



Tuesday, May 9, 2023
Civic Center, Memorial Hall 5:30 PM
Independence Planning Commission/Board of Zoning Appeals
To join by Conference Call dial:1-785-289-4727 Conference ID: 652-632-373#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving the minutes of the April 4, 2023 Planning Commission meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Public hearing to receive comments on a variance request to reduce the setback(s) in an R-1 large lot single-family dwelling district at 219 Morningside Place.
 - b. Public hearing to receive comments on a variance request for the number and size of signs in a C-4 highway commercial district at 3159 W. Main Street.
- IV. PLANNING COMMISSION
 - a. Public hearing to receive comments on a request for a conditional use permit for “short-term rentals not elsewhere listed” in an R-2, single-family dwelling district at 205 Westminster Place.
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
May 9, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Consider approving the minutes of the April 4, 2023 Planning Commission meeting.

SUMMARY RECOMMENDATION

SUPPORTING DOCUMENTS

1. April 4, 2023 PZ Draft Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's April 4, 2023 Meeting

I. Call to Order

Tim Haynes, Chairperson, called the meeting to order.

Present: Rachel Lyon, Lisa Richard, Mary Jo Meier, Scott Smith, Tim Haynes, Michelle Anderson (by phone), Anthony (Tony) Royse (by phone)

Absent: Andy McLenon

Guests: Andrea Ballard, Hannah Ballard

Brent Littleton came in at 5:38 p.m.

II. Minutes

- a. Consider approving minutes of the February 7, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:

On the motion of Rachel Lyon, seconded by Scott Smith the Commission approved the February 7, 2023 Minutes.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Lisa Richard, Scott Smith

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to reduce the setback(s) in an R-3, low density multifamily dwelling district at 217 North 12th Street.

Tim Haynes, Chairperson, opened the public hearing.

Andrea Ballard, owner of 217 North 12th Street, asked to be able to build her house back where the old house that burned down was.

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission allowed the variance to reduce the north front yard setback 17 feet (from 25 feet to 8 feet from the north property line) and to reduce the east front yard setback 11 feet (from 25 feet to 14 feet from the east property line) in an R-3, single-family dwelling district at 217 North 12th Street.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Mary Jo Meier, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's April 4, 2023
Meeting**

Tim Haynes, Chairperson, closed the public hearing.

IV. Planning Commission

- a. Consider initiating a public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Kelly Passauer asked the board if they wanted to initiate a public hearing in June to consider a text amendment to the zoning code regarding cargo shipping containers.

Motion:

On the motion of Lisa Richard, seconded by Mary Jo Meier the Commission initiated a public hearing on June 6, 2023 at 5:30 pm to consider a text amendment to Article B. -- Zoning on the subject of cargo shipping containers.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Mary Jo Meier, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

V. Discussion

Kelly Passauer let the board know she had a follow-up meeting regarding the Comprehensive Plan grant.

VI. Adjournment

Motion:

On the motion of Scott Smith, seconded by Rachel Lyon the Commission adjourned the meeting.

Aye: Michelle Anderson, Tim Haynes, Brent Littleton, Rachel Lyon, Mary Jo Meier, Lisa Richard, Anthony (Tony) Royse, Scott Smith

Nay: None

Tim Haynes, Chairperson

Anthony (Tony) Royse, Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE TO SETBACKS
CITY OF INDEPENDENCE
MAY 9, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a variance request to reduce the setback(s) in an R-1 large lot single-family dwelling district at 219 Morningside Place.

SUMMARY RECOMMENDATION Approve the variance request to reduce the setback(s) in an R-1 large lot single-family dwelling district at 219 Morningside Place.

BACKGROUND Frank and April Whitson want to add a master bed and bath and living room extension to their home. This will be between their home and garage. According to the plat, it appears that the road right-of-way is approximately where the pavement starts. This is not typical in residential areas as there is generally green space between the pavement and where the property ownership starts. Since the exact lot line is unknown, providing additional square footage within the setback is recommended to ensure compliance. It should also be noted that staff has checked and estimated that the lot coverage will be around 26% with the additions, which is within the 30% allowed for an R-1 large lot residential zoning district.

BOARD OF ZONING APPEALS CONSIDERATIONS Acceptance of a variance must be based on the following factors:

- A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner. *The home was not built in a typical subdivision.*
- B) The variance will not adversely affect the rights of adjacent property owner. *The variance adheres to the zoning code and will not adversely affect the rights of adjacent property owners as the extensions will be on the private property.*
- C) The strict enforcement of the regulations would cause an unnecessary hardship. *If the Whitson's are not allowed to expand their home in this manner they would not be able to extend it any other way.*
- D) The variance would not adversely affect public health, safety and morals. The variance does not appear to affect public health, safety and morals. *It does not appear that the variance would adversely affect public health, safety and morals.*
- E) The variance will be in keeping with the general intent and spirit of the zoning regulations. *The variance will be in keeping with the general intent and spirit of the zoning regulations.*

STAFF RECOMMENDATION Staff recommends approving the variance request to reduce the setback on the east from 25' to 20' at 219 Morningside Place.

SUGGESTED MOTION I move to approve a variance to reduce the setback on the east from 25' to 20' at 219 Morningside Place.

SUPPORTING DOCUMENTS

1. VAR 0623 Public Hearing Notice Setbacks 219 Morningside Pl
2. Variance - 219 Morningside Place - Aerial
3. 219 Morningside Pl Varance App and Payment_Redacted
4. 219 Morningside Place Property Information
5. Karenamy Pierce Addition Plat

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Board of Zoning Appeals will conduct a public hearing on:

Tuesday, May 9, 2023 at 5:30 p.m.

To receive comments on a variance request to reduce the setback(s) in an R-1 large lot single-family dwelling district.

Common Address:

219 Morningside Place

Legal Description:

Lot 1, Karenamy Pierce Add Replat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Frank & April Whitson

Case Number:

2023/VAR/06

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator



MORNINGSIDE

GR+3940//15TH

Workspaces >

R-1

R-1

R-1

R-1

R-1

R-1

R-1



APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: Wednesday, April 5, 2023

2. Name, Address and Telephone Number of Property Owner:

Frank & April Whitson
219 Morningside Place
Independence KS 67301

3. I appoint the following person as my agent during consideration of my request:

Name:

Address:

Telephone:

4. Common Address of Land Involved:

219 Morningside Place

5. Legal Description of Land Involved:

6. Describe what you wish to do which the zoning code prohibits:

Addition to our current living space towards the south only. Our current residence East side sits closer to the road than current zoning allows. The home was built here and we only wish to extend directly south and no closer to the road.

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

Built under different zoning guidelines that we cannot change.

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

It is only extending south into our back yard and does not encroach any more of the east than our current home does.

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

Inability to add additional living space to our home.

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

Only going south and not any closer to road than our current residence sits.

11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

Only adding value to our home so nothing contrary to zoning intent.

12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Signature of Property Owner: _____



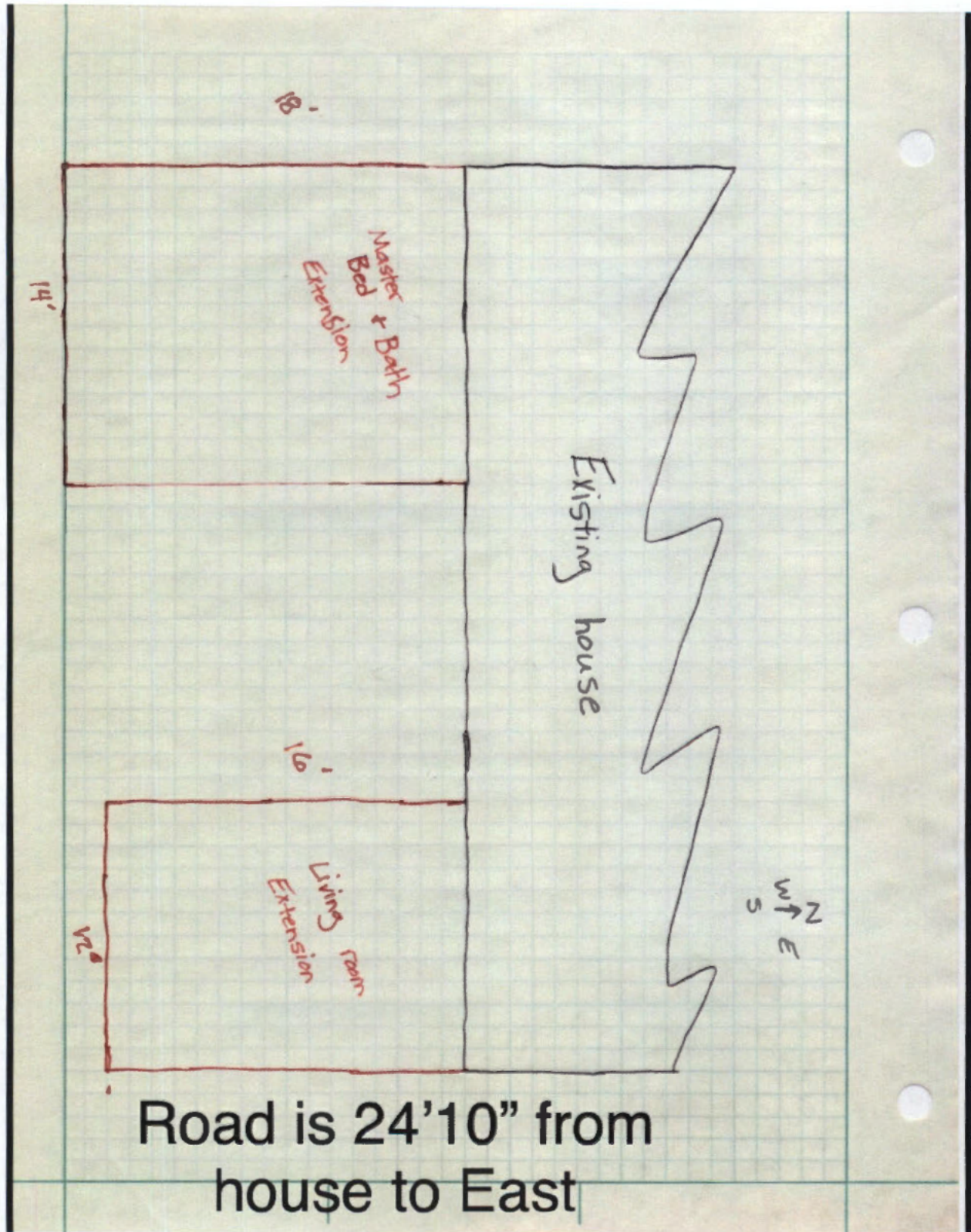
Digitally signed by April Whiteon
Date: 2023.04.05 15:29:19 -0500

Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____





CITY OF INDEPENDENCE

REC#: 01227100 4/10/2023 2:29 PM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXXX-4630
AUTH #: 447637
TRAN #: 000000005706
TYPE: PURCHASE
ENTRY MODE: MANUAL

TRAN: 1.9000 PLANNING AND ZONING
219 MORNING SIDE PLACE
VARIANCE 100.00CR

TENDERED:	100.00	CREDIT CARD
APPLIED:	100.00-	
CHANGE:		0.00

These Links May Require Adobe Acrobat Reader, Click [here](#) to Download it.

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The Parcel Number for this Property is 063-094-19-0-20-12-001.00-0
Quick Ref ID: 5137

Owner Information

Owner Name	WHITSON, FRANK LYNN
Address	219 MORNINGSIDE PLACE INDEPENDENCE, KS 67301

Property Situs Address

Address	219 MORNINGSIDE PL, Independence, KS 67301
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Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	15,710	146,010	161,720
Total	15,710	146,010	161,720

2022 Appraised Value

Class	Land	Building	Total
Residential - R	14,860	150,120	164,980
Total	14,860	150,120	164,980

Tract Description

Building Permit Information

Permit Number	Amount	Issue Date	Description
20180011	20,000	3/16/2018	

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
404	369						

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	18655										15,710

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Ranch
Quality	AV	Bsmt Type	Crawl - 2
Year Built	1980	Total Rooms	6
Eff Year		Bedrooms	3
MS Style	One Story	Family Rooms	1
LBCSStruct	Detached SFR unit	Full Baths	2
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,850	Foundation	Block - 3
Main Floor Living Area	1,850		
Upper Floor Living Area Pct.			
CDU	AV		
Phys/Func/Econ	AV/ /		
Ovr Pct Gd/RCN	/215,160		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	32			
Attached Garage (SF)	420			
Garage Finish, Attached (SF)	420			
Frame, Plywood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	8			
Plumbing Rough-ins (#)	1			
Single 1-Story Fireplace (#)	1			1
Automatic Floor Cover Allowance				
Wood Deck (SF)	209			2 1980

Building Improvements																			
Id	Occupancy	MSCIs	Rank	Qty	Yr BIt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN
06	Prefabricated Storage	D	3.00	1	2011			160	52	8	10 X 16	1	0	0					4,360

Shed

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
43	Single -Metal on Wood Frame		100				

Other Improvements

No	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
43	Farm Implement Building	P	2.00	1	2019			1,419	218	16	43 X 33	1	3	3					30,350	77	23,370

Other Improvement Components

No	Code	Units	Pct	Size	Other	Rank	Year
43	Single -Metal on Wood Frame		100				

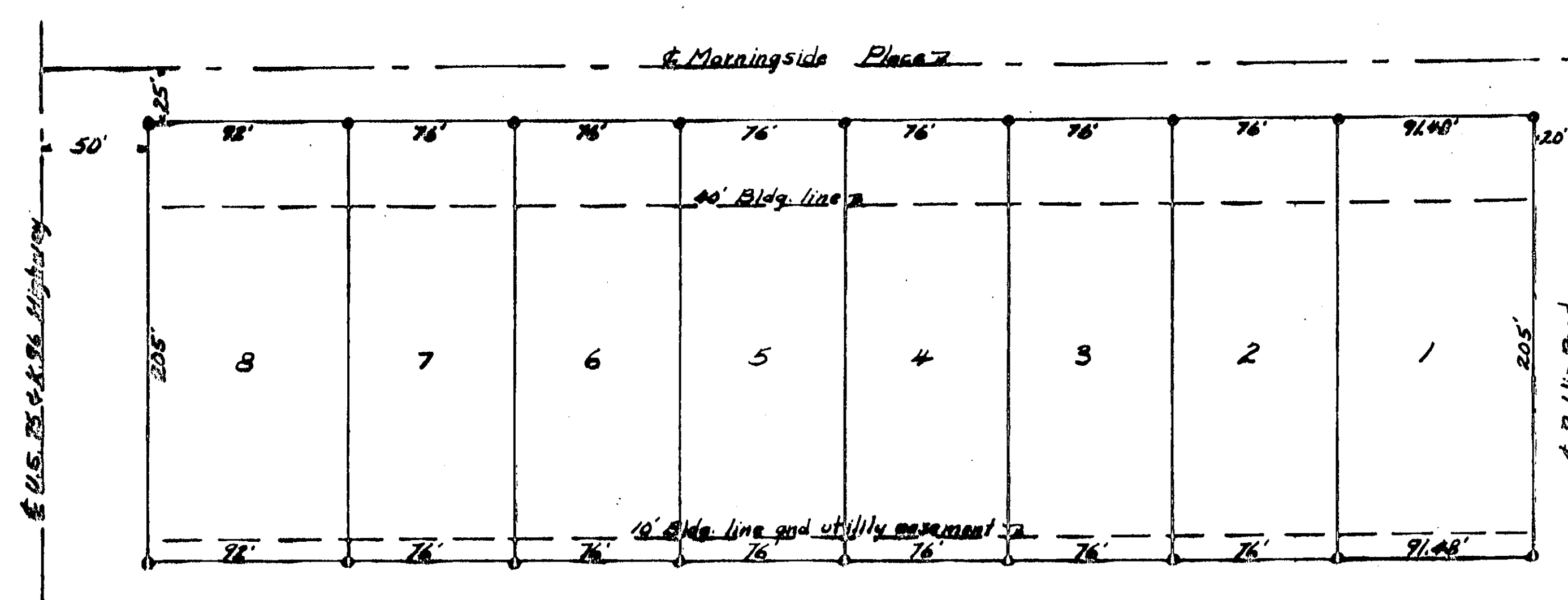
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KARENAMY PIERCE ADDITION
A Re-Plat of
Lots 6, 7, 8, 9 and 10 of Morningside
Addition to the City of Independence,
Kansas



I, CLIFFORD RAMBO, CITY CLERK
OF THE CITY OF INDEPENDENCE,
KANSAS DO HEREBY CERTIFY THAT
THE PLAT SHOWN HEREON WAS
DULY APPROVED BY THE CITY
COMMISSION OF INDEPENDENCE,
KANSAS ON THIS 20TH DAY
OF FEBRUARY, 1975. Scale 1"=50'

Clifford Rambo
CLIFFORD RAMBO, CITY CLERK

LEGEND

• Denotes Property Corners

Building Setback
Building setback shall be 25' from property
lines on side Roads.
Building setback shall be 8' from property
lines unless otherwise shown on plat.

RE-RECORDED

STATE OF KANSAS
MONTGOMERY COUNTY, SS
This instrument was filed for record on
the 11 day of MARCH, 1975 at
4:00 o'clock P. M. and duly recorded
in book B at PLAT 1678
By John A. Hager Deputy

DESCRIPTION: Lots 6, 7, 8, 9 and 10 in Morningside Addition to the City of Independence, Kansas.

SURVEYORS CERTIFICATE: I hereby certify that I have surveyed the above described property as shown by the attached plat of KARENAMY PIERCE Add. a Re-Plat in Part of Morningside Addition to the City of Independence, Kansas this 7th Day of February 1975.

Wayne Zimmerman
Wayne Zimmerman Registered Land Surveyor No.
172 Kansas, 113 East Main St Independence, Kan.

DEDICATION: Know all men by these presents that the undersigned owners of the above described tract of ground have caused the same to be subdivided into lots and public ways. The public ways (Streets and Roads) not heretofore dedicated are hereby so dedicated to the public. The utility easements are dedicated to the use of the public utilities.

IN TESTIMONY WHEREOF: The owners of the above described tract hereby consent to the preparation and filing of KARENAMY PIERCE Addition a Re-Plat of Lots 6, 7, 8, 9 and 10 of Morningside Addition to the City of Independence, Kansas and have caused these presents to be signed this 11th Day of February 1975.

B. L. Pierce President of Greater Southern Homes Inc.

STATE OF KANSAS, COUNTY OF MONTGOMERY SS: Be remembered that on this 11th day of February, 1975, before me, a notary public in and for said County and State, came B. L. Pierce President of Greater Southern Homes Inc. to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

R. C. BLACKWOOD
NOTARY
PUBLIC
Montgomery County, Kansas

(Seal) R. C. Blackwood, Notary Public
My Commission Expires March 11, 1976

This Plat of KARENAMY PIERCE Addition a Re-Plat of Lots 6, 7, 8, 9 and 10 of Morningside Addition to the City of Independence, Kansas has been submitted to and approved by the Independence Planning Commission, Independence, Kansas and is hereby transmitted to the City Commission of the City of Independence, with the recommendation that such plat be approved as proposed.
Dated this 11th day of FEBRUARY, 1975.

Independence Planning Commission
By Richard Shallen Chairman

STATE OF KANSAS, COUNTY OF MONTGOMERY SS:
This is to certify that this instrument was filed for record in the Register of Deeds Office on the 12th day of April, 1975 at 1:00 o'clock P. M. and is duly recorded. Plat Book 57 Page 72

Dea. Hager Register of Deeds

DEEDS
KANSAS
MONTGOMERY COUNTY



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
MAY 9, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a variance request for the number and size of signs in a C-4 highway commercial district at 3159 W. Main Street.

SUMMARY RECOMMENDATION Approve the change in the number and size of signs in a C-4 highway commercial district at 3159 W. Main Street.

BACKGROUND Skyward Credit Union is asking for four signs, one detached and three attached, including two electronic signs, to keep their pylon sign branding consistent throughout their network of branches. The variance will be for the following: the detached sign is over 150 sq ft. (200), having a fourth sign since only three signs are permitted, and the wall sign is more than 20 percent of the allowable square footage per face (maximum is 30 square feet and the electronic portion is 31.73 square feet).

802.5. District C-2, general business district and District C-4, highway commercial district:

a. *Wall and marquee sign:* Each business or commercial establishment shall be permitted not more than three illuminated or nonilluminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed 20 percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of a one-story building more than five feet, and shall not extend above the average level of a two or more story building. Any signs painted directly upon wall surfaces shall not exceed 20 square feet in area.

b. *Projecting and detached sign:* In lieu of one of the above attached signs, one projecting sign or one detached sign shall be permitted for each establishment, provided such projecting sign shall not exceed the area or height requirements of paragraph "a." above; and such detached sign shall not exceed 30 feet in height, nor shall it exceed 150 square feet in area per face nor more than 300 square feet total of all faces. Such detached and projecting signs shall be located not less than three feet from the property line providing it does not interfere with traffic view or other signs as might be obstructed from view. In the case of a shopping center, only one detached sign shall be allowed for the center, and one detached sign will be allowed for any service station which is part of the center.

c. *Electronic sign:* Electronic signs consisting of LED/Reader board electronic changeable copy) or electronic display center (video display sign) as defined in this ordinance are permitted and must meet the following requirements:

1. *Detached sign:* The sign must be a detached sign and the electronic portion may not exceed more than 20 percent of the allowable square footage per face of said detached sign.
2. *Duration:* Any portion of the message or image must have a minimum duration of eight seconds.
3. *Off-premises advertising:* All messages displayed shall be directly related to the business for which the sign was constructed.
4. *Setback:* The leading edge of the sign must be a minimum of 100 feet from an abutting residential district boundary.

5. LED/Reader board (electronic changeable copy) signs shall have the following additional restrictions:

- i. *Limited text*: The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.

6. Electronic display center (video display) signs shall have the following additional restrictions:

- i. *Brightness*: The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 500 nits (candelas per square meter) between dusk and dawn.

- ii. *Dimmer control*: The sign must have an automatic dimmer control to produce a distinct illumination change as required.

- iii. *Audio or pyrotechnics*: Audio speakers or any form of pyrotechnics are prohibited.

d. *Billboards*: Poster panels and billboards as defined in this ordinance are permitted and must meet the following requirements:

1. *Conditional use permit required*: Poster panels and billboards as defined in this ordinance shall be permitted only upon issuance of a conditional use permit.
2. *Setback from residential*: Poster panels and billboards shall not be permitted if less than 1,000 feet from a residential district.
3. *Separation requirement*: Poster panels and billboards must be a minimum of 1,000 feet from any other poster panel or billboard.

BOARD OF ZONING APPEALS CONSIDERATIONS Acceptance of a variance must be based on the following factors:

A) Unique condition to the property in question which is not ordinarily found in the same zone and is not created by any action of the property owner. *The company has a standardized sign according to their company's branding.*

B) The variance will not adversely affect the rights of adjacent property owner. *It does not appear that the variance will adversely affect the rights of adjacent property owners.*

C) The strict enforcement of the regulations would cause an unnecessary hardship. *The parent company would prefer the signs all be of the same size and type in the network.*

D) The variance would not adversely affect public health, safety and morals. *The variance does not appear to affect public health, safety and morals. It does not appear the variance would adversely affect public health, safety and morals.*

E) The variance will be in keeping with the general intent and spirit of the zoning regulations. *The variance will be in keeping with the general intent and spirit of the zoning regulations.*

STAFF RECOMMENDATION Staff recommends approving the variance for the larger detached sign (200 square feet in lieu of 150 square feet), and the addition of a fourth wall sign as the square footage of all signs combined is 289.78 square feet, which is under the 300 square feet total of all faces allowed. In addition, the variance for the additional square footage for the electronic portion is reasonable if the larger detached sign is approved. The code allows 20 percent of the allowable square footage per face, which provides a maximum of 30 square feet if the sign meets the code's 150 square feet maximum. However, if the variance for the 200 square foot detached sign is allowed, then twenty percent would be a maximum of 40 square feet, of which their proposed detached electronic portion is 31.73 square feet.

SUGGESTED MOTION I move to approve the variance to exceed the total number of signs to a maximum of four (one detached and three attached); approve a variance to exceed the size of a detached sign from 150 square feet to 200 square feet; and approve a variance for the maximum size of the electronic portion from 30 square feet to 32 square feet.

SUPPORTING DOCUMENTS

1. VAR 0723 Public Hearing Notice Signs 3159 W Main
2. Completed and Signed Variance Application
3. SignVariancePayment
4. 6392 Drive Thru LED Displays
5. 6383 Skyward CU Exterior_FCO logo
6. 6381 SKYWARD CU Pylon for Independence
7. 6381 SKYWARD CU Pylon for Independence SQ FT

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Board of Zoning Appeals will conduct a public hearing on:

Tuesday, May 9, 2023 at 5:30 p.m.

To receive comments on a variance request for the number and size of signs in a C-4 highway commercial district.

Common Address:

3159 West Main Street

Legal Description:

Acres 4.62 Beg NW Cor NW4 NW4 E 327' S 660' W 327' N to POB; Less R/W, Indep City Unplatted to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Skyward Credit Union

Case Number:

2023/VAR/07

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: Thursday, April 6, 2023

2. Name, Address and Telephone Number of Property Owner:

Lisa Reed (620) 577-5151 Skyward Credit Union
One Cessna Blvd
Independence, KS 67301

3. I appoint the following person as my agent during consideration of my request:

Name: Chuck Carson - Luminous Neon, Inc.
Address: 1429 W 4th - Hutchinson, KS 67501
Telephone: (620) 728-9130

4. Common Address of Land Involved:

3159 W Main St
Independence, KS 67301

5. Legal Description of Land Involved:

6. Describe what you wish to do which the zoning code prohibits:

1) We wish to be allowed the opportunity to have a total of four sign items. One detached, and three attached. Note: One attached will be on front, street facing elevation, and two will be on drive thru canopy columns, facing away from street, and out of public view.
2) It is also our desire to be allowed to erect the detached sign as proposed which exceeds the 150 sqft limit per side.

7. The following condition(s), which were not created by the owner's actions, are unique to the property in question and are not commonly found in the same zone or district:

With approval of variance, we will be able to keep our pylon sign branding consistent throughout our network of branches. Existing signage, at other locations, also have the same size of LED display. By allowing sign as proposed, we can continue to push same content to this sign, keeping consistency through the software.

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because:

1) The fourth sign in question will not be visible to adjoining properties, and or the public on street
2) The detached signs advertising area, if separated from the other elements of the sign design, do fall within the 150 sq ft maximum allowed.

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships:

Keeping with branding, sign family guidelines, throughout network.

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because:

Two of the signs will not be visible to the general public, or adjacent properties

11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

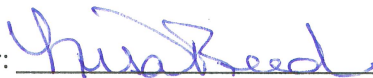
The overall development of the current vacant lot will only enhance that area, with good design intentions with both the building and advertising elements, such as signage.

12: Please attach a site plan showing the dimensions of the lot, the location of building (both existing and proposed), and the location of existing buildings on adjacent property.

See attached drawings

If the space provided is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including photographs, drawings, maps, statistics, legal documents, and letters of support.

Signature of Property Owner:



Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____



Independence, KS

This is your payment receipt.

Confirmation Number
JHH5J7JTX5

Payer Contact Info
cyoung@luminousneon.com

Payment Method
*****8776

Variance

Name	Luminous Neon
Property Address	3159 W Main Independence KS 67301
Phone Number	6208602609

Base Price	\$100.00
------------	----------

Convenience Fee	\$1.25
-----------------	--------

Municipal Online Payments Fee	\$1.25
-------------------------------	--------

Total	\$102.50
--------------	-----------------



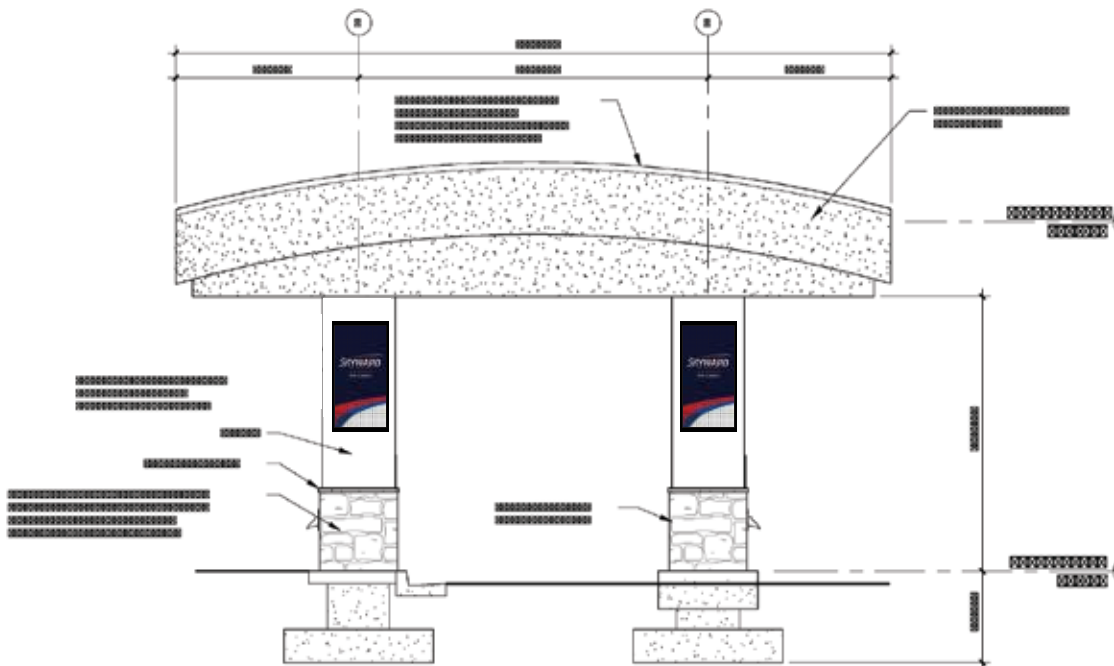
CUSTOMER: FEDERAL
CONSTRUCTION
NAME: Dufin Hemsworth
LOCATION: EL DORADO, KS

DATE: 02-13-23
DESIGN NO.: CC-6392
ARTIST: CA

SCALE: 1" = 1'

SPECIFICATIONS

Furnish and install (2) 4' 5" (H) x 2' 3" (W), 6mm Watchfire displays, that will install on the canopy columns.



SOUTH ELEVATION/NORTH COLUMNS

APPROVED:

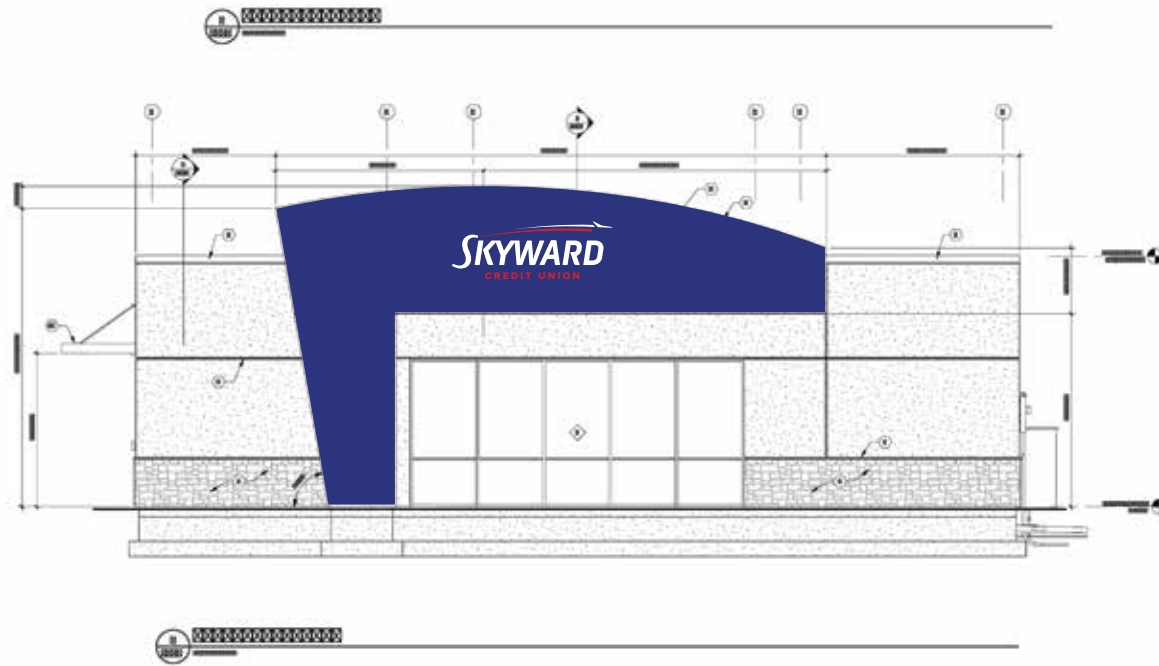
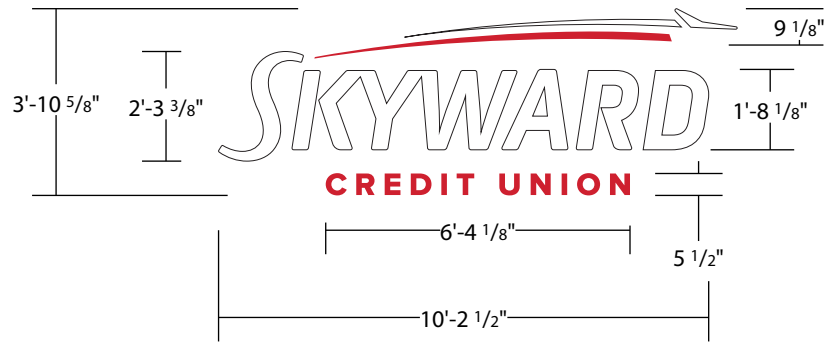
DATE:

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LUMINOUSNeonInc
ART & SIGN SYSTEMS

All noted dimensions are approximate and may be modified slightly during manufacturing to allow proper component usage.



All noted dimensions are approximate and may be modified slightly during manufacturing to allow proper component usage.

SPECIFICATIONS:

NON-ILLUMINATED FLAT CUT OUT LETTERS 3/8" THICK AND LOGO

MOUNT TO FRONT ELEVATION, CENTERED

COLORS: PMS 186 RED, WHITE,

CUSTOMER: FEDERAL CONSTRUCTION
NAME: Dustin Hemsworth
LOCATION: Independence, KS

DATE: 02/10/23
DESIGN NO.: CC-6383
ARTIST: CA

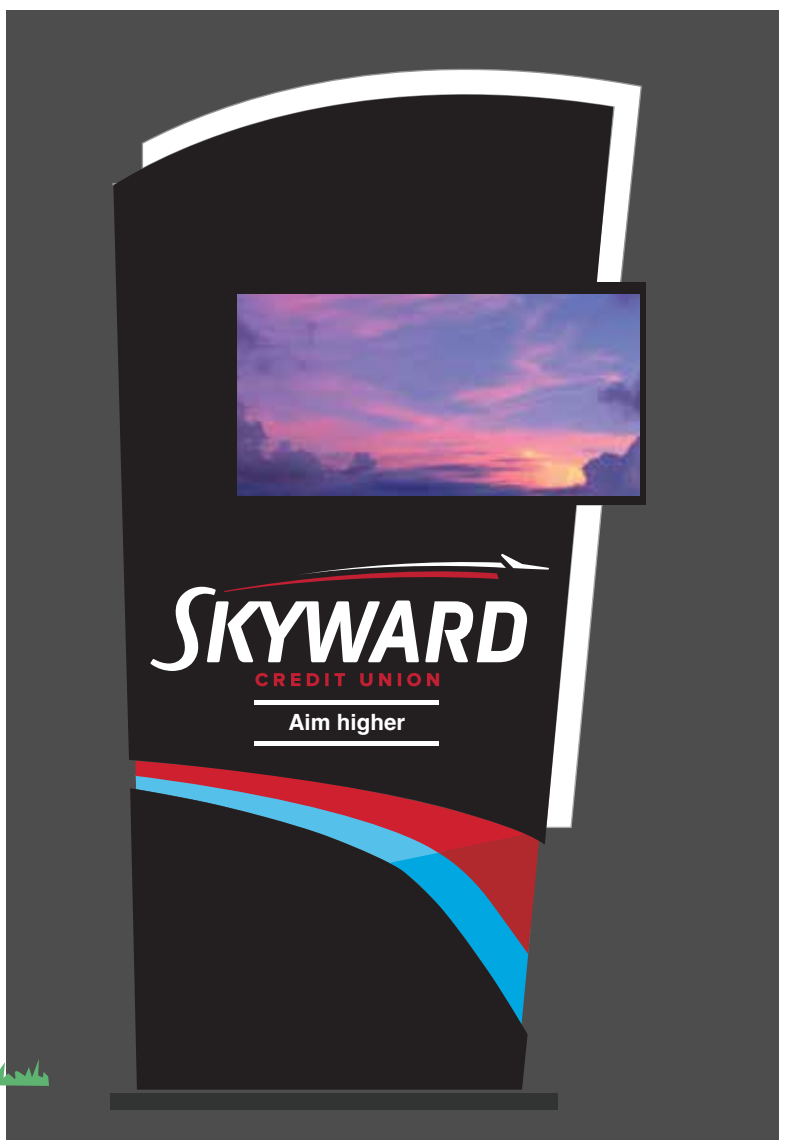
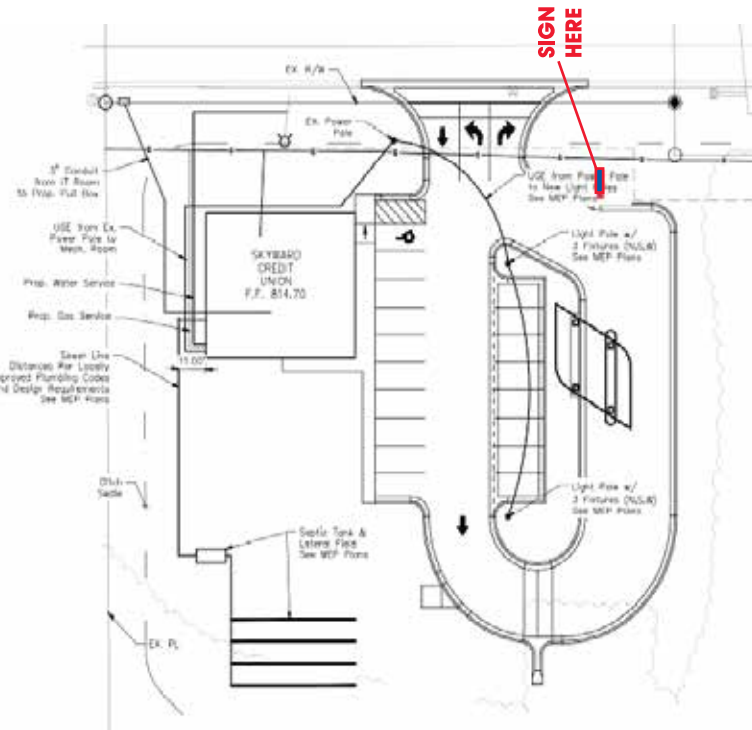
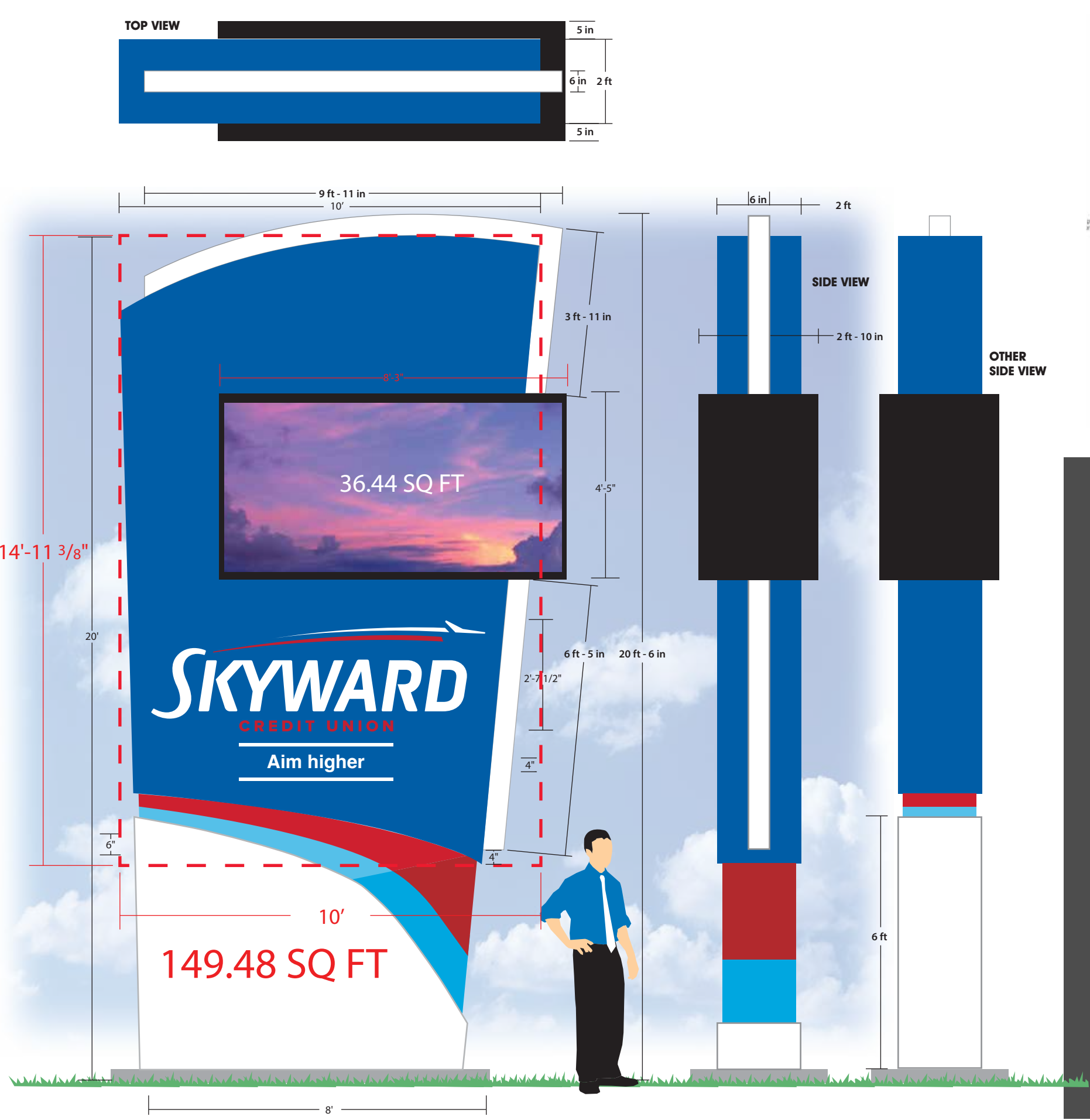
SCALE: 1/4" = 1'

APPROVED:

DATE:



LUMINOUSNeonInc
 ART & SIGN SYSTEMS



CUSTOMER: FEDERAL CONSTRUCTION

NAME: DUSTIN HEMSWORTH

LOCATION: Independence, KS

DATE: 02-10-23

DESIGN NO.: CC-6381

ARTIST: CA

SCALE: 3/8" = 1'

SPECIFICATIONS

- NEW DOUBLE FACED PYLON WITH ROUTED LOGO, FULL COLOR 6MM LED DISPLAY, PRINTED, RECESSED POLE COVER "SWOOSH" GRAPHIC WITH DECORATIVE LIGHTING AND ILLUMINATED "FIN" ELEMENT

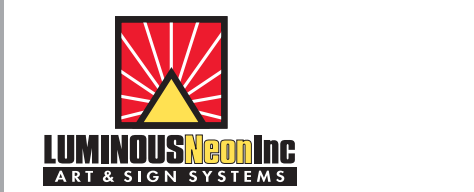
- COLORS: PMS 2935 DRK BLUE, PMS 295 LIGHT BLUE, PMS 2995 MED BLUE, PMS 1805 DRK RED, PMS 186 RED, WHITE, BLACK

- FONTS: CUSTOMER LOGO

APPROVED:

DATE:

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**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE PERMIT FOR "SHORT-TERM
RENTALS NOT ELSEWHERE LISTED."
CITY OF INDEPENDENCE
MAY 9, 2023**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for “short-term rentals not elsewhere listed” in an R-2, single-family dwelling district at 205 Westminster Place.

SUMMARY RECOMMENDATION

BACKGROUND Michael and Greta Gilstrap would like to run an Air BnB out of a home they own at 205 Westminster Place which is zoned R-2, single-family dwelling district. This request would fall under "short-term rentals not elsewhere listed" and needs a conditional use permit.

		Permitted Zoning District													
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2	
Short term rentals not elsewhere listed		C	C	C	C	C	C	C	C	P	P	P			

POLICY EXPLANATION 901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety. Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, **provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.**

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application shall be filed with the zoning administrator at least 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant:

a. Statement of intended use of the property.

- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

The Planning Commission has the authority to place additional conditions on the site that they deem necessary to protect the best interests of the City, the surrounding property and to achieve the objectives of the ordinance.

In considering those types of uses which may be desirable, necessary or convenient to the community, the Commission should review and make recommendations based in part on 901.1.

Additionally, the decision of the Planning Commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria (902.2):

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 - 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

ACTION BY THE PLANNING COMMISSION Any recommendations regarding a conditional use permit for the subject properties shall be based on Section 902.2 previously outlined in this report. After considering any public comments the Planning Commission may either approve or deny the requests. Following your action, the application and your recommendation will be forwarded to the City Commission at which time they will have 30 days to adopt, modify or deny the Planning Commission's recommendation.

STAFF RECOMMENDATION City staff recommends granting the conditional use permit with the conditions included in the suggested motion.

The basis of staff's recommendation is that granting the conditional use permit is consistent with the criteria "a through g" of Section 902.2 of the zoning code.

SUGGESTED MOTION I move to authorize a conditional use permit for "short-term rentals not elsewhere listed" at 205 Westminster Place with the following conditions:

1. The conditional use permit is not transferable to another property owner or a different location.
2. The applicant must comply with all City codes and must continue to comply with all City codes. This would include acquiring a City occupation license, which must be renewed annually.
3. The property's exterior must be kept clean and not violate environmental or nuisance codes.
4. Excess noise from the property will not be audible beyond the property lines.
5. Off-street, hard-surfaced parking will be provided on the applicant's private property.
6. Exterior lighting will not have an adverse effect by shining onto any neighboring properties.

SUPPORTING DOCUMENTS

1. CUP 0323 Public Hearing Notice Short Term Rentals 205 Westminster
2. 205 Westminster Pl Notification
3. 205 Westminster Notification Area
4. AirBnB 205 Westminster Aerial
5. 205 Westminster Pl CUP App and Pmt
6. 205 Westminster Property Information

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, May 9, 2023 at 5:30 p.m.

To receive comments on a request for a conditional use permit for “short-term rentals not elsewhere listed” in an R-2, single family dwelling district at 205 Westminster Place.

Legal Description:

Lot 6, Ridgewood Add to the City of Independence, Montgomery County, Kansas.

Common Address:

205 Westminster Place

Applicant/Owners:

Michael & Greta Gilstrap

Case Number:

2023/CUP/03

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator’s office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

Quick Ref ID	Situs	Owner	Mailing Adr	Mailing Address	Mailing Adr	Mailing Address	City	Mailing Adr	Mailing Address	Zip
R6197	208 WESTMINSTER PL	SCAMMEY, KARI ANN	208 WESTMINSTER PL		INDEPENDENCE	KS	67301			
R6198	601 N 5TH ST	WINEBRENNER, GARY P & LAURA J	601 N 5TH ST		INDEPENDENCE	KS	67301			
R6150	205 E PINE ST	JACKSON, BAILEY	205 E PINE ST		INDEPENDENCE	KS	67301			
R6185	122 E LOCUST ST	INDEPENDENCE CITY OF	Attn: CITY C 120 N 6TH ST		INDEPENDENCE	KS	67301			
R6186	200 E LOCUST ST	RUIZ, LEAH ROSE & GRAY, MICHAEL THOMAS	608 VANDEHEI AVE		CHEYENNE	WY	82009			
R6163	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6164	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6165	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6166	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6194	205 WESTMINSTER PL	GILSTRAP, MICHAEL DEAN & GRETA S	1511 S 17TH ST		INDEPENDENCE	KS	67301			
R6167	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6193	209 WESTMINSTER PL	LESTER, ARLENE A	209 WESTMINSTER PL		INDEPENDENCE	KS	67301			
R6192	517 N 5TH ST	BOHR, LARISSA	517 N 5TH ST		INDEPENDENCE	KS	67301			
R6187	208 E LOCUST ST	HINES, K RENE	208 E LOCUST ST		INDEPENDENCE	KS	67301			
R6188	212 E LOCUST ST	MCBRIDE PROPERTIES, LLC	413 N 5TH ST		INDEPENDENCE	KS	67301			
R6189	216 E LOCUST ST	WRIGHT, DIXIE	216 E LOCUST ST		INDEPENDENCE	KS	67335			
R6168	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6195	201 WESTMINSTER PL	JENSEN, RUTH ANN REV TRST 10/22/21 TRSEE	201 WESTMINSTER PL		INDEPENDENCE	KS	67301			
R6171	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6172	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6173	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6174	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6154	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6196	200 WESTMINSTER PL	CHILDRESS, JESSICA L	200 WESTMINSTER PL		INDEPENDENCE	KS	67301			
R6149	215 E PINE ST	COX, DOUGLAS D & KELLY LYNN	215 E PINE		INDEPENDENCE	KS	67301			
R6148	223 E PINE ST	SWART, ELEANOR	223 E PINE ST		INDEPENDENCE	KS	67301			
R6190	220 E LOCUST ST	HASTINGS, JULIE A	220 E LOCUST ST		INDEPENDENCE	KS	67301			
R6191	505 N 5TH ST	KIRKS, ROBERT E	1016 N 17TH PL		INDEPENDENCE	KS	67301			
R6169	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			
R6170	524 N PENNSYLVANIA AVE	ROOTED PROPERTIES, LLC	1005 MAIN STE B		PARSONS	KS	67357			

4/18/2023





APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED _____
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Michael (Mike) + Greta Gilstrap
Greta

LEGAL DESCRIPTION OF LAND INVOLVED:

0993003016019 Lot 6 Ridgewood Add

COMMON ADDRESS OF SAID LAND:

205 Westminister Pl.

PRESENT ZONING CLASSIFICATION: B-2

STATEMENT OF INTENDED USE OF PROPERTY:

Air BNB

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

4-7-23

Date

Greta Gilstrap

Signature of Applicant

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary



CITY OF INDEPENDENCE

REC#: 01226985 4/10/2023 8:38 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 PLANNING AND ZONING
205 WESTMINSTER PL
CONDITIONAL USE PER 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

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The Parcel Number for this Property is 063-099-30-0-30-16-019.00-0

Quick Ref ID: 6194

Owner Information

Owner Name	GILSTRAP, MICHAEL DEAN & GRETA S
Address	1511 S 17TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	205 WESTMINSTER PL, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Sidewalk - 6
Fronting	Cul-De-Sac - 6
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	11,150	73,350	84,500
Total	11,150	73,350	84,500

2022 Appraised Value

Class	Land	Building	Total
Residential - R	10,740	58,660	69,400

Total	10,740	58,660	69,400
-------	--------	--------	--------

Tract Description

RIDGEWOOD ADD, S30, T32, R16, Lot 6, LOT WIDTH: 075.0 LOT DEPTH: 060.0 Plat Book/Page 4 /67 Deed Book/Page 681 /181 580 /595 419 /093 360 /603

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
681	181	625	365	580	595	580	476

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7520										11,150

Dwelling Information

Dwelling Information		Comp Sales Information		
Res Type	Single-family Residence	Arch Style	Ranch	
Quality	AV-	Bsmt Type	Crawl - 2	
Year Built	1954	Total Rooms	4	
Eff Year		Bedrooms	2	
MS Style	One Story	Family Rooms		
LBCSStruct	Detached SFR unit	Full Baths	1	
No. of Units		Half Baths		
Total Living Area		Garage Cap		
Calculated Area	1,352	Foundation	Block - 3	
Main Floor Living Area	1,352			
Upper Floor Living Area Pct.				
CDU	AV			
Phys/Func/Econ	AV/ /			
Ovr Pct Gd/RCN	/152,810			
Remodel	1987			
Percent Complete				
Assessment Class				
MU Cls/Pct				

Dwelling Components				
Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	160			
Attached Garage (SF)	240			
Garage Finish, Attached (SF)	240			
Frame, Siding, Vinyl		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Raised Slab Porch (SF)	35		3	1955

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