



- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the May 5th, 2026 meeting.
- III. PLANNING COMMISSION
 - a. Rezoning Request from R-3 to C-1 at 501 E. Chestnut.
 - b. Conditional Use Permit Request to Convert Existing Detached Garage into an Accessory Dwelling Unit at 600 East Maple Street.
- IV. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Variance request from off-street parking requirement at 501 East Chestnut.
 - b. Variance Request to Allow Existing Detached Garage to Remain at Current Setback at 600 East Maple Street.
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
June 2, 2026**

Department City Clerk

Prepared By

AGENDA ITEM Consider approving minutes of the May 5th, 2026 meeting.

SUMMARY RECOMMENDATION Approve the minutes

I move to approve the May 5th, 2026 minutes as presented

SUPPORTING DOCUMENTS

1. 05052026 Planning CommissionBoard of Zoning Appeals_Minutes_Preview

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's May 5, 2026 Meeting

I. Call to Order

Present: Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Butch Holum, Rita Ortolani, Anita Chappuie and Bill Gour

Absent: Gary Hogsett

City Staff Present: David Cowan, Assistant City Manager; David Schwenker, City Clerk; and Kayla Schabel, Executive Assistant to the City Manager

Guests: None

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the April 7, 2026 meeting.

Motion:

On the motion of Anita Chappuie, seconded by Kym Kays, the Commission approved the April 7th, 2026 minutes as presented.

Aye: Rachel Lyon, Kym Kays, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

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

IV. Planning Commission

- a. Public Hearing for a conditional use permit for multi-family dwellings in a nonresidential structure in the C-3 District at 201 N Penn.

The applicant is requesting a Conditional Use Permit to allow multi-family residential use within a non-residential building in the C-3 zoning district. The subject property is located within the C-3 General Commercial District. Residential use on the ground floor is not permitted by right in this district and therefore requires approval of a Conditional Use Permit. The applicant proposes to utilize a portion of the ground floor for residential use with the remaining area reserved for commercial use.

This item was first presented at the April 7, 2026 Planning Commission

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's May 5, 2026 Meeting

meeting. At that meeting the Commission adjourned the hearing to allow the City and the applicant additional time to reach an agreement on the exterior window screening requirement. Specifically, the original condition required permanent exterior screening on all ground-floor windows. The applicant objected to that requirement on the basis of aesthetics and the building's historic character.

Following further discussion between city staff and the applicant, a revised condition has been negotiated. Rather than requiring permanent exterior screening upfront, the revised condition authorizes the applicant to satisfy the privacy screening requirement through the installation and maintenance of interior window coverings. A review process is established in the event that documented incidents of indecent conduct or exposure visible from the public right-of-way occur at the property, which would trigger a Planning Commission review and, if necessary, a requirement for additional screening. The 3M Night Vision 15 window film has been identified as a pre-approved treatment should additional screening ever be required.

Staff recommends approval of the conditional use permit with conditions *as set forth in the resolution.*

Motion:

On the motion of Anita Chappuie, seconded by Tim Haynes, the Commission recommended approval of a Conditional Use Permit for 201 N. Penn to allow multi-family residential use within a non-residential building in the C-3 zoning district, based on the findings that the proposed use is compatible with the surrounding area and meets the requirements of the zoning regulations, subject to any conditions as recommended by staff.

Aye: Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Butch Holum, Anita Chappuie, Bill Gour

Nay: Rita Ortolani

V. Discussion

VI. Adjournment

Motion:

On the motion of Anita Chappuie, seconded by Tim Haynes, the Commission adjourned the meeting.

Aye: Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Butch Holum, Rita

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's May 5, 2026
Meeting**

**Ortolani, Anita Chappuie, Bill Gour
Nay: None**

Chair

Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
REZONING
CITY OF INDEPENDENCE
JUNE 2, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Rezoning Request from R-3 to C-1 at 501 E. Chestnut.

SUMMARY RECOMMENDATION Staff recommends that the Planning Commission recommend to the City Commission that the subject property be rezoned from R-3, Low Density Multifamily Dwelling District, to C-1, Neighborhood Business District, subject to the conditions set forth below and in the attached rezoning ordinance.

BACKGROUND Case 2026/ZA/01

Common Address: 501 East Chestnut Street

Applicant: Amy Rash | Owner: Laverne Gaddy

Request

The applicant is requesting that the subject property be rezoned from R-3, Low Density Multifamily Dwelling District, to a commercial zoning classification, to allow the relocation of the historic Girl Scout House to the property for use as a small event venue.

The public notice published for this hearing identified the proposed rezoning classification as C-2, Commercial Services District. After further review by staff in consultation with the applicant, staff recommends that the property be rezoned instead to C-1, Neighborhood Business District, with the conditions set forth below. C-1 is a more restrictive classification than C-2, allows a narrower range of uses, and is more compatible with the surrounding neighborhood character. Because the recommended classification is more restrictive than the classification identified in the public notice, the recommendation falls within the scope of what the public was noticed for, and no re-notice is required.

Background

The subject lot is currently vacant. The applicant proposes to relocate the historic Girl Scout House - a structure of long-standing community significance - to this site, where it would be adaptively reused as a small private event venue hosting bridal showers, baby showers, birthday parties, and similar private gatherings. Maximum occupancy is proposed at 50. A concurrent variance request (Case 2026/VAR/01) addresses the off-street parking configuration.

Applicable Code

Sec. 2-101. — Criteria for consideration of matters.

The planning and zoning commission and the board of commissioners shall consider the following criteria when considering any application for rezoning or a conditional use permit, to the extent they are pertinent to the particular application. Consideration may also be given to other factors which may be relevant to a specific rezoning or conditional use application.

- (1) The character of the neighborhood.
- (2) The zoning and uses of properties nearby.
- (3) The suitability of the subject property for the uses to which it has been restricted.

- (4) The extent to which the proposed use will detrimentally affect nearby property.
- (5) The length of time the subject property has remained vacant as zoned.
- (6) The relative gain to public health, safety, and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- (7) The economic impact on the owner of the subject property and the economic impact on the surrounding properties.
- (8) Recommendation of city's permanent staff.
- (9) Conformance of the requested change to the adopted comprehensive plan being utilized by the city.
- (10) The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include but are not limited to sanitary and storm sewers, water, and electrical service, police and fire protection, schools, parks and recreation facilities, etc.
- (11) The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.
- (12) The environmental impacts the proposed use will generate, including but not limited to storm water runoff, nighttime lighting, or other environmental conditions.
- (13) The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning district regulations or other applicable ordinances.

Criteria Analysis (Sec. 2-101)

(1) Character of the neighborhood. The neighborhood is characterized by a mix of older single-family and multifamily residential, civic and institutional uses, and recreational facilities. Adjacent and nearby uses include Central Park Sports Complex (approximately two blocks away), and St. Andrews Catholic Church (down the street) - all of which generate intermittent assembly and event traffic comparable in nature to the proposed use. The proposed adaptive reuse of a relocated historic structure as a low-intensity event venue is consistent with this established mixed-use character. The proposed adaptive reuse of a relocated historic structure as a low-intensity event venue is compatible with this character. The C-1 Neighborhood Business classification, by purpose and definition, is intended for uses that primarily serve nearby residential areas and is the most compatible commercial classification for this neighborhood context.

(2) Zoning and uses of properties nearby. The property is approximately two blocks from East Main Street (US 160), an established commercial corridor. The subject property's location at the transitional edge between the US 160 commercial corridor and the residential interior is precisely the type of location for which the C-1 Neighborhood Business classification is intended - a step-down from highway-frontage commercial to neighborhood-scale commercial as the area approaches residential blocks. C-1 is appropriately applied at such transitional corners.

(3) Suitability of the property for its current zoning. The subject lot has remained vacant under R-3 for an extended period (at least since 2016). The lot is small (4,600 sq ft), is on a corner with frontage on two streets, and is constrained by overhead utility infrastructure along Park Boulevard. The property is suited to a low-intensity neighborhood-serving use.

(4) Detrimental effect on nearby property. The conditions proposed below - use limitation, occupancy cap, hours of operation, sound limits, alcohol service rules, parking configuration, lighting standards, and nuisance review trigger - are designed to address the specific concerns raised by adjacent property owners during application review. With these conditions in place, staff finds that the proposed use will not detrimentally affect nearby property. Without these conditions, the broader range of uses permitted in C-1 by right could affect nearby property; the conditional rezoning mechanism addresses this concern directly.

(5) Length of time the property has remained vacant as zoned. The property has been vacant under its current R-3 classification for some period (at least since 2016), indicating that the existing zoning is not yielding productive use of the lot.

(6) Relative gain from denial versus hardship from denial. Denial of the rezoning would leave the lot vacant under R-3 and would prevent the relocation of the historic Girl Scout House to this site. The public gain from denial would be limited to maintaining the current vacant condition. The hardship to the landowner from denial is real: the property cannot be developed for the proposed use, and the relocation of the historic structure would not proceed. On balance, staff finds that the relative gain to public health, safety, and welfare from denial does not outweigh the hardship imposed on the landowner.

(7) Economic impact. Approval enables productive use of a vacant lot. The adaptive reuse of a historic structure as a small event venue is a use generally compatible with surrounding residential property values, particularly where, as here, occupancy, hours, sound, and other operational parameters are limited by conditions. Staff identifies no anticipated adverse economic impact on surrounding properties under the proposed conditions.

(8) Recommendation of city's permanent staff. Staff recommends approval of the rezoning to C-1, Neighborhood Business District, subject to the conditions set forth below.

(9) Conformance with the adopted comprehensive plan. The proposed rezoning is not contrary to the comprehensive plan.

(10) Availability and adequacy of utilities and services. The property is located within the established service area of the City of Independence and has existing access to sanitary sewer, storm sewer, water, and electrical service. The proposed use generates intermittent, low-volume demand typical of small private gatherings and does not require expansion of existing utility infrastructure. Police and fire protection are adequate to serve the property at its current location. The proposed use does not generate school or recreation facility demand.

(11) Street network capacity and parking. The street network of East Chestnut Street and North Park Boulevard has adequate capacity to accommodate the intermittent event traffic generated by a 50-person occupancy private event venue. Parking is addressed through the concurrent variance request (Case 2026/VAR/01), which staff recommends be approved subject to submission of a revised parking plan demonstrating that the full 15-space parking requirement can be satisfied through inset on-street and on-property parking. The 50-person occupancy cap, established as a condition of this rezoning, directly limits the peak parking demand the property can generate.

(12) Environmental impacts. Site development shall comply with the City's stormwater and impervious surface standards in effect at the time of building permit.

(13) Ability to satisfy applicable requirements. The applicant has submitted a preliminary site plan and is in the process of revising the parking plan to address utility line conflicts identified during staff review. The relocation of the structure will require compliance with applicable building, fire, and accessibility codes at the time of the building permit. Signage will be required to comply with the City sign code.

Proposed Conditions of Rezoning

The rezoning is conditioned on the following conditions. The rezoning ordinance shall not take effect until the development agreement is executed and recorded.

1. *Use limitation.* The property shall be used only as a private event venue hosting bridal showers, baby showers, birthday parties, anniversary celebrations, and similar small private gatherings. Other uses otherwise permitted in C-1 are not authorized under this rezoning without further application and review.

2. *Maximum occupancy.* Maximum occupancy of the structure shall not exceed 50 persons at any time, consistent with the parking calculation supporting Case 2026/VAR/01.
3. *Event hours.* Events shall conclude and all guests shall be off the property no later than 10:00 p.m. Sunday through Thursday, and no later than 11:00 p.m. Friday and Saturday. Closing and cleanup activities shall be complete no later than 11:00 p.m. Sunday through Thursday, and no later than midnight Friday and Saturday.
4. *Outdoor amplified sound.* Outdoor amplified sound shall end no later than 9:00 p.m. Sunday through Thursday, and no later than 10:00 p.m. Friday and Saturday. Indoor amplified sound shall comply with the City's noise ordinance.
5. *Alcohol service.* Any alcohol service shall comply with all applicable Kansas Alcoholic Beverage Control licensing and regulations. Alcohol service shall cease no later than thirty (30) minutes prior to the event end time established in Condition 3.\
6. *Parking.* Parking shall be provided in accordance with the approved site plan associated with Case 2026/VAR/01. Any modification to the approved parking configuration requires review and approval by the Zoning Administrator.
7. *Historic structure.* The structure permitted under this rezoning is the relocated Girl Scout House. If the structure is removed, demolished, or substantially altered such that it no longer serves as the venue contemplated by this rezoning, the conditions of the development agreement shall be subject to review by the Planning Commission and the City Commission.
8. *Nuisance review trigger.* In the event the City receives three (3) or more substantiated complaints of nuisance activity (including but not limited to noise, parking encroachment beyond the approved configuration, or violation of the conditions above) within any rolling twelve-month period, the Zoning Administrator shall refer the property to the Planning Commission for review of compliance with the conditions of this rezoning. Such review may result in recommendation to the City Commission for further action.
9. *Property maintenance.* The property, including the relocated structure, parking area, landscaping, and refuse facilities, shall be maintained in good condition consistent with the property maintenance code of the City of Independence.

Public Comment

One written comment in opposition has been received as of the date of this report, citing concerns regarding parking impact on the neighborhood. Staff anticipates additional public comment at the hearing, including concerns related to event hours and alcohol service.

Staff Recommendation

Staff recommends that the Planning Commission recommend to the City Commission that the subject property be rezoned from R-3, Low Density Multifamily Dwelling District, to C-1, Neighborhood Business District, subject to the conditions set forth above.

Recommended Motion

I move to recommend to the City Commission approval of rezoning the property at 501 East Chestnut Street from R-3 to C-1, subject to the conditions and based on the findings set forth in the staff report.

SUPPORTING DOCUMENTS

1. Ordinance - Rezoning 501 E Chestnut from R3 to C1
2. 2026ZA01 - 501 E Chestnut - Public Notice Rezone

3. 2026ZA01 - 501 E Chestnut - complaint
4. 2026ZA01 - 501 E Chestnut - Map 250 ft
5. 2026ZA01- 501 E Chestnut - Address List
6. 2026ZA01 - 501 E Chestnut - Rezoning App
7. 2026ZA01 - 501 E. Chestnut - Complaint 2

ORDINANCE NO. ____

An Ordinance Rezoning Land from R-3, low density multifamily dwelling district to C-1, neighborhood business district.

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following described real estate is hereby rezoned from R-3, low density multifamily dwelling district to C-1, neighborhood business district:

Block 23, Lot 10, original plat to the City of Independence, Montgomery County, Kansas, commonly known as 501 East Chestnut.

Section 2. The following conditions and restrictions shall apply to the property being rezoned which shall be binding on all future owners, assigns or heirs:

1. *Use limitation.* The property shall be used only as a private event venue hosting bridal showers, baby showers, birthday parties, anniversary celebrations, and similar small private gatherings. Other uses otherwise permitted in C-1 are not authorized under this rezoning without further application and review.
2. *Maximum occupancy.* Maximum occupancy of the structure shall not exceed 50 persons at any time, consistent with the parking calculation supporting Case 2026/VAR/01.
3. *Event hours.* Events shall conclude and all guests shall be off the property no later than 10:00 p.m. Sunday through Thursday, and no later than 11:00 p.m. Friday and Saturday. Closing and cleanup activities shall be complete no later than 11:00 p.m. Sunday through Thursday, and no later than midnight Friday and Saturday.
4. *Outdoor amplified sound.* Outdoor amplified sound shall end no later than 9:00 p.m. Sunday through Thursday, and no later than 10:00 p.m. Friday and Saturday. Indoor amplified sound shall comply with the City's noise ordinance.
5. *Alcohol service.* Any alcohol service shall comply with all applicable Kansas Alcoholic Beverage Control licensing and regulations. Alcohol service shall cease no later than thirty (30) minutes prior to the event end time established in Condition 3.
6. *Parking.* Parking shall be provided in accordance with the approved site plan associated with Case 2026/VAR/01. Any modification to the approved parking configuration requires review and approval by the Zoning Administrator.
7. *Historic structure.* The structure permitted under this rezoning is the relocated Girl Scout House. If the structure is removed, demolished, or substantially altered such that it no longer serves as the venue contemplated by this rezoning, the conditions of the development agreement shall be subject to review by the Planning Commission and the City Commission.

8. *Nuisance review trigger.* In the event the City receives three (3) or more substantiated complaints of nuisance activity (including but not limited to noise, parking encroachment beyond the approved configuration, or violation of the conditions above) within any rolling twelve-month period, the Zoning Administrator shall refer the property to the Planning Commission for review of compliance with the conditions of this rezoning. Such review may result in recommendation to the City Commission for further action.
9. *Property maintenance.* The property, including the relocated structure, parking area, landscaping, and refuse facilities, shall be maintained in good condition consistent with the property maintenance code of the City of Independence.

Section 3. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of June, 2026.

DEAN HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, June 2, 2026 at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 501 E Chestnut St, from R-3, low density multifamily dwelling district to C-2, commercial services district.

Common Address:

501 East Chestnut Street

Legal Description:

Block 23, Lot 10, original plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Owner: Laverne Gaddy

Applicant: Amy Rash

Case Number:

2026/ZA/01

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kayla Schabel
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 301-0266

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

Kayla Schabel, Zoning Administrator

Kayla Schabel
Zoning Administrator
City of Independence
120 North Sixth Street
Independence, KS 67301

Re: Rezoning Request – 501 E. Chestnut Street (Case #2026/ZA/01)

Dear Ms. Schabel and Planning Commission Members,

We are unable to attend the June 2 public hearing regarding the proposed rezoning of 501 E. Chestnut Street, but we would like our concerns to be considered as part of the public record.

We appreciate and support efforts to encourage new businesses and growth within our community. However, we do have concerns about rezoning this particular property from residential to commercial use within an established residential neighborhood.

Our primary concern is parking and increased traffic in an area that was designed for residential use. If the property is used as an event space, we worry that guests may park along nearby residential streets, creating congestion, noise, and inconvenience for neighboring homeowners.

We also have concerns about increased traffic, noise, and street parking during evening or weekend events. Our neighborhood is primarily residential, and we worry about the long-term impact that commercial event activity could have on the safety, quiet atmosphere, and character of the area.

While we understand the proposal is described as a “small event space,” we believe it is important to carefully consider whether this specific location is appropriate for commercial activity of this type.

Thank you for your time and consideration of these concerns.

Sincerely,
James and Angela Renfro
412 N Park Blvd
Independence, KS 67301



North 2nd Street

East Laurel Street

North 3rd Street

East Chestnut Street

Quick Ref	Parcel Num	Situs Address	Owner	Mailing Address	Taxing Unit	Function	Neighborhood	Total Acres
R6479	063-099-3C305	N PARHEUBACH 305	N PAR	108	INDEP	Residential	108.A	0
R6480	063-099-3C301	N PARPASSAUE	F309 E 5TH	108	INDEP	Residential	108.A	0
R6469	063-099-3C409	N 2ND ORTIZ, PA	409 N 2ND	108	INDEP	Residential	108.A	0
R6486	063-099-3C300	N PARSCOVEL, S	300 N PAR	108	INDEP	Residential	108.A	0.19
R6487	063-099-3C301	N 2ND WRIGHT, J	301 N 2ND	108	INDEP	Residential	108.A	0.18
R6489	063-099-3C311	N 2ND RICHARD, 300	S 8TH	108	INDEP	Residential	108.A	0
R6490	063-099-3C315	N 2ND SANDERS,	315 N 2ND	108	INDEP	Residential	108.A	0
R6483	063-099-3C312	N PARBATESON,	312 N PAR	108	INDEP	Residential	108.A	0.19
R6397	063-099-3C318	N 4TH BARRIGEF	318 N 4TH	108	INDEP	Residential	108.A	0
R6481	063-099-3C319	N 2ND BRUCE, RI	319 N 2ND	108	INDEP	Residential	108.A	0
R6468	063-099-3C401	N 2ND SCHWARZ	401 N 2ND	108	INDEP	Residential	108.A	0
R6476	063-099-3C401	N PARNICKLE, R	223 N PEN	108	INDEP	Residential	108.A	0
R6485	063-099-3C304	N PARJOHNSON	304 N PAR	108	INDEP	Residential	108.A	0
R6488	063-099-3C307	N 2ND RAKES, D	1345 N 9TH	108	INDEP	Residential	108.A	0
R6484	063-099-3C308	N PARHENRICH	S308 N PAR	108	INDEP	Residential	108.A	0
R6398	063-099-3C312	N 4TH BURTON, I	PO BOX 2	108	INDEP	Residential	108.A	0
R6477	063-099-3C317	N PARGILMORE, 317	N PAR	108	INDEP	Residential	108.A	0
R6465	063-099-3C408	N PARMCLENON	3943 CR 4	108	INDEP	Residential	108.A	0
R6466	063-099-3C404	N PARINGRAM, E	404 N PAR	108	INDEP	Residential	108.A	0
R6478	063-099-3C309	N PARWATSON, PO	BOX 3	108	INDEP	Residential	108.A	0
R6482	063-099-3C501	E CHEGADDY, L	1633 N 8TH	108	INDEP	Vacant	108.A	0
R6467	063-099-3C400	N PARJOHNSTOI	400 N PAR	108	INDEP	Residential	108.A	0
R6464	063-099-3C412	N PARRENFRO, .	412 N PAR	108	INDEP	Residential	108.A	0

Latitude	Longitude	Area	Area Units	Perimeter	Perimeter Units
37.22582	-95.7015	8361.6	Square Feet	398.5	Feet
37.22566	-95.7015	8362.5	Square Feet	399	Feet
37.22699	-95.7002	9065.2	Square Feet	408.9	Feet
37.22567	-95.7007	8347.9	Square Feet	401.5	Feet
37.22566	-95.7002	8159.7	Square Feet	397.1	Feet
37.22599	-95.7002	7955.8	Square Feet	393.7	Feet
37.22614	-95.7002	7888.6	Square Feet	392.4	Feet
37.22615	-95.7007	8466.9	Square Feet	402	Feet
37.2263	-95.7021	10114.2	Square Feet	425.8	Feet
37.22631	-95.7002	8846.4	Square Feet	406	Feet
37.22678	-95.7002	11833.1	Square Feet	448.6	Feet
37.22686	-95.7015	18129.2	Square Feet	538.9	Feet
37.22583	-95.7007	8408	Square Feet	402	Feet
37.22583	-95.7002	8432	Square Feet	400.9	Feet
37.22599	-95.7007	8081.3	Square Feet	397.1	Feet
37.22614	-95.7021	6747.6	Square Feet	377.6	Feet
37.22624	-95.7015	16703.7	Square Feet	518.2	Feet
37.22701	-95.7007	6953.7	Square Feet	380.5	Feet
37.22688	-95.7007	7005.2	Square Feet	381.3	Feet
37.22599	-95.7015	8318.8	Square Feet	397.6	Feet
37.22632	-95.7007	8313.1	Square Feet	399.3	Feet
37.22674	-95.7007	7140.5	Square Feet	383.4	Feet
37.22715	-95.7007	7416.1	Square Feet	387.1	Feet

**INDEPENDENCE
PLANNING & ZONING
COMMISSION**

**APPLICATION
FOR
REZONING**

1. Case #: _____
2. Date Filed: _____
3. Fee Paid: _____
4. Hearing: _____
5. Published: _____

To be filled out by applicant

1. Applicant's name: _____
2. Applicant's address: _____ Phone: _____
3. Address of property proposed for rezoning: _____
4. Present owner's name: _____
5. Present zoning: _____ Proposed zoning: _____
6. Legal description of property proposed for rezoning (if more space is required, use back of form):

7. Present use of property (check one of the following): _____
(a) Vacant ☐ (b) Residential ☐ (c) Commercial ☐ (d) Industrial ☐
8. Desired use of property: _____
9. Use and zoning of adjacent property:
- North: Use _____ Zoning _____
- South: Use _____ Zoning _____
- East: Use _____ Zoning _____
- West: Use _____ Zoning _____
10. List reasons for this request:

- Date: _____ Signature: _____

Planning Commission Action – do not write in this space

1. Facts found: _____

2. Determination: _____

Kayla Schabel
Zoning Administrator
City of Independence
120 North Sixth Street
Independence, KS 67301

Re: Rezoning Request 501 E. Chestnut Street (Case #2026/ZA/01)
Variance Request 501 E. Chestnut Street (Case #2026/VAR/01)

We will attend the June 2nd public hearing on the above two cases, but we have a lot to say and have composed this letter to have our concerns considered.

My wife and I moved to our current location in 2000, which is just North of the property being considered in this case. We are transplants to this community but fell in love with this area for its location and nice, quiet residential area. We have raised our family of four here and look forward to living in a peaceful residential area.

When we moved here, there was a house on the proposed lot, and it was later demolished and has been vacant since. When Mr. Gaddy purchased this lot, we discussed his plans: to build a triplex. This never came to fruition, but just this past summer, we saw an architect over there, talking about designing a house for a couple. This lot seems to have several options as the current R-3 zone.

My family has several areas of concern as follows:

- **Character of the Neighborhood.** This area is a peaceful residential neighborhood with many families with kids. We see families and residents of Independence walking and playing in this area, and we feel that the extra traffic, the possibility of alcohol, and the additional noise would change the character of the neighborhood. In your packet, you talk about the Central Park Sports Complex, which is two blocks away and has been remodeled, adding proper parking. You also mention the Catholic Church/School, which has been here since the late 1800s. Both areas have flashing lights to slow drivers, and alcohol is not present or permitted.
- **Zoning and uses of properties nearby.** In your packet, you mention East Main Street (US 160), which is 3 blocks from the proposed lot, and there are no commercial buildings for at least 2 blocks. We are not sure how this lot is at a transitional edge between US 160 and residential areas.

- **Detrimental effect on nearby property.** We think that this new venue would be detrimental to the area. Your packet talks about several items that we believe would all affect the area in a negative way, such as:
 - Hours of operation during the week and the weekend shall conclude at either 10pm or 11pm. Once again, this is a peaceful residential area with families who go to bed and must get up for work or school. This would be detrimental to the area.
 - Sound limits in your package states shall end one hour prior to the above time, but indoor amplified sound shall remain until the original times. We would refer to the prior statement.
 - Alcohol use in your packet you talk about shall cease no later than 30 minutes prior to event time. We feel alcohol use would directly affect the sound limits with both indoor and outdoor use, the safety of people in the residential area, and cause harmful effects to the area. There is no mention of on-site security if alcohol is in use, which it should be.
 - Parking in your packet: it talks about 13 new spaces, but these will be on the side street or alley because no parking is allowed on Park St. due to power lines. This area is a small residential area with brick streets and tiny alleyways, with no extra space. Yes, 13 spaces are a lot, but they will not realistically accommodate all traffic for this venue, so there will be many extra vehicles parking directly in front of our house and our neighbors'. This would be a nuisance to our peaceful area. Besides all the concrete new parking spaces that would change the look from a residential area to a commercial site.
 - Lighting in your packet is mentioned, but we see nothing addressing it. We believe indoor or outdoor events may use flashing or strobing lights that would have a major negative effect on the area, which we see as a detriment.
 - We are also concerned about what this would do to our property value or taxes, which we don't see addressed in your packet.
- **Length of time the property has remained vacant.** Yes, this property has been empty for a few years, but it has a great location for a residential building, which the city says we need more of. See our opening remarks about the owner's original ideals.
- **Relative gain from denial versus hardship from denial.** Denying this would allow future residential housing, which is needed in the community, and would keep the area peaceful.

- **Historic Site.** Your packet keeps referring to the Girl Scout House as a Historic Site. We have reviewed the National Register of Historic Places listing, and there is no reference to this. We are curious: if this house is relocated and designated historic, does it have to meet the standards of other historic sites in this community?

In closing, our family strongly supports growth in our community and the preservation of historic buildings but feels this current location would not be the best for the surrounding community. We think the Girl Scout House should be repaired and returned to its original look, but because the current location is in a floodplain and needs to be relocated, that cost is a major factor in wanting to move just one block away. We believe there are other, more suitable locations in this community for such a project that should be considered.

Thank you for your consideration of our concerns.



Sincerely,

Danny and Allison Johnston

400 North Park Blvd

Independence, KS 67301



**REQUEST FOR PLANNING COMMISSION ACTION
CONDITIONAL USE
CITY OF INDEPENDENCE
JUNE 2, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Conditional Use Permit Request to Convert Existing Detached Garage into an Accessory Dwelling Unit at 600 East Maple Street.

SUMMARY RECOMMENDATION Staff does not object to the request, provided the Planning Commission finds that the conditional use standards have been met and the applicant complies with the conditions of approval.

BACKGROUND 2026/CUP/03

Property Location: 600 East Maple Street

Zoning District: R-3, Low Density Multifamily Dwelling District

Applicant/Owner: Josafat Lemus Sedano

Request

The applicant is requesting approval of a Conditional Use Permit to allow the conversion of an existing detached garage into an accessory dwelling unit.

Accessory dwelling units require approval of a Conditional Use Permit by the Planning and Zoning Commission and Governing Body.

Background

The applicant has requested to convert an existing detached garage into an accessory dwelling unit on the same property as the principal dwelling.

The accessory dwelling unit would be located within the existing detached garage. A separate variance request has also been submitted because the existing garage is located at or near the street/right-of-way property line and does not meet the current setback requirement. The variance request is limited to the existing garage in its current location and footprint.

Applicable Standards

614.0. Accessory Dwelling Units

614.1 Standards: All accessory dwellings, when permitted, shall comply with the following:

- a. No more than a total of two (2) dwelling units (principal and accessory) are allowed on a single lot or parcel.
- b. An accessory dwelling may be contained within, attached to, or detached and separate from the principal dwelling and must be located wholly within the same lot or parcel of the principal dwelling.
- c. The lot or parcel, principal dwelling, and accessory dwelling shall all be under the same ownership and the owner must live on the property either in the principal dwelling or the accessory dwelling as their principal place of residency.
- d. The total gross floor area of the accessory dwelling cannot exceed the lesser of eight hundred square feet (800 sq. ft.) or eighty-percent (80%) of the total gross floor area of the principal dwelling.
- e. The accessory dwelling shall have its own bathroom and kitchen space.

- f. The accessory dwelling shall comply with the building setback and bulk regulations for a principal building as applicable for the zoning district in which its lot or parcel is located.
- g. The exterior design and appearance of the accessory dwelling, attached or detached, must compliment the design, features, exterior building materials, and level of finish of the principal dwelling building and shall otherwise comply with the requirements of the architectural design standards found in the City's zoning code regulations.
- h. The accessory dwelling may have its own entrance or share an entrance with the principal dwelling but cannot have its own separate entrance on the same façade as the front or street-facing entrance of the principal dwelling.
- i. The principal dwelling shall have no less than two (2) off-street parking spaces and one (1) additional off-street parking space shall be provided for the accessory dwelling. Tandem style parking spaces (where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements of this section. Unless specifically approved by the approval authority, accessory dwelling units shall not have a driveway separate from that of the principal dwelling.

614.2 Conditional Use Permit required:

- a. All accessory dwellings require approval of a Conditional Use Permit from the Planning and Zoning Commission and Governing Body in accordance with the procedures outlined within Article IX – Processing Procedures for Conditional Uses, Appendix B - Zoning.
- b. To approve a request for a Conditional Use Permit, after a public hearing, the approval authority shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.
 - 1. The size, location, layout, and appearance of the principal dwelling and the proposed accessory dwelling do not negatively impact the adjoining properties and surrounding neighborhood.
 - 2. Adequate provisions for parking have been made for both the accessory dwelling and the principal dwelling.
 - 3. The property is appropriately zoned for an accessory dwelling and all city code requirements have been satisfied.

Public Comment

Staff has received one neighbor concern regarding the request. The concern included comments about the condition of the fence, property upkeep, current occupancy of the property, vehicles parked in the backyard, and concern that the accessory dwelling unit could negatively affect the neighborhood.

Staff notes that these concerns relate to items that may be addressed through required conditions of approval, zoning compliance, property maintenance requirements, parking requirements, and building permit review.

Staff Review

The proposed accessory dwelling unit is located within an existing detached garage on the same property as the principal dwelling.

The request may be appropriate if the applicant complies with all accessory dwelling unit standards, including owner occupancy, maximum number of dwelling units, parking, building code requirements, and property maintenance requirements.

Because the existing garage does not meet the current setback requirement from the street/right-of-way property line, the accessory dwelling unit cannot move forward unless the related variance request is also approved.

Staff Recommendation

Staff recommends approval of the Conditional Use Permit request, subject to the following conditions:

1. The Conditional Use Permit shall allow one accessory dwelling unit within the existing detached garage located at 600 East Maple Street.
2. No more than two dwelling units total shall be allowed on the property, including the principal dwelling and the accessory dwelling unit.
3. The property, principal dwelling, and accessory dwelling unit shall remain under the same ownership.
4. The owner shall live on the property as their principal place of residence, either in the principal dwelling or in the accessory dwelling unit.
5. The accessory dwelling unit shall not exceed 800 square feet or 80% of the total gross floor area of the principal dwelling, whichever is less.
6. The accessory dwelling unit shall have its own bathroom and kitchen and shall meet all applicable building code and permit requirements before occupancy.
7. The applicant shall provide the required off-street parking for both the principal dwelling and accessory dwelling unit. Parking spaces shall not be tandem and shall be usable without moving another vehicle.
8. Vehicles shall be parked only on approved parking surfaces and shall not be parked in the yard unless otherwise allowed by City code.
9. No separate driveway for the accessory dwelling unit shall be allowed unless specifically approved by the City.
10. The exterior appearance of the accessory dwelling unit shall complement the principal dwelling and comply with applicable City design standards.
11. The property shall be maintained in compliance with all applicable City codes, including property maintenance requirements.
12. Any fence located on the property shall be maintained in compliance with applicable City code requirements.
13. Approval of the Conditional Use Permit is subject to approval of the related variance request for the existing garage setback.
14. Any future expansion, addition, reconstruction, or change to the accessory dwelling unit shall comply with all applicable zoning and building code requirements and may require additional approval.

MOTION IF APPROVED: I move to recommend approval of a Conditional Use Permit request to allow the conversion of an existing detached garage into an accessory dwelling unit at 600 East Maple Street, subject to the conditions recommended by staff.

SUPPORTING DOCUMENTS

1. 2026CUP03 - 600 E Maple - Public Notice CUP
2. 2026CUP03 - 600 E Maple- Map 250 ft
3. 2026CUP03 - 600 E Maple - Address List Owners
4. 2026CUP03 - 600 E Maple - Applplication Redacted

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, June 2, 2026 at 5:30 p.m.

To receive comments on a conditional use permit request to allow an accessory dwelling unit in the R-3, low density multifamily dwelling district.

Common Address:

600 East Maple Street

Legal Description:

Block 49, Lot 14, original plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Josafat Lemus Sedano

Case Number:

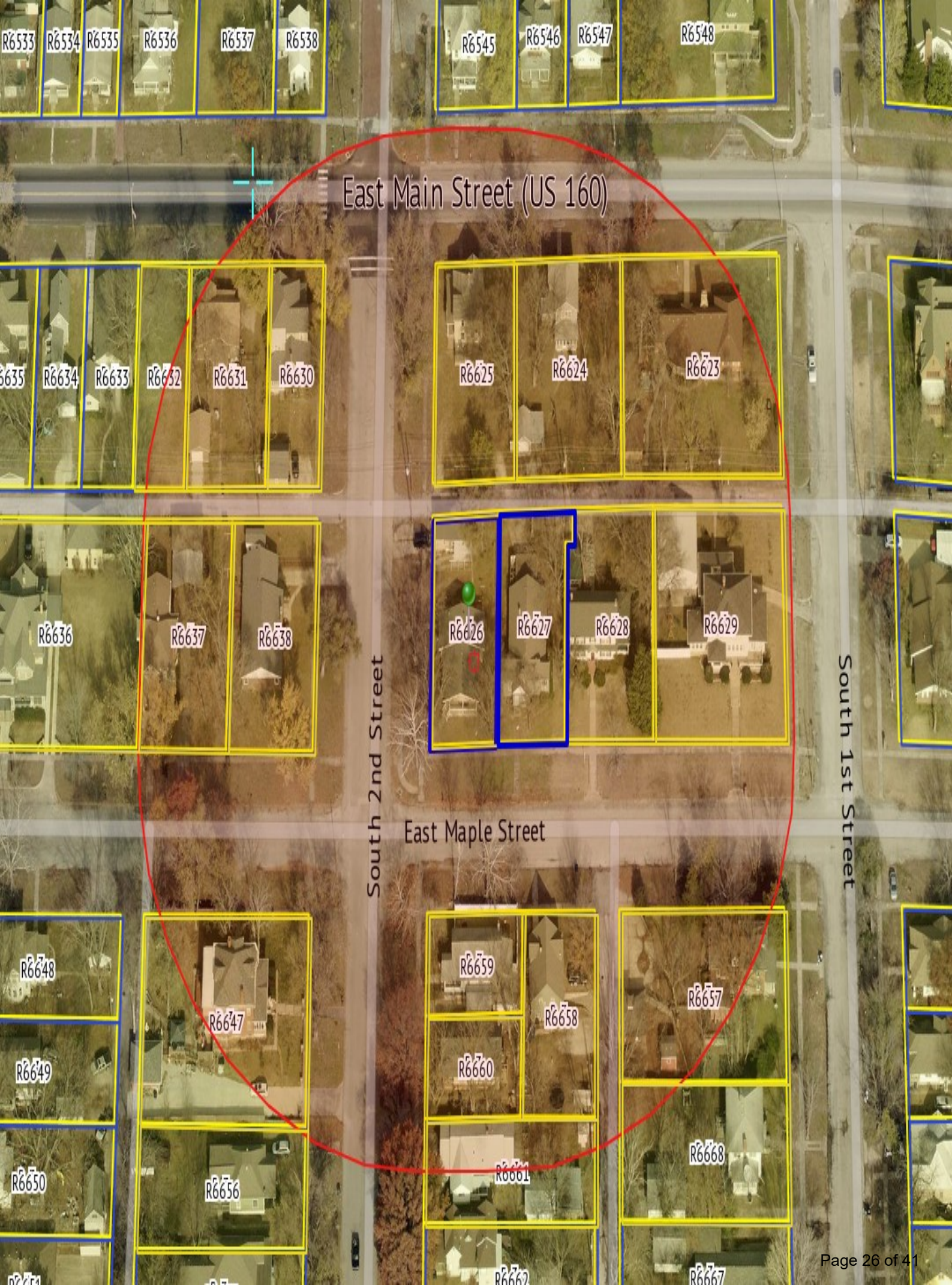
2026/CUP/03

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kayla Schabel
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 301-0266

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

Kayla Schabel, Zoning Administrator



East Main Street (US 160)

South 2nd Street

East Maple Street

South 1st Street

Quick Ref	Parcel Num	Situs Addr	Owner	Mailing Ad	Taxing Unit	Function	Neighborhood	Total Acres
R6627	063-099-31604	E MAPEVANS, K	604 E MAP	108 INDEP	Residential	108.A		0
R6628	063-099-31608	E MAPMILLER T	608 E MAP	108 INDEP	Residential	108.A		0
R6647	063-099-31201	S 2ND SNYDER, F	201 S 2ND	108 INDEP	Residential	108.A		0
R6656	063-099-31211	S 2ND WEATHER	211 S 2ND	108 INDEP	Residential	108.A		0.22
R6632	063-099-31513	E MAINBROWN, K	500 E MAP	108 INDEP	Vacant	108.A		0
R6630	063-099-31525	E MAINTEATS, L	Y525 E MAI	108 INDEP	Residential	108.A		0
R6626	063-099-31600	E MAPSEDANO, (	600 E MAP	108 INDEP	Residential	108.A		0
R6661	063-099-31210	S 2ND HIRSCHEN	210 S 2ND	108 INDEP	Residential	108.F		0
R6668	063-099-31209	S 1ST ADAMS, C	1209 S 1ST	108 INDEP	Residential	108.F		0
R6625	063-099-31601	E MAINO'DANIEL	, 308 S 17T	108 INDEP	Residential	108.A		0
R6637	063-099-31510	E MAPBARWICK, 5	10 E MAP	108 INDEP	Residential	108.A		0
R6631	063-099-31519	E MAINBROWN, K	500 E MAP	108 INDEP	Residential	108.A		0
R6636	063-099-31500	E MAPBROWN, K	500 E MAP	108 INDEP	Residential	108.A		0
R6638	063-099-31115	S 2ND KING, JAC	115 S 2ND	108 INDEP	Residential	108.A		0
R6660	063-099-31204	S 2ND AGOSTO, .	204 S 2ND	108 INDEP	Residential	108.F		0
R6629	063-099-31620	E MAPDORRIS, B	620 E MAP	108 INDEP	Residential	108.A		0
R6659	063-099-31200	S 2ND JENNINGS	200 S 2ND	108 INDEP	Residential	108.F		0
R6658	063-099-31609	E MAPBRIGGAN	5609 E MAP	108 INDEP	Residential	108.F		0
R6657	063-099-31201	S 1ST WALKER, I	201 S 1ST	108 INDEP	Residential	108.F		0.31
R6624	063-099-31613	E MAINLEWIS, M	1613 E MAI	108 INDEP	Residential	108.A		0
R6623	063-099-31623	E MAINPREZEL, L	623 E MAI	108 INDEP	Residential	108.A		0

Latitude	Longitude	Area	Area Units	Perimeter	Perimeter Units
37.22245	-95.6993	8360.2	Square Feet	410.2	Feet
37.22245	-95.6991	10533.4	Square Feet	433.4	Feet
37.22182	-95.7002	16831.8	Square Feet	520.1	Feet
37.22156	-95.7002	9700.1	Square Feet	417.3	Feet
37.2229	-95.7005	6310.1	Square Feet	372.4	Feet
37.2229	-95.7001	6677.8	Square Feet	378.1	Feet
37.22245	-95.6995	7929.9	Square Feet	393.7	Feet
37.22158	-95.6994	8316.6	Square Feet	399.8	Feet
37.2216	-95.6989	10873.9	Square Feet	434.4	Feet
37.22289	-95.6995	9753.2	Square Feet	418.6	Feet
37.22245	-95.7004	10641.7	Square Feet	432.5	Feet
37.2229	-95.7003	9973	Square Feet	424.3	Feet
37.22246	-95.7007	21062.9	Square Feet	581	Feet
37.22245	-95.7001	10395.2	Square Feet	429.6	Feet
37.22174	-95.6995	4689.6	Square Feet	277	Feet
37.22245	-95.6988	15940.5	Square Feet	508.6	Feet
37.2219	-95.6995	4849.3	Square Feet	281.3	Feet
37.22182	-95.6993	7291.5	Square Feet	360.8	Feet
37.22185	-95.6989	13702.6	Square Feet	474.9	Feet
37.22289	-95.6992	13007.7	Square Feet	465.7	Feet
37.22289	-95.6988	19398.2	Square Feet	557.1	Feet

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 4/29/26
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Josafat Lemus Sedano 600 E Maple

LEGAL DESCRIPTION OF LAND INVOLVED:

COMMON ADDRESS OF SAID LAND:

600 E Maple

PRESENT ZONING CLASSIFICATION: _____

STATEMENT OF INTENDED USE OF PROPERTY:

guest house or adu

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Siding, plywood, wood, metal, glass (windows)

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.

4/29/26

Date



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



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
JUNE 2, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Variance request from off-street parking requirement at 501 East Chestnut.

SUMMARY RECOMMENDATION Staff's recommendation is conditional on the status of the revised parking plan at the time of the hearing. If the applicant presents a revised parking plan at the hearing demonstrating that all thirteen required spaces are achievable through inset on-street and on-property parking, staff recommends the Board of Zoning Commission approve the variance.

BACKGROUND Case 2026/VAR/01 - Variance from Off-Street Parking Requirement

Common Address: 501 East Chestnut Street

Applicant: Amy Rash | **Owner:** Laverne Gaddy

Zoning District: Currently R-3; Request to be rezoned C-1 in accompanying case 2026/ZA/01

The applicant is requesting a variance from the off-street parking requirement of the zoning code. Based on a maximum occupancy of 50 - to be established as a condition of the concurrent rezoning request (Case 2026/ZA/01) - the code requires 13 parking spaces. The applicant intends to provide the full 13-space count, but is asking that the requirement be satisfied through inset on-street parking along East Chestnut Street and the alley behind the lot, rather than through off-street parking on the subject property.

Background

The applicant proposes to relocate the historic Girl Scout House to this site for use as a small event venue hosting bridal showers, baby showers, birthday parties, and similar private gatherings. The maximum occupancy of 50 is proposed as a binding condition of the rezoning in Case 2026/ZA/01, which directly establishes the parking requirement of 13 spaces under the zoning code.

Parking Plan

The preliminary site plan shows inset spaces distributed along the Chestnut Street frontage and the alley behind the unit (diagonal) and the Park Boulevard frontage (parallel). After preliminary review, the three inset spaces originally proposed along Park Boulevard cannot be placed at the front of the lot due to overhead utility lines. The applicant is preparing a revised parking plan showing relocation of two spaces to the side or rear of the property. As of the date this staff report was prepared for inclusion in the Board of Zoning Appeals packet, the revised parking plan was not yet available; the applicant has indicated the revised plan will be available by the hearing on June 2, 2026.

Findings

1. Unique conditions of the property. The subject lot is small (4,610 sq ft), and has frontage on two streets with pre-existing overhead utility infrastructure along the Park Boulevard frontage. Strict application of the off-street parking requirement on a lot of this size would require

paving the majority of the parcel and would be incompatible with the scale and character of the relocated historic structure and the surrounding neighborhood.

2. Hardship is not self-created. The lot dimensions, the corner-lot configuration, and the utility line placement along Park Boulevard pre-date the application. The applicant is not seeking to reduce the total parking count, only to allow the count to be satisfied through on-street inset spaces.

3. The variance does not impair the intent of the parking regulations. The purpose of the off-street parking minimum is to ensure adequate parking is available to serve the use without overburdening public streets. Inset on-street parking - physically located on, or immediately adjacent to, the subject property - directly serves the venue and remains in the public right-of-way. The proposed configuration satisfies the 13-space requirement in full.

4. The variance is not injurious to surrounding property. Inset on-street parking is a common configuration in the older platted blocks of Independence and is less disruptive than expanding curb cuts or paving the lot interior. The 50-person occupancy cap proposed in the concurrent rezoning further limits the parking demand the use can generate. One written objection from a neighboring property owner has been received regarding parking, and additional public comment is anticipated.

Public Comment

One written comment in opposition has been received as of the date of this report, citing concerns regarding parking impact on the neighborhood. Staff anticipates additional public comment at the hearing.

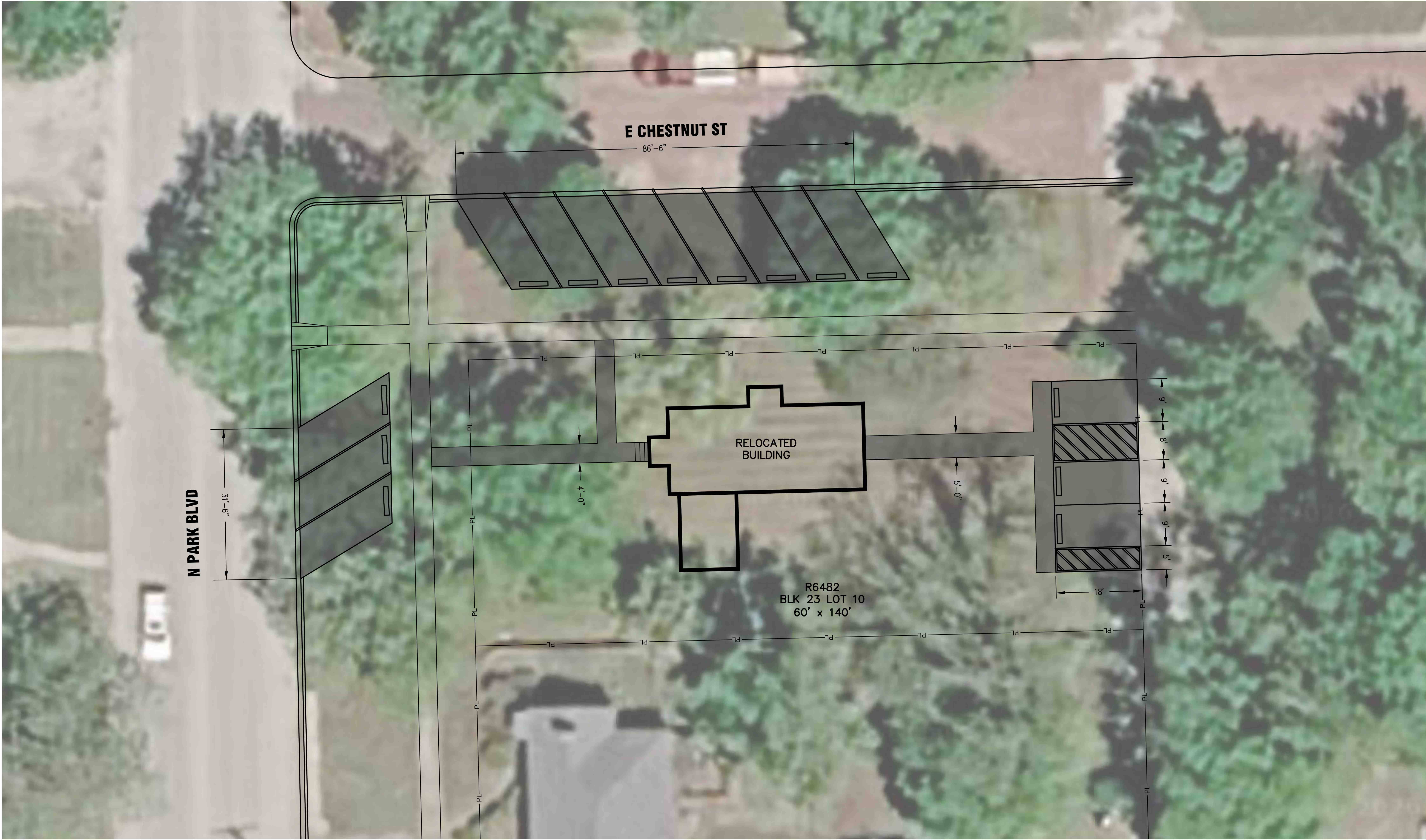
Recommended Motion

Staff's recommended motion is conditional on the status of the revised parking plan at the time of the hearing.

I move to approve a variance from the off-street parking requirement of the zoning code for the property at 501 East Chestnut Street to allow the required thirteen parking spaces to be satisfied through the inset on-street and on-property parking configuration shown on the revised site plan presented by the applicant to city staff/at this hearing.

SUPPORTING DOCUMENTS

1. Base_Girl Scout House-Layout1
2. 501 E Chestnut Variance Application
3. 2026VAR01 - 501 E Chestnut - Public Notice Variance



SITE PLAN
501 E CHESTNUT ST, INDEPENDENCE, KS

NOTES:
SCALE 1:10

THIS SITE PLAN IS NOT BASED OFF OF SURVEYED INFORMATION
AND IS FOR PRELIMINARY PLANNING ONLY

SHEET NO.
1

APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date:

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

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

Name:
Address:
Telephone:

4. Common Address of Land Involved:

5. Legal Description of Land Involved:

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

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:

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

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

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

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

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: _____

Case Number: _____
Date Filed: _____
Fee Received: _____
Present Zoning: _____

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, June 2, 2026 at 5:30 p.m.

To receive comments on a variance request from the required minimum number of off-street parking spaces for the subject property.

Common Address:

501 East Chestnut Street

Legal Description:

Block 23, Lot 10, original plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Owner: Laverne Gaddy

Applicant: Amy Rash

Case Number:

2026/VAR/01

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kayla Schabel
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 301-0266

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

Kayla Schabel, Zoning Administrator



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
JUNE 2, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Variance Request to Allow Existing Detached Garage to Remain at Current Setback at 600 East Maple Street.

SUMMARY RECOMMENDATION Staff recommends approval of the variance request.

BACKGROUND 2026/VAR/02

Applicant/Owner: Josafat Lemus Sedano

Property Location: 600 East Maple Street

Zoning District: R-3, Low Density Multifamily Dwelling District

Request

The applicant is requesting a variance to allow an existing detached garage to remain at its current setback from the street/right-of-way property line.

The variance would apply only to the existing garage in its current location and footprint. It would not allow the garage or any future construction to expand closer to the street/right-of-way.

The request is related to the proposed conversion of the existing detached garage into an accessory dwelling unit.

Background

The existing detached garage is located at or near the property line along the street/right-of-way and does not meet the current setback requirements for the R-3 zoning district.

Because the applicant is requesting to convert the existing garage into an accessory dwelling unit, the structure must meet applicable zoning requirements unless a variance is approved.

Notice of the public hearing was provided for the Planning Commission meeting on Tuesday, June 2, 2026, at 5:30 p.m. The notice provided an opportunity for interested persons to attend the hearing or submit written comments.

Staff Recommendation

The request is limited to the existing detached garage in its current location and footprint. The variance would not allow the garage to be expanded closer to the street/right-of-way property line. Staff finds that the request is reasonable because the structure already exists, is located on the applicant's property, and the variance would only address the existing setback condition. Staff recommends approval subject to the following conditions:

1. The variance shall apply only to the existing detached garage in its current location and footprint.
2. No expansion, addition, reconstruction, or new construction shall extend closer to the street/right-of-way property line than the existing structure.
3. Any future expansion, alteration, or reconstruction must meet all applicable zoning and building code requirements unless a separate variance is approved.

4. Approval of the variance does not allow any portion of the structure, drainage, utilities, steps, roof overhang, or other improvements to extend into the public right-of-way.

Applicable Code:

Sec. 2-116. - Variances, exceptions.

When deemed necessary by the board of zoning appeals, the board may grant variances and exceptions from the zoning regulations on the basis and in the following manner:

(1) To authorize in specific cases a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. A request for a variance may be granted in such case, upon a finding by the board that all the following conditions have been met:

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by any action or actions of the property owner or the applicant;
- b. That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;
- c. That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
- e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations; and

(2) To grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.

In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation. Under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulation by the board of commissioners, are not found to be present.

I move to recommend approval of a variance request to allow the existing detached garage at 600 East Maple Street to remain at its current setback from the street/right-of-way property line, subject to the conditions recommended by staff.

SUPPORTING DOCUMENTS

1. 2026VAR02 - 600 E Maple - Public Notice Variance
2. 2026VAR02 - 600 E Maple - Application Redacted

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, June 2, 2026 at 5:30 p.m.

To receive comments on a variance request to allow an existing detached garage to remain at its current setback from the street/right-of-way property line in the R-3, low density multifamily dwelling district. The variance would apply only to the existing garage in its current location and footprint and would not allow any expansion closer to the street/right-of-way. The request is related to the proposed conversion of the existing garage into an accessory dwelling unit.

Common Address:

600 East Maple Street

Legal Description:

Block 49, Lot 14, original plat to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Josafat Lemus Sedano

Case Number:

2026/VAR/02

The hearing will be conducted in the Commission Room, City Hall, 120 North Sixth Street, 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: 820 754 218# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kayla Schabel
Zoning Administrator
120 North Sixth Street
Independence, KS 67301
(620) 301-0266

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

Kayla Schabel, Zoning Administrator

APPLICATION TO BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, KANSAS

1. Date: 5-7-26

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

Josafat Lemus Sedano 600 E Maple
[REDACTED]

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

Name:
Address:
Telephone:

4. Common Address of Land Involved:

600 E Maple

5. Legal Description of Land Involved:

ORIG Plat S 31 + 32 & 16

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

Can't do an ADD in a building that meet setbacks.

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:

The building was built there and ~~not~~ setbacks at the time.

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

The building is not moving or expanding.

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

Couldn't do anything to the building that was already there.

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

building was already there, only the inside is being changed

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

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: _____



Case Number: _____
Date Filed: 05-07-2026
Fee Received: \$160
Present Zoning: _____

APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 4/29/26
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Josafat Lemus Sedano

600 E Maple

LEGAL DESCRIPTION OF LAND INVOLVED:

COMMON ADDRESS OF SAID LAND:

600 E Maple

PRESENT ZONING CLASSIFICATION: _____

STATEMENT OF INTENDED USE OF PROPERTY:

guest house or adu

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

Siding, plywood, wood, metal, glass (windows)

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.

4/29/26

Date



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