah Neighbors and Felicia George spoke requesting the board hear and make a determination on the case. Rabi Michaels Zedick appeared and spoke in favor of the continuance as part of public testimony. Board members continued the case.

**Motion:** Continued Fee: NO

**Motioned by:** Mixdorf

**Seconded by:** Gorenc

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

**Voting Nay:** Wright

**Abstaining:** None

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**Docket Item:** 36

**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:** Moran; Ebbitts; Meier; Mixdorf; Wright

**Commissioners Absent:** Gorenc

**Commissioners Recusing:** None

Testimony: No

Sara Copeland introduced the case and stated staff is recommending continuance without fee to January 8, 2025. No one appeared for testimony. Commissioners approved to continue the case to January 8, 2025, without fee.

**Motion:** Continued

**Motioned by:** Mixdorf

**Seconded by:** Moran

**Voting Aye:** Moran; Ebbitts; Hays; Mixdorf; Wright

**Voting Nay:** None

**Abstaining:** None

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