



AGENDA
City of Roeland Park, Kansas
Board of Zoning Appeals
6:00 PM
June 3, 2025

Brandon Gillette

Chris Thowe

Darren Nielsen (Chair)

Erik Hage

Jeff Meador

- I. Call the meeting to order.
- II. Approval of the meeting minutes from December 5, 2024.
- III. Variance Request BZA 2025-01: Request relief from City Code; Chapter XVI; Article 6; Section 16-603 (b) Location – Paragraph (3) Side yard concerning the placement requirements of a fence.
- IV. Variance Request BZA 2025-02: Request relief from City Code; Chapter XVI; Article 9; Section 16-909 Paragraph (a) Table 19-909.1 and Section 16-910 (1) Building Sign Regulations – Paragraph (f) and Paragraph (g) concerning permanent residential building sign size with illumination.
- V. Other matters before the BZA.
- VI. Adjourn

Board of Zoning Appeals Minutes
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
6:00 P.M.
December 5, 2024

Board Members: Darren Nielsen (chair) Jeff Meador Chris Thowe
Brandon Gillette Erik Hage

Staff: Wade Holtkamp, Building Inspector
Alex Felzien, City Attorney

I. Call the meeting to order

The Roeland Park Board of Zoning Appeals met December 5, 2024. Darren Nielsen called the meeting to order. Mr. Holtkamp called the roll. Darren Nielsen, Brandon Gillette, Chris Thowe, and Erik Hage, Jeff Meador were present.

II. Approval of Minutes from April 18, 2024, meeting

BZA Hage moved and BZA Thowe seconded to approve the meeting minutes from April 18, 2024. (Motion carried, 5-0)

III. BZA 2024-02 - Variance Request, 4519 W 52nd Ter

Open Hearing - Staff Report, Applicant Presentation, Public Comment

No public comment was requested.

Mr. Holtkamp gave the staff report for the requested variance at 4519 W 52nd Ter to allow construction and connect an existing garage to existing dwelling in an R1, single family zoned district. The lot is 1.4 acres, 6250.37 sq feet. It is required to keep a 55% green space on the lot. The existing garage was built 2003/2004, the code issue connecting is the setback distances. The current code is 16-421 (b), 16-410, currently existing non-conforming status.

The setback property line to the west along Garanda St is 10 feet, 6 inches. The current code is 20 feet. Connected to the garage would create a single dwelling requiring a 15 feet setback. The current setback of the garage is 6 feet, 8 inches. If the connection is made this would a new setback to the rear. The two setback issues are to the west and south. The surrounding area is mostly single family residential with a business district to the northwest.

To review, if the variance is approved it create new setbacks for of 10 feet, 6 inches, to the west and 6 feet, 8 inches, to the south. The footprint of the house will remain the same which will lessen the impact to the neighborhood.

Mr. Holtkamp asked if there were any questions. BZA CHAIR Nielsen asked is the 55% greenspace element will be maintained. Mr. Holtkamp said that from the architectural site plan

appears the 55% is maintained but if it's close staff and request a surveyed site plan. Mr. Holtkamp will retrieve the exact percentage and provide that later in the meeting.

BZA THOWE asked is there is a maximum height limit. Mr. Holtkamp said there is a code design standard maximum height of 35 feet. BZA THOWE asked if there any other design requirements BZA would need to see. Mr. Holtkamp stated the variance to for the two setbacks and that the applicant will still need to follow the design code.

BZA MEADOR asked regarding the greenspace coverage does that include current patio. Mr. Holtkamp said the patio would be removed but for construction, but the 55% greenspace will need to remain. BZA Meador asked about the other neighboring setback lines specifically to the east. Specifically, from the street to the neighboring house. Mr. Holtkamp provided some rough estimates using an online mapping tool of 25 feet. BZA Gillette asked if there was a City permit of the existing garage. Mr. Holtkamp stated that the City does not have documentation that the garage was ever permitted. Property owner Glenn Haney states the permit documentation can be submitted to the City.

Mr. Holtkamp added that the variance approval can contain a condition for proof the garage was permitted. BZA Gillette asked if staff received any feedback from the neighbor notice that was sent. Mr. Holtkamp stated no response from the mailers sent 100 feet of the property. BZA HAGE asked if Granada St along the property to the south is a dead-end street. Mr. Holtkamp replied, yes, it's a dead-end street.

Property owner Glenn Haney states he has been living in Roeland Park for 25 years and met his wife here. They would like to age in place in Roeland Park. They like the area. It's close to work, love the trees. It's my first house here and would like to stay here. It's a small house so the add on would give us another bathroom, bigger kitchen, laundry room. It will give more common area, an extra 240 square feet. Having the garage attached to the house will make it a little safer, slipping on ice. Property owner Julie Haney stated the current house configuration is not laid out well for a wheelchair or walker. She added it will be easier to move around.

BZA CHAIR Nielsen expressed concern if the addition happens and in the future a request is made to build up then it could be a very large structure on a very small lot. He added if it stays a one-story structure on a small lot, it doesn't feel imposing or overbuilt and it's not a hazard to your added to you adjacent neighbors. If it's a two and half story, then you are a bigger source and a hazard. BZA CHAIR Nielsen asked if the other members of the BZA also have this concern. BZA Gillette stated he does not think the BZA can put limits on future home construction. BZA CHAIR Nielsen stated on a positive if you build on a hard structure, stormwater runoff, not adding to the burden of the system. Age in place is something I'm concerned about. Mr. Holtkamp stated he obtained the submitted plans which indicate 59% greenspace. This calculation is based on proposed construction.

BZA HAGE asked if the garage will need to be brought up to current code standards. Mr. Holtkamp stated the permit would be for the addition and garage would stand by the code of its time of construction. BZA CHAIR Nielsen added the existing garage and house remain as is except for where they connect. BZA MEADOR asked when last time the setback code distances changed. In 2003 when the garage was build was it complaint with the setback. Mr. Felzien stated he presumes it was in compliance. Staff can conform once the building permit

documentation is received. A building permit granted would indicate it was built correct. If not, then staff will look if it had a variance.

Vote of the Board

Following discussion, Mr. Holtkamp polled the Board. An affirmative vote is in favor of granting the variance.

	Nielsen	Gillette	Thowe	Hage	Meador
Uniqueness	Aye	Aye	Aye	Aye	Aye
Impact	Aye	Aye	Aye	Aye	Aye
Hardship	Aye	Aye	Aye	Aye	Aye
Public Interest	Aye	Aye	Aye	Aye	Aye
Spirit and Intent	Aye	Aye	Aye	Aye	Aye

The request for the variance passes, 5-0

BZA CHAIR Nielsen made a motion to make a condition of approval the applicant provide a signed copy of the garage permit for city verification. BZA Hage seconded the motion. (Motion carried 5-0)

Adjourn

BZA Thowe moved to adjourn. BZA Hage second. (Motion carried 5-0)
Roeland Park Board of Zoning Appeals Adjourned.



May 28,2025

STAFF REPORT

Completed By: Wade Holtkamp, Building Inspector

REQUEST: The applicant at 5419 W 51st St, a corner lot, is requesting to build a new wood picket fence 60 inches in height and is requesting the fence be allowed to be placed in the side yard abutting street public right of way with no setback. The current municipal code prohibits corner lot side yard fencing of 60 inches in height unless it is setback 15 feet or more from street public right of way. The variance request is to allow fence construction that creates a new setback for the side yard that does not conform to code standards.

RECOMMENDATION: Staff recommends to deny the variance to allow a 60-inch-tall fence constructed in the side yard of the conner lot abutting street public right of way with no setback.

BACKGROUND:

The applicant has an existing 60-inch-tall wood picket fence in the SW side yard area of their corner lot which is legal non-standard as it does not meet the current code of 15 foot setback from street public right of way. The applicant is proposing a new 60-inch-tall wood picket fence with 2-inch picket spacing installed 6 feet west of the existing fence. The requested location abuts street public right of way providing no setback. The code currently allows a maximum 42-inch-tall fence in that location, not the proposed 60-inch height.

The applicant would like to expand their backyard to include more gardening space by removing grass to reduce their carbon footprint, plant vegetables, and more landscape plants. The neighbor to the south has an existing legal non-standard front yard chain fence they would like to connect to.

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.

RELEVANT MUNICIPAL CODE:

CHAPTER XVI. - ZONING AND SUBDIVISION REGULATIONS

ARTICLE 6. - ACCESSORY USES AND STRUCTURES

Sec. 16-603. - Fences and Walls

(b) Location.

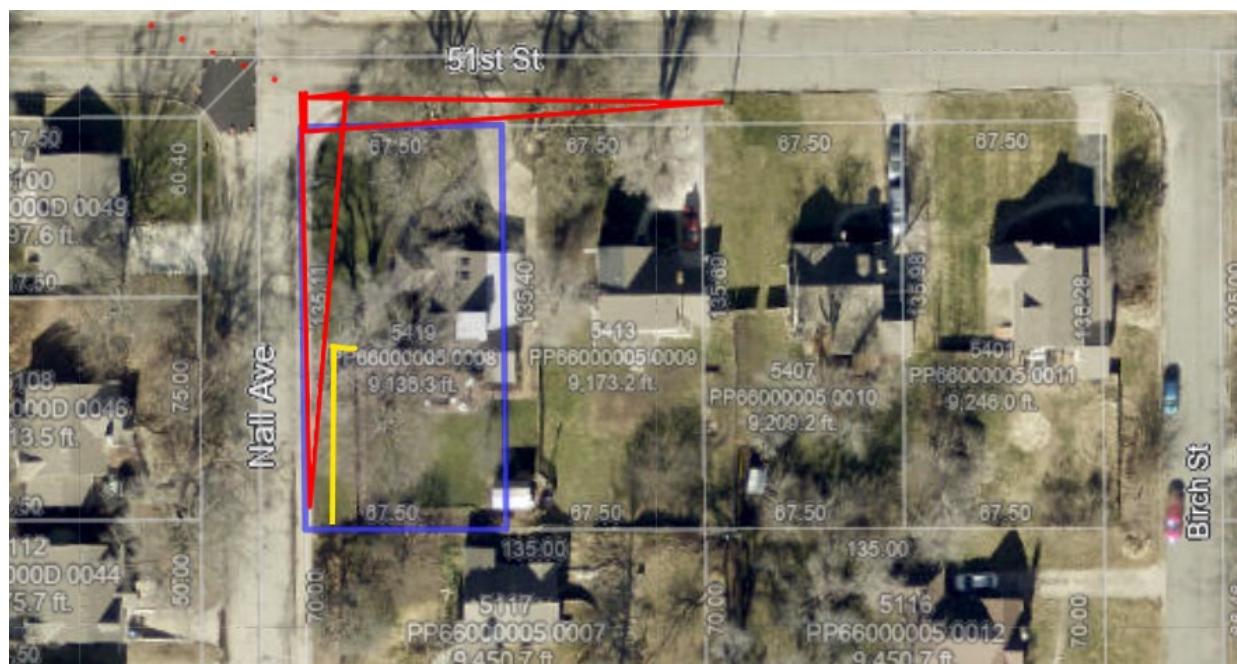
(3) Side yard. A fence or wall may be constructed in the side yard up to or on the side property line, except that no fence shall be closer than 15 feet to any collector or local street right-of-way with the exception of a 42 inches high fence which is permitted to be placed up to the right-of-way line and does not encroach on the sight distance triangle as defined in Section 16-424 of this Chapter of this Code. In addition, no fence shall be permitted in any plated landscape easement except as a part of an approved master fence/screening plan.

ANALYSIS: The proposed fence is restricted to 42 inches in height. The applicant seeks relief from the requirement to allow fence installation 60 inches in height and side yard placement abutting the street public right of way with no 15-foot setback.

IMPACTS: Staff do not feel this variance request shows uniqueness from another corner lot in the city. Other property owners could make the same appeal with a similar need for more yard space. Approval would create a precedent in which others could seek relief to circumvent current fencing code regulations. If the variance is approved, the proposed location is located outside of the established site distance triangles.

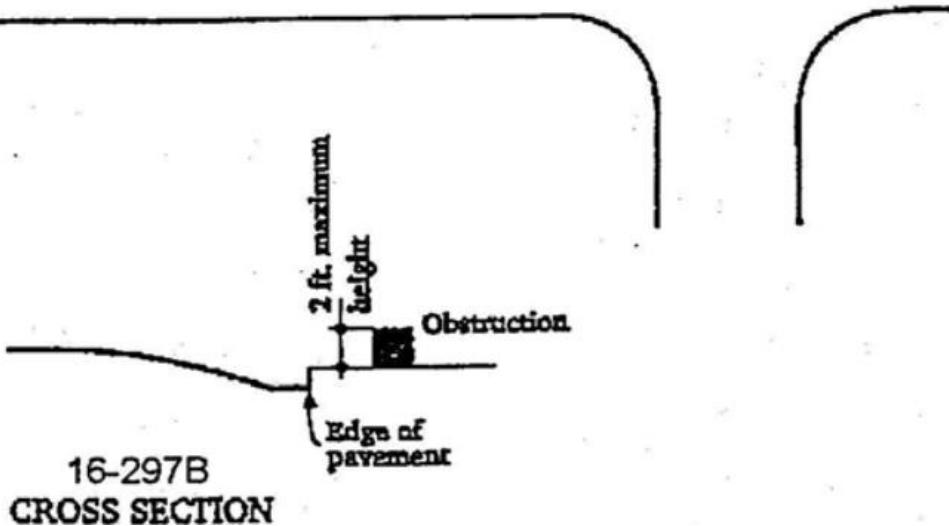
POLICY ISSUES: Current policy restricts applicants to a maximum of 42" height in the side yard with placement up to public right of way so long that it does not cause impedance to site triangles.

Site Distance Triangle

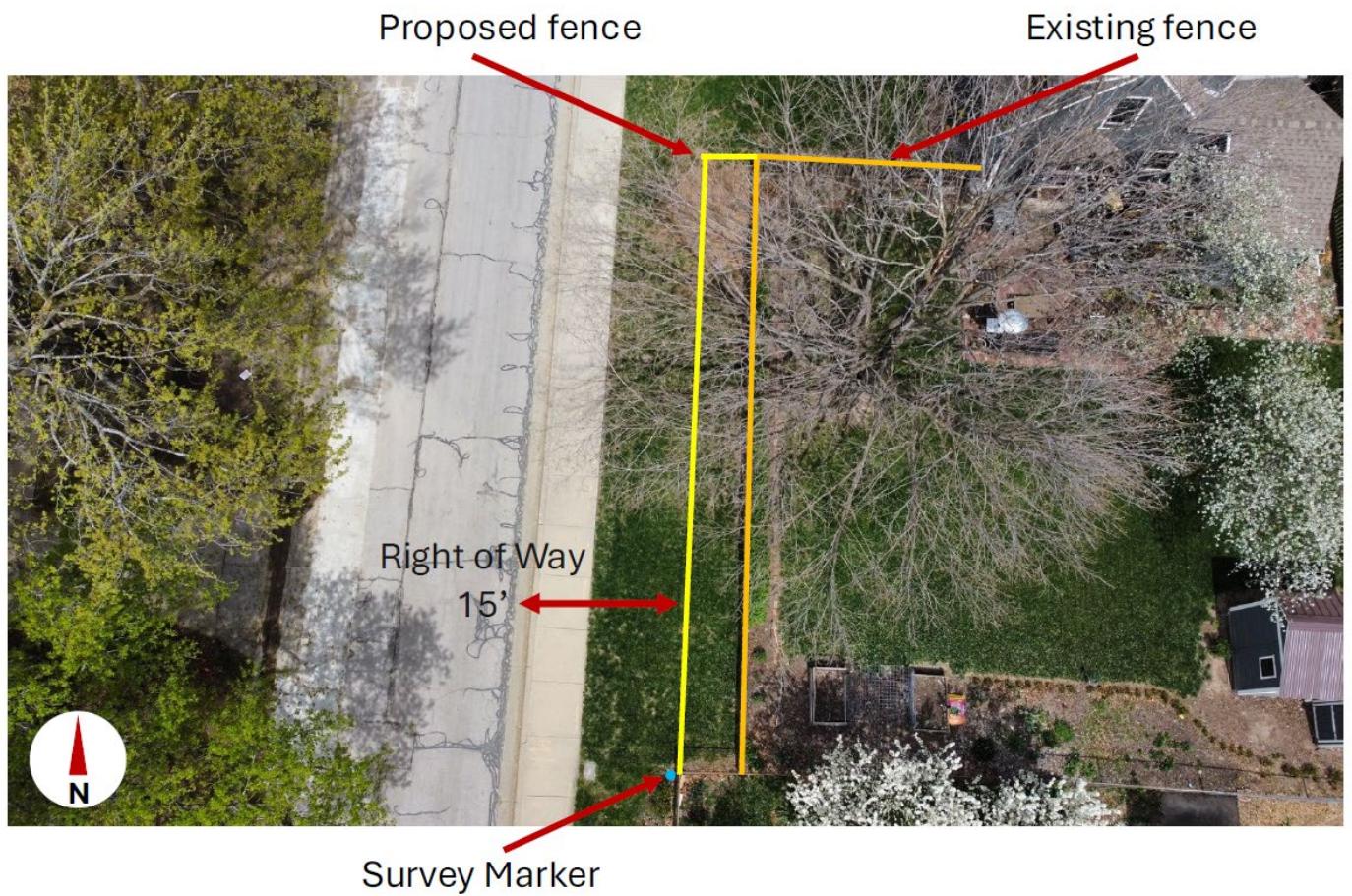


Sight Distance Triangle

16-297A
PLAN VIEW









City of Roeland Park
4600 West 51st Street
Roeland Park, KS 66205
Ph: 913-722-2600 Fax: 913-722-3713

To be filled in by City:

Date filed: _____

Case no.: _____

Application for Variance, Section 16-1507.

Fee: \$100. *Proof of residency required.*

Applicant Liz Vogel & Mark Heiman Phone 816.214.2555 _____

Address 5419 W 51st Street Email: lizzie_vogel@hotmail.com

Property owner (if different than applicant): _____

Address _____

Phone _____ Email: _____

Location of Property : Subdivision Roeland Park Blocks 3 4 and 5 Lot 8 Block 5

Section of the zoning regulations for which variance is sought: Section 16-613 Accessory Uses and Structures
Development and Performance Standards. Back Yard fence.

Present use of property: Residential, currently grass/unused space between fence and sidewalk

Description of requested variance(s) Would like to extend new fence to adjoin neighbor's current fence, bumping out about 6', still remaining 5' away from east edge of sidewalk, 10' from street. Additionally request variance to raise height from allowed 42" to 60". Cedar fence with French gothic pickets spaced 2" apart.

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

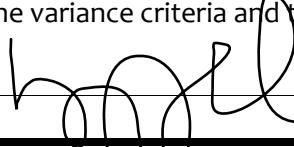
Reasons for requested variance(s) Getting new fence, would like to expand backyard to include more gardening space by removing grass to reduce our carbon footprint, plant vegetables and more landscape plants.

Utility lines or easements that would restrict proposed development not applicable

Adjacent zoning and land use:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Single Family Home</u>	<u>Residential</u>
South	<u>Single Family Home</u>	<u>Residential</u>
East	<u>Single Family Home</u>	<u>Residential</u>
West	<u>Single Family Home</u>	<u>Residential</u>

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

Applicant signature: 

Date: 4/14/25

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 _____

Zoning Board members:

We live at 5419 W 51st, which is the SE corner of 51st & Nall. We are requesting a variance allowing for fence height of 60 inches for the western (Nall Ave) portion of our property. Our plan is to extend our fence 6 feet west to align with our southern neighbor's fence. The fencing would be considered decorative; constructed with French Gothic cedar pickets spaced 2 inches apart, matching the existing aesthetic. Because the fence line would move closer to Nall, we request to be allowed the 60-inch height to provide some additional privacy and noise abatement. Extending the fence will allow us to reduce the amount of grass in the yard and increase our garden space. Liz is in the process of receiving an Associate's Degree in Horticulture and would like to hone her skill by adding to the beauty of our outdoor living space while allowing us to reduce our household's carbon footprint and becoming more sustainable by adding more vegetables, native plants, and sun/shade friendly perennials, as is difficult to grow grass in the shady areas around the fence and under the tree.

We understand there may be concerns regarding placement to align with our southern neighbor's existing fence; however we believe a variance is not necessary for this as we would meet - save for the height - the requirements of Municipal Code Sec 16-603(b)(3) which states: "*A fence or wall may be constructed in the side yard up to or on the side property line, except that no fence shall be closer than 15 feet to any collector or local street right-of-way with the exception of a 42 inches high fence which is permitted to be placed up to the right-of-way line and does not encroach on the sight distance triangle as defined in [Section 16-424](#) of this Chapter of this Code*". Our interpretation of this code allows for placement of a 42-inch height fence no closer than 15 feet to the road. There is a survey marker on the southern property line measured to be 15 feet east of Nall Ave while an additional measurement from the marker towards the eastern property boundary was 67' 6", corresponding to the property measurement on the Johnson County AIMS website. The neighbor's fence is behind (east of) this marker, and as we wish to align with that line, our extension would be farther away from the road than the required 15 feet while also meeting the requirements of Sec 16-424.

We do recognize we would not be compliant with the specified height of 42 inches, hence the request for a variance.

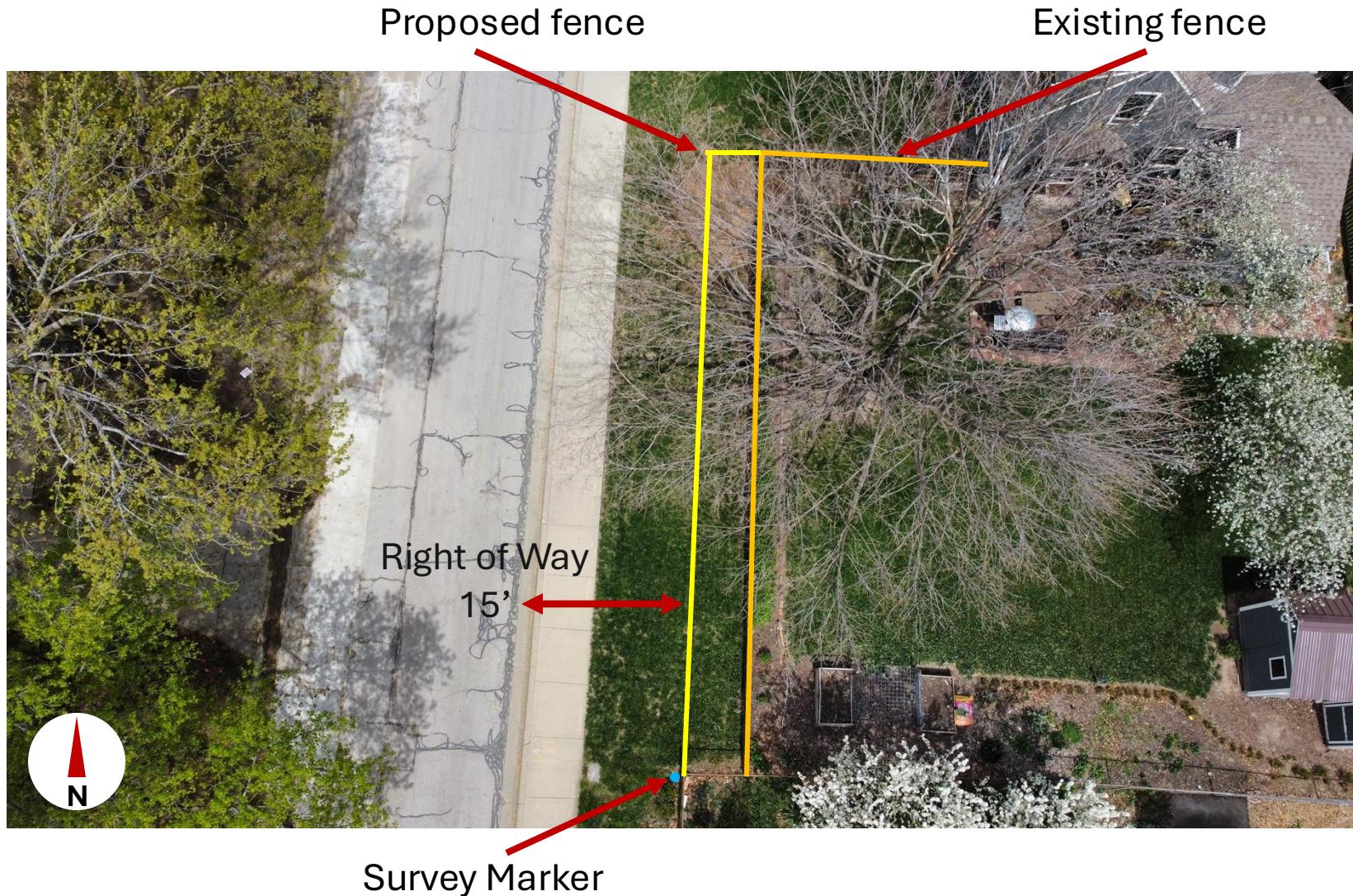
Sec. 16-1507. Variances.

- (a) When an applicant feels that the strict application of the requirements of the zoning regulations have created an undue hardship, the applicant may request a variance from the board.
- (b) A variance should be issued only to the specific restrictions on physical construction; not to permissible land uses within a given district, and only if it reasonably constitutes the minimum variance necessary and the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
- (c) To initiate a request for a variance the applicant or his authorized agent shall submit a completed application on the form provided by the City to the building inspector and pay the appropriate fee as set forth in section 16-1505. The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property for which the variance is being requested and of immediately adjacent properties. The Building Inspector may require applicant to submit photos of the subject property. No application shall be processed until it has been deemed completed by the Building Inspector, the fee paid and all additional information submitted.
- (d) When all requirements established in subsections (b) and (c) have been complied with, the Building Inspector shall notify the chairman, and the chairman shall schedule a regular meeting of the board and send to the board members copies of the application and all additional information submitted. At least 20 days prior to the board meeting, an official notice to the public shall be published in the official City newspaper explaining the variance request and the time and place of the scheduled hearing, and a copy of the notice shall be mailed to the applicant, the Planning Commission, and to all owners of record of lands located within 100 feet of the property which is the subject of the application for variance. The form of the notice and the procedure for providing the notice shall be in accordance with subsection (a).
- (e) At the scheduled meeting of the board, it shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the board shall not grant a variance unless by a vote of three members of the board finds, based upon the evidence presented, facts which conclusively support all the following findings.
 - (1) *Uniqueness.* The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by the action of the property owners or applicant. These conditions include the particular physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
 - (2) *Adjacent property.* The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents
 - (3) *Hardship.* The strict application of the provisions of the zoning regulations from which a variance is requested will constitute unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
 - (4) *Public interest.* The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - (5) *Spirit and intent.* Granting the request for variance should not be opposed to the general spirit and intent of the zoning regulations.

- (f) The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in City Hall and shall be public record.
- (g) The board may either grant, grant conditionally, or deny the application for a variance. If the decision of the board is not made at the meeting at which the hearing was held, a written decision shall be sent to affected parties and the Planning Commission.

Sec. 16-1508. Appeals From Board of Zoning Appeals.

Any person or an official of a government agency dissatisfied with any order or determination of the board may bring an action to determine the reasonableness of any order or determination within thirty days after the making of the order or determination, in the District Court of Johnson County, Kansas.







Aligning with neighbor's existing fence

New Fence location

Distance between fence and street: 15'

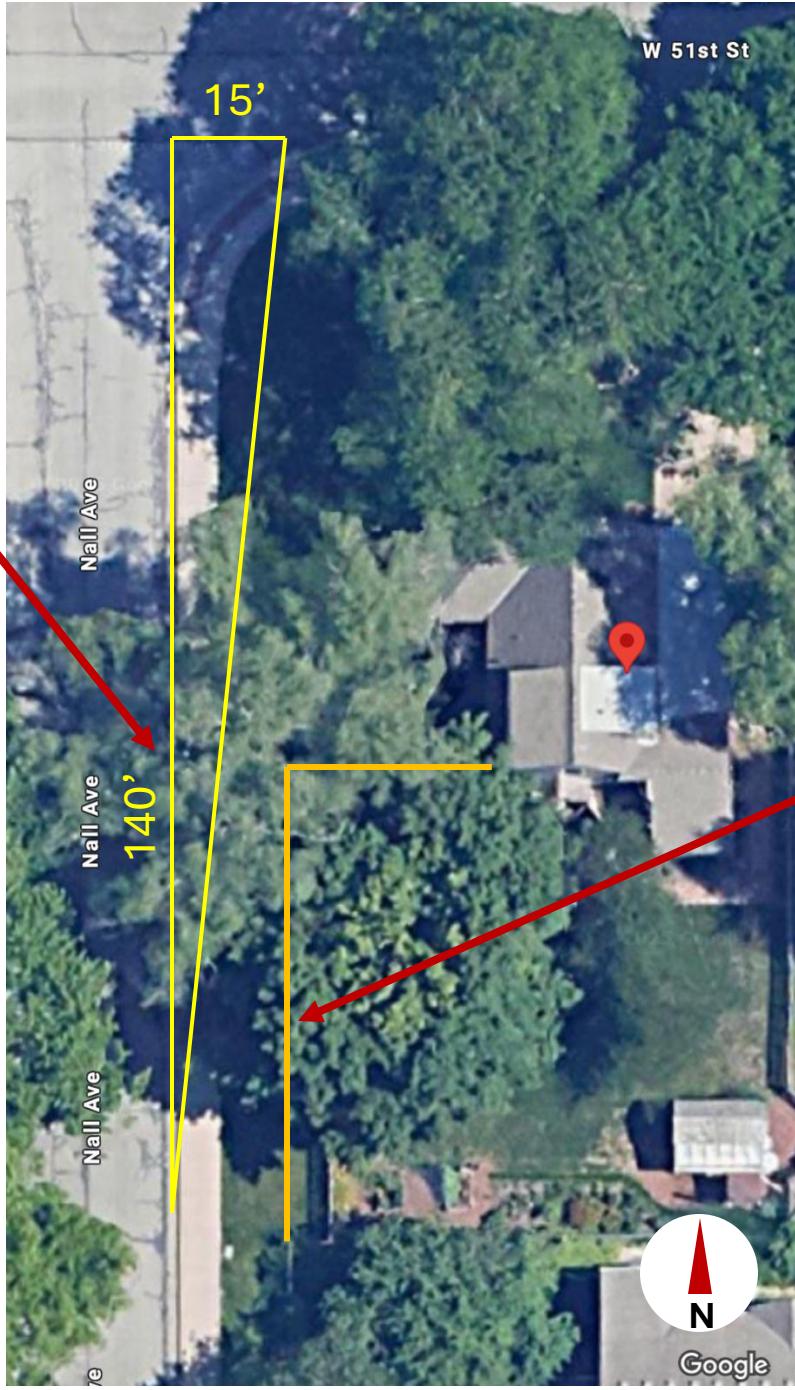
Propose to move fence out 6' from existing location, to abut neighbor's fence.



New fence location, keeping the same height as existing fence.

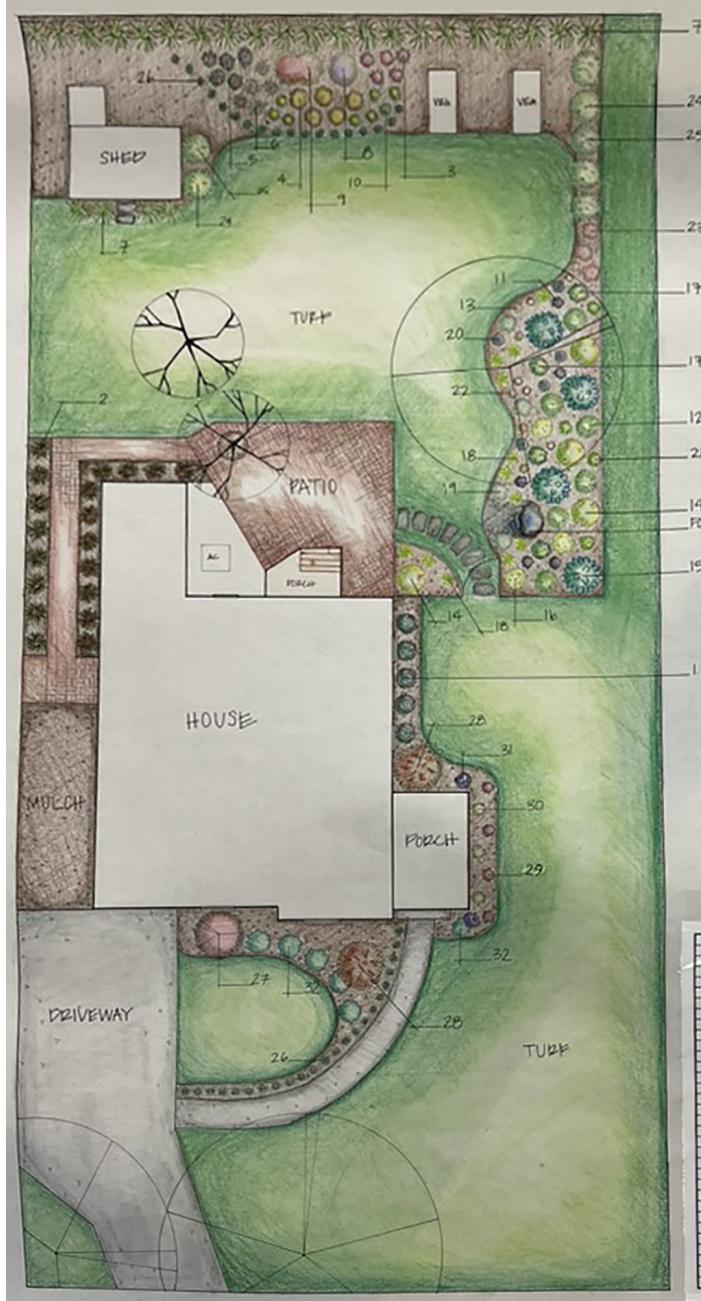


Sight distance triangle



Proposed fence
location with regard
to the sight distance
triangle

Potential Master Plan - this drawing of the property does not include the new fence boundary. However, it gives an idea for placement of future and existing plantings, as well as ideas for landscaping, stepping stones, and a potential fountain. We would be adding more raised beds for vegetables in the future.



Plans drawn by Liz

Legend

Foundation



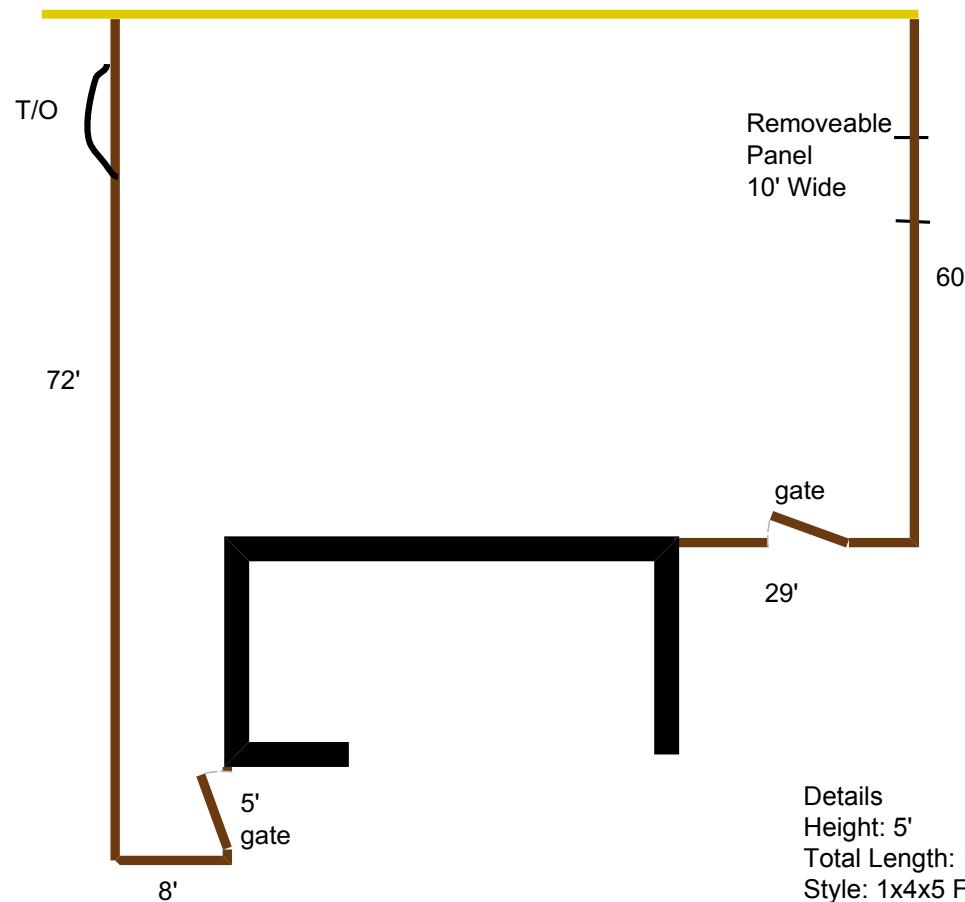
New Fence



Existing Fence



Single Gate



Vogel

**Brothers Fence**

101 N 7 Hwy.
Pleasant Hill, MO 64080
brothersfencellc.net
(816) 680-8790

Project Address

Liz Vogel
5419 W 51st St
Roeland Park, KS 66205
(816) 214-2555 | Lizzie_vogel@hotmail.com

Created By

Brooke Backus
(816) 944-8573
brooke@brothersfence.net
Created 3/11/2025



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 #: 2025-01
Date of Action: 6/3/25

BZA Members:

	<i>Absent/Present</i>
Brandon Gillette	_____
Darren Nielsen	_____
Chris Thowe	_____
Jeff Meador	_____
Erik Hage	_____

On June 3, 2025, the City of Roeland Park Board of Zoning Appeals (Action Approved, conditionally approved, Denied) the variance requested from Chapter XVI; Article 6; Section 16-603 (b) Location – Paragraph (3) Side yard concerning the placement requirements of a fence for the property at 5419 W 51st St (Address or Location) as requested by Liz Vogel and Mark Heiman (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



May 28,2025

STAFF REPORT

Completed By: Wade Holtkamp, Building Inspector

REQUEST: The applicant on behalf of the property owner of 4740 Mohawk Dr, is requesting to construct a large backlit (halo effect) illuminated cross symbol on the exterior wall of Oak Grove Assembly Church. The lot is zoned single family residential within a residential zoned area. The cross is 6 feet height by 10 feet in width, 60 square feet. The current municipal code prohibits residential permanent sign symbols from exceeding four feet in height and four feet in width and over 25 square feet. The variance request is to allow a residential sign symbol that creates a new size limit with illumination that does not conform to code standards.

RECOMMENDATION: Staff recommends to approve the proposed sign size but deny it from being illuminated.

BACKGROUND:

The details of the fence and location are as follows. The applicant is requesting to construct a large backlit (halo effect) illuminated cross symbol on the exterior wall of Oak Grove Assembly Church. The cross symbol is 6 feet in height by 10 feet in width, 60 square feet.

The applicant would like to identify the building as a church by installing a cross to help visitors.

The surrounding neighborhood is residential in nature. A neighbor notice was mailed along with a posting in a newspaper.

RELEVANT MUNICIPAL CODE:

CHAPTER XVI. - ZONING AND SUBDIVISION REGULATIONS

ARTICLE 9. – SIGN REGULATIONS

Sec. 16-909. – Sign Regulations

(a) Permanent sign permitted by zoning district

Table 19-909.1

	ZONING DISTRICT						
	R-1	R-2	R-3	R-4	R-5	C-1	C-2
BUILDING SIGNS							
Number of Signs Permitted	1 sign per principal building facing a public street for all permitted multi-family residential and non-residential uses.						Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building. The area of all wall, awning, and window signs shall be included in the total building signage area calculation.
Maximum Sign Area	25 sq. ft.						10% of the total sq. ft. of the wall area of a principal building facing a public street. No more than two sides of a building facing a street shall be used to calculate the allowable signage. The sign area of all building signs (including wall, awning, and window signs) shall be calculated using sign area Formula A as defined herein this chapter.

Sec. 16-910. - Sign Design Standards.

(1) Building Sign Regulations

Paragraph (f)

Signs in any residential zoning district shall not be internally illuminated.

Paragraph (g)

No individual letter or symbol shall exceed four feet in height and four feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator. Panel signs no greater than 32 square feet in size shall be permitted.

ANALYSIS: The proposed sign symbol is 6 feet height by 10 feet in width, 60 square feet with backlit illumination. The applicant seeks relief from the requirement to allow the cross symbol installation. A variance was granted in the past for a large school crest sign on the front wall of Bishop Miege High School which is in a residential zoned area.

IMPACTS: Staff feels that the cross sign/size reflects a normal and reasonable request from a church. These properties in the city are all zoned residential. The size and nature of construction does not negatively impact the neighborhood. However, the backlit illumination feature is not allowed by code and is not something staff can support in this location.

POLICY ISSUES: Current policy restricts a residential permanent sign symbol from exceeding four feet in height and four feet in width and over 25 square feet with no illumination.

4740 Mohawk Dr



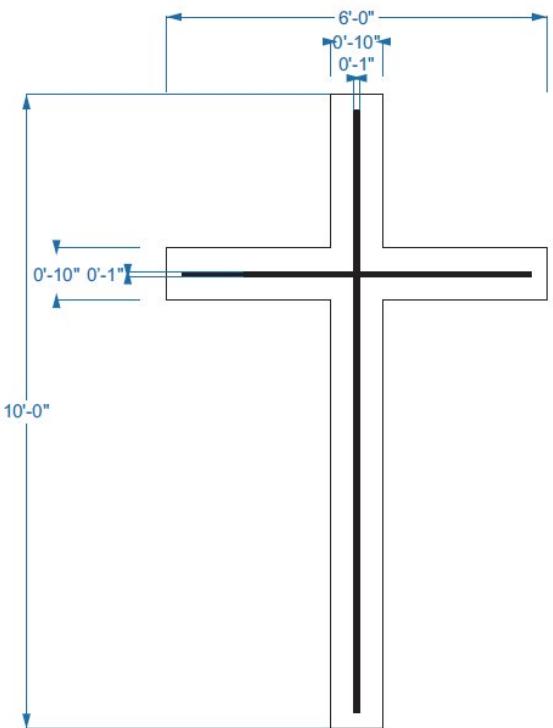


Manufacture and install
(1) internally illuminated reverse halo-lit
channel letter cross

Aluminum face and returns, clear plastic backer,
white LEDs - for a soft glow

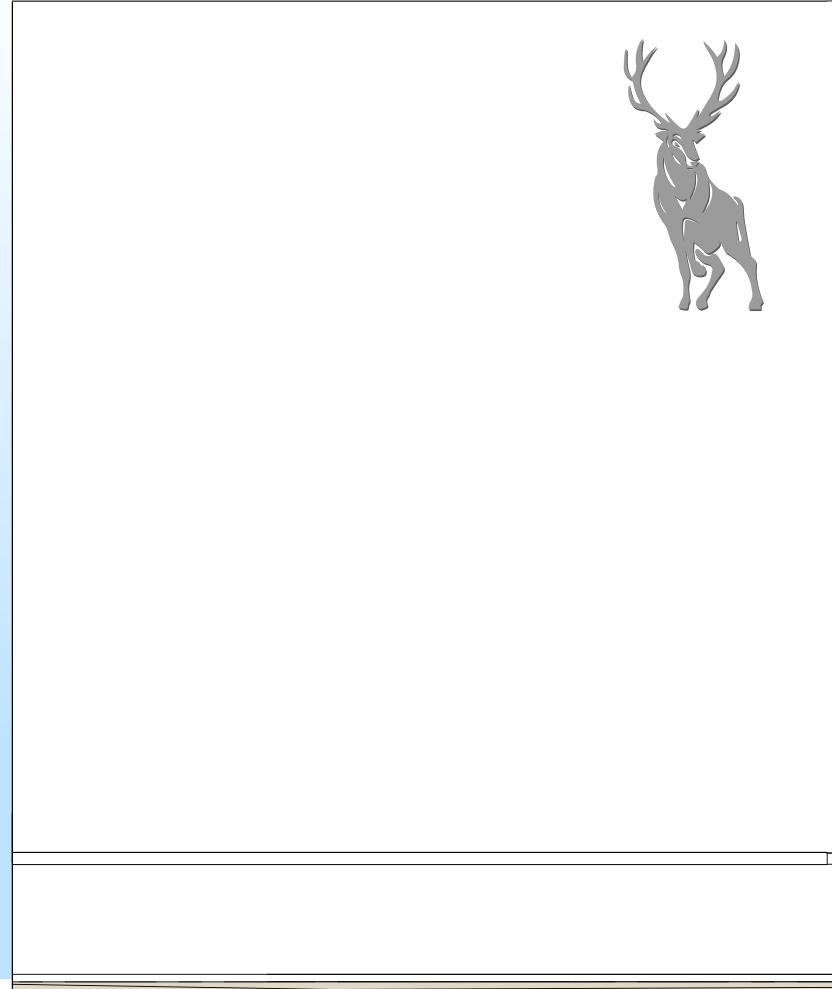
Power to be at bottom of cross

Paint: White with Black vinyl stripe



Bishop Miege High School





Southeast Entrance Proposed Signage X01 + X02

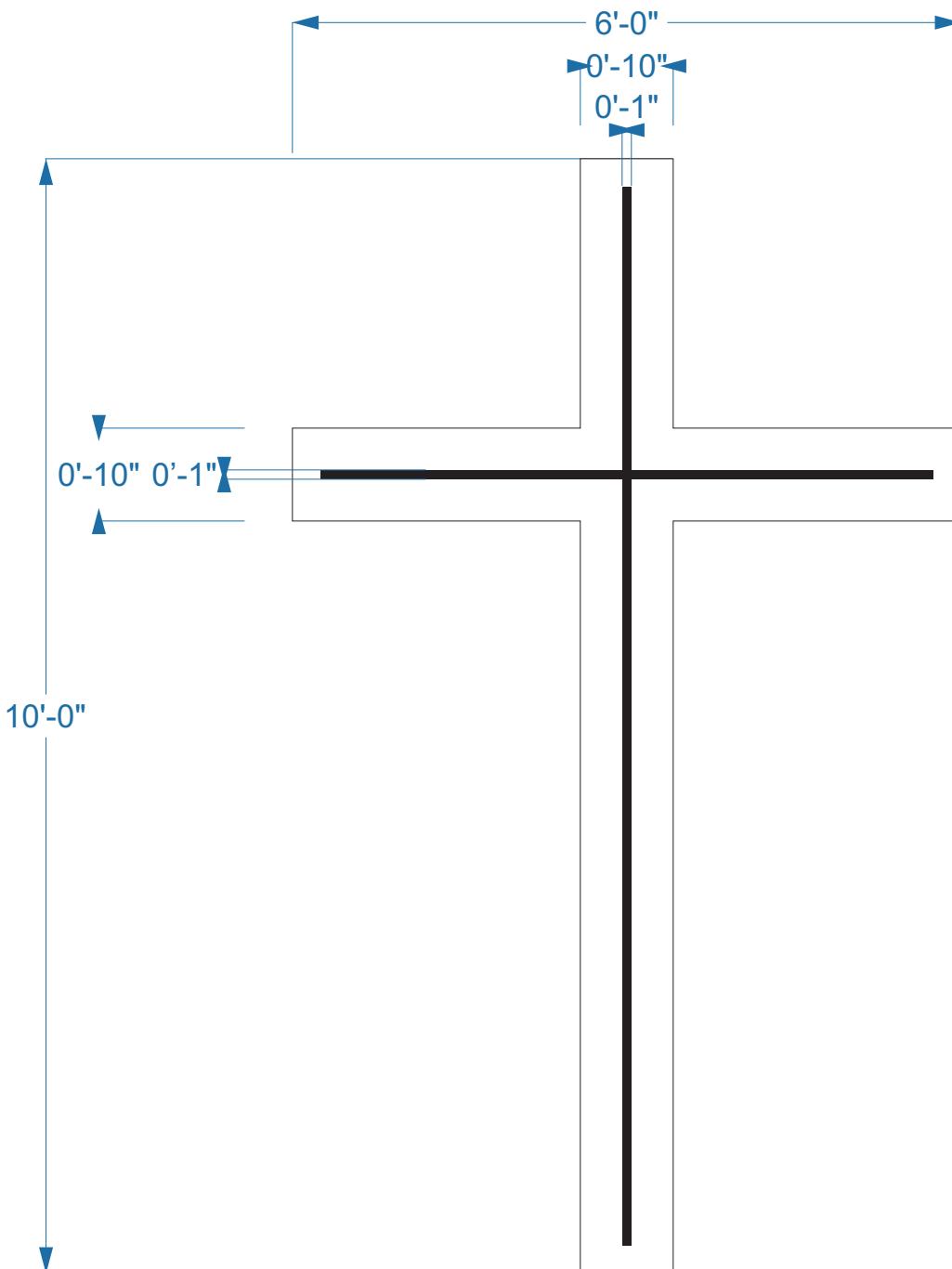


Manufacture and install
(1) internally illuminated reverse halo-lit
channel letter cross

Aluminum face and returns, clear plastic backer,
white LEDs - for a soft glow

Power to be at bottom of cross

Paint: White with Black vinyl stripe



CUSTOMER INFORMATION	
ACCOUNT REP	P TRIBBLE
DESIGNER	<i>R Smith</i>
DESIGN DATE	03/31/25
DESIGN TITLE	CROSS
DESIGN #	24-8017
SHEET #	6 of 6

REVISIONS	
REV 1	
REV 2	
REV 3	
REV 4	
REV 5	

SIGN SPECIFICATIONS	
PANTONE COLORS	
PAINT COLORS	
VINYL COLORS	

Envision
Sign Solutions

Serving the Greater Kansas City Area

This drawing is property of Envision Sign Solutions, LLC. and all rights to its use for reproduction are reserved by Envision Sign Solutions



City of Roeland Park
4600 West 51st Street
Roeland Park, KS 66205
Ph: 913-722-2600 Fax: 913-722-3713

To be filled in by City:

Date filed: _____

Case no.: _____

Application for Variance, Section 16-1507.

Fee: \$100. *Proof of residency required.*

Applicant Envision Sign Solutions, LLC Phone 816-352-9653

Address 11409 S Bilyou Road, Lone Jack, MO 64070 Email permits@envisionsignskc.com

Property owner (if different than applicant): Oak Grove Assembly

Address 4740 Mohawk Drive, Roeland Park, KS 66205

Phone 913-710-4843 Email: clint@complete.build

Oak Grove Assembly
Location of Property : Subdivision _____ Lot 69 Block _____

Section of the zoning regulations for which variance is sought: _____

Section 16-909 Sign Regulations Section 16-910 Sign Design Standards

Present use of property: Church

Description of requested variance(s) _____

Requesting sign larger than 25 sf and taller/wider than 4' - requesting sign to be illuminated

(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) Help identify the building as a church by installing a cross to help visitors

Utility lines or easements that would restrict proposed development None

Adjacent zoning and land use:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Single Family Residential</u>	<u>SFR</u>
South	<u>Single Family Residential</u>	<u>SFR</u>
East	<u>Single Family Residential</u>	<u>SFR</u>
West	<u>Single Family Residential</u>	<u>SFR</u>

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

Applicant signature: Clint Boly Date: 04-22-2025

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 _____

Sec. 16-1507. Variances.

- (a) When an applicant feels that the strict application of the requirements of the zoning regulations have created an undue hardship, the applicant may request a variance from the board.
- (b) A variance should be issued only to the specific restrictions on physical construction; not to permissible land uses within a given district, and only if it reasonably constitutes the minimum variance necessary and the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
- (c) To initiate a request for a variance the applicant or his authorized agent shall submit a completed application on the form provided by the City to the building inspector and pay the appropriate fee as set forth in section 16-1505. The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property for which the variance is being requested and of immediately adjacent properties. The Building Inspector may require applicant to submit photos of the subject property. No application shall be processed until it has been deemed completed by the Building Inspector, the fee paid and all additional information submitted.
- (d) When all requirements established in subsections (b) and (c) have been complied with, the Building Inspector shall notify the chairman, and the chairman shall schedule a regular meeting of the board and send to the board members copies of the application and all additional information submitted. At least 20 days prior to the board meeting, an official notice to the public shall be published in the official City newspaper explaining the variance request and the time and place of the scheduled hearing, and a copy of the notice shall be mailed to the applicant, the Planning Commission, and to all owners of record of lands located within 100 feet of the property which is the subject of the application for variance. The form of the notice and the procedure for providing the notice shall be in accordance with subsection (a).
- (e) At the scheduled meeting of the board, it shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the board shall not grant a variance unless by a vote of three members of the board finds, based upon the evidence presented, facts which conclusively support all the following findings.
 - (1) *Uniqueness.* The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by the action of the property owners or applicant. These conditions include the particular physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
 - (2) *Adjacent property.* The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents
 - (3) *Hardship.* The strict application of the provisions of the zoning regulations from which a variance is requested will constitute unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
 - (4) *Public interest.* The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - (5) *Spirit and intent.* Granting the request for variance should not be opposed to the general spirit and intent of the zoning regulations.

- (f) The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decisions of the board and the vote upon each question. Records of all official actions of the board shall be filed in City Hall and shall be public record.
- (g) The board may either grant, grant conditionally, or deny the application for a variance. If the decision of the board is not made at the meeting at which the hearing was held, a written decision shall be sent to affected parties and the Planning Commission.

Sec. 16-1508. Appeals From Board of Zoning Appeals.

Any person or an official of a government agency dissatisfied with any order or determination of the board may bring an action to determine the reasonableness of any order or determination within thirty days after the making of the order or determination, in the District Court of Johnson County, Kansas.



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 #: 2025-02
Date of Action: 6/3/25

BZA Members:

	<i>Absent/Present</i>
Brandon Gillette	_____
Darren Nielsen	_____
Chris Thowe	_____
Jeff Meador	_____
Erik Hage	_____

On June 3, 2025, the City of Roeland Park Board of Zoning Appeals (Action Approved, conditionally approved, Denied) the variance requested from Chapter XVI; Article 9; Section 16-909 Paragraph (a) Table 19-909.1 and Section 16-910 (1) Building Sign Regulations – Paragraph (f) and Paragraph (g) concerning permanent residential building sign size with illumination for the property at 4740 Mohawk Dr (Address or Location) as requested by Envision Sign Solutions, LLC (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): _____