

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)