



Tuesday, July 7, 2026  
Commission Room, City Hall 5:30 PM

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID: 820 754 218#

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- I. CALL TO ORDER
- II. MINUTES
  - a. Consider approving minutes of the June 2nd, 2026 meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
  - a. Variance to reduce the side yard setback from ten (10) feet to four (4) feet in a C-2, Commercial Services District, at 1401 & 1411 North Pennsylvania Avenue.
- IV. PLANNING COMMISSION
- V. DISCUSSION
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF  
ZONING APPEALS MINUTES  
CITY OF INDEPENDENCE  
July 7, 2026**

Department City Clerk

Prepared By

**AGENDA ITEM** Consider approving minutes of the June 2nd, 2026 meeting.

**SUMMARY RECOMMENDATION**

I move to approve the June 2nd, 2026 meeting minutes as presented

**SUPPORTING DOCUMENTS**

1. June 2 2026 PZ Minutes

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 2, 2026 Meeting**

I. Call to Order

**Present:** Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, and Bill Gour

**Absent:** Anita Chappuie

**City Staff Present:** David Cowan, Assistant City Manager; David Schwenker, City Clerk; Jordan Bagley, IT Technician Coordinator and Kayla Schabel, Executive Assistant to the City Manager

**Guests:** Lisa Richard, Danny Johnston, Allison Johnston, Karen Henrichs, Julie Bateson, Tom Schwarz, Susan Scovel and Rick Bruce

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the May 5th, 2026 meeting.

**Motion:**

**On the motion of Butch Holum, seconded by Bill Gour, the Commission approved the May 5th, 2026 minutes as presented.**

**Aye:** Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Bill Gour

**Nay:** None

III. Planning Commission

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

**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**

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's June 2, 2026 Meeting**

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.

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.

Ken Brown read the following statement from the applicant, Amy Rash:

To the Citizens of Independence and to Whom it May Concern,  
I am unable to attend the meeting tonight because I am out of state, however, I wanted to voice my plans publicly on the subject matter of the Girl Scout House. My goal is to place the Girl Scout House on the Historic Registry and have it completely restored within a year's time, once a new location is confirmed. I already have a contractor and an architect firm helping with this project.

I wanted to clarify some concerns brought forth on what the Girl Scout House will be used for. It will be used for small intimate gatherings such as baby showers and wedding showers. There will not be any type of speakers in the building, including outside speakers. All gatherings will have to be over by 8pm, and as an owner, I am willing to let other stipulations be voiced. All gatherings will be reviewed and approved by me, as this is a historic building and it is essential to maintain it in excellent condition. It would be a privilege to host a small, intimate gathering within the charm and history of such a building that is practically as old as the City of Independence. The gatherings will be small and should not have increased amount of traffic than when the Girl Scouts owned and operated the building. There will not be regular "business hours." The purpose of restoring the building and offering it as a small venue is to create a sustainable source of revenue for its ongoing preservation, while allowing the citizens of Independence to experience and appreciate the unique, historic character and atmosphere.

Ken Brown also read the following statement:

I think that Amy should be applauded for her efforts in trying to save the Girl Scout Little House. She wants to create a needed venue for small gatherings - birthday parties, bridal showers - using her own money. I truly believe that if

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**this decision was based on FACTS, it would pass the Zoning Board. Instead, nearby property owners, who absolutely have the right to protest, have - in my opinion — exaggerated issues — like increased traffic in a residential area, noise after hours, the use of alcoholic beverages. Park Blvd is one of three MAJOR north-south thoroughfares (along with Penn and 10th). This morning when I drove down Park at 6:00 a.m. to the tennis courts, there were seven cars parked in the street in this area (and some along Chestnut). Amy's plan was to limit occupancy to 50 people, but I ask those who have filed opposition because of increased traffic "how many people travel down Park Blvd six nights a week - spring, summer and fall - for a soccer game, baseball, softball? And how late do some of those games go?" How many people drive down Park to St. Andrew School every day?**

**Amy didn't choose this site to irritate any of you. She chose this site for three reasons: 1) it is vacant and has been for 10 years; 2) it is one block away from where the Little House has been for 100 years so everyone would know where it was; and 3) it is the easiest and therefore the most cost effective.**

**Here are the facts that should be considered in making this decision.**

- 1. The Little House is "vacant and unsafe." True — I won't pretend to say that it isn't.**
- 2. It is in the FEMA expanded flood zone, so it MUST be moved. Again, true.**
- 3. Independence needs places for small venues (I get frequent calls to rent the Tennis Clubhouse, which, incidentally, isn't available to rent).**
- 4. It's historical significance. Independence was incorporated in July 1870 and within a couple of years the little Church of the Epiphany was built at Eighth and Laurel. In 1924, they constructed the current church (Episcopal) and sold this building to the Daughters of the American Revolution who subsequently moved it to the present location during the summer of 1926. The DAR used it as their Chapter House until 1947 when they sold it to the Girl Scouts "with the stipulation that it be preserved in its present state . . . and the girls be taught its historic value." The Girl Scouts met there until the flood of 2007.**
- 5. In 2002, the City of Independence adopted an ordinance that created the Independence Historic Preservation and Resource Commission because they believed — and I quote — "the governing body of Independence finds and declares that the present and future economic and general welfare of the people of the city is generally founded on the contributions of the past . . . that are manifested in districts, sites, buildings, structures . . . and further finds that many historic properties have been lost through demolition and destructive**

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rehabilitation, notwithstanding the feasibility of preserving and continuing the use of such properties , , "

6. Finally, I know change is hard and our first response is often to say no. However, Amy has given us a reason to say yes by adding this asset to the community. I believe that Amy saw a problem and has offered a good solution. I sincerely hope that she is given the opportunity to do that.

**This item was withdrawn by the applicant.**

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

**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.**

**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.**

**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.**

**Motion:**

**On the motion of Kym Kays, seconded by Butch Holum, the Commission recommended approval of a Conditional Use Permit request to allow the conversion of an existing detached garage into an accessory dwelling unit at**

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**600 East Maple Street, subject to the conditions recommended by staff.**

**Aye: Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Bill Gour**

**Nay: None**

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

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

**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.**

**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.**

**This item was removed by the applicant.**

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

**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.**

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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.

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.

**Motion:**

On the motion of Tim Haynes, seconded by Kym Kays, the Commission recommended 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.

**Aye:** Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Bill Gour

**Nay:** None

V. Discussion

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VI. Adjournment

**Motion:**

**On the motion of Tim Haynes, seconded by Bill Gour, the Commission adjourned the meeting.**

**Aye: Rachel Lyon, Kym Kays, Michelle Avery, Tim Haynes, Gary Hogsett, Butch Holum, Rita Ortolani, Bill Gour**

**Nay: None**

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**Chair**

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**Secretary**



**REQUEST FOR BOARD OF ZONING APPEALS ACTION  
VARIANCE  
CITY OF INDEPENDENCE  
JULY 7, 2026**

**Department Admin**

**Prepared By**

**AGENDA ITEM** Variance to reduce the side yard setback from ten (10) feet to four (4) feet in a C-2, Commercial Services District, at 1401 & 1411 North Pennsylvania Avenue.

**SUMMARY RECOMMENDATION** Staff recommends that the Board of Zoning Appeals approve a variance reducing the required side yard setback from ten (10) feet to four (4) feet along the interior lot line dividing 1401 and 1411 North Pennsylvania Avenue, finding that the conditions of Section 2-116 have been met.

**BACKGROUND Case 2026/VAR/03**

**Common Address:** 1401 & 1411 North Pennsylvania Avenue

**Applicant / Owner:** Charles J. Carr / LG&S LLC

**Present Zoning:** C-2, Commercial Services District

The applicant owns two adjacent properties- 1401 and 1411 North Pennsylvania Avenue - currently held as a single property, and wishes to divide the property so that they may be conveyed as separate parcels. A detached carport between the buildings provides established off-street parking for one of the buildings. To draw the new interior lot line so that the detached carport and its parking remain with the building they serve, the line would fall within the ten (10) foot side yard setback otherwise required in the C-2 district. The applicant therefore requests a variance reducing the required side yard setback from ten (10) feet to four (4) feet along that new interior lot line. No change to the buildings, uses, or exterior of the site is proposed; the request effectively relocates an interior property line.

**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.

### **Analysis: Findings under Section 2-116**

A variance may be granted only upon a finding that all five of the following conditions are met. Staff finds each is satisfied:

(a) **Unique condition, not created by the applicant.** The limited spacing between the structures is a fixed physical condition of the existing improvements and is not typical of vacant C-2 lots. The applicant cannot reasonably relocate the structures to satisfy a standard interior setback.

(b) **No adverse effect on adjacent property owners.** The reduced setback applies only to the new interior line between two abutting parcels. It does not encroach toward any neighboring owner and does not affect any exterior property line or public right-of-way.

(c) **Unnecessary hardship.** Without the variance, the applicant could not divide the property without either removing or relocating the functional, existing detached carport or leaving one building without its established off-street parking. Requiring the removal of an existing structure to accomplish an otherwise routine lot division imposes a hardship disproportionate to any purpose the setback serves.

(d) **No adverse effect on the public health, safety, morals, order, convenience, prosperity, or general welfare.** The variance does not intensify the use, generate additional traffic, or alter the buildings. It preserves existing off-street parking, which supports orderly access and convenience.

(e) **Consistent with the general spirit and intent of the zoning regulations.** Side yard setbacks in commercial districts exist principally to provide light, air, access, and separation between neighboring uses. Because this setback is measured to an interior line between two commercial structures rather than a neighboring residential property, the underlying purpose of the setback is minimally implicated. Granting the variance permits a reasonable division of property while preserving established parking, consistent with the intent of the regulations.

### **Recommended Motion**

I move to approve Case 2026/VAR/03, a variance reducing the required side yard setback from ten (10) feet to four (4) feet along the interior lot line dividing 1401 and 1411 North Pennsylvania Avenue in the C-2, Commercial Services District, finding that the five conditions of Section 2-116 have been met.

### **SUPPORTING DOCUMENTS**

1. 2026VAR03 Public Hearing Notice - 1401 and 1411 N Penn
2. 2026VAR03 Variance Application - 1401 and 1411 N Penn
3. 2026VAR03 Image Lot Split - 1401 and 1411 N Penn

**City of Independence, Kansas**  
**NOTICE TO THE PUBLIC**

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

**Tuesday, July 7, 2026, at 5:30 p.m.**

To receive comments on a variance request to reduce the required side yard setback from ten (10) feet to four (4) feet in a C-2, Commercial Services District.

**Common Address:** 1401 and 1411 North Pennsylvania Avenue

**Legal Description:** Block F, Lots 75, 76 and 77, Trolley Tract Addition to the City of Independence, Montgomery County, Kansas.

**Applicant/Owners:** Charles J. Carr / LG&S LLC

**Case Number:** 2026/VAR/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 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: 6/1/26

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

CHAMES Q. CART [REDACTED] LGPS LLC  
407 CATALPA ST CHAMES Q. CART - SOLE PROPRIETOR  
INDEPENDENCE KS 67301 407 CATALPA ST  
INDEP. KS 67301

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

Name: [REDACTED]  
Address: [REDACTED]  
Telephone: [REDACTED]

4. Common Address of Land Involved:

1401 N PENN. INDEP KS 67301  
1411 N PENN. INDEP KS 67301

5. Legal Description of Land Involved:

TROLLEY TRACT ADD, S3D, T32, R16, BLOCK F, LOT 76/77, LOT W: 100.0, LOT D: 130.0  
TROLLEY TRACT ADD, S3D, T32, R16, BLOCK F, LOT 75, LOT W: 050.0, LOT D: 130.0

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

WOULD LIKE TO ADD ADDITIONAL PARKING FOR THE 1411 N. PENN  
PROPERTY.

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:

[REDACTED]

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

1401 N PENN PROPERTY HAS UNUTILIZED PROPERTY THAT THE  
1411 N PENN PROPERTY CAN USE FOR ADDITIONAL PARKING

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

[Empty box for answer to question 9]

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

*You are just moving the property line*

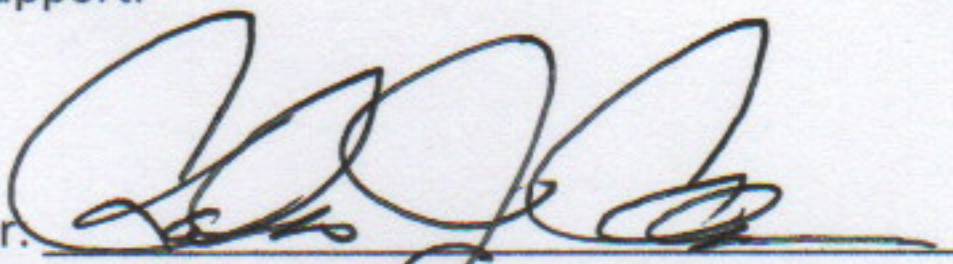
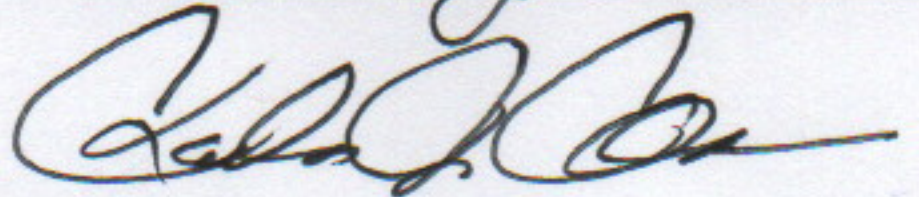
11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because:

[Empty box for answer to question 11]

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.

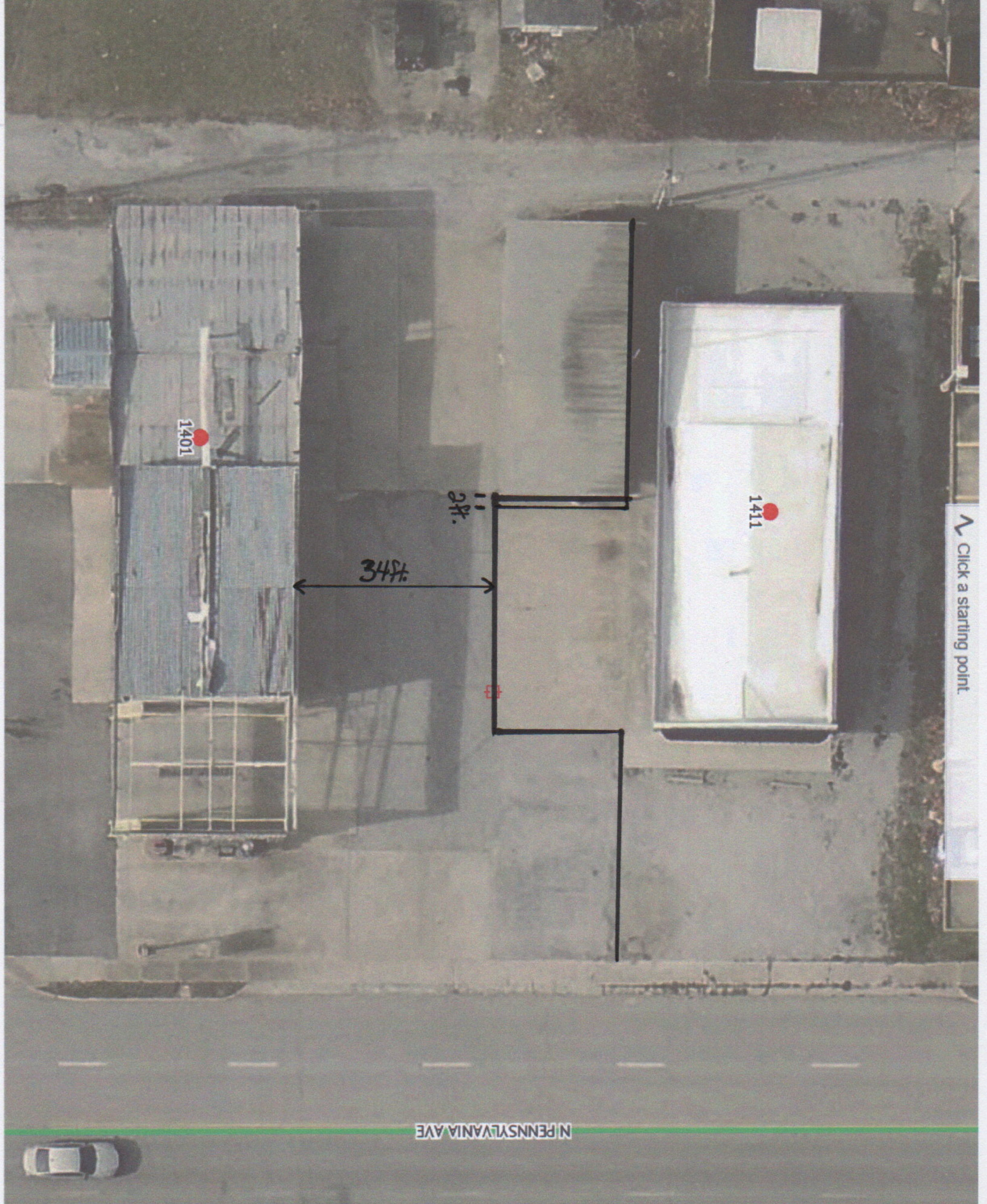
[Empty box for answer to question 12]

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: 2026/VAR/03  
Date Filed: 06/01/2026  
Fee Received: yes  
Present Zoning: C-2

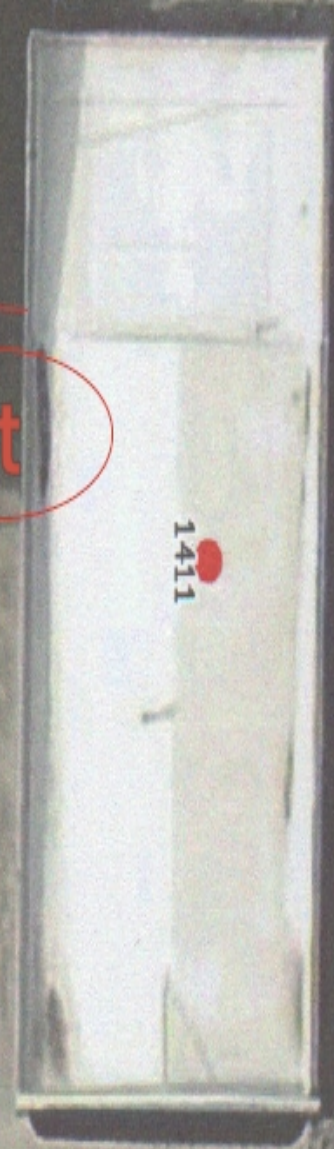
Click a starting point



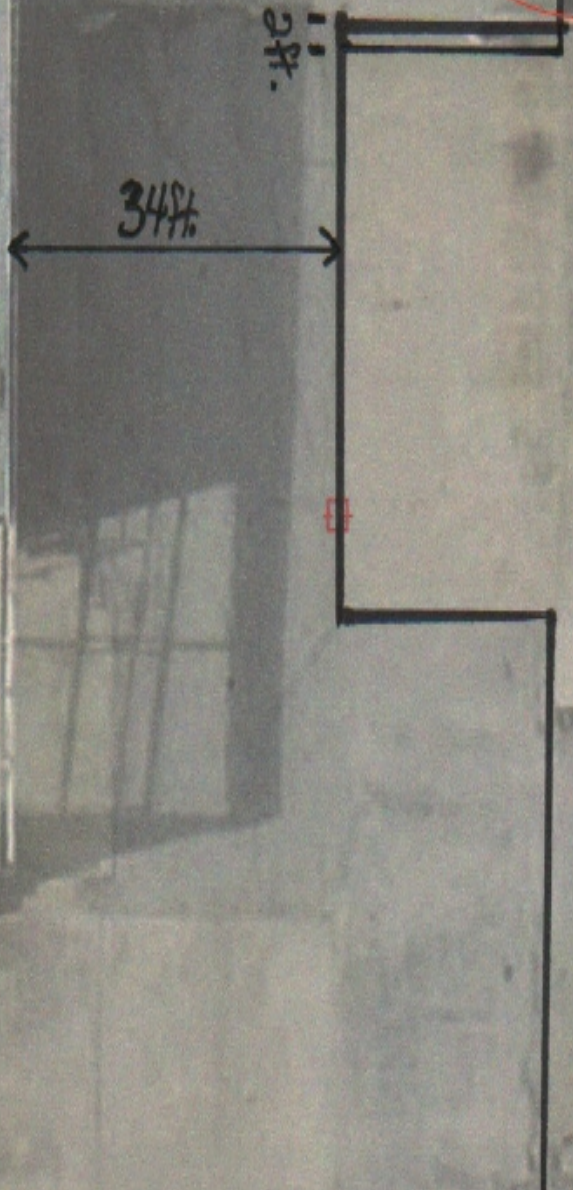
N PENNSYLVANIA AVE



1401



1411



2 ft.

34 ft.



4 ft

Click a starting point