



**AGENDA**  
**City of Roeland Park, Kansas**  
**Board of Zoning Appeals**  
**6:00 PM**  
**April 18, 2024**

Brandon Gillette

Chris Thowe

Darren Nielsen - Chair

Erik Hage

Jeff Meador

- I. Call the meeting to order.
- II. Approve minutes from 12/14/2023 meeting – **Will send when available**
- III. Variance Request BZA 2024-001: Request relief from Sec. 16-613 - Accessory Uses and Structures; Development and Performance Standards at 5015 Buena Vista St.
- IV. Other matters before the BZA.
- V. Adjourn



# The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

City Hall (913) 722-2600 Fax (913) 722-3713

To be filled in by City:

Date filed: \_\_\_\_\_

Case no.: \_\_\_\_\_

## Application for Variance, Section 16-335.

Fee: \$100. (Free for residents/home owners in April and August) *Proof of residency required.*

Applicant Brandy Poicy Phone 417-529-3906

Address 5015 Buena Vista St.  
Roeland Park, KS 66205

If different from above:

Property Owner Indian Hills Development Phone \_\_\_\_\_  
Address 6436 Ensley Ln  
Mission Hills, KS 66208

Location of Property : Subdivision SR Church Lot 1 Block 6

Section of the zoning regulations for which variance is sought:

Section 16-613(b)(1) -Front Yard Fence

Present use of property: \_\_\_\_\_

Description of requested variance(s) Install 4 foot picket fence in front yard,  
4" dog eared pickets spiced 2" apart. 4"x4" posts spaced 8 feet apart.  
To be painted to match building trim

*(The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property and of immediately adjacent properties.)*

Reasons for requested variance(s) Creating a dedicated infant play area which,  
per KDHE licensing guidelines, must be at least 4ft tall

Utility lines or easements that would restrict proposed development None

Adjacent zoning and land use:

	Land Use	Zoning
North	<u>Residential</u>	<u>Residential</u>
South	<u>Residential</u>	<u>Residential</u>
East	<u>School</u>	<u>Public</u>
West	<u>Residential</u>	<u>Residential</u>

I acknowledge receipt of the variance criteria and that the above information is true and accurate.

Applicant signature: Brandy Poicy Date: 3/4/2024

Fee Paid \$ \_\_\_\_\_ Date \_\_\_\_\_ Received by: \_\_\_\_\_

Date of Publication: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted \_\_\_\_\_

Written comments from City Engineer submitted: \_\_\_\_\_

Surrounding Property Owners Notified \_\_\_\_\_ Planning Commission/BZA Notified \_\_\_\_\_



Mark D. George  
7812 Crenshaw Lakes Drive  
Lanexa, Kansas 66216  
913-239-1165  
markd@compdog.com

BUILDING ALTERATIONS FOR  
GIOIASA MONTESORI DAY  
CARE CENTRE  
5015 BUEA VISTA STREET  
ROLEAND PARK, KS 66205

12/10/23	FOR FFE MARSHALL REVIEW	REV 01
1/12/24	DATE	DESIGNATION
	INITIALS	

CODE FOOTPRINT - PH 1  
SITE PLAN

ALTA/NSPS LAND TITLE SURVEY

DESCRIPTION Lct. 1, S 8 Church Subdivision, a subdivision in the City of Roeland Park, Johnson County, Kansas. According to the recorded plat, filed in Book 200001, Page 003675.

THE COMPANY PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMERCIAL NO KCC21153, DATED JUNE 14, 2002.

(8) Key to Way to Kansas Natural Gas Co. in Map...Book 2, Page 352. Assignment to Cities service Gas Company filed in Gas Books, 3, Page 21.

(9) Statement reported to Kansas City Power & Light Company.

(LOCATION CANNOT BE OBTAINED FROM DOCUMENT)

POSSIBLE ENDORAMPHMENTS:  
WOD FENCE ALONG SIGHT LINE ONTO SUBJECT PROPERTY AS SHOWN.

LAND OF BEARING - SOUTH 27° 45' WEST ALONG CLARK STREET, BIR PLAT OF S. R. DUNICY SURVEY.  
LAND BEARINGS AND DISTANCES SHOWN ARE MEASURED AND PLATED.  
ADDRESS: 501 BUREAU, VIALA STREET, FORT BEND PARK, K.S.  
LAND AREA = 27.76 SQUARE FEET OR 0.64 ACRES, ACR. ON LOTS.  
ONLY AREA UTILIZED IS SHOWN ON THIS SURVEY.  
UNDEVELOPED LINES ARE NOT SHOWN ON THIS SURVEY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD REQUIREMENTS FOR ALASKA'S LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY THE ALASKA AND NFPS, AND INCLUDES ITEMS 1, 2, 4, 7A, AND 9 OF A FIELD WORK PLAN COMPLETED ON JUNE 2<sup>nd</sup>, 2021. ALSO CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH KANSAS STATE BOARD OF PRACTICING SURVEYORS' BOUNDARY SURVEYS.

NORTH STAR SURVEYING, LLC	Date: 6/22/2021
11275 NW 64th	Rev.:
Port St. Lucie, FL 34986	Job No.: 6-22-016
Phone: 816-435-7285	SHEET
Danielle E. Bounchen, PLS	1
LS #1363	Of 1

ENT Existing Fence  
—k— Existing Fence  
—OF— Overhead Power

LEADER

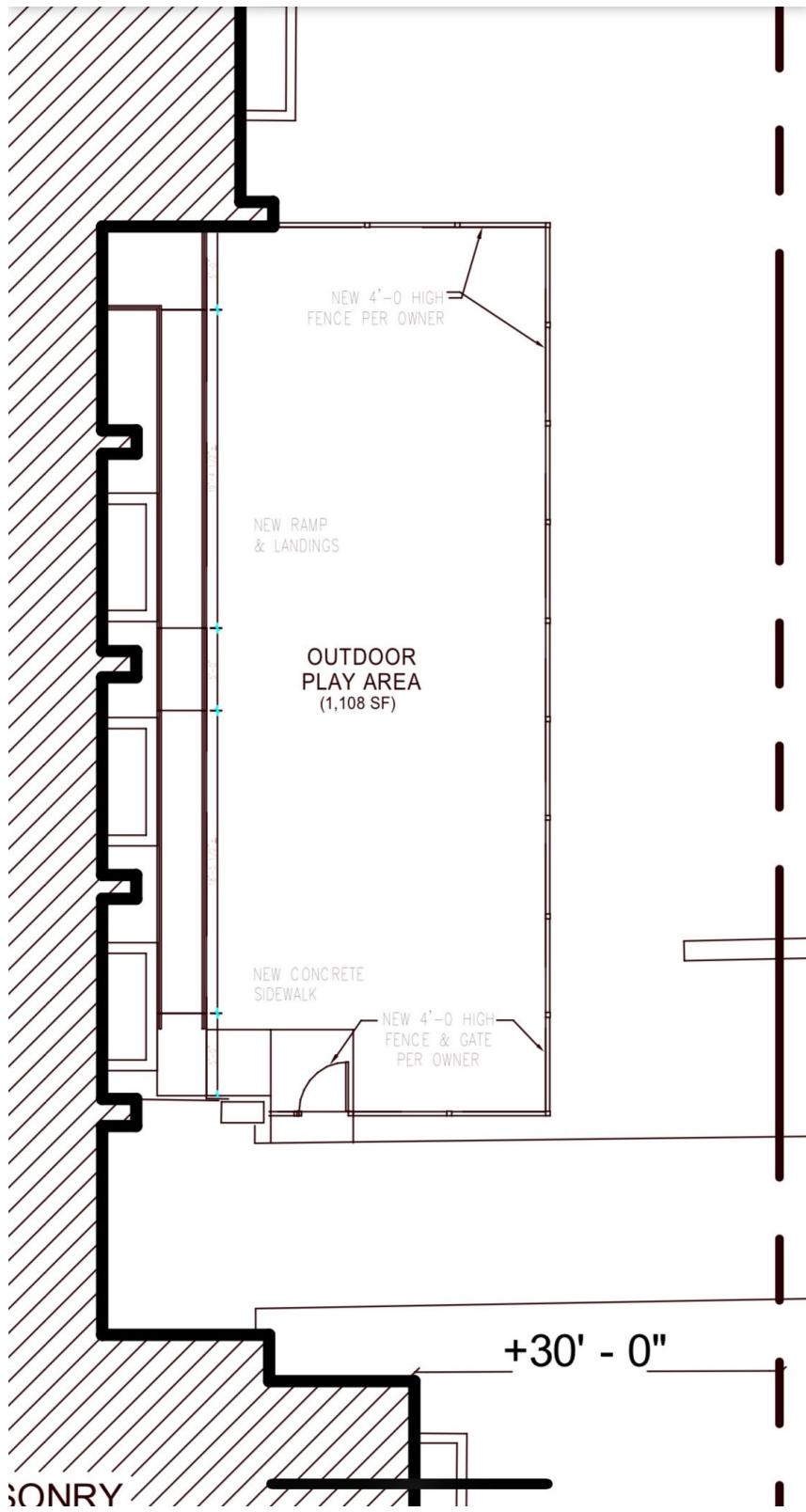
Scale: 1" = 20'

PICKET: 4' Tall Cedar Spaced Picket Fence - 4" Wide Pickets, 2" Space w/ 4x4 Wood Post

19

- *High Quality Western Red Cedar, Professionally Installed.*
- *4" Wide Dog-Eared Pickets, 2" Spacing*
- *4"x4" Treated Pine Post (Cedartone Treated Pine @ Add'l Cost)*
- *#60LB High Strength Concrete Bag*
- *8' OC Post Spacing*
- *365 Post, Panel, Gate and Labor Warranty*







April 11,2024

## STAFF REPORT

*Completed By: Wade Holtkamp, Building Official*

**REQUEST:** The applicant, Brandy Poiry, 5015 Buena Vista St, is requesting a variance to allow construction of a (4') tall wood picket fence in the front yard of this conner lot. This fence location is to accommodate an infant play area for the property daycare, Gioiosa Montessori. This property is zoned residential but recently received a SUP permit to operate a commercial daycare.

---

**RECOMMENDATION:** Staff would recommend approval of a variance to allow fence construction in the front yard to accommodate a necessary outdoor play area for infants of Gioiosa Montessori daycare. This outdoor play area is 1 of 3 on the lot that will support the State of Kansas daycare required outdoor space.

The details of the fence and location are as follows. Install a (4') tall picket fence (52' north/south x 20' east), (1,100 sq ft) in the front yard abutting the building. The fence will have an approximate (20') setback front to 50<sup>th</sup> St and (18') setback to Clark Dr. This area is well outside the site distance triangle creating no hazards for street traffic. The large mature trees near the proposed fence location will not be disturbed.

The proposed fence will be wood dog-eared pickets that are (4') long, (4") wide, spread (2") apart on (2"x4") wood rails at (8') centers attached to (4"x4") wood posts set (2') into the ground with wet cement. The fence contains a north gate into the building with a wooden ramp and a south gate leading outside. The fence will be painted white to match the building trim.

The surrounding neighborhood is residential in nature and a fence is a traditional accessory use. A neighbor notice was mailed along with a posting in a newspaper.

### BACKGROUND:

### CHAPTER XVI – ZONING and SUBDIVISION REGULATIONS

- **ARTICLE 6. – Accessory Uses and Structures; Intent and Interpretation**
- **Sec. 16-613 - Accessory Uses and Structures; Development and Performance Standards.**

*(b) Location.*

(1) Front yard. A fence or wall in excess of 30 inches high may not be constructed in the front yard or in front of the front platted building line, whichever is more restrictive. A decorative wall or fence 30 inches high or lower may be constructed in a front yard, provided that no fence or wall may be located in public right-of-way. For purposes of this subsection, a "decorative" wall or fence shall be limited to structures constructed of wood rail, masonry, wrought iron, or spaced wooden pickets; where the construction has both a finished and an unfinished surface, the finished surface shall face outward.

**ANALYSIS:** The fence is restricted to 30" in height and of decorative design in the front yard. Applicant seeks relief from the requirement stating that a fence in the front yard is limited to 30 inches in height.

The fence requested is a wooden fence 48" tall with 2" transparent gaps. This action, if approved would allow construction in the front yard.

**IMPACTS:** The proposed fence is a key element of daycare operations with little or no impact to adjoining properties **provided the fence is located outside of the established site triangles.**

**POLICY ISSUES:** Current policy restricts applicants to a maximum of 30" height and of decorative design in a front yard with no impedance to site triangles.

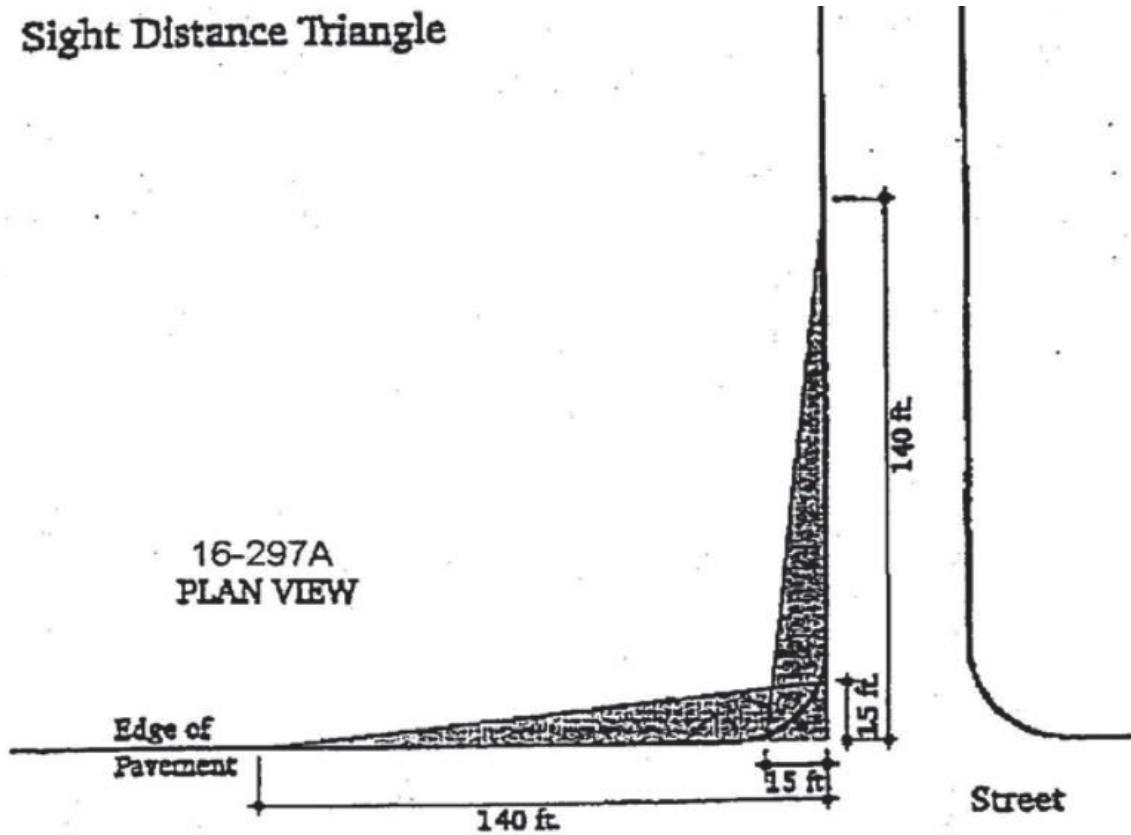
#### **Site Triangle**

- City code: Section 16-426. - Yard Exceptions— Sight Distance on Corner Lots.

All **corner lots** shall provide **two sight distance triangles**, the short leg of which shall be **15 feet**, and the long leg of which shall be **140 feet** measured along the edge of the pavement as depicted in Figure 16-297A. The area within the triangles, as depicted in Figure 16-297B shall be and remain free of shrubbery, **fences** or other obstructions to vision more than two feet in height measured above the edge of pavement at a point nearest the obstruction.

## Sight Distance Triangle

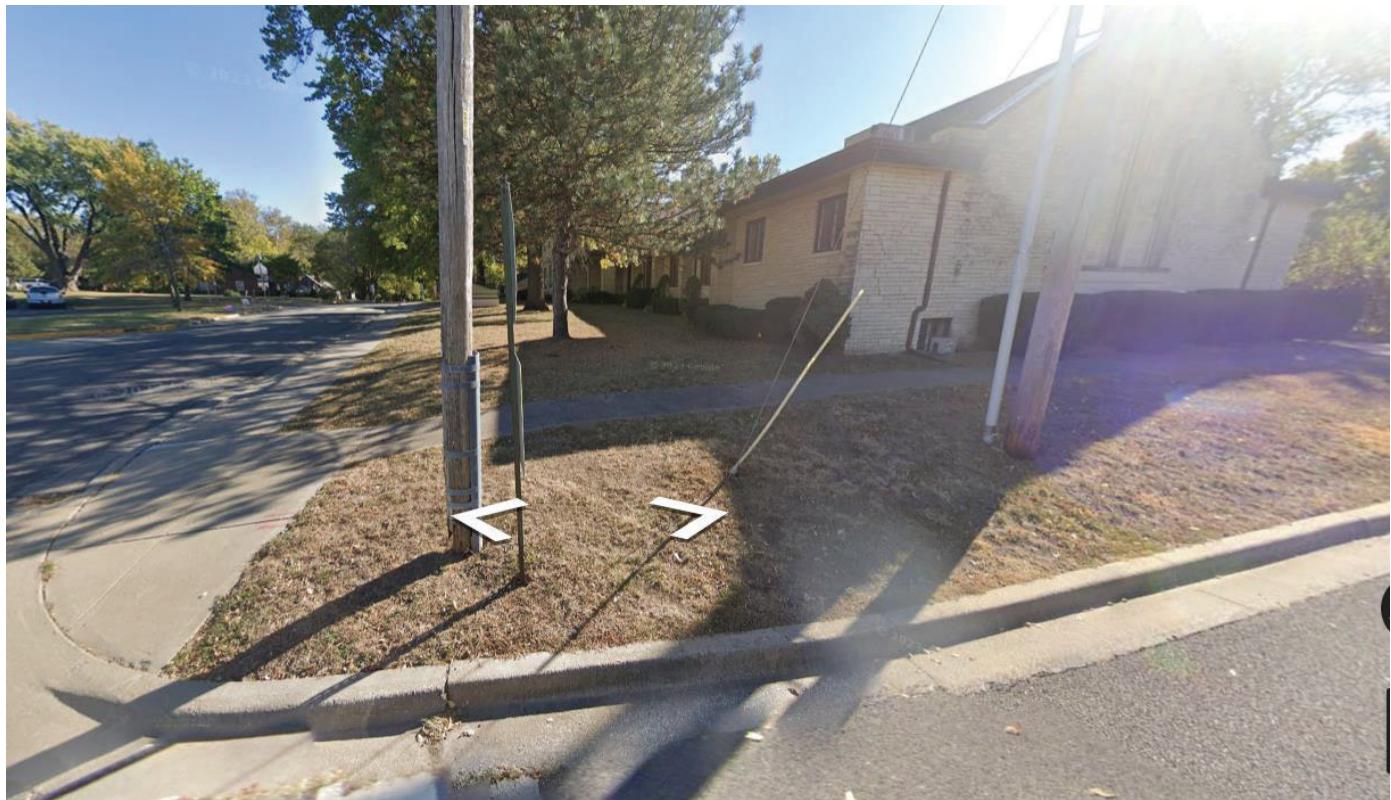
16-297A  
PLAN VIEW



16-297B  
CROSS SECTION

Proposed fence is not within the site distance triangle and does not obstruct.







Mark D. George  
Architect  
1700 21st Street, Denver  
(303) 295-1215  
1512-1515  
markdgeorge@prodigy.net

ROELAND PARK, KS 66205  
5015 BUEA VISTA STREET  
CARE CENTRE  
GIOIOSA MONTESSORI DAY  
BUILDING ALTERNATIONS FOR

11261 REV.01  
21-1632 FOR FILE MARSHAL REVIEW NOG  
088 Dec 86

SME CFP-1-2 of 5

Residential

School

CLARK  
DET

EIGE HYDRAINT

THE STATE

23

11

50TH STREET

111

200

ALL FIRE SEPARATION DISTANCES EXCEED 30' AND  
ALLOW UNLIMITED OPENNESS IN ALL AREAS.  
EXCEPT THE PORTIONS OF THE EXTERIOR WALL  
NOTED IN THESE DRAWINGS.

OPENNESS IN EXTERIOR WALLS NOT  
APPLICABLE UNDER EBC.  
HOWEVER, THE OPENNESS IS LESS THAN THE

N 22°43'38" W 100.00

OPENNESS IN EXTERIOR WALLS IS NOT APPLICABLE UNDER IEBC.  
UNBALANCED: THE OPENNESS IS LESS THAN THE 10% ALLOWABLE PER IBC TABLE 705.8.

Preclinical

LIFE SAFETY SITE PLAN

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Tracking #: 9507 1066 6496 4085 5956 27  
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Total

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Carr Dowell  
Trust

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Weight: 0.30 oz  
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Wed 03/27/2024  
Tracking #: 9507 1066 6496 4085 5956 41  
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Total

Ellen and  
Michael  
Sweeney

Daniel  
Krause

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Wed 03/27/2024  
Tracking #: 9507 1066 6496 4085 5956 65  
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Total

Grand Total: \$15.24

Credit Card Remit  
Card Name: VISA  
Account #: XXXXXXXX6967  
Approval #: 031766  
Transaction #: 439  
Receipt #: 000439  
AID: A0000000980840  
AL: US02  
PIN: Not Required

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Street and Box No. or Post Office Box No.  
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Roeland Park, KS 66205

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## PUBLIC NOTICE

The Board of Zoning Appeals of the City of Roeland Park, Kansas will hold a meeting on THURSDAY, APRIL 18, 2024 AT 6:00 P.M. at the Roeland Park City Hall located at 4600 W. 51st Street, Roeland Park, Kansas.

The public hearing is for a variance (BZA 2024-01) requested by the applicant located at 5015 BUENA VISTA ST. seeking relief from the strict application of the City Code; Chapter XVI; Article 6; Section 16-613 (b) Location – Paragraph (1) Front Yard concerning the height requirements on a decorative wall or fence. The applicant desires to build a new picket fence 48 inches in height and is requesting the fence be allowed to be placed in the front yard. The current municipal code prohibits front yard fencing over 30 inches in height on this lot.

If you have any questions, please contact Wade Holtkamp, Building Official, at Roeland Park City Hall, 913-722-2600.



# The City of Roeland Park

4600 West Fifty-First Street  
Roeland Park, Kansas 66205  
City Hall (913) 722-2600 – Fax (913) 722-3713

## DETERMINATION OF THE BOARD OF ZONING APPEALS

Variance #: 2024-1  
Date of Action: 4/18/24

BZA Members:

*Absent/Present*

Brandon Gillette \_\_\_\_\_  
Darren Nielsen \_\_\_\_\_  
Chris Thowe \_\_\_\_\_  
Jeff Meador \_\_\_\_\_  
Erik Hage \_\_\_\_\_

On April 18, 2024, the City of Roeland Park Board of Zoning Appeals (Action Approved, conditionally approved, Denied) the variance requested from Section 16-613 (b) of the Zoning Ordinance for the property at 5015 Buena Vista St (Address or Location) as requested by Brandy Poiry (Applicant).

In hearing and considering (Action) this request, the Board of Zoning Appeals found that the variance (did/did not fulfill all five of the necessary conditions for approval. Specifically, the Board of Appeals found: \_\_\_\_\_

Findings of the Board of Zoning Appeals on each of the following conditions:

BZA Members Name	Gillette	Nielsen	Thowe	Meador	Hage
<i>Uniqueness</i>					
<i>Effect adjacent property</i>					
<i>Would it create a hardship to applicant</i>					
<i>Public Interest</i>					
<i>Spirit and intent of the law</i>					

a. Uniqueness \_\_\_\_\_  
b. Adjacent Property \_\_\_\_\_  
c. Hardship \_\_\_\_\_  
d. Public Interest \_\_\_\_\_  
e. Spirit and intent \_\_\_\_\_

Conditions (if any): \_\_\_\_\_

Chair, Board of Zoning Appeals