City of MISSION
City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community development Department
(913) 676-8360 - Fax (913) 722-6318

CITY OF MISSION

BOARD OF ZONING APPEALS

AGENDA
June 22, 2015
6:30 PM

1. Election of Officers 2015

2. Approval of the Minutes of the October 27, 2014 meeting

3. Application #15-01 Variance-*Public Hearing*
   6120 W 64th Street-Rear Yard Fence Height

Please contact Nakeisha at 676-8362 if you will be unable to attend.

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
OCTOBER 27th, 2014

The regular meeting of the City of Mission Board of Zoning Appeals was called to order by Chair Jim Brown at 6:30 PM Monday, October 27th, 2014. Members also present: Mike Lee, Robin Dukelow and Stuart Braden. Also in attendance: City Planner Danielle Murray and Board of Zoning Appeals Secretary Nakeisha Webster. Carla Mills was absent.

ELECTION OF OFFICERS

Mr. Braden moved to nominate Mr. Brown for the Board of Zoning Chairman. Mrs. Dukelow seconded the motion. The vote was taken, all voting AYE. (3-0-1) with one abstention (Brown). The motion carried.

Mr. Lee moved to nominate Mr. Braden for Board of Zoning Vice Chairman. Mr. Brown seconded the motion. The vote was taken, all voting AYE. (3-0-1) with one abstention (Braden). The motion carried.

Mrs. Dukelow moved to nominate Nakeisha Cooper for Board of Zoning Secretary. Mr. Braden seconded the motion. The vote was taken, all voting AYE. (4-0-0). The motion carried.

APPROVAL OF MINUTES OF JUNE 24TH, 2013

Mr. Braden moved and Mrs. Dukelow seconded a motion to approve the minutes of the June 24th, 2013 meeting. The vote was taken (4-0-0). The **motion carried**.

CASE#14-01 VARIANCE - PUBLIC HEARING
6101 JOHNSON DRIVE - MONUMENT SIGN

Ms. Murray presented the staff report.

The subject property is currently zoned Main Street District 1 "MS1" and is located at the southwest corner of Beverly Avenue and Johnson Drive. The property has recently changed ownership and is undergoing a renovation to convert it from a former gas/service station to a bar and grill. A site plan review was conducted administratively by staff in August of this year as the proposed changes to the existing building were not significant in scope.

Changes included the removal of the gas pump island canopy, conversion of one overhead door into storefront, and the addition of a small outdoor patio. All new materials were to match the existing ones. The applicant also resolved all staff comments regarding improvements to the site such as street trees, landscaping, equipment and trash screening. As always, signs are not approved at the time of site plan review but by the sign permit application process.

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
OCTOBER 27th, 2014

The applicant is requesting approval of a variance for one internally illuminated monument sign in addition to any already allowed wall signs, of 6' maximum height, with a maximum sign area of 25 sq ft per face, to be located in a landscaped area with a setback of 0 feet from the property line. In the location shown on the exhibit, this appears to violate Section 415.010.D Sight Distance on a Corner Lot. A minimum setback of 5' would resolve this at this location.

Mr. Lee asked asked for clarification in the code explaining whether or not monument signs are allowed in the C2A & MS1 district and if the setbacks are reached for this particular case.

Ms Murray explained that she enforces it and she interprets it as if they are not allowed. The applicant chose to submit a variance request instead of challenging staff's interpretation.

Nick Ewing came forth and explained that the site is very unique and is a building that will not house multiple tenants. The goal is to help with directing patrons to the business, the sign is meant to draw more attention. The applicant is willing to meet the landscaping requirements and the setback conditions set forth in the staff report. The applicant will be adding 3 trees on the north side, but nothing that will impact the visibility of the sings. The monument sign will face the same direction as the previous signs.

Mr. Brown asked if the variance would still be applicable if the sign was removed or for any future tenants, or if is it strictly for the property?

Ms. Murray explained that is some what of a gray area. the sign is separate and you could remove the building and the sign would remain. The sign codes allows for refacing. Therefore a condition was listed in the staff report to make it clear that the sign was to be tied to this particular building.

Mr. Brown opened the Public Hearing, with no public comments he closed the Public Hearing.

Mr. Lee asked the applicant what type of trees would be replanted and if they would cause visibility issues.

Ms. Murray explained that the proposed tree species are shade trees. They will not cause visibility issues as the canopy would be above the sight lines.

Mr. Lee asked about the landscaped base of the sign and building setbacks.

Ms. Murray's response was not audible on the recording.

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
OCTOBER 27th, 2014

Mr. Braden moved and Mrs. Dukelow seconded a motion to accept the applicant's findings and grant the requested variance to Section 430.090.E to allow a monument sign at the subject property with the following conditions .

1. The setback be increased to the minimum necessary to remove the sign from the sight triangle required by Section 415.010.D.

2. The monument sign be allowed in lieu of one of the other already permitted signs in this zoning district.

3. That the variance will no longer apply if the existing building is removed.

4. The maximum dimensions shall not exceed those included shown in the exhibit.

The vote was taken with One abstention (Lee) (3-0-1). **The motion carried.**

ADJOURNMENT

With no other agenda items, **Mrs Dukelow moved and Mr.Braden seconded a motion to adjourn.** The vote was unanimous. The **motion carried**. The meeting adjourned at 7:05PM.

ATTEST:

_____
Jim Brown, Chair

_____
Nakeisha Cooper
Board of Zoning Appeals Secretary

STAFF REPORT
Board of Zoning Appeals Meeting June 22, 2015

AGENDA ITEM NO.: 3

PROJECT # / TITLE: Variance Application # 15-01, rear yard fence height

REQUEST: Application for variance to Section 415.030 to allow for the height of a rear yard fence to exceed 6'.

LOCATION: 6120 W 64th Street
Mission, Kansas 66202

OWNER: Christie Knight
6120 W 64th Street, Mission, KS

APPLICANT: Owner

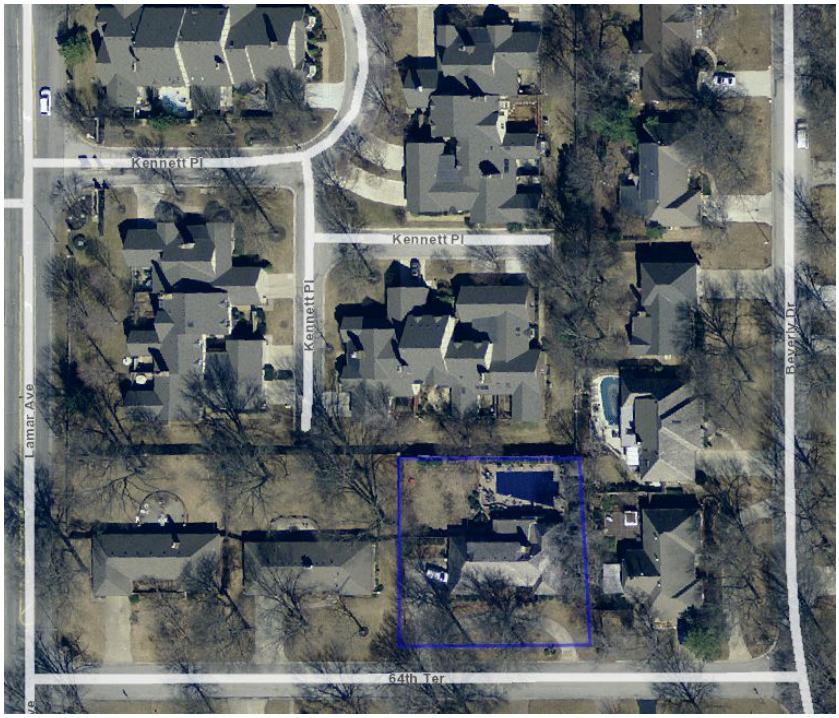
ADVERTISEMENT: 6/2/2015 - The Legal Record Newspaper

PUBLIC HEARING: 6/222/2015-BZA

BACKGROUND INFORMATION:

The subject property is currently zoned Single-Family Residential "R-1", was constructed in 1965, and has changed owners in the last year. The new owners of the home wish to replace the existing fence along their rear property line. The current fence is 8' in height and backs up to Kennett Place Townhomes which is adjacent to the north. The townhome development also has a fence in the area. The townhome fence is a wood panel fence 6' in height of a "good-neighbor" design (panels alternate sides of posts). No fence permit is on file for either of the existing fences as they likely pre-date the requirement for a permit or are not detailed on the construction drawings available. No prior variances are on file for the subject property. The subject property has an outdoor pool in the rear yard. Kennett Place was constructed in phases over a period of time ranging from 1985-1998. The townhomes immediately adjacent to the subject property were constructed in 1986. As with all fence applications, it is the responsibility of the private property owners to establish the

correct ownership and siting of the proposed fence.



APPLICABLE ORDINANCE
Chapter 415. Supplemental District Regulations
Article II. Screening and Fencing
Section 415.040. Where Screening and Fencing Is Prohibited.
Post and rail fencing or other such decorative fencing may be built to a height of three (3) feet in the front yard or side yard abutting a street. (Also see Section 415.010(D) Site Distance on Corner Lots.) The maximum height of a fence in the rear yard of a lot zoned residential shall be six (6) feet. The smooth side of the fence must face the neighboring property. Installation of electric, barbed wire razor ribbon, barbed wire or other similar fences shall be prohibited in all zoning districts. Barbed wire assemblages atop fences shall be prohibited in residential zoning districts. In the interest of safety, every attempt shall be made to eliminate blind corners near all drive and street intersections. Nothing shall discourage or prohibit the landscaping, planting or screening of other areas that are not hazardous to traffic.

ANALYSIS
The Board of Zoning Appeals has the authority to grant variances to Section Title IV. Land Use of the Municipal. The applicant is requesting approval of a variance to allow for a 8' tall fence along the rear (north) property line. Granting of the requested variance would allow for the fence to exceed the maximum height of the fence code by 2' in this location only. When considering applications for a variance the BZA may only grant a variance upon a finding that ***all of the following conditions*** have been met:

a. The variance requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.

b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

c. The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application.

d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

e. Granting the variance will not be opposed to the general spirit and intent of this Title.

View of existing fence line from the north side

View of existing fence line from the south side.

Community Development Department
6090 Woodson Road
Mission, KS 66202
Phone: (913) 676-8360
Fax: (913) 722-1415

BZA
Permit # 15-01

Application to the Board of Zoning Appeals

Applicant Name: Christie Knight	Company: n/a critterknight@yahoo.com
Address: 6120 W 64th Terrace	
City/State/Zip: Mission, KS 66202	
Telephone: 913-648-2981 (home) OR 816-682-5199 (mobile)	
Email:	
Property Owner Name: Christie Knight	Company: n/a
Address: 6120 W 64th Terrace	
City/State/Zip: Mission, KS 66202	
Telephone: 913-648-2981 (home) OR 816-682-5199 (mobile)	
Email:	
Address of Property: 6120 W 64th Terrace	
City/State/Zip: Mission, KS 66202	
Zoning: R-1, Single family residential	

Application Type

Variance ☒ Appeal ☐

Description of Request

Please provide a brief description of the request including specific Code Section and quantity of variance or decision for appeals:

The existing fence around the rear yard and in-ground pool is in need of replacement. The portion of the fence along the rear of the property is already built to 8-ft high, likely to provide privacy from upper windows in townhomes located directly behind the property (RP-3).

Variance request is to be allowed to replace the fence at the existing heights including the 8-ft section along the rear of the property to maintain privacy from adjacent townhomes. Construction methods and heights of all other portions of the fence would be done in compliance with the City's 6-ft height limit (Section 415.040, Municipal Code, City of Mission KS)

Consideration of Variances

The Board of Zoning Appeals has the authority to grant variances upon a finding that all of the following conditions have been met. Please explain how your application satisfies the conditions. Attach additional sheets if necessary.

See attached.

1) The Variance requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action of the property owner of applicant.

2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

3) The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application.

4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

5) Granting the variance will not be opposed to the general spirit and intent of the Title.

Agreement to Pay Expenses

Applicant intends to file an application with the Community Development Department of the City of Mission, Kansas (City). As a result of the filing of said application, City may incur certain expenses, such as but not limited to publication costs, consulting fee, attorney fee, and court reporter fees. Applicant hereby agrees to be responsible for and to reimburse City for all cost incurred by City as a result of said application. Said costs shall be paid within ten (10) days of the receipt of any bill submitted by City to Applicant. It is understood that no requests granted by City or any of its commissions will be effective until all costs have been paid. Costs will be owed whether or not Applicant obtains the relief requested in the application.

X _____ Date 5/11/15
Signature (Owner)

X _____ Date _____
Signature (Owner's Agent)

**********FOR OFFICE USE ONLY**********

File Fee: $	**Meeting Date** 6/22/15
75.00 Fee	PC
126.19 notices	**Date Notices Sent**
Total: 201.19	
Receipt # 47311	**Date Published**
Notes:	**Decision**

Application to the Board of Zoning Appeals
City of Mission, KS

Applicant: Christie Knight
Contact: 913-648-2981 (home) OR 816-682-5199 (mobile)
Property: 6120 W 64th Terrace, Mission KS 66202

Consideration of Variances

1) The Variance requested arises from such condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action of the property owner or applicant.

   RESPONSE: Existing fence was installed with the portion along the rear property line at 8-ft prior to the property owners taking possession of the residence. It is assumed the approval of this higher portion of fencing was to maintain privacy from upper windows in townhomes located directly behind the property.

2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

   RESPONSE: Fence is in need of replacement and the new fence would add to the aesthetic value of the neighborhood's rear yards. The portion in question for this variance is located along the rear property and the height difference would be imperceptible at the public street level. It would also provide continued privacy for the townhomes that the property owners are looking to maintain privacy from for themselves.

3) The strict application of the provisions of this Title would constitute unnecessary hardship upon the property owner represented in the application.

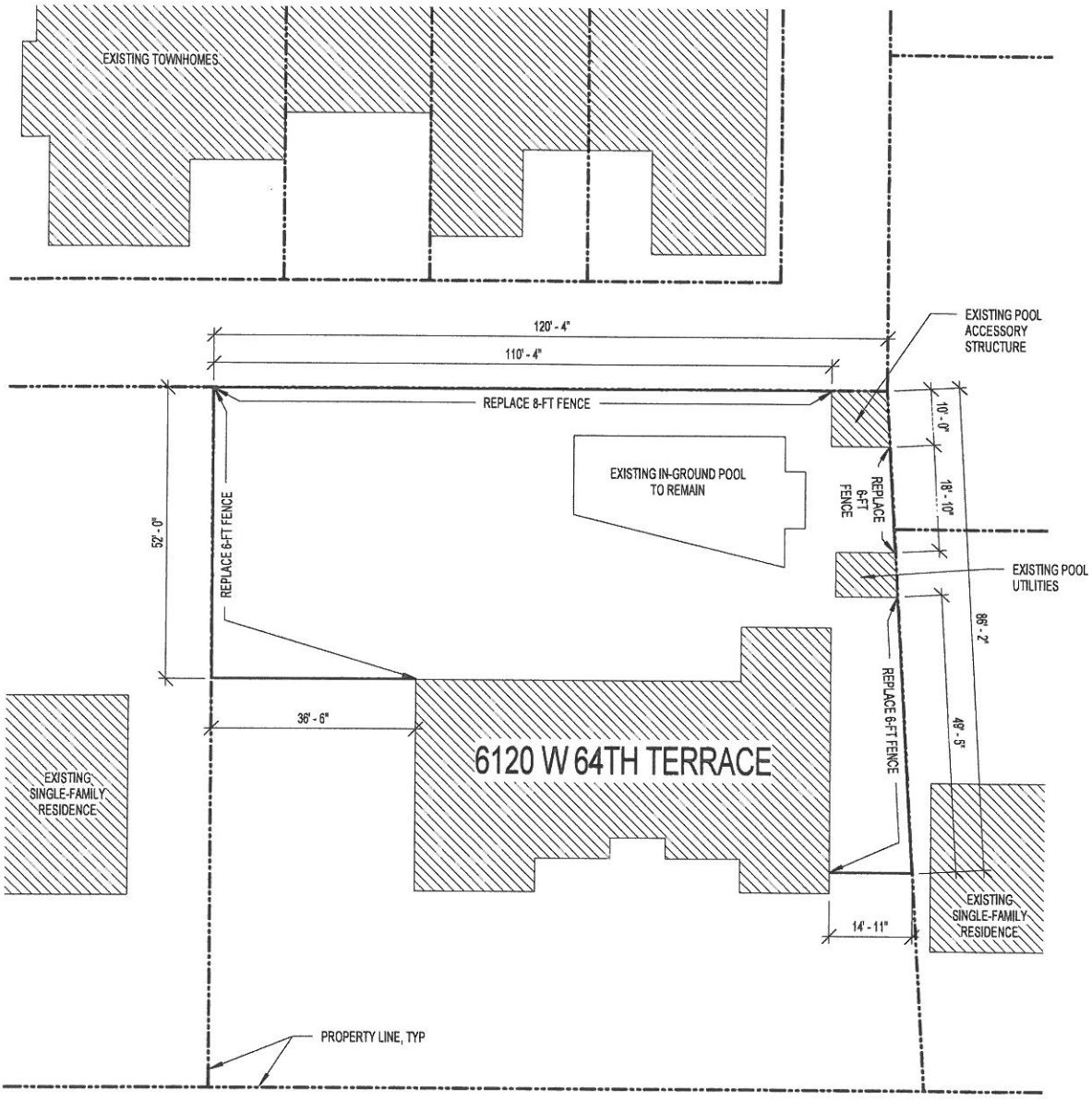
   RESPONSE: The intent of the request for this variance is to be allowed to maintain the same level of privacy from adjacent townhomes already in place by the existing fence. Being required to install the new fence at the lower height dictated by the Municipal Code would result in a lowered level of privacy for the property owners.

4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

   RESPONSE: Only the height of the portion of the fence in question would vary from the regulations listed for rear yards on residentially zoned properties. All portions of the fence would be installed in compliance with the construction methods set forth by the Municipal Code, thus not detracting from the intended aesthetics of the neighborhood and City of Mission.

5) Granting the variance will not be opposed to the general spirit and intent of the Title.

   RESPONSE: Aesthetic intents of the Municipal Code would be maintained as the new fence would be installed per approved construction methods. All other portions of the fence, other than that portion in question at the rear property line, would be installed at approved heights.



64TH TERRACE

2015.05.08

1 SITE PLAN
1" = 20'-0"