



AGENDA

City of Roeland Park, Kansas

Board of Zoning Appeals

6:00 PM

December 14, 2023

Darren Nielsen (chair)

Jeff Meador

Jeffrey Stocks

Brandon Gillette

Erik Hage

- I. Call the meeting to order
- II. Approval of Minutes from the February 27, 2023 meeting
- III. BZA 2023-03 – Variance Request 4700 Reinhardt Dr
 - a. Open Hearing – Staff Report, Applicant Presentation, Public Comment
 - b. Close Public Hearing
 - c. Board Deliberation
 - d. Vote of the Board
- IV. Adjourn

Board of Zoning Appeals Minutes February 27, 2023

I. Call the meeting to order

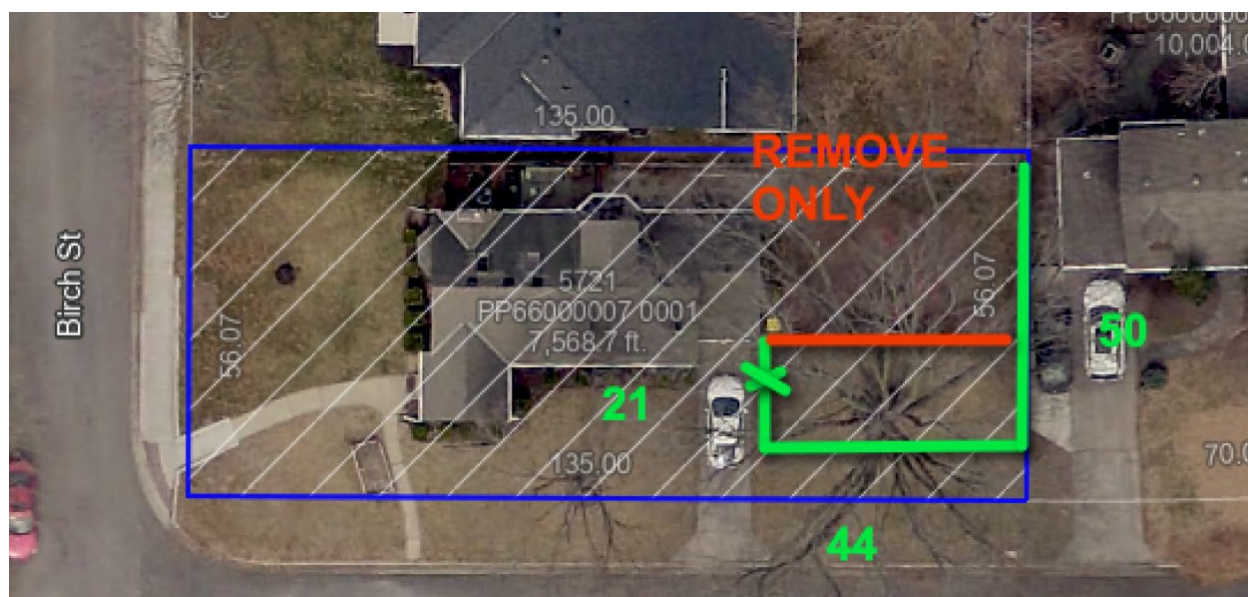
Meeting started at 6 p.m. and was called to order by Board Member Brandon Gillette.

Members Present: Brandon Gillette, Erik Hage

Darren Nielsen arrived late.

Staff Present: John Jacobson, Building Official

Mr. Gillette opened the public hearing for Item BZA 2023-01. Camden Hanzlick-Burton, the applicant who lives at 5721 Birch, addressed the BZA and explained the application that they wanted a variance to extend a fence out 20 feet towards 57th Terrace in their side yard.



Mr. Hage and Mr. Gillette asked questions of the Building Inspector and applicant.

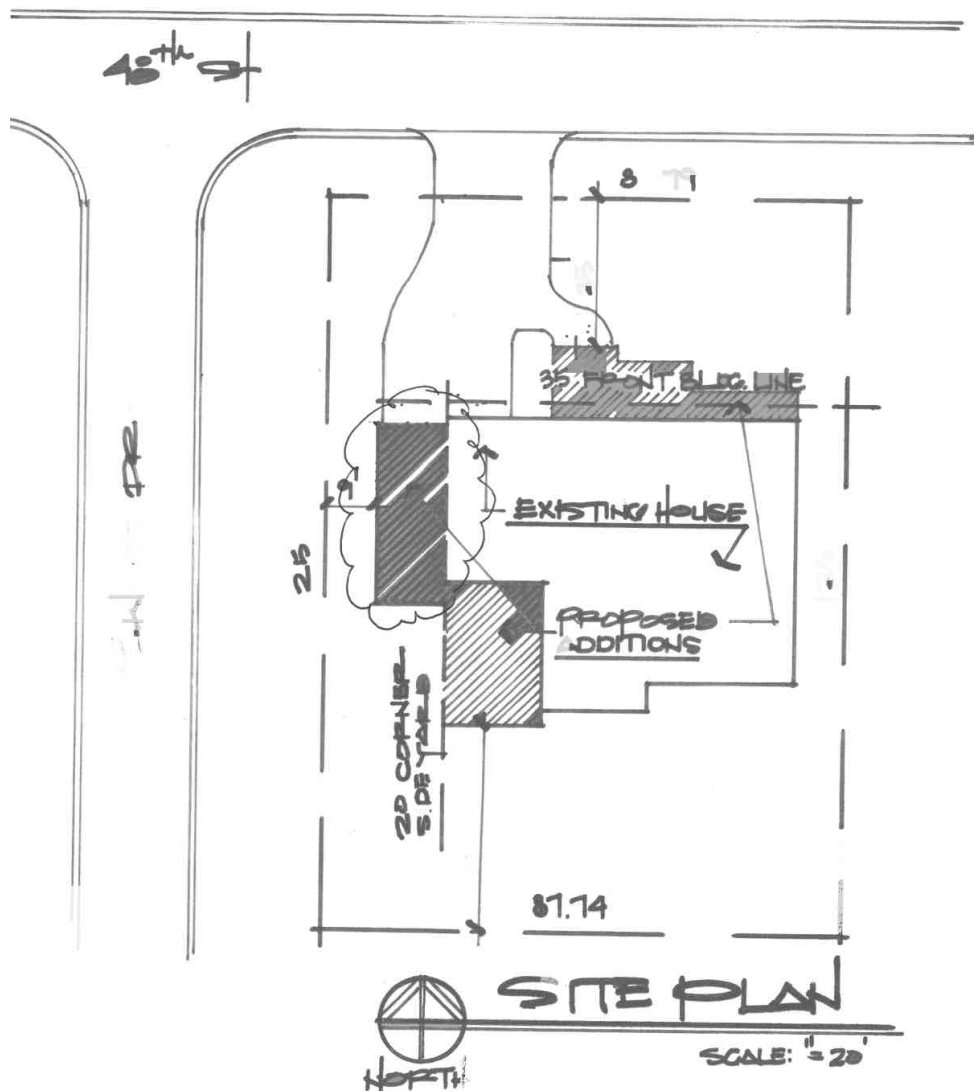
Mr. Gillette Closed the public hearing and the Board members voted on the request as indicated:

	GILLETTE	HAGE
UNIQUENESS	Yes	Yes
ADJACENT PROPERTY	Yes	Yes
HARDSHIP	Yes	Yes
PUBLIC INTEREST	Yes	Yes
SPIRIT & INTENT	Yes	Yes

The motion carried and the variance was approved.

The board moved to Action Item no. 2023-02 regarding a side yard setback and a variance to allow for an addition to an existing single-family home.

Mr. Gillette opened the hearing for public comment. Joe Elder, 2705 W. 51st Terrace, Westwood, KS who was there to speak on behalf of the applicant at 3523 W. 48th Street. He noted they wanted to make improvements to the home to allow the applicant to remain in the home and age in the home.



Board member Darren Nielsen arrived at approximately 6:18 p.m.

Mr. Gillette asked if there were any additional staff comments. Mr. Jacobson noted that they are trying to make the house comply with universal design and that there are several examples of corner lots where the house encroaches on the side yard setback so this particular variance would not be outside of what currently exists.

Mr. Nielsen wanted to know if it's just a single story that would encroach on the side yard and Mr. Jacobson confirmed. Mr. Nielsen wanted there to be a stipulation that it needed to remain only one story that encroaches on the side yard setback.

	GILLETTE	HAGE	NIELSEN
UNIQUENESS	Yes	Yes	Yes
ADJACENT PROPERTY	Yes	Yes	Yes
HARDSHIP	Yes	Yes	Yes
PUBLIC INTEREST	Yes	Yes	Yes
SPIRIT & INTENT	Yes	Yes	Yes

The motion carried and the variance was approved.

Electing a Chair

Mr. Gillette made a motion to nominate Darren Nielsen as the BZA Chair, seconded by Eric Hage, all in favor.

Mr. Gillette made a motion to adjourn, seconded by Mr. Hage. All in favor. Motion ended at 6:27 p.m.



The City of Roeland Park

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

December 11, 2023

STAFF REPORT

Completed By: Wade Holtkamp, Building Inspector

REQUEST: Applicant KaLia Burnette owner of 4700 Reinhardt Dr is requesting a variance for a six-foot privacy fence already constructed in the side yard that projects into front yard and the rear yard and passes the front building line of the home to the south on Reinhardt. There is also a shed located beyond the front of the building line of the structure to the south on Reinhardt, located in the side yard.

Due to a building permit review error, construction of the privacy fence was approved that is not compliant with city code.

RECOMMENDATION: Staff suggest **not approving** the fence in its current location but recommend modifying the design, so it is closer to being code compliant.

Staff acknowledges the error made processing the building permit but feels the fence design is an extreme code deviation that creates a major negative impact on the surrounding single-family residential neighborhood and City.

The neighboring property to the south is primarily impacted with placement of a storage shed, recreational vehicle, and fence construction in front of their home building line.

BACKGROUND:

Below is the relevant code language applies to this request. The highlighted sections are particularly referenced in this analysis and staff omitted sections that were not directly related to this request. Note that Sec. 16-201 (qq) "front yard definition", states that when a house is on a corner lot, the front property line will generally be the side with the least dimension and that the Building Inspector will make that determination. In this case, the acting building inspector determined the east side of the house constituted the side yard and the front yard faced 47th Street.

It should also be noted that the intent behind preventing solid fencing out past the front building line is to retain the green open space of yards. This also minimizes the impact solid tall privacy fences have in a neighborhood.

CHAPTER XVI. - ZONING AND SUBDIVISION REGULATIONS

ARTICLE 6. - ACCESSORY USES AND STRUCTURES

Sec. 16-613. - Accessory Uses and Structures; Development and Performance Standards.

(a) *Fences or walls.*

(1) Fences or walls may be constructed to a maximum height of eight feet above the average grade subject to the restrictions of this subsection. Where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the Building Inspector. A fence permit shall also be required for the replacement or reconstruction of 50 percent or more of the linear length of the entire existing fence. Any replacement or reconstruction shall comply with all the provisions of this subsection, except setbacks.

(5) In residential districts the following restrictions and standards shall apply to all fences and walls:

(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.

(2) *Rear yard.* A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. Fences on corner lots shall be restricted to 42 inches high once it passes the front building line of the house on the rear adjacent lot. No fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than 15 feet to the rear property line.

(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 16-426 of this Code. In addition, no fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan.

CHAPTER XVI. - ZONING AND SUBDIVISION REGULATIONS

ARTICLE 2. - DEFINITIONS

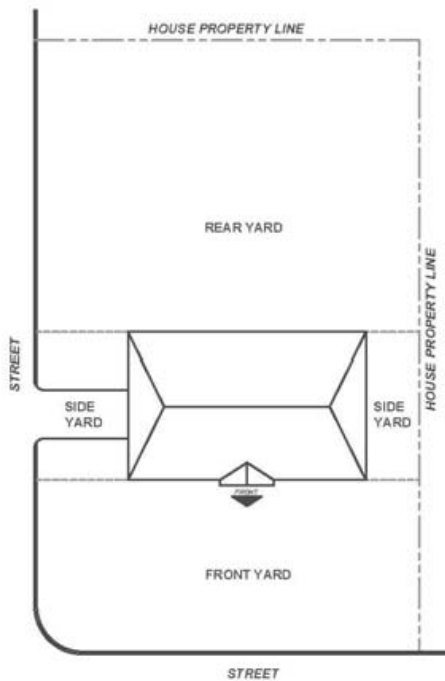
Sec. 16-201. - Definitions.

(qq) *Yard, front* is a yard extending across the front of a lot between the side property lines and being the minimum horizontal distance between the front yard property line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The property line is a line common to the adjacent right-of-way (ROW), other than an alley. For corner lots, the front property line will generally be the side with the least dimension. The Building Inspector will make a determination. (See Figures 16-201.1a through 16-201.1d). Exception: When the house faces a corner, the house will have two front yards. (See Figures 16-201.1c and 16-201.1d.)

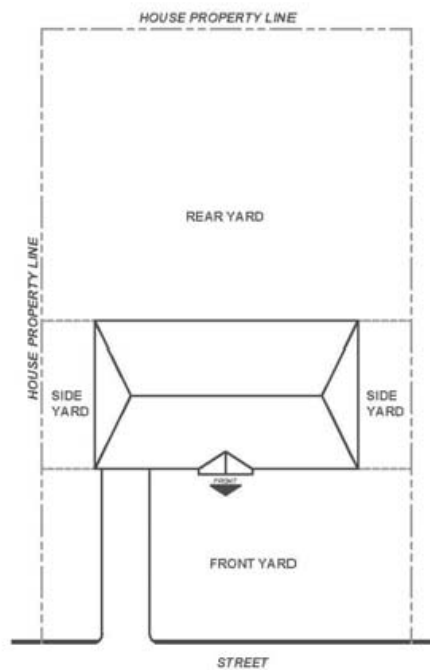
(rr) *Yard, rear* is a yard extending across the rear of a lot measured between side property lines and being the minimum horizontal distance between the rear property line(s) and the rear of the main

building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as opposite to the street upon which the lot has its least dimension. (See Figure 16-201.1a.) On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. One-half the alley width may be considered a part of the adjacent rear yard. (See Figures 16-201.1a through 16-201.1d.)

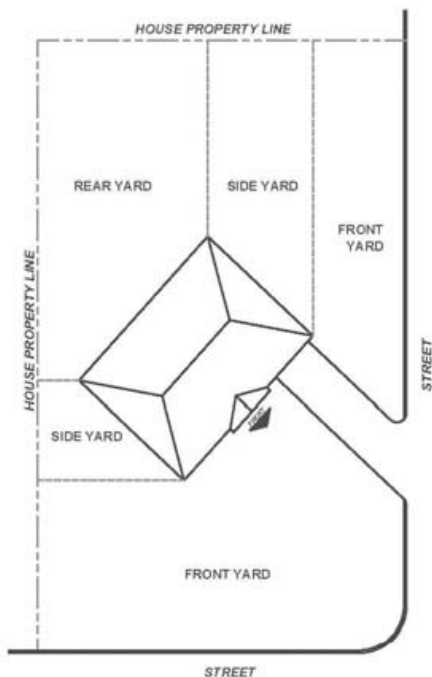
(ss) *Yard, side* is a yard between the building and the side property line of the lot extending from the front yard to the rear yard. (See Figures 16-201.1a through 16-201.1d.)



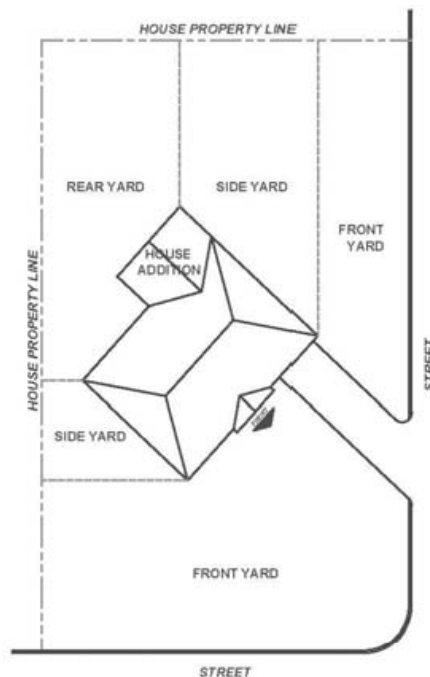
(Figure 16-201.1a.)



(Figure 16-201.1b.)



(Figure 16-201.1c.)



(Figure 16-201.1d.)

The following applies to the approval of variances, per Sec. 16-1507 of City code:

(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.

IMPACTS: The existing fence design is an extreme code deviation that creates a negative impact on the surrounding single-family residential neighborhood and City. Also installed is a 100 ft² storage shed and parked camping trailer along the east side of the lot in front the south neighbor front building line. These would need to be moved to be within the newly established fence line if this variance request is denied.

POLICY ISSUES: Current policy restricts applicant fence construction to no further north than the applicant's home front building line and no further east past the south neighbor's front building line, unless the fence drops to no more than 42 inches in height. This fence is 72 inches tall. Currently the north fence line is approx. 15 feet past the applicant's front building line and the east fence line is approx. 25 feet past the south neighbor front building line.

5/2 sent email for pmt

04-25-2023

OK to issue with NOTED fence
LINE MODIFICATION WH

Dreyer, Doreen

From: noreply@civicplus.com
Sent: Friday, April 14, 2023 2:45 PM
To: Holtkamp, Wade; Dreyer, Doreen; Chamberlain, Dawn; Nielsen, Kelley
Subject: Online Form Submittal: Building Permit Application

Building Permit Application

#4000

Instructions

The City of Roeland Park requires contractors to be licensed through the Johnson County Contractor Licensing Program and have a business license for the City of Roeland Park prior to obtaining a permit. Please allow at least 24 hours advance notice to schedule an inspection.

Permit Type	Building
Property Type	Residential
Start Date	5/1/2023
Estimated Cost of Project	10000
Location of the Project	4700 Reinhardt 4700 Roeland Park KS 66205
I am the:	Homeowner - Kalia Burnett 678-234-3521
Company Name:	The Fence Lads
Company Address:	360 W Pershing Rd #240
City	Kansas City
State	MO
Zip Code	64106
Country	USA
Contact Phone	816 695 1779
Email	Dkage@thefencelads.com Kalia.b1990@gmail.com
Fax	Field not completed.

Project Information

Please give a detailed description of your project in the space provided at the end of this application.

Building permit

~~Re-roof~~ fence

Please give details of your building project:

I will have a fence installed around my yard. I will also have a shed placed in the yard no plumbing or power.

6ft-privacy

Plumbing Permit (please describe project)

Field not completed.

Mechanical Permit (please describe project)

Field not completed.

Electrical Permit (please describe project)

Field not completed.

Demolition Permit (please describe project)

Field not completed.

Other Project (please describe project here)

Field not completed.

File upload

Kallia_33123.pdf

File upload

Field not completed.

File upload

Field not completed.

Email not displaying correctly? [View it in your browser.](#)





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 16-335.

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

Applicant Kalia Burnette Phone (678) 234-3521

Address 4700 Roeland Park KS 66205 Email kalia1990@gmail.com
Reinhardt Dr

Property owner (if different than applicant): _____

Address _____

Phone _____

Email: _____

Location of Property : Subdivision _____ Lot _____ Block _____

Section of the zoning regulations for which variance is sought: Section 16-613 (b)

Present use of property: used as back yard

Description of requested variance(s) Fence and Shed (under 100 ft²) in side yard

(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) This house does not have a back or ^{front} yard. This house was purchased with the lot next door. To keep people from cutting across the yard, my dog safe, and to have privacy we would like to fence in the lot similar to neighbors across the street.

Utility lines or easements that would restrict proposed development NO

Adjacent zoning and land use:

	Land Use	Zoning
North	<u>RESIDENTIAL, SFH</u>	<u>R1</u>
South	<u>RESIDENTIAL, SFH</u>	<u>R1</u>
East	<u>RESIDENTIAL, SFH</u>	<u>R1</u>
West	<u>RESIDENTIAL, SFH</u>	<u>R1</u>

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

Applicant signature: Kalia B

Date: _____

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 _____

Revision date: 9/15/00



ROSEDALE
2200 W 36TH AVE
KANSAS CITY, KS 66103-9998
(800)275-8777

11/24/2023 10:49 AM

Product	Qty	Unit Price	Price
First-Class Mail® 1 Letter Mission, KS 66205 Weight: 0 lb 0.50 oz Estimated Delivery Date Mon 11/27/2023 Certified Mail® Tracking #: 70191120000049018001 Return Receipt Tracking #: 9590 9402 5108 9092 1280 30	1		\$0.66 \$4.35 \$3.55 \$8.56
Total			\$8.56
First-Class Mail® 1 Letter Mission, KS 66205 Weight: 0 lb 0.40 oz Estimated Delivery Date Mon 11/27/2023 Certified Mail® Tracking #: 70191120000049010579 Return Receipt Tracking #: 9590 9402 5108 9092 1280 47	1		\$0.66 \$4.35 \$3.55 \$8.56
Total			\$8.56
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Total			\$8.56
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Total			\$0.00
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Total			\$8.56
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First-Class Mail® 1 Letter Mission, KS 66205 Weight: 0 lb 0.40 oz Estimated Delivery Date Mon 11/27/2023 Certified Mail® Tracking #: 70191120000049008026 Return Receipt Tracking #: 9590 9402 6439 0346 2797 31		\$0.66 \$4.35 \$3.55 \$8.56
Total		\$8.56
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Total		\$8.56
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Total		\$8.56

Grand Total: \$77.04

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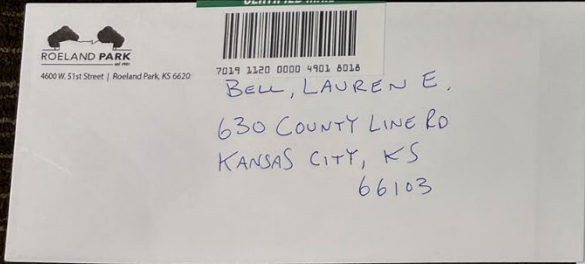
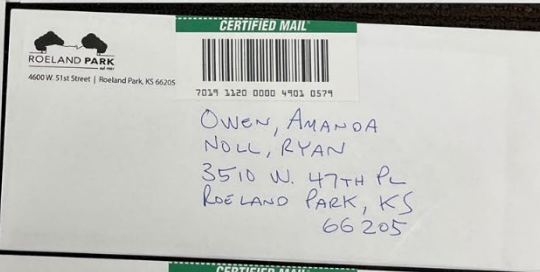
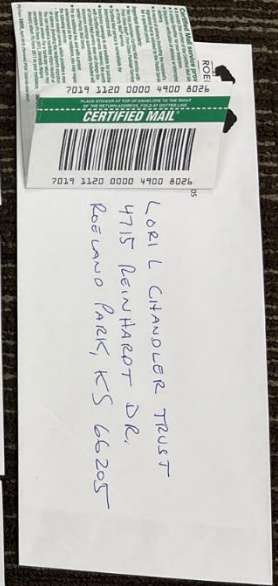
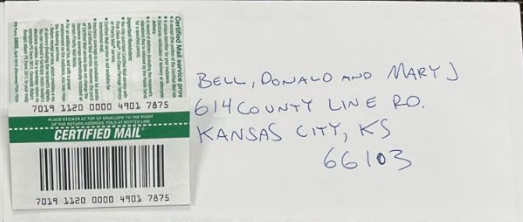
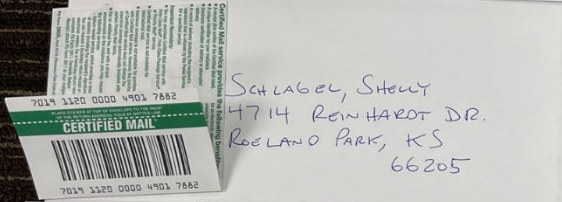
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Clerk: 09



The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

ATTN: KELLEY NIELSEN
CITY OF ROELAND PARK
4600 W 51ST STREET
ROELAND PARK KS 66205-3500

First published in The Legal Record, Tuesday, November 21, 2023.
The Board of Zoning Appeals of the City of Roeland Park, Kansas will hold a meeting on **Thursday, December 14th, at 6:00 P.M. at the Roeland Park, City Hall, 4600 W. 51st Street, Roeland Park, Kansas.** The public hearing is for a variance (BZA 2023-02) requested by the applicant located 4700 Reinhardt Drive, from City Code; Chapter XVI; Article 2; Section 16-613(b) Front Yard, Side Yard, and Rear Yard concerning fence locations on corner lots; and Section 16-613(d) Garages, carports and storage buildings. The variance request is for a six-foot privacy fence already constructed in the side yard that projects into front yard and the rear yard, and passes the front building line of the home to the south on Reinhardt. There is also a shed located beyond the front of the building line of the structure to the south on Reinhardt, located in the side yard.

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

HEARING - 4700 REINHARDT DRIVE (BZA 2023-02)
11/21/23



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

November 21, 2023



Notary Public

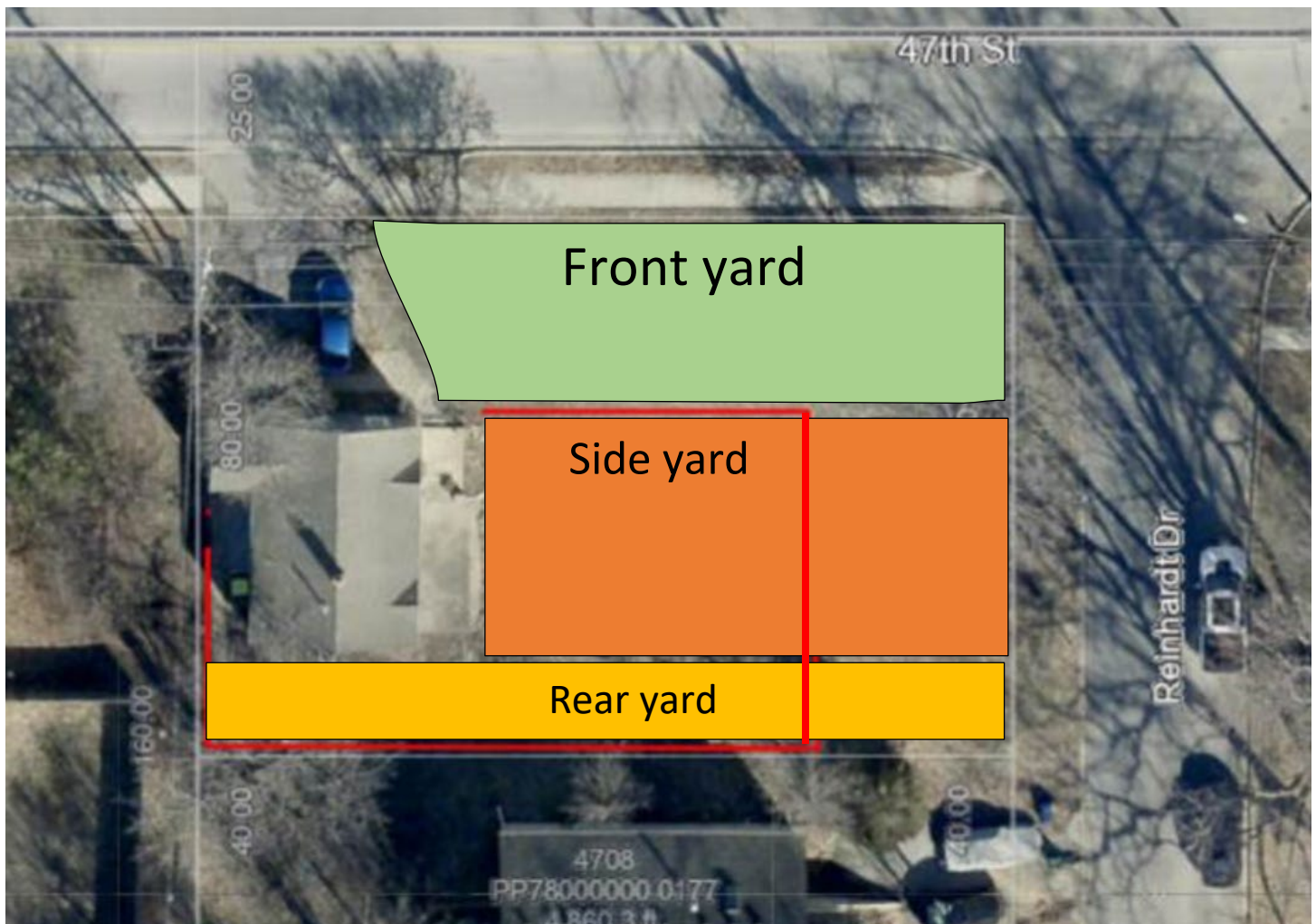
DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2027

L15822
Publication Fees: \$7.06

Current fence location top photo. Bottom photo is what is allowed by code.



Aerial view with yards outlined. The red line indicates staff recommended change for the fence location if it remains at 6 ft.















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 #: 2023-3
Date of Action: 12/14/23

BZA Members:

Absent/Present

Brandon Gillette
Darren Nielsen
Jeffrey Stocks
Jeff Meador
Erik Hage

On December 14, 2023, the City of Roeland Park Board of Zoning Appeals (Action Approved, conditionally approved, Denied) the variance requested from Section 16-613(b) and (d) of the Zoning Ordinance for the property at 4700 Reinhardt (Address or Location) as requested by Kalia Burnette (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	Stocks	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