



AGENDA
City of Roeland Park, Kansas
Board of Zoning Appeals
6:00 PM
September 24, 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 June 3, 2025.
- III. Variance Request BZA 2025-03: Request relief from City Code Chapter XVI; Article 6; Sec. 16-603 (A) Fences or walls and (B) Location.
- IV. Other matters before the BZA.
- V. Adjourn



September 19, 2025

STAFF REPORT

Completed By: Wade Holtkamp, Building Inspector

REQUEST: The applicant at 4701 Windsor St, a corner lot, is requesting to build a new black aluminum picket fence 48 inches in height and is requesting the fence be allowed to be placed in the same location as the existing old wooden picket fence. The current municipal code allows an existing fence constructed prior to current adopted code to be replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material. The variance request is to allow a front yard fence constructed over 30 inches in height of a different material than the existing fence.

RECOMMENDATION: Staff recommend approving the variance request to allow a 48-inch-tall front yard aluminum picket fence constructed with a different material than the existing wood picket fence.

BACKGROUND:

The applicant on a corner lot has an existing 48-inch-tall wood picket fence with brick accent posts in their front yard which is legal non-standard as it does not comply with current code location and height restrictions. The home was built in 1910 with limited yard space for dogs on a smaller .17-acre corner lot. The applicant is proposing a new 48-inch-tall aluminum picket fence with 2-inch picket spacing installed along the property lines in the front and sides yards. Current municipal code allows an existing fence constructed prior to current adopted code to be replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material.

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.

(a) Fences or walls.

(1) Fences or walls may be constructed to a maximum height of six 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.

(2) Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the final development plan prior to the issuance of any fence permit.

(3) Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two feet from any street right-of-way, and where the wall does not extend more than 42 inches above the ground level of the land being retained.

(4) All fences or walls constructed prior to the adoption of these regulations which do not meet the standards of this subsection may be replaced and maintained resulting in a fence of the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in Section 16-424 of this Chapter.

(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 16-424 of this Chapter 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.

ANALYSIS: The applicant seeks relief from the requirement that limits a fence replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material.

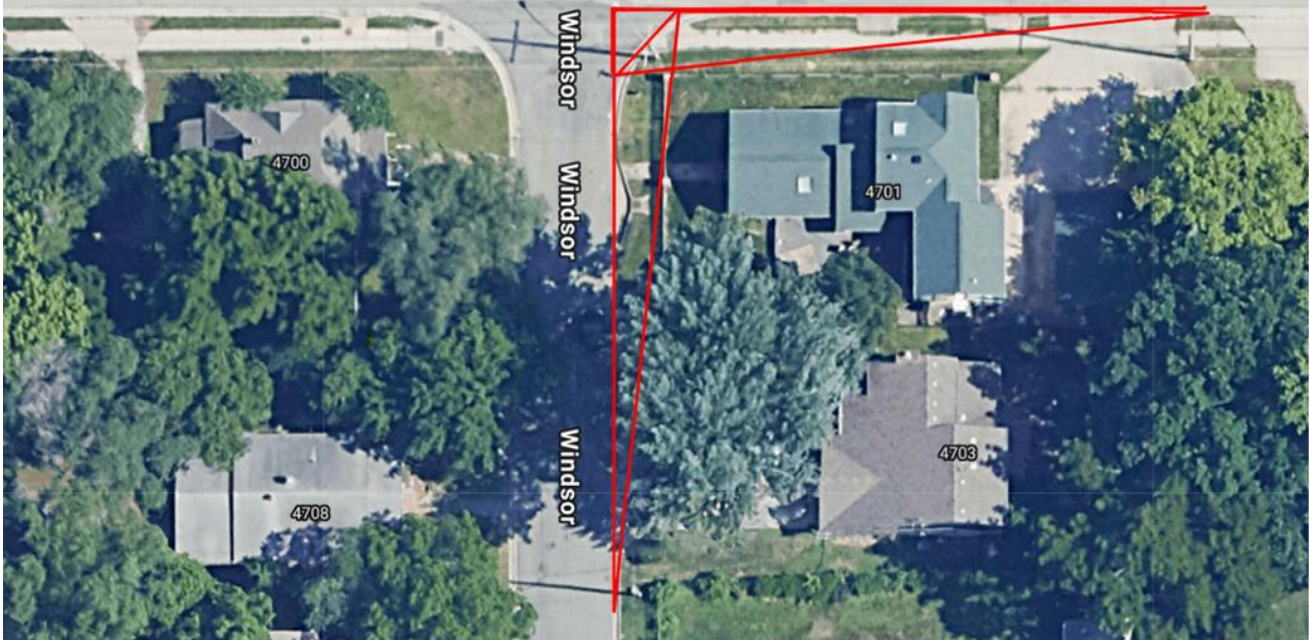
IMPACTS: Staff does not feel if approved the variance impacts to the neighborhood since it only changes the fence material from wood to aluminum while keeping the same location and height. Also, the solid brick accent posts will be removed during the new fence construction. If the variance is approved, the proposed location appears to be located outside of the established site distance triangles.

POLICY ISSUES: Current policy restricts applicants with an existing fence constructed prior to current adopted code to be replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material.

Site Distance Triangle

Staff can not definitely determine if the existing fence is in in the site distance triangle. It appears to be very close along the NW brick post accent.

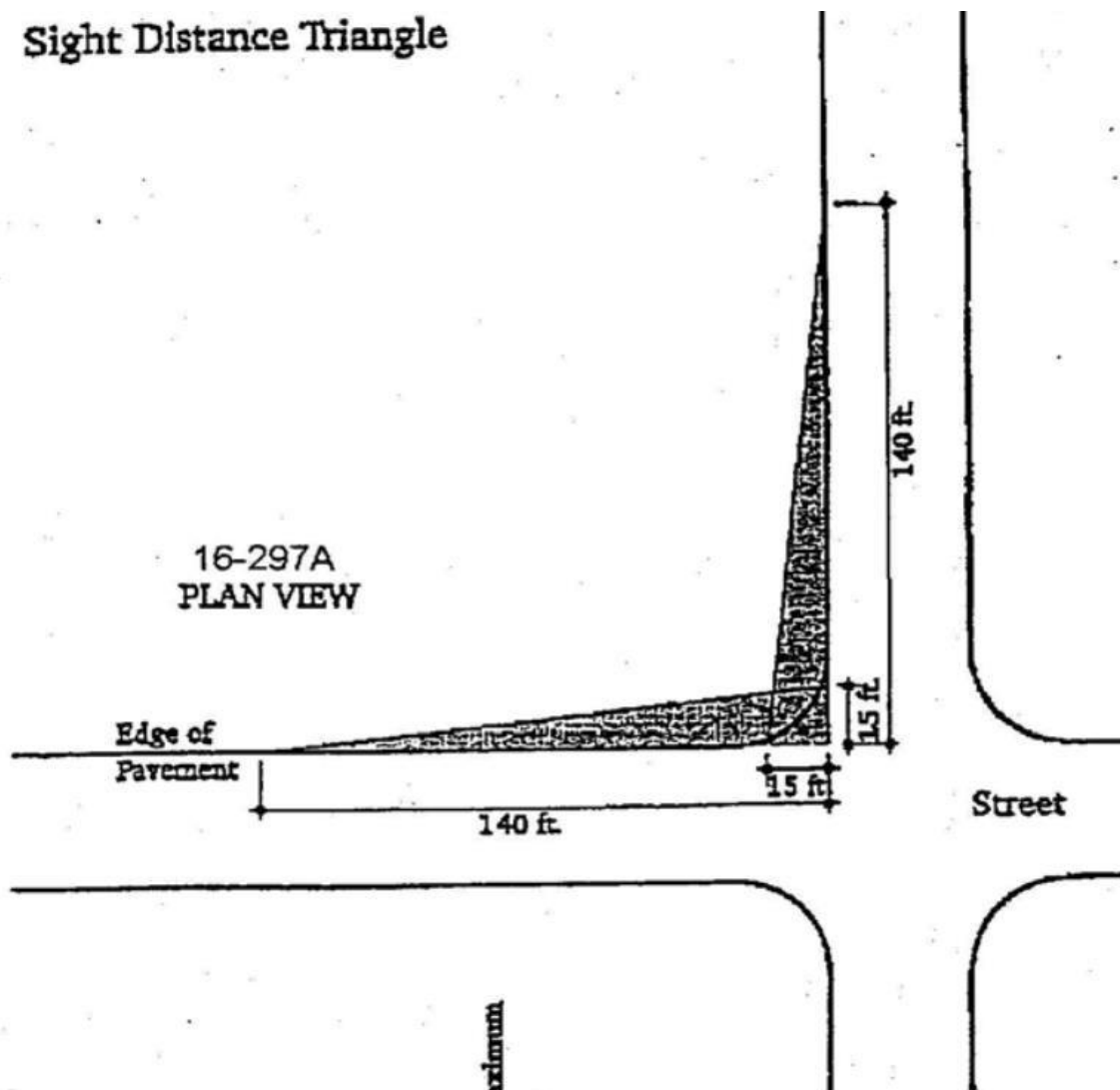
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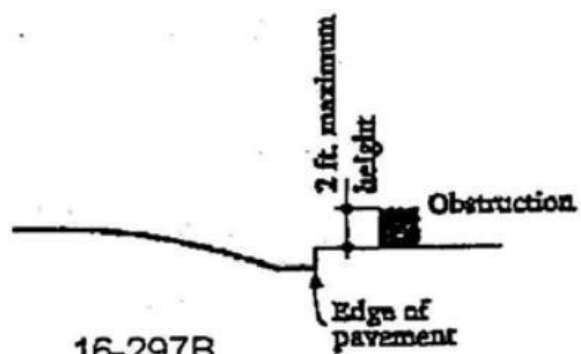
An aerial photograph of a residential area. A red line is drawn across the image, likely indicating a property boundary or a specific area of interest. The line starts from the top left, goes right, then down, then left, and finally up to the top right. The area to the left of the line is labeled 'Windsor' in white text. The area to the right of the line is labeled '4701' in white text. The image shows a large house with a dark roof, a driveway, and a large tree. There is also a smaller building or shed near the house. The background shows a road and some greenery.

Sight Distance Triangle

16-297A
PLAN VIEW



16-297B
CROSS SECTION





Roeland Park, Kansas
View on Google Maps



Roeland Park, Kansas
View on Google Maps



4701 Windsor
Roeland Park, Kansas
[View on Google Maps](#)



not to scale



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: 7-17-2025

Case no.: BZA 2025-03

Application for Variance, Section 16-1507.

Fee: \$100. Proof of residency required.

Applicant Jared Vogel Phone 913-645-3660

Address 4701 Windsor St. Email JVogel8@yahoo

Property owner (if different than applicant): _____

Address _____

Phone _____ Email: _____

Location of Property: Subdivision SHAWNEE PLACE Lot 196 Block _____

Section of the zoning regulations for which variance is sought: 16-603

Present use of property: SINGLE FAMILY RESIDENTIAL

Description of requested variance(s) Replace existing structure with different material. KEEP 48 inch HEIGHT.

(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) Need variance to replace fence with new material. Current = wood New = aluminum

Utility lines or easements that would restrict proposed development None

Adjacent zoning and land use:

	Land Use	Zoning
North	<u>SFR</u>	<u>KANSAS CRT KS</u>
South	<u>SFR</u>	<u>R1</u>
East	<u>SFR</u>	<u>R1</u>
West	<u>SFR</u>	<u>R1</u>

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

Applicant signature: Jared Vogel Date: 7-17-25

Fee Paid \$100 Date 7/17 Received by: Pamela
Date of Publication: 9-2-2025 Date of Public Hearing 9-24-2025
Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted OK
Written comments from City Engineer submitted: N/A
Surrounding Property Owners Notified YES Planning Commission/BZA Notified YES

Jared Vogel
4701 Windsor St
Roeland Park, KS 66205

NOTICE OF PUBLIC HEARNIG

The Board of Zoning Appeals of the City of Roeland Park, Kansas will hold a meeting on **Wednesday, September 24th, 2025 at 6:00 P.M. at Roeland Park, City Hall, 4600 W. 51st Street, Roeland Park, Kansas**. The public hearing is for a variance (BZA 2025-03) requested by the property owner at 4701 Windsor St from City Code; Chapter XVI; Article 6; Sec. 16-603 (A) Fences or walls and (B) Location. The applicant requests to replace an existing fence constructed prior to the adoption of the current design regulations. The applicant at a corner lot in a R1 residential zoned district desires to replace an existing wooden 48-inch-tall picket fence in the front and side yards of their property. The replacement fence would be a 48-inch-tall black picket aluminum fence. The current municipal code allows an existing fence constructed prior to current adopted code to be replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material.

If you have any questions, please contact Roeland Park City Hall, 913-722-2600.

Sincerely,

Jared Vogel

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Return Receipt			\$4.40
Tracking #:			
9590 9402 8908 4064 4315 79			
Total			\$10.48

PUBLIC NOTICE

The Board of Zoning Appeals of the City of Roeland Park, Kansas will hold a meeting on WEDNESDAY, SEPTEMBER 24TH, 2025, 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 2025-03) requested by the applicant located at 4701 Windsor St seeking relief from the strict application of the City Code; Chapter XVI; Article 6; Sec. 16-603 (A) Fences or walls and (B) Location. The applicant requests to replace an existing fence constructed prior to the adoption of the current design regulations. The applicant at a corner lot in a R1 residential zoned district desires to replace an existing wooden 48-inch-tall picket fence in the front and side yards of their property. The replacement fence would be a 48-inch-tall black wrought iron fence. The current municipal code allows an existing fence constructed prior to current adopted code to be replaced in the same location with the same material but prohibits construction of a front yard fence above 30 inches in height if changing to a different type of material.

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

Board of Zoning Appeals Minutes
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
6:00 P.M.
June 3, 2025

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

Staff: Jennifer Jones-Lacy, Assistant City Administrator
Wade Holtkamp, Building Official
Alex Felzien, City Attorney

I. Call the meeting to order.

The Roeland Park Board of Zoning Appeals met June 3, 2025. Roll was taken. Present at the meeting were: Darren Nielsen, Brandon Gillette, Jeff Meador, and Chris Thowe. Erik Hage was absent.

II. Approval of the Meeting Minutes from December 5, 2024.

MOTION: CHRIS THOWE MOVED AND BRANDON GILLETTE SECONDED TO APPROVE THE MEETING MINUTES FROM DECEMBER 5, 2024. (MOTION CARRIED 4-0.)

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.

Wade Holtkamp introduced the variance request for a fence. Applicants Liz Vogel and Mark Heiman of 5419 W. 51st Street were requesting relief from the City code to expand the footprint of their fence while adding height.

Chairman Nielsen opened the meeting up for public comment.

Liz Vogel & Mark Heiman (5419 W. 51st) Ms. Vogel expressed their desire to extend the footprint of their current fence and increase the height to 5 feet. They would like to move the fence out to align with the neighbors behind them. The fence would be of the same design as the existing fence and 60 inches versus the current 42 inches.

Thomas Madigan (5316 W. 49th Terr.) Mr. Madigan stated he is the ward Councilmember for the applicants who sought his advice. He referred them to contact City Hall for a variance. The information they received was that the BZA would never grant the variance. Mr. Madigan recommended they return to City Hall and formally file for a variance. He noted that he too is the owner of a corner lot and City code does not allow them to fence in their entire back yard. The applicants are trying to do the right thing and noted that the Board of Zoning Appeals has approved corner lot fences in the past. He asked the board to appreciate what the owners are trying to do.

Chairman Nielsen closed the public comment portion of the meeting.

Mr. Holtkamp provided the staff report on the variance request. He also commended the applicants on the thoroughness and clarity of their application. He said the main issue is pushing the fence out over the limit set by City code.

Chairman Nielsen asked if the sight triangle restrictions would be any different as this is a full stop intersection. Mr. Holtkamp said the requested fence is outside of the sight distance, so that is not an issue. Mr. Nielsen also agreed that approval of the variance would be setting a precedent that other members of the community could potentially make such a request based on that one criterion. Mr. Holtkamp said the variance would undermine the current City code. They spent a lot of time and effort working on the fence code to make sure it was desirable for the City.

Ms. Jones-Lacy reviewed accessory structures of the zoning code and modifications were made to fence heights limiting them to 6 feet versus 8 feet. They also do not allow new fencing in the front yard, which is chain link.

Mr. Nielsen asked from a design standards perspective could the applicants use landscaping on the outside of the fence. Mr. Holtkamp said they would like to see residents not use the public right-of-way as there could be public utilities located there, or the City might have plans for street expansion. Mr. Nielsen asked if there has been a survey to verify if the neighbor's fence is in the right-of-way.

It cannot be confirmed there is a survey marker, but there is a metal component next to the fence. When measured from the east property line it is within five inches from what AIMS says is the property line. It was also noted that AIMS is not always accurate on the placement of its property lines, but the dimensions are accurate.

It was asked if there are any other examples in Roeland Park similar to this request. Mr. Holtkamp said they try to do what they can to maintain their code and protect the requirements, but sometimes residents make changes without notifying the City.

There was board discussion of fence placement options and the conditions as they exist at the current time. It was noted that some people do not find a 42-inch height desirable for a fence, especially those who have pets.

One of the board members spoke to the element of uniqueness and the precedent they might set would be addressed on a case by case basis. The fence proposed is a see-through style picket fence and is decorative.

City Attorney Felzien said it is for a 60-inch fence and asked how they can draw a distinction from other fence requests. He said that the sight distance triangle is not impacted, and the house is set back from the street which contributes to that. One of the conditions for granting a side yard fence variance could be it does not affect that sight distance triangle.

Chairman Nielsen said there are many fences in his neighborhood that are not maintained and could they write that into a variance. Ms. Jones-Lacy said they issue code violations on fences that are dilapidated and require maintenance.

Mr. Felzien said they would have to write maintenance and repair of every fence as a condition for every variance. Ms. Jones-Lacy said that condition is already part of the City code.

Chairman Nielsen said he drives past this lot every day and the owners keep an impeccable lawn.

City Attorney Felzien said that in extending the fence request they are in a way legitimizing the legal non-conforming chain link fence of the adjoining property owner.

At the conclusion of the discussion, the Board of Zoning Appeals voted on the criteria for a variance.

The motion did not pass for failure to pass the uniqueness test. Board Members Gillette, Nielsen, and Meador voted no. Board Member Thowe voted yes.

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.

Mr. Holtkamp provided background on the variance application requested by Envision Sign Solutions, LLC on behalf of Oak Grove Assembly Church located at 4729 Mohawk Drive. The applicant requested a variance from the symbol code that would allow for a cross larger than code permits and that would also contain an element of illumination.

Chairman Nielsen opened the public comment portion of the meeting.

Paul Tribble (11409 S. Bilyou Rd, Lone Jack, MO) Mr. Tribble spoke on behalf of Oak Grove Assembly Church in requesting the ability to install an illuminated 10-foot tall by 6-foot wide cross that would be backlit and shine on the wall and not towards the street. The effect would be a soft glow of the cross. No light would shine forward. The church is not opposed to adding a dimmer to bring down the light if it is too bright. Mr. Tribble estimated it to be around 900 lumens out the back. A flood light illuminating from the ground would create more light.

Chairman Nielsen noted that all the properties adjacent to the church are residential and inquired of the light coming from the church.

John Watkins (4729 Mohawk) Mr. Watkins said his concerns with illumination are when there is no foliage. The current monument sign lights up the front living area of his home. His concern with the backlighting of the cross is that it would cause more reflected illumination in his house.

Bill VanHecke (3616 W. 47th Ter.) Mr. VanHecke said his only concern is the additional brightness. He said that he honestly benefitted from the lighting of the monument sign out front as it helps protect the neighborhood around the church by lighting the area. He said if the cross is not a glow that's any brighter than what it is already there, he did not have an issue. He said the church has been a good neighbor but agreed they do not need any additional lumens.

Laurel Perkins (3701 W. 47th Pl.) Ms. Perkins said that her home's bedrooms back up to the church. The current sign shines directly into their bedroom windows and stays on late. She is also concerned about the increased noise pollution. She said that what she loves about living in Roeland Park is they are welcoming to all citizens. She said not all identify as Christian and feels that a glowing religious symbol in her back yard does not add to the welcoming aspect of their community.

Mr. Holtkamp said the issue is straightforward. He noted that all churches and schools in the City are zoned R-1, residential. The size of the requested cross is 10 feet by 6 feet with a backlight glow effect. By code, they are limited to 4 feet by 4 feet. Also, the current code prohibits signs to be illuminated. He did note that they have made a variance for Bishop Miege, but it does not shine into any residential area. Mr. Holtkamp said that staff can support the size of the cross but cannot recommend its internal illumination.

Mr. Nielsen asked if the existing illuminated monument sign is non-conforming. Ms. Jones-Lacy said the monument sign that is there preexisted to the current code standards and is internally illuminated.

One board member commented that the monument sign is bright. He also asked if the streetlights are adding to the ambient light shining into homes and if there is a way to quantify how much light is coming from streetlights versus the monument sign light.

Ms. Jones-Lacy said they have not received any complaints about the monument sign but can have staff look at its brightness.

It was asked if they could include making a change to the monument sign lighting as a condition for approving the variance. City Attorney Felzien said they cannot make that a condition.

The motion did not pass for failure to pass the uniqueness test. Board Members Nielsen and Meador voted no. Board Member Gillette and Thowe voted yes.

V. Other Matters before the BZA

There were no other matters before the BZA.

VI. Adjourn

MOTION: JEFF MEADOR MOVED AND CHRIS THOWE SECONDED TO ADJOURN. (MOTION CARRIED 4-0)
(Roeland Park Board of Zoning Appeals Adjourned)



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 #: 2025-03
Date of Action: 9/24/25

BZA Members:

Absent/Present

Brandon Gillette
Darren Nielsen
Chris Thowe
Jeff Meador
Erik Hage

On September 24, 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 (a) Fences or walls and (b) Location concerning the placement requirements of a fence for the property at 4701 Windsor St (Address or Location) as requested by Jared Vogel (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