



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 Poiry

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 Endley 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 spaced 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 Poiry Date: 3/4/2024

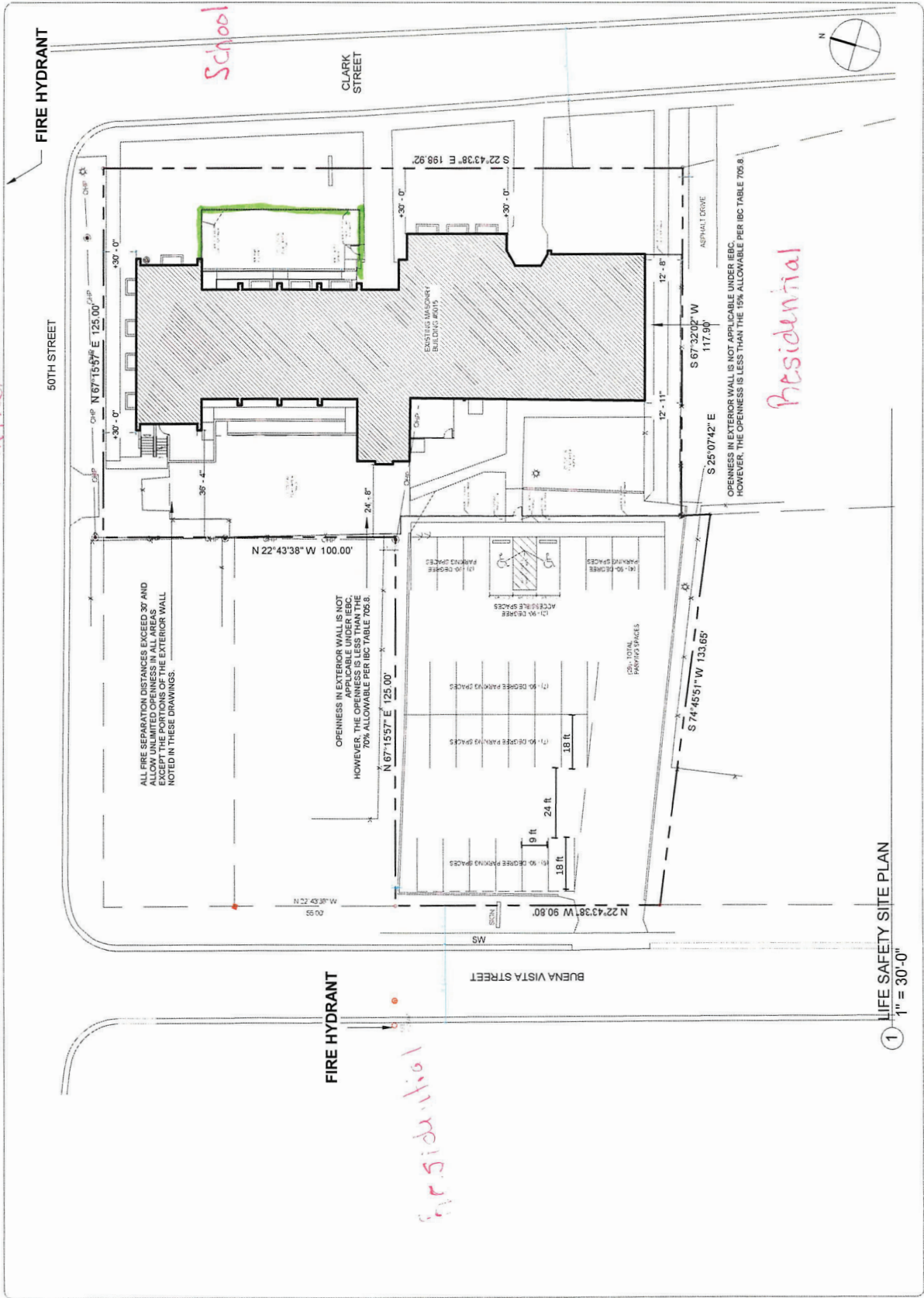
Fee Paid \$ _____	Date _____	Received by: _____
Date of Publication: _____	Date of Public Hearing _____	
Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted _____		
Written comments from City Engineer submitted: _____		
Surrounding Property Owners Notified _____	Planning Commission/BZA Notified _____	

BUILDING ALTERATIONS FOR
GIOIOSA MONTESSORI DAY
CARE CENTER
5015 BUENA VISTA STREET
ROELAND PARK, KS 66205

Date	12/16/23	REV 01	
Description	FOR FIRE MARSHALL REVIEW		
Initials	MDG		

CODE FOOTPRINT - PH 1
SITE PLAN

Sheet CFP-1-2 of 5



SEC. 4-12-25
VICINITY MAP
NOT TO SCALE

REFERENCE
TITLE COMPANY PREPARED BY CHICAGO TITLE ADVANCE COMPANY, COMMITMENT NO. KC221153, DATED-
JUNE 14, 1961.
(1) Right of Way to The Kansas Natural Gas Co. filed in Misc. Book 2, Page 387. Assignment to
Cities Service Gas Company filed in O&G Book 3, Page 21. (BLANKET IN NATURE)
(2) Consignment granted to Kansas City Power & Light Co. filed in Misc. Book 25, Page 581.
(LOCATION CANNOT BE DETERMINED FROM RECORD DOCUMENT)

POSSIBLE ENCROACHMENTS:
WOOD FENCE ALONG SOUTH PROPERTY LINE ONTO SUBJECT PROPERTY AS SHOWN.
SEDS ALONG CLARK STREET AND BUENA VISTA STREET ARE WITHIN STREET RIGHT OF WAY AS SHOWN.

NOTES:
RATINGS - SOUTH 27° 45' 30" EAST ALONG CLARK STREET, PER PLAT OF S R CHURCH SUBDIVISION.
ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED AND PLATTED.
ADDRESS: 5815 Buena Vista Street, Potomac Park, DC.
LAND AREA = 372.76 SQUARE FEET OR 8.49 ACRES MORE OR LESS.
ONLY VISIBLE UTILITIES ARE SHOWN ON THIS SURVEY. UNDERGROUND UTILITIES ARE NOT SHOWN ON THIS SURVEY.

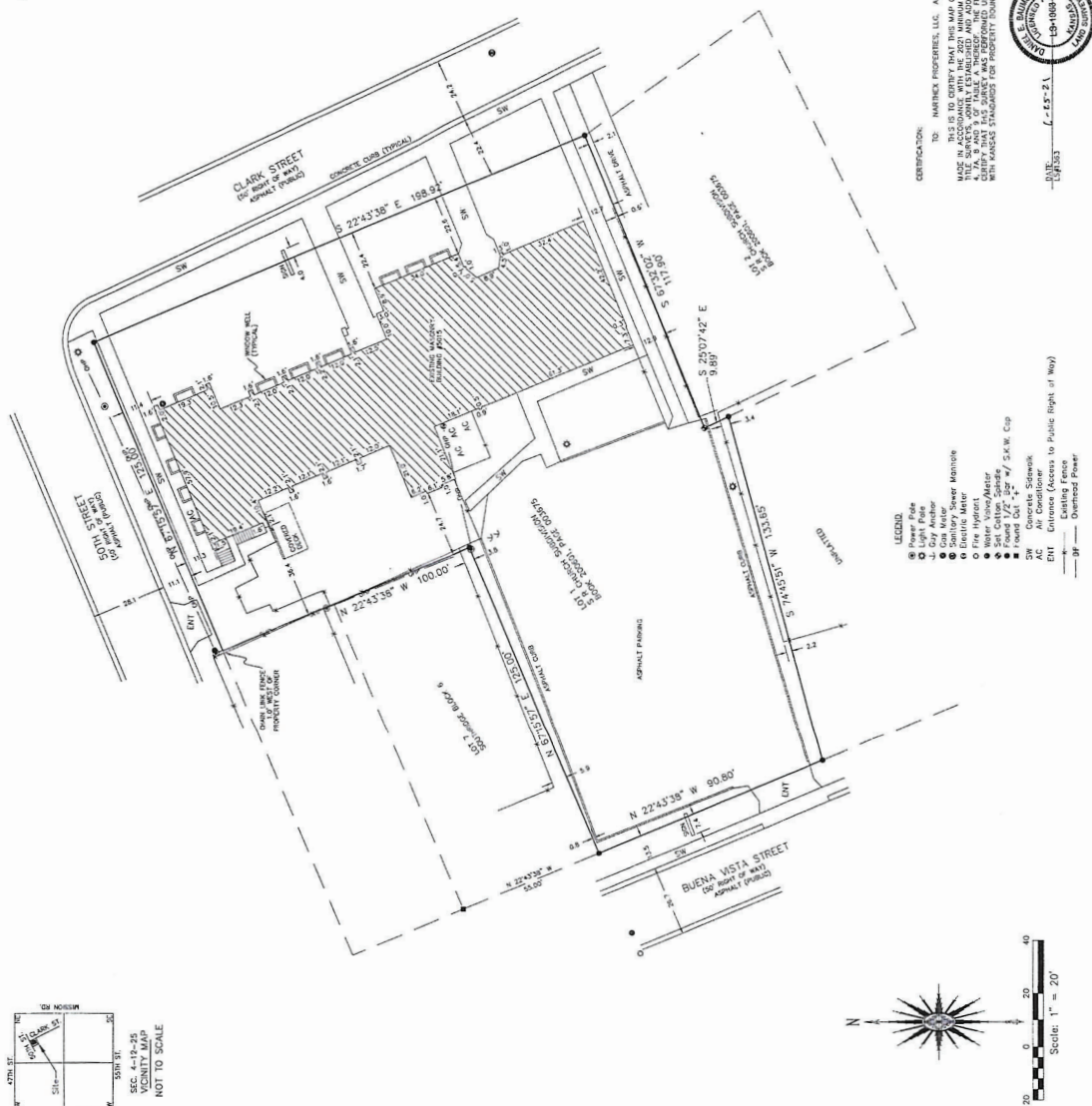
TO: MARITEX PROPERTIES, LLC, AND CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP WAS PLATED AND THE FINANCY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA SURVEYS. THE FIELD SURVEYS, JOINTLY ESTABLISHED AND JOINTLY BY ALTA AND NPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7, 8 AND 9 OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 27, 2021. 1 ALSO CERTIFY THAT THE SURVEY WAS CONDUCTED UNDER MY CLOSEST SUPERVISION AND IS IN ACCORDANCE WITH THE KANSAS STANDARDS FOR PROFESSIONAL SURVEYING.

Prepared for:
Carly Baird
Northrex Properties, LLC
15621 W. 87th Street, Suite 213
Lenexa, KS 66219

NORTH STAR SURVEYING, LLC
14275 NW 64th Terrace
Parkville, MO 64152
Phone: 816-436-7895
dan@nstarsurveying.com

Date: 6/22/2021
Rev:
Job No.: 6-22-016
SHEET
1 of 1
LS #1363



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*

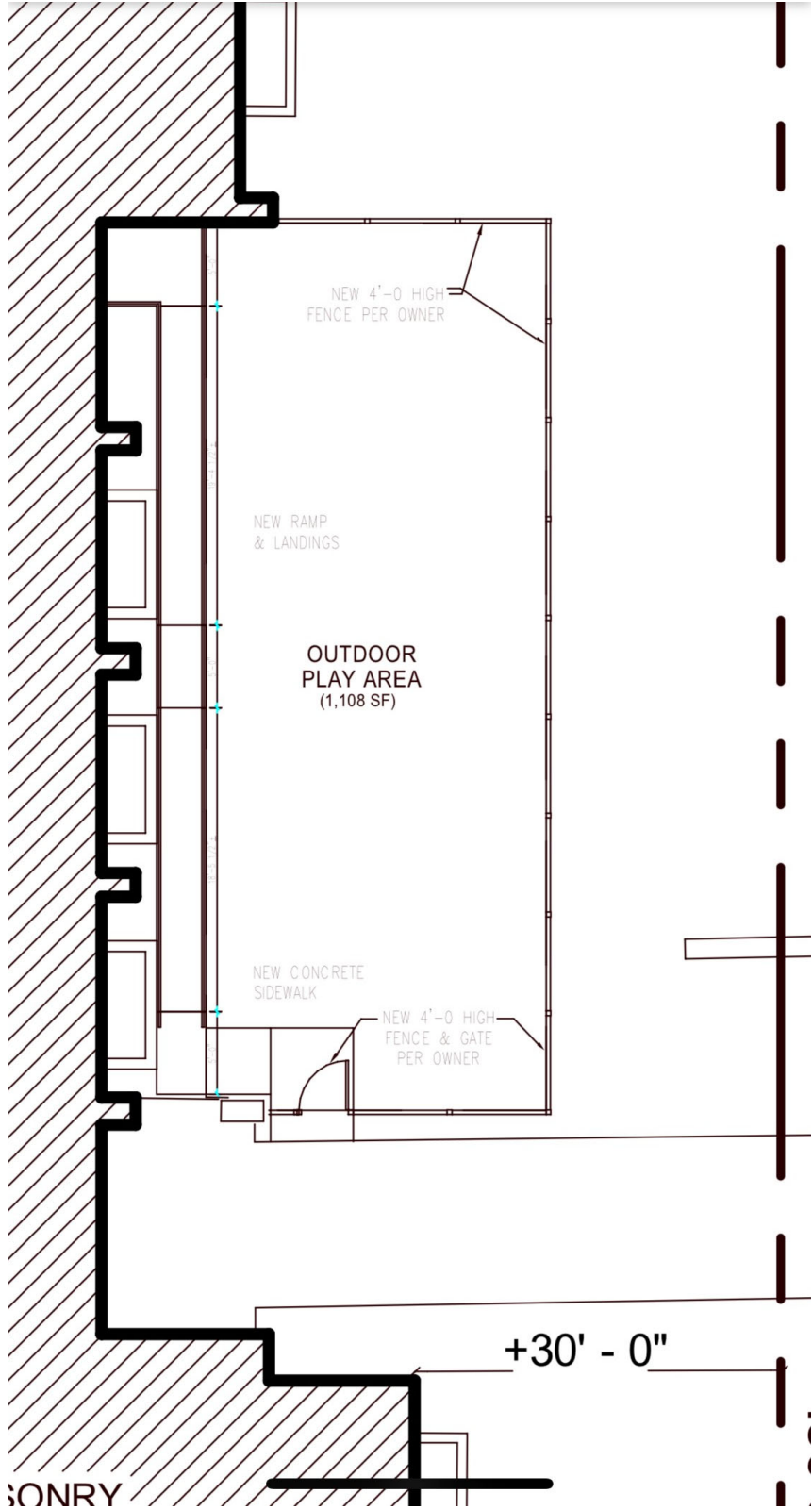
■ *4"x4" Treated Pine Post (Cedartone Treated Pine @ Addt'l Cost)*

■ *#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 50th 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.

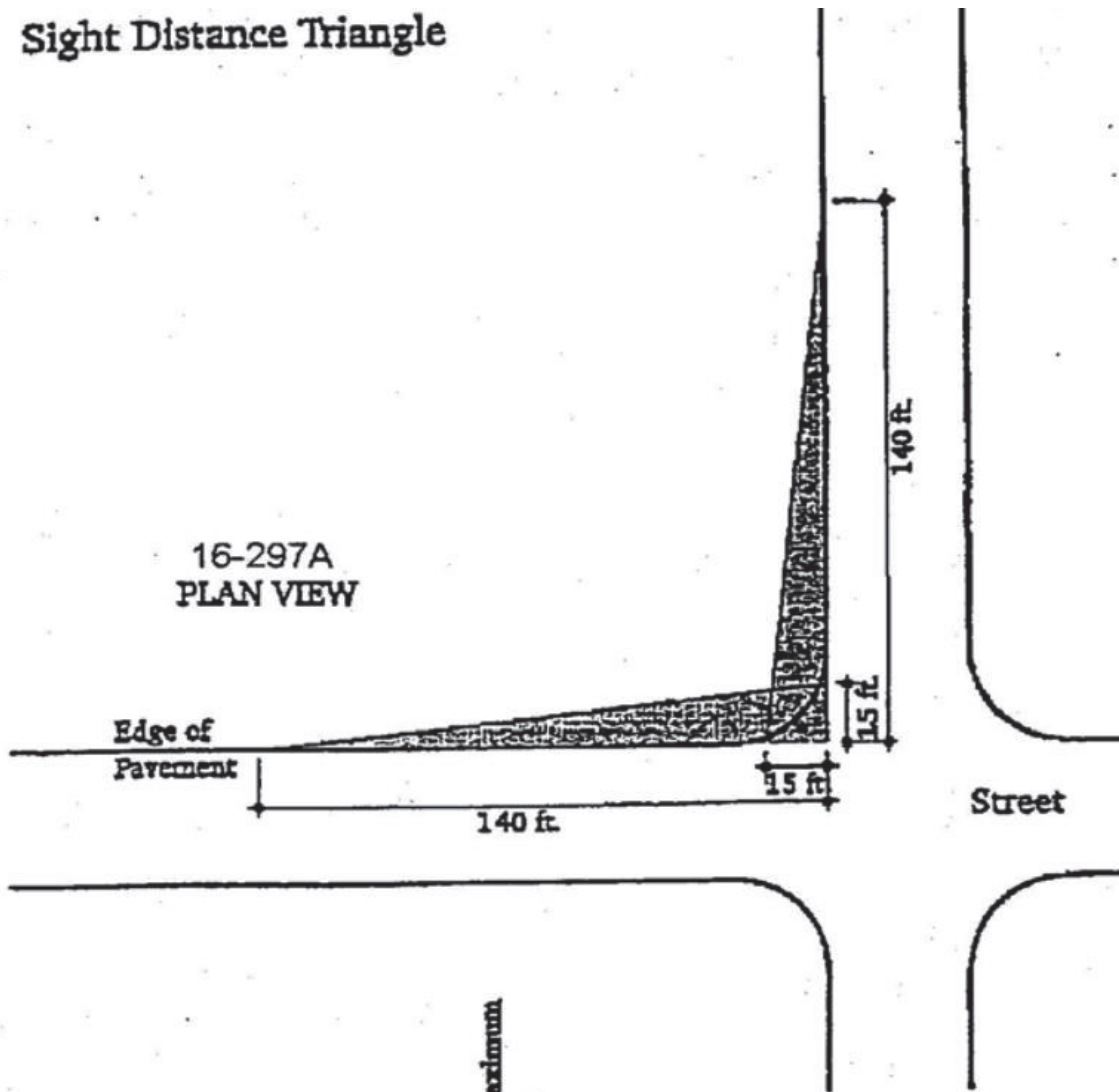
Site Triangle

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

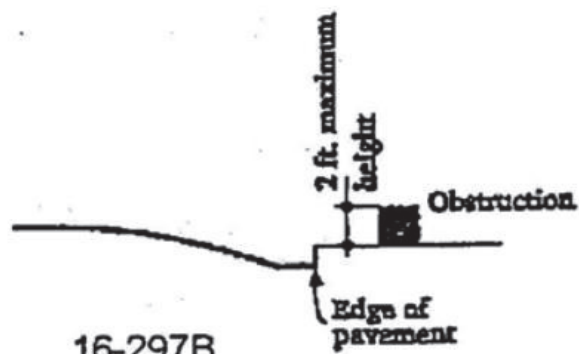
All **corner lots** shall provide **two sight distance triangles**, the short leg of which shall be **15 feet**, and the long leg of which shall be **140 feet** measured along the edge of the pavement as depicted in Figure 16-297A. The area within the triangles, as depicted in Figure 16-297B shall be 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

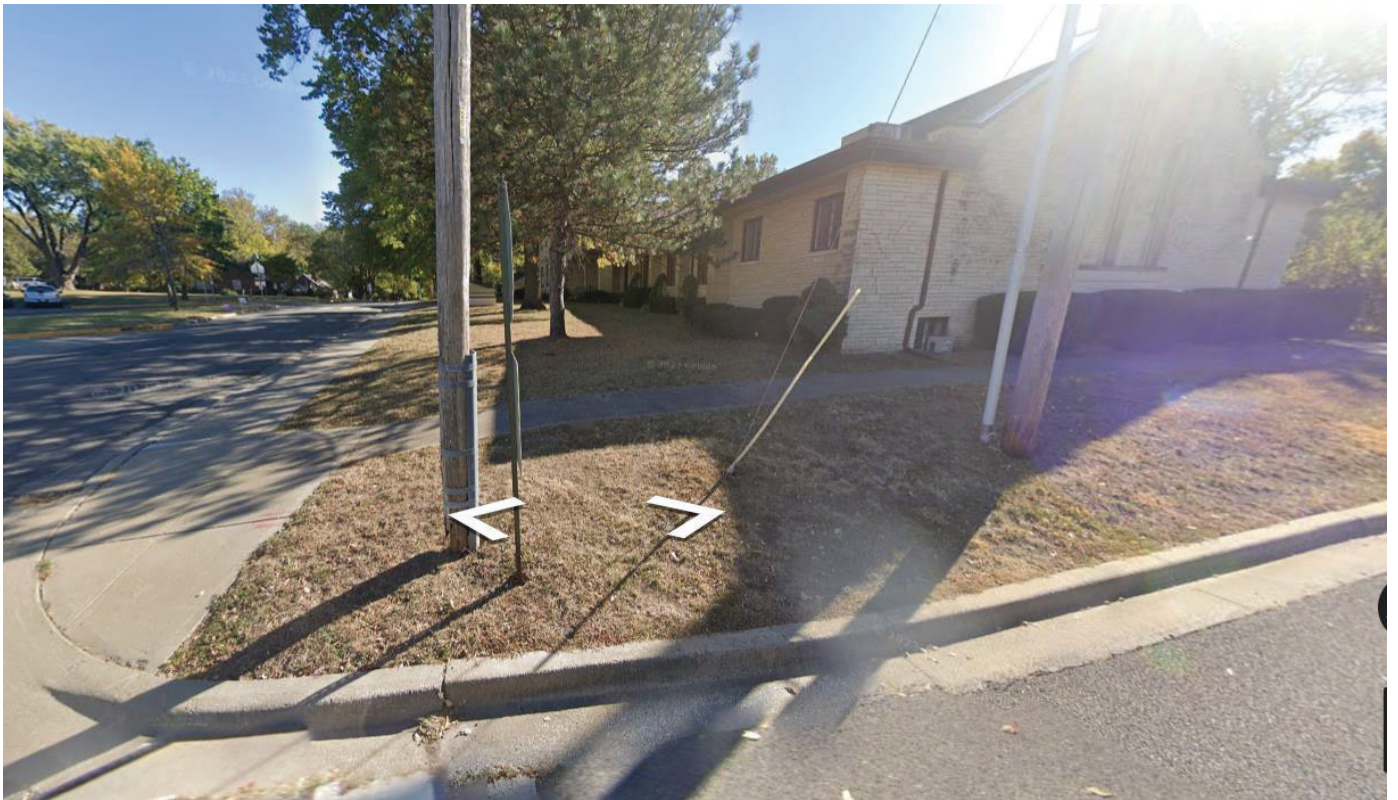
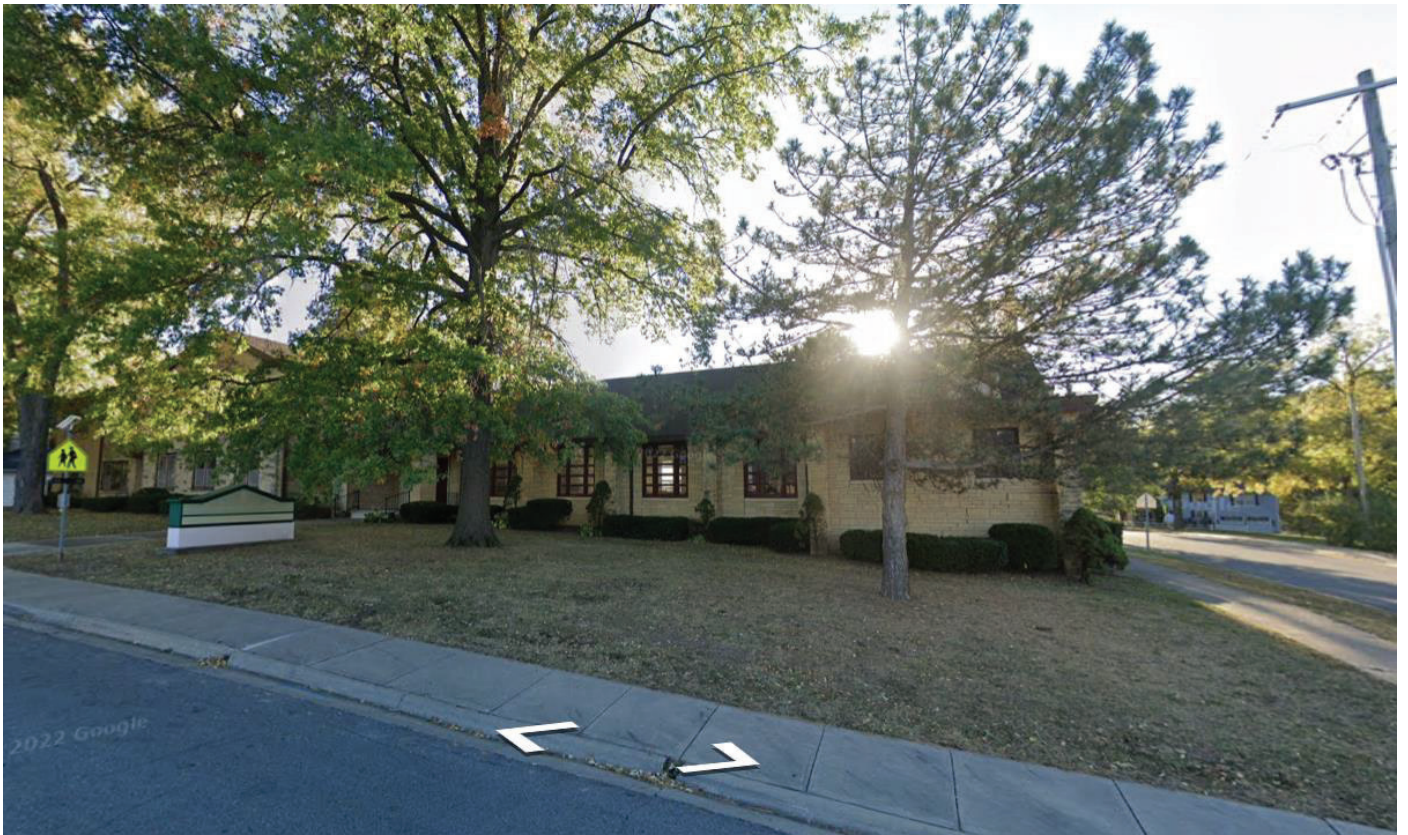


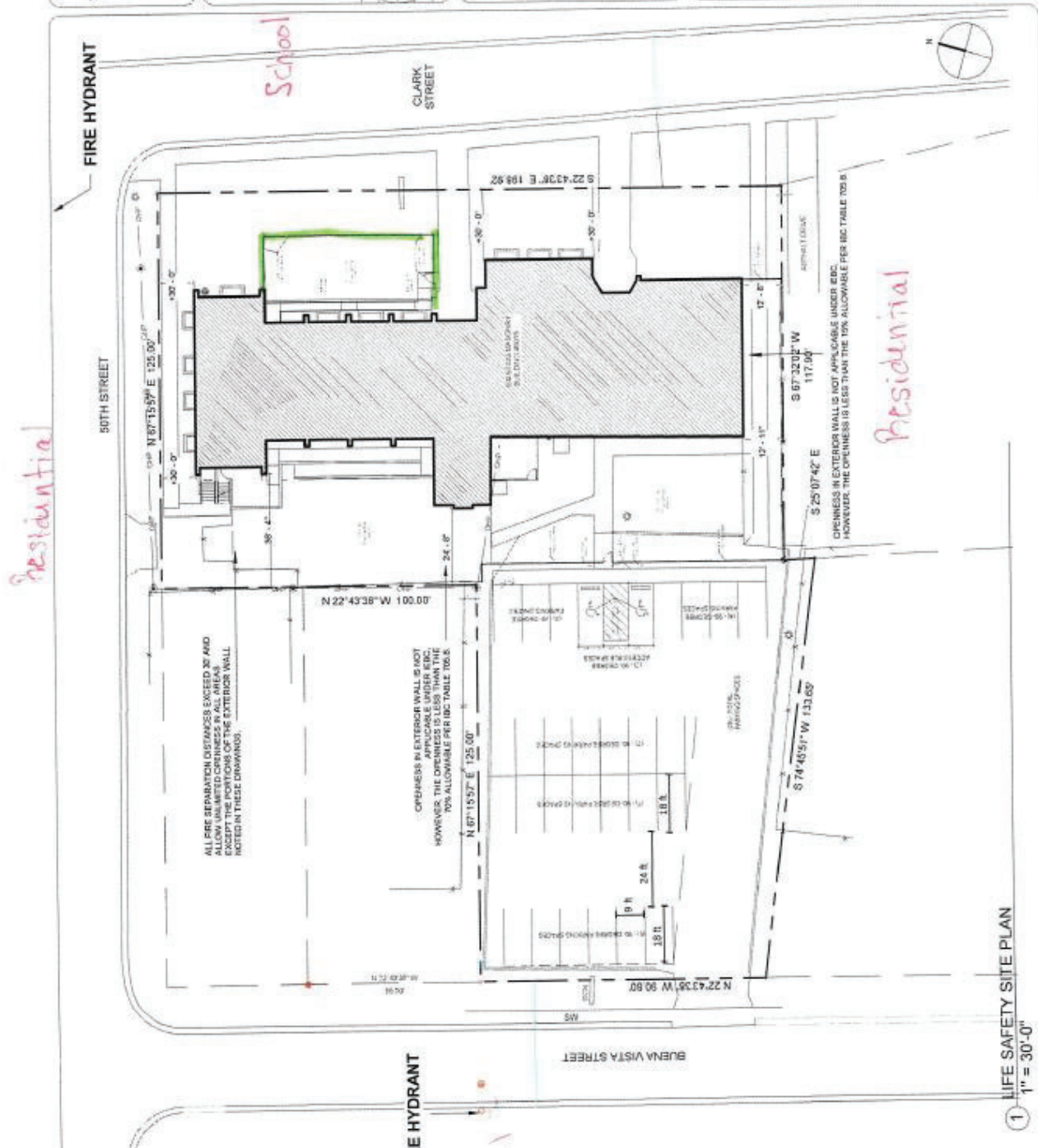
16-297B
CROSS SECTION



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







U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Susan Newirth and Haine Christine
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: James Hilburn and Meg Valentini
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Helsey Strube and Erin Marney
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Hazel and Mary Thompson
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Mary Brunner
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Juan and Isilda Sosa
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Nancy Choi
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Kurt Murray and Brian Fenimore
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Lauren Montgomery and Susan Worth
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Joel and Gwalston Marquardt
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

OFFICIAL USE

Certified Mail Fee \$4.40 0114 08

Extra Services & Fees (check box, add fee as appropriate):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$5.08

03/25/2024

Sent To: Zachary Kulphongpatana
 Street and Apt. No., or PO Box No.: 5001 Buena Vista St.
 City, State, ZIP+4®: Roland Park, KS 66205

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

UNITED STATES POSTAL SERVICE

NALDO
 119 W GREGORY BLVD
 KANSAS CITY, MO 64114-1142
 (800)275-8777

03/25/2024 04:26 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter	1		\$0.68
Overland Park, KS 66212			
Weight: 0.36 oz			
Estimated Delivery Date: Wed 03/27/2024			
Tracking #: 9507 1056 6456 4085 5956 27			
Certified Mail®			\$4.40
Total			\$5.08
First-Class Mail® Letter	1		\$0.68
Leawood, KS 66206			
Weight: 0.30 oz			
Estimated Delivery Date: Wed 03/27/2024			
Tracking #: 9507 1056 6456 4085 5956 41			
Certified Mail®			\$4.40
Total			\$5.08
First-Class Mail® Letter	1		\$0.68
Overland Park, KS 66205			
Weight: 0.30 oz			
Estimated Delivery Date: Wed 03/27/2024			
Tracking #: 9507 1056 6456 4085 5956 65			
Certified Mail®			\$4.40
Total			\$5.08
Grand Total:			\$15.24
Credit Card Remit			\$15.24
Card Name: VISA			
Account #: XXXXXXXXXX6967			
Approval #: 031766			
Transaction #: 439			
Receipt #: 000439			
AID: A0000000980840			
AL: US DEBIT			
PIN: Not Required			
Chip			
Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.			
Preview your Mail Track your Packages Sign up for FREE @ https://informedelivery.usps.com			
All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business.			
Tell us about your experience. Go to: https://postalexperience.com/ssk or scan this code with your mobile device.			
			
UFN: 284243-9551 Receipt #: 240-16401067-1-4426710-1 Clerk: 00			

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:

<i>BZA Members Name</i>	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