



Tuesday, August 4, 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#

- I. CALL TO ORDER
- II. MINUTES
 - a. Consider approving minutes of the July 7th, 2026 meeting.
- III. BOARD OF ZONING APPEALS (DOES NOT INCLUDE OUTSIDE CITY APPOINTMENTS)
 - a. Public Hearing to receive comments on a variance request for a property in the O&P, office and professional zoning district to allow 1) an existing structure to remain at its current setback from the street/right-of-way property line; and 2) a reduction of the required off-street parking for a professional office.
- IV. PLANNING COMMISSION
- V. DISCUSSION
 - a. Discussion about Accessory Use and Data Centers for the Zoning Code.
- VI. ADJOURNMENT



**PLANNING COMMISSION ACTION / BOARD OF
ZONING APPEALS MINUTES
CITY OF INDEPENDENCE
August 4, 2026**

Department City Clerk

Prepared By

AGENDA ITEM Consider approving minutes of the July 7th, 2026 meeting.

SUMMARY RECOMMENDATION Approve the minutes.

I move to approve the July 7th, 2026 meeting minutes as presented

SUPPORTING DOCUMENTS

1. July 7 2026 Planning Commission Board of Zoning Appeals Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's July 7, 2026 Meeting

I. Call to Order

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

Absent:

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

Guests:

Chairperson Lyon called the meeting to order.

II. Minutes

- a. Consider approving minutes of the June 2nd, 2026 meeting.

Motion:

On the motion of Kym Kays, seconded by Gary Hogsett the Commission approved the June 2nd, 2026 minutes as presented.

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

Nay: None

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.

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.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's July 7, 2026
Meeting**

Motion:

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

Aye: Rachel Lyon, Michelle Anderson, Tim Haynes, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

IV. Planning Commission

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, Gary Hogsett, Butch Holum, Rita Ortolani, Anita Chappuie, Bill Gour

Nay: None

Chair

Secretary



**REQUEST FOR BOARD OF ZONING APPEALS ACTION
VARIANCE
CITY OF INDEPENDENCE
AUGUST 4, 2026**

Department Admin

Prepared By Kayla Schabel

AGENDA ITEM Public Hearing to receive comments on a variance request for a property in the O&P, office and professional zoning district to allow 1) an existing structure to remain at its current setback from the street/right-of-way property line; and 2) a reduction of the required off-street parking for a professional office.

SUMMARY RECOMMENDATION Two variances from the Zoning Ordinance for property in the O&P (Office and Professional) District: 1) a reduction of the required setbacks arising from a proposed lot split, to recognize the existing separation between the two buildings on the property; (2) a reduction of the off-street parking requirement to allow occupancy of the building as a Community Crisis Team support facility (office use with storage and distribution of donated items) with no on-site off-street parking.

BACKGROUND Applicant / Proposed Owner: Community Crisis Team (CCT), P.O. Box 1485, Independence, KS 67301

Agent: Vic Gorman, 3788 CR 3870, Independence, KS 67301

Current Owner: Independence German Baptist / Brethren Church, 920 W. Myrtle St., Independence, KS 67301

Location: 920½ W. Myrtle Street, Independence, KS 67301

Present Zoning: O&P (Office and Professional) District

Legal Description: Block 3, Lot 7&8, Concannon's Addition to the City of Independence, Montgomery County, Kansas.

- The Independence German Baptist / Brethren Church occupies the building fronting W. Myrtle Street and will retain it.
- The Community Crisis Team proposes to purchase Lots 7 & 8 (the rear parcel), containing the building it will use as a community support facility. The lot is being split off from the church's property, creating a new lot line between the church building and the Community Crisis Team building.
- The building on Lots 7 & 8 previously operated as a daycare and is an existing legal nonconforming (grandfathered) structure; its placement and lack of on-site parking were not zoning violations while the property was held together under one ownership.
- The building provides no on-site off-street parking. As a former daycare, patrons parked in the City parking lot on the east side of the building.
- The applicant states parking use would be short-term (under one hour) and would primarily use the alley.

PARKING CALCULATION - OUTSTANDING INFORMATION

Off-street parking for an office use is calculated on the basis of gross floor area (GFA); storage area is not included in the office parking calculation. The applicant has not yet provided the breakdown of square footage to be used as office space versus storage. Until that information is received, staff cannot determine the number of spaces required and therefore cannot quantify

the size of the parking variance. The parcel provides zero off-street spaces.

STAFF ANALYSIS

The following findings apply to both variances. The Board must determine whether all five conditions are met.

1. The condition is unique to the property and was NOT created by the actions of the owner or applicant.

Both the parking deficiency and the setback nonconformity arise only from the applicant's proposed lot split. The former-daycare parking arrangement and the building's setbacks were nonconforming and were not violations while the church property and Lots 7 & 8 were held together. By splitting Lots 7 & 8 off as a separate parcel, the applicant creates a lot that must independently satisfy parking and setback requirements — a parcel with no off-street parking and a new lot line close to the existing buildings. Because the conditions result from the applicant's own action, this finding is not satisfied.

As to the setback specifically: the split places a new lot line between the church building at the front and the Community Crisis Team building on Lots 7 & 8, which sit close together, leaving an unusually small separation and correspondingly deficient setbacks between them. Staff views this as a technical consequence of the split rather than any change to the physical development on the ground; approving the split means accepting the resulting nonconforming setback between the two buildings.

2. Granting the variance will not adversely affect the rights of adjacent property owners or residents.

The proposed use is low-intensity - short-term pick-up and delivery, primarily using the alley - and adds no building or new footprint to the site. Provided parking and loading remain genuinely short-term and off the street, staff does not identify a significant adverse effect on adjacent owners. The reduced separation created by the split is between the Community Crisis Team building and the church's own building, both part of the same transaction. Staff considers this condition capable of being met, subject to the loading conditions below.

3. Strict application of the regulations will constitute an unnecessary hardship on the owner.

The stated hardship relates to the applicant's intended purchase and use rather than a condition inherent to the land. The Board should weigh whether this qualifies as an unnecessary hardship under the ordinance. Staff cannot affirmatively conclude that strict application of the ordinance imposes an unnecessary hardship inherent to the property; this is left to the Board's judgment.

4. The variance will not be contrary to the public health, safety, morals, or general welfare.

The applicant's service provides a clear community benefit, and the use does not change the site's physical development. The only staff concern is loading and traffic movement in the alley. With short-term use and the loading conditions below, staff does not identify a public health, safety, or welfare problem that would make the variance contrary to the general welfare. Staff considers this condition capable of being met.

5. The variance will not be contrary to the general spirit and intent of the zoning ordinance.

The off-street parking requirement exists to keep parking demand from burdening streets and neighbors; a low-volume, short-term use may be consistent with that intent if parking is genuinely limited as described. The setback reduction reflects an existing, grandfathered building rather than new construction encroaching on a setback, so it does not offend the intent

of the setback standards. Staff considers this condition capable of being met.

RECOMMENDATION

Staff offers no recommendation. The decision to approve, approve with conditions, or deny is left to the Board of Zoning Appeals based on its findings on the five conditions above, in particular, whether the parking and setback conditions, both created by the lot split, satisfy the standard that the condition not result from the applicant's own actions.

SUPPORTING DOCUMENTS

1. 2026VAR06 - 920 W Laurel - Public Notice Variance
2. 2026VAR06 - 920 W Laurel_Variance App

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, August 4, 2026 at 5:30 p.m.

To receive comments on a variance request for a property in the O&P, office and professional zoning district to allow 1) an existing structure to remain at its current setback from the street/right-of-way property line; and 2) a reduction of the required off-street parking for a professional office.

Common Address:

924 West Myrtle Street

Legal Description:

Block 3, Lot 7&8, Concannon's Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Independence German Baptist/Brethren Church
Agent: Community Crisis Team

Case Number:

2026/VAR/06

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: **7/14/2026**

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

**COMMUNITY CRISIS TEAM - P.O. BOX 1485 - INDEPENDENCE, KS 67301
385-240-0432**

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

Name: VIC GORMAN

Address: 3788 CR 3870 - INDEPENDENCE, KS 67301

Telephone: 620-330-0305

4. Common Address of Land Involved:

920 ½ WEST MYRTLE, INDEPENDENCE, KS 67301

5. Legal Description of Land Involved: **TO BE SUPPLIED BY REALTOR AS SOON AS POSSIBLE.**

6. Describe what you wish to do which the zoning code prohibits: **ALLOW PARKING FOR STAFF AND VOLUNTEERS AS NEEDED FOR CCT COMMUNITY SUPPORT FACILITY - PRIMARILY FOR PICK-UP AND DELIVERY OF DONATED SUPPORT ITEMS. CURRENTLY USING DONATED STORAGE FROM DEMO'S WAREHOUSE, ALONG WITH SPACE AT INDEPENDENCE HOUSING AUTHORITY FACILITY ON WEST MAPLE STREET.**

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: **PREVIOUSLY, THE FACILITY WAS USED AS A DAYCARE AND PATRONS PARKED IN CITY PARKING ON THE EAST SIDE OF THE BUILDING.**

8. The proposed development would not adversely affect the rights of the adjacent property owners or residents because: **SHORT-TERM ONLY FOR PICK-UP AND DELIVERY OF ITEMS FOR THOSE IN CRISIS SITUATIONS - WILL PRIMARILY USE THE ALLEY.**

9. The literal enforcement of the zoning regulations will result in the following unnecessary hardships: **UNABLE TO PURCHASE AND USE FACILITY TO HELP THOSE IN NEED. CCT CURRENTLY USES SIX DONATED WAREHOUSES AND HAS MONTHLY BOARD MEETINGS AT ST. ANDREW BOARD ROOM.**

10: The proposed development will not be contrary to the public health, safety, morals, or general welfare because: **OUR TEAM AVERAGES SUPPORT TO OVER 450 INDIVIDUALS/FAMILIES YEARLY - HERE TO HELP THE COMMUNITY AND THE AREA.**

11: The proposed development will not be contrary to the general spirit and intent of the zoning ordinance because: **WOULD ONLY USE PARKING FOR SHORT-TERM - LESS THAN ONE HOUR FOR VOLUNTEER'S PICK-UP AND DELIVERY.**

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. **TO BE SUPPLIED BY REALTOR AS SOON AS POSSIBLE.**

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: Ki Sorman (Agent)

Case Number: 2096VAR06

Date Filed: 07/14/2026

Fee Received: _____

Present Zoning: QdP

As a 501(c)(3) nonprofit organization, Community Crisis Team is entirely volunteer-driven and operates solely through donations and grants.

Currently, CCT operates from six separate storage locations where we provide furniture, appliances, beds, bedding, kitchenware, household items, and personal care supplies to individuals and families in need. In 2025 alone, we assisted well over 450 individuals and families throughout our service area.

Our next major goal is to purchase a permanent support facility that will allow all donated items to be housed under one roof. This facility will also enable us to expand our services by providing:

- A warming and cooling center during extreme weather
- Emergency food assistance and a community soup kitchen
- Temporary safe shelter for individuals and families experiencing crisis
- Expanded storage and distribution of donated household items

Over the past three years, Community Crisis Team has averaged assistance to more than 450 individuals and families annually. While based in Independence, Kansas, we serve without boundaries, providing assistance throughout 11 counties in Southeast Kansas, Southwest Missouri, and Northeast Oklahoma.

Additional services provided by CCT include:

- Rent and utility assistance
- Minor home and vehicle repairs
- Transportation assistance
- Financial planning and budgeting
- Long-term mentoring and life coaching
- Spiritual encouragement and support

To address food insecurity, CCT maintains a charge account with a local grocery store for emergency food purchases and stocks freezers with prepared frozen meals for families facing immediate hardship.

In 2026, Community Crisis Team was honored to receive the **Independence National Education Association Friends of Education Award** in recognition of our service to local students and families. Through a grant from Atmos Energy, our volunteers repaired gas heating equipment in several homes during the winter months and provided room air conditioners to vulnerable families during periods of extreme summer heat.

What began as a small team of five volunteers has grown into an extraordinary organization of more than 60 dedicated volunteers. Community Crisis Team represents rural America at its very best—neighbors helping neighbors through compassion, dignity, and hope.

Thank you for considering our request and for your commitment to strengthening communities like ours.

Respectfully submitted,

Vic Gorman
Director, Community Crisis Team
P.O. Box 1485
Independence, KS 67301



Planning Commission/ Board of Zoning Appeals Item
CITY OF INDEPENDENCE
August 4, 2026

Department Admin

Director Approval Kayla Schabel

AGENDA ITEM Discussion about Accessory Use and Data Centers for the Zoning Code.

BACKGROUND

SUPPORTING DOCUMENTS

1. Accessory Uses- Current Code

606.2. Location of occupied recreational vehicles: Recreational vehicles with electric, water, and sanitary sewer hookups that consist of a vehicular-type unit built on, or for use on, a chassis and designated as living quarters, both permanent and temporary, for recreational, camping or travel use, and which have their own motive power or are mounted on, or which can be drawn by, another vehicle such as motor homes, travel trailers, camper trailers, house trailers, pickup truck campers, hauling trailers, and camper buses shall be permitted in a licensed mobile home park or licensed and permitted campground. Such mobile home parks and campgrounds shall have appropriate hookups for water, sewer and electric which must be connected to the recreational vehicle. For any recreational vehicle location within a mobile home park which is located in a flood zone, the utility hookups must meet FEMA requirements. In addition, such recreational vehicles and their locations within a mobile home park shall be in compliance with Section 1009.4 which sets forth the minimum standards for recreational vehicles located within a mobile home park.

(Cross Reference: Off-street parking requirements for certain mobile homes, § 66-4.)

607.0. Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;
- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or legally tied to a contiguous lot as the principal building or principal use served.

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 300 square feet in gross floor area.
- c. A child's playhouse.
- d. A private swimming pool and bathhouse.

- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Off-street parking and loading spaces as regulated by article VII of these regulations.
- i. Storage of major recreational equipment.
- j. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- k. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- l. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- m. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- n. The storage of retail merchandise when located within the same building as the principal retail business.
- o. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- p. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- q. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.
- r. A tiny house for use by the property owner's family.
- s. Shipping containers for use as storage in M-1 and M-2 industrial districts. In these districts, shipping containers are not authorized to be used as dwellings.
- t. Industrial shipping containers for use as storage in M-1 and M-2 industrial districts. Industrial shipping containers are not authorized to be used as dwellings.

- 607.3. Storage of trucks, trailers or buses: Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on a paved surface on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.
- 607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:
- a. Television receiving tower exceeding district height limitations (see section 601.1).
 - b. Amateur radio tower exceeding district height limitations (see section 601.1).
 - c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).
 - d. A tiny house for short term rentals not elsewhere listed.
 - e. Accessory use that is not on the same lot or contiguous lot as the principal building or principal use served.
 - f. Shipping containers as dwellings in R-1, R-2, R-3, R-4, and R-5 residential districts; shipping containers as storage in C-1, C-2, C-3, and C-4 commercial and business districts; shipping containers as storage in O&P districts; shipping containers as dwellings in A-1 agricultural districts; and shipping containers as storage in A-1 agricultural districts; and shipping containers as storage in R-1, R-2, R-3, R-4, and R-5 residential districts.
 - g. Shipping containers for temporary storage/office on construction sites in all districts.
- 607.5. Height, yard and area requirements for accessory uses: See sections 601, 602 and 603.

608.0. Screening and buffering and landscaping regulations.

- 608.1. Restrictions and limitations: In all commercial and industrial districts, the following restrictions and limitations shall apply:
- a. All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight-obscuring fence permanently maintained at least six feet in height.
 - b. Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.