

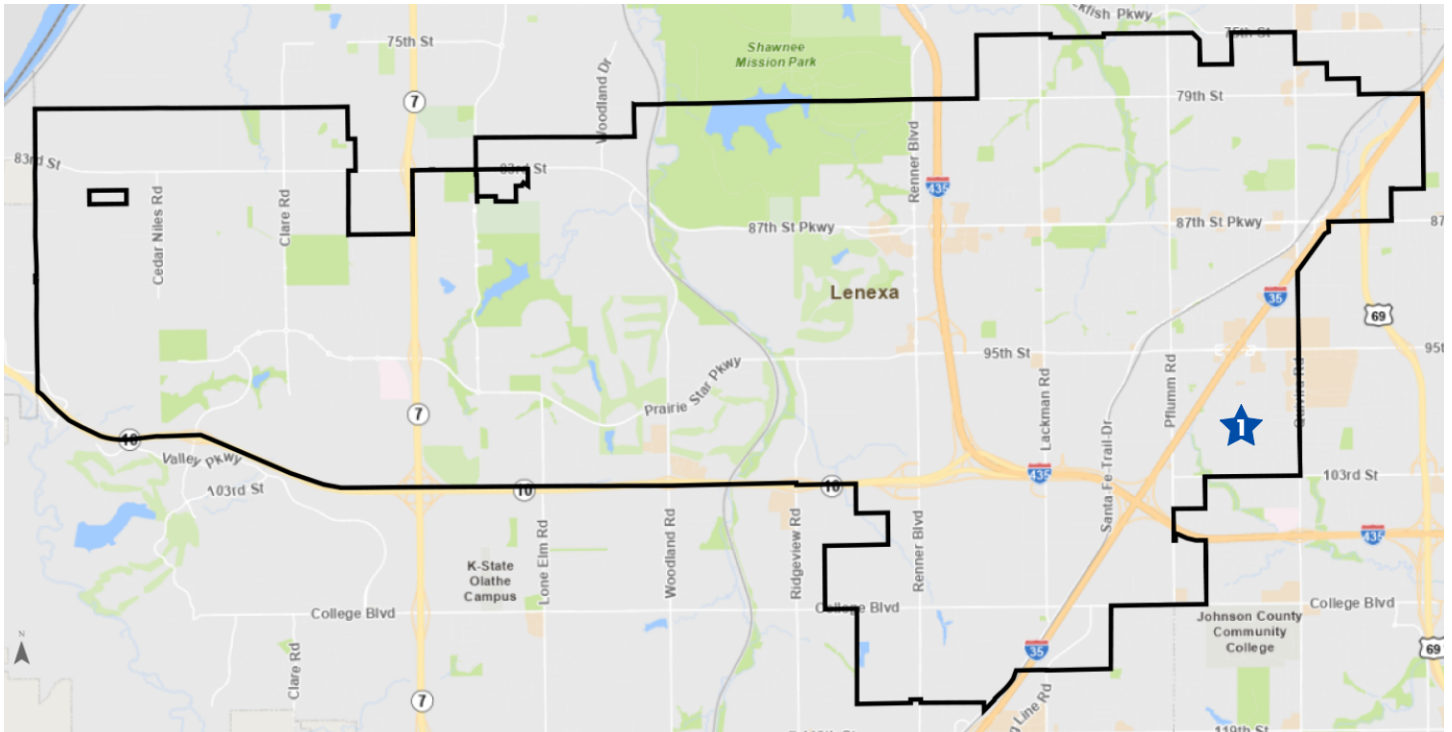
# BOARD OF ZONING APPEALS AGENDA

MARCH 4, 2024 at 7:00 PM



Community Forum at City Hall  
17101 W. 87<sup>th</sup> Street Parkway  
Lenexa, KS 66219

## AGENDA MAP



CALL TO ORDER

ROLL CALL

APPROVE MINUTES

REGULAR AGENDA

1. **Waldron Fence Appeal - Consideration of a fence appeal for a noncompliant fence on a residential corner lot located at 10019 Gillette Street within the R-1, Single-Family Residential District. BZ24-03**

ADJOURN

APPENDIX

## 2. Draft Meeting Minutes - January 8, 2024

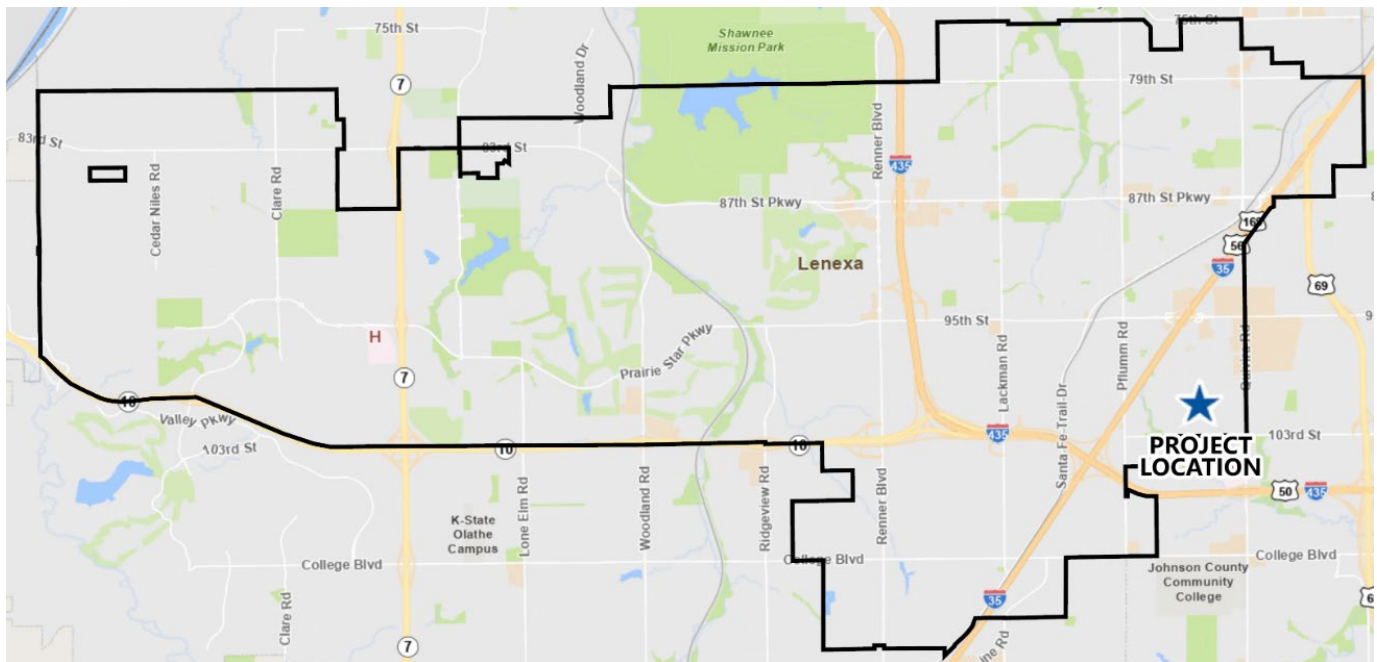
*If you have any questions about this agenda, please contact Stephanie Kisler, Planning Manager, at [skisler@lenexa.com](mailto:skisler@lenexa.com).*

*If you need any accommodations for the meeting, please contact the City ADA Coordinator at 913-477-7550 at least 48 hours prior to the meeting.  
Kansas Relay Service: 800-766-3777*

*Assistive Listening Devices are available for use in the Community Forum by request.*

## WALDRON FENCE APPEAL

|                       |                           |                      |   |
|-----------------------|---------------------------|----------------------|---|
| <b>Project #:</b>     | BZ24-03                   | <b>Location:</b>     | 10019 Gillette Street   |
| <b>Applicant:</b>     | Adam Slagle, Slagle Fence | <b>Project Type:</b> | Appeal  |
| <b>Staff Planner:</b> | Logan Strasburger         | <b>Proposed Use:</b> | Accessory Use of a Fence in R-1, Single-Family Residential Zoning |



### APPEAL SUMMARY

This appeal request concerns a fence that was constructed without plan or permit approval and does not meet setback requirements for fences as required within the Unified Development Code (UDC). As it is currently built, the 6-foot-tall wood privacy fence sits approximately 8-feet from the southwest property line along 100<sup>th</sup> Terrace. Section 4-1-B-24-F-5 of the UDC requires a 6-foot-tall privacy fence to be located at the 20-foot street-side setback line for corner lots located in any zoning district.

Once Staff became aware the noncompliant, unpermitted fence was constructed, the applicant requested an administrative deviation of 12-feet from the property line to allow the fence to remain in its current location of 8-feet from the southwest property line. Staff denied the administrative deviation request and the applicant requested an appeal of Staff’s decision.

The Board of Zoning Appeals has the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter. In considering appeals, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination and, to that end, shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

This report includes the record by which Staff’s decision was made and provides information related to the criteria for review and the reasoning for Staff’s denial of the administrative deviation request.

## SITE INFORMATION

10019 Gillette Street is located on a corner lot in the R-1, Single-Family Residential Zoning District. The property is on the east corner of the intersection of Gillette Street and 100<sup>th</sup> Terrace in east Lenexa. The property occupies Lot 9 of Century Estates West subdivision. The plat was recorded in 1971 and the home was constructed in 1972.

|                               |                                    |                              |   |
|-------------------------------|------------------------------------|------------------------------|---|
| <b>LAND AREA (AC)</b><br>0.21 | <b>BUILDING AREA (SF)</b><br>2,404 | <b>CURRENT ZONING</b><br>R-1 | <b>COMP. PLAN</b><br>Suburban Residential |
|-------------------------------|------------------------------------|------------------------------|---|



**Exhibit 1: Aerial Image of Subject Site**



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## BACKGROUND INFORMATION

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On May 16, 2023, the Governing Body approved amendments to the UDC for fences, walls, and retaining walls. The Governing Body indicated they were uncomfortable with an initial proposal for a 15-foot street-side side yard setback for corner lots; however, they did support reducing the street-side side yard setback to 15-feet for fences that are an “open-style”, defined by the code as < 50% opacity, and no taller than 4-feet. Fences that are greater than 4-feet tall and are privacy-style, defined by the code as > 50% opacity, are to be setback 20-feet.

Per the Unified Development Code (UDC) [Section 4-1-B-24-F-5-a-1](#), all new fences require a permit prior to construction. The permit application must include a scaled and dimensioned plan showing the location of the proposed fence together with all property lines, setbacks, and structures. The applicant did not follow all necessary procedures for acquiring a permit for the fence. An application for a fence permit was received and was under Staff review. During the permit review, Staff identified that the proposed fence plan did not meet code requirements and Staff requested the applicant submit a revised plan. The applicant failed to respond to Staff's request for revised plans. The applicant then constructed the fence in an unapproved, noncompliant manner. The applicant notified Staff on January 15, 2024, that the fence was already built.

## FENCE TIMELINE

- November 28, 2023: Staff received a permit application for the fence (B23-1942).
- December 1, 2023: Staff began review of the application. Staff emailed the applicant requesting a revised plan that shows the 6-foot wood privacy fence setback 20-feet from the property line as required by the UDC or reduce the height to a 4-foot open-style fence that must be setback a minimum of 15-feet from the property line.
- December 27, 2023: Staff followed up with the applicant regarding the revised plans after no response was received to the email request sent on December 1, 2023.
- January 15, 2024: The applicant emailed Staff stating that the fence was already built and inquired about next steps.
- January 16, 2024: The applicant notified Staff of their desire to proceed with an administrative deviation request via email.
- January 19, 2024: Staff completed review of the administrative deviation request for the fence to remain in the constructed location and provided written denial to the applicant of the administrative deviation request. The date of this email serves as the day City Staff made the decision to deny the administrative deviation request. Staff provided the applicant with an appeal form.
- January 29, 2024: The applicant submitted and paid for an Appeal of Staff's decision to deny their administrative deviation request.



**Exhibit 2: View of fence from 100<sup>th</sup> terrace facing southeast.**



**Exhibit 3: View of fence from the south adjacent property on 100<sup>th</sup> terrace facing northwest.**



**Exhibit 4: View of fence from the intersection of 100<sup>th</sup> Terrace and Gillette Street facing southeast.**

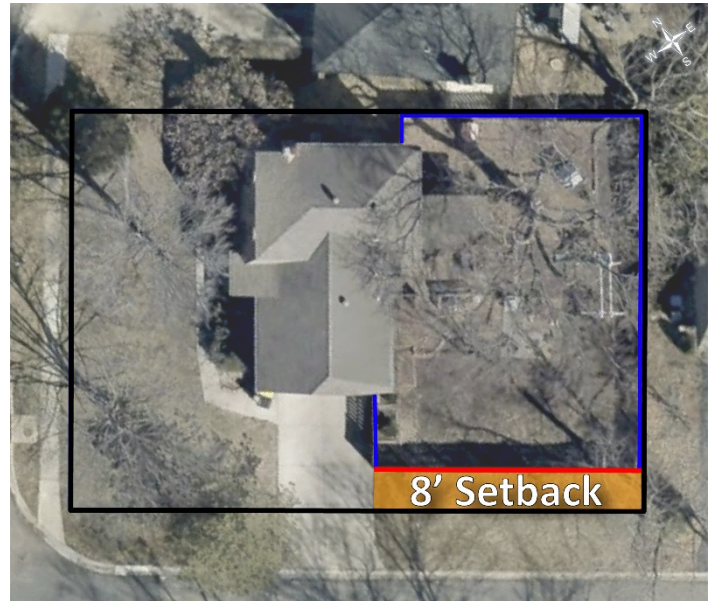


**Exhibit 5: View of fence on the northeast side of the subject site facing southeast.**

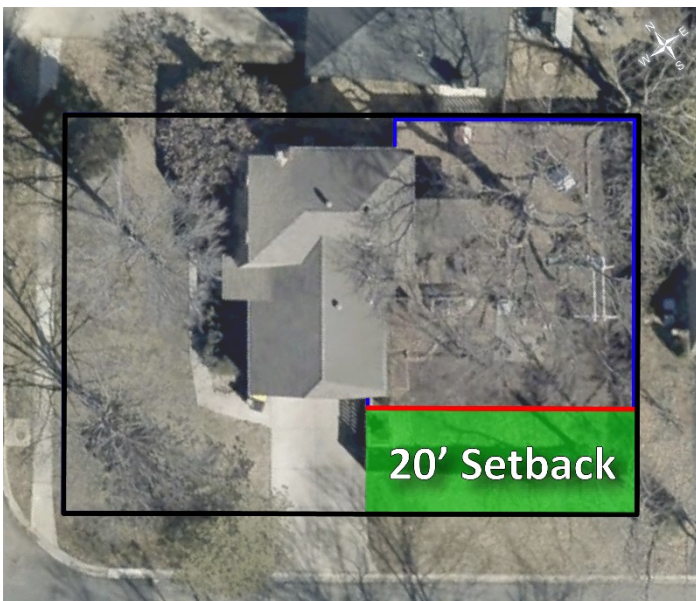




**Exhibit 6:** View of fence from 100<sup>th</sup> Terrace facing northeast.



**Exhibit 7:** Aerial image depicting how the fence was built at an 8-foot street-side yard setback without plan or permit approval.



**Exhibit 8:** Required 20-foot street-side yard setback per code for 6' privacy fences.



**Exhibit 9:** Alternative option: 15-foot street-side yard setback per code for open style fences ≤ 4-foot tall.

■ Setback Line ■ Property Line ■ Fence

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## CRITERIA ANALYSIS

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[Section 4-1-B-24-F-5-c](#) of the Unified Development Code (UDC) grants the Community Development Director the authority to approve deviations from strict compliance with the regulations for permit approvals within the *Fences, Walls, and Retaining Walls* subsection of the *Accessory Uses and Structures* Section of the UDC. [Section 4-1-K-3](#) grants any party that is aggrieved by a decision made by the Community Development Director, Building Official, or any other public official administering Chapter 4-1 of the UDC the right to appeal said decision.

The applicant is appealing the Community Development Director's denial of their request to encroach 12-feet into the required 20-foot setback from southeast property line (an 8-foot deviation from the code allowance of 20-feet for a 6-foot-tall privacy fence).

The UDC recognizes that site conditions vary greatly among sites and that the design, scale, and character of neighborhoods is varied. After consideration, the application for administrative deviation was denied on January 19, 2024. This denial determination was based on the following six criteria to be considered as outlined in [Section 4-1-B-24-F-e](#), which includes:

- a. Purpose and intent of the Code.
- b. Impact on adjacent properties.
- c. Safety.
- d. Unique site conditions and constraints.
- e. Promotion of high quality or unique design.
- f. Character of the neighborhood.

Staff examined these criteria when reviewing the administrative deviation request. The following analysis of the criteria is directly from the communication with the applicant on January 19, 2024.

**a. Purpose and intent of the Code.**

Staff Evaluation: The code has a purpose of preserving and improving the public health, safety, and general welfare of the citizens of Lenexa. The fence code maintains aesthetic and safety standards to balance the needs and desires of the property owner and the neighborhood. Requiring fence permits is one way to ensure the consistent standards are being met. The City very recently changed the code and received confirmation from the Planning Commission and City Council that these standards are expected to be enforced. There were lengthy discussions about fences on corner lots and the expectations were solidified into the code as it is written today. The fence, as it is built now, does not meet these standards.

**b. Impact on adjacent properties.**

Staff Evaluation: The City Council recently revised the fence code to balance the needs of property owners with the aesthetics and safety needed for drivers, pedestrians, and the community at large. The Council desired to maintain consistency within street corridors where fences would maintain an open feel if allowed to extend further toward the street and sidewalks. The street corridor should not be impacted by tall, privacy-style fences that interrupt the openness and harmony of the streetscape. The fence, as constructed, does not convey openness along 100<sup>th</sup> Terrace.

**c. Safety.**

Staff Evaluation: In Staff's opinion, the location of the fence has potential to pose a safety risk to the property east of 10019 Gillette Street, 12708 W. 100<sup>th</sup> Terrace. The location of the fence may block line of sight from the driveway at 12708 W. 100<sup>th</sup> Terrace.

**d. Unique site conditions and constraints.**



Staff Evaluation: Staff finds no unique site condition or constraint that would necessitate allowing the fence location to be extended to the desired 8' setback from the south property line.

**e. Promotion of high quality or unique design.**

Staff Evaluation: See note in #2 regarding promotion of aesthetics along Gillette Street. The proposed fence does not align with the Council's directive to maintain openness along street corridors.

**f. Character of the neighborhood.** Century Estates West is a relatively older neighborhood. The neighborhood includes a mix of code-compliant and noncompliant fences; however, the majority of permitted fences appear to be compliant. Bringing the fence into compliance will positively impact fence consistency within the neighborhood.

Exhibit 10 below, which was not shared with the applicant at the time of the decision but is provided as additional context, illustrates the frontage along the northeast side of 100<sup>th</sup> Terrace between Gillette Street and Rosehill Road. Traveling west on 100<sup>th</sup> Terrace from Rosehill Road to the subject site, there is a sense of openness until reaching the subject site where the fence is placed 8' from the property line. The fence impacts the overall character and appearance of the neighborhood by reducing visibility for the southeast adjacent property and individuals traveling along 100<sup>th</sup> Terrace. Bringing this fence into compliance aligns with the Governing Body's objective to minimize the visual impact of fences on corner lots.



**Exhibit 10: Aerial image showing 100<sup>th</sup> Terrace between Rosehill Road and Gillette Street. The subject property is indicated by the red outline. Yellow depicts the 20' setback area.**

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## REVIEW PROCESS

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A hearing is required to consider this matter. The Board of Zoning Appeals is the final authority for this appeal of administrative decision and request for deviation. Per Section 4-1-K-3 of the UDC, the Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter.

In considering appeals, the Board, in conformity with this Chapter and with K.S.A. 12-759, as amended, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination and, to that end, shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit.

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## BOARD OF ZONING APPEALS OPTIONS

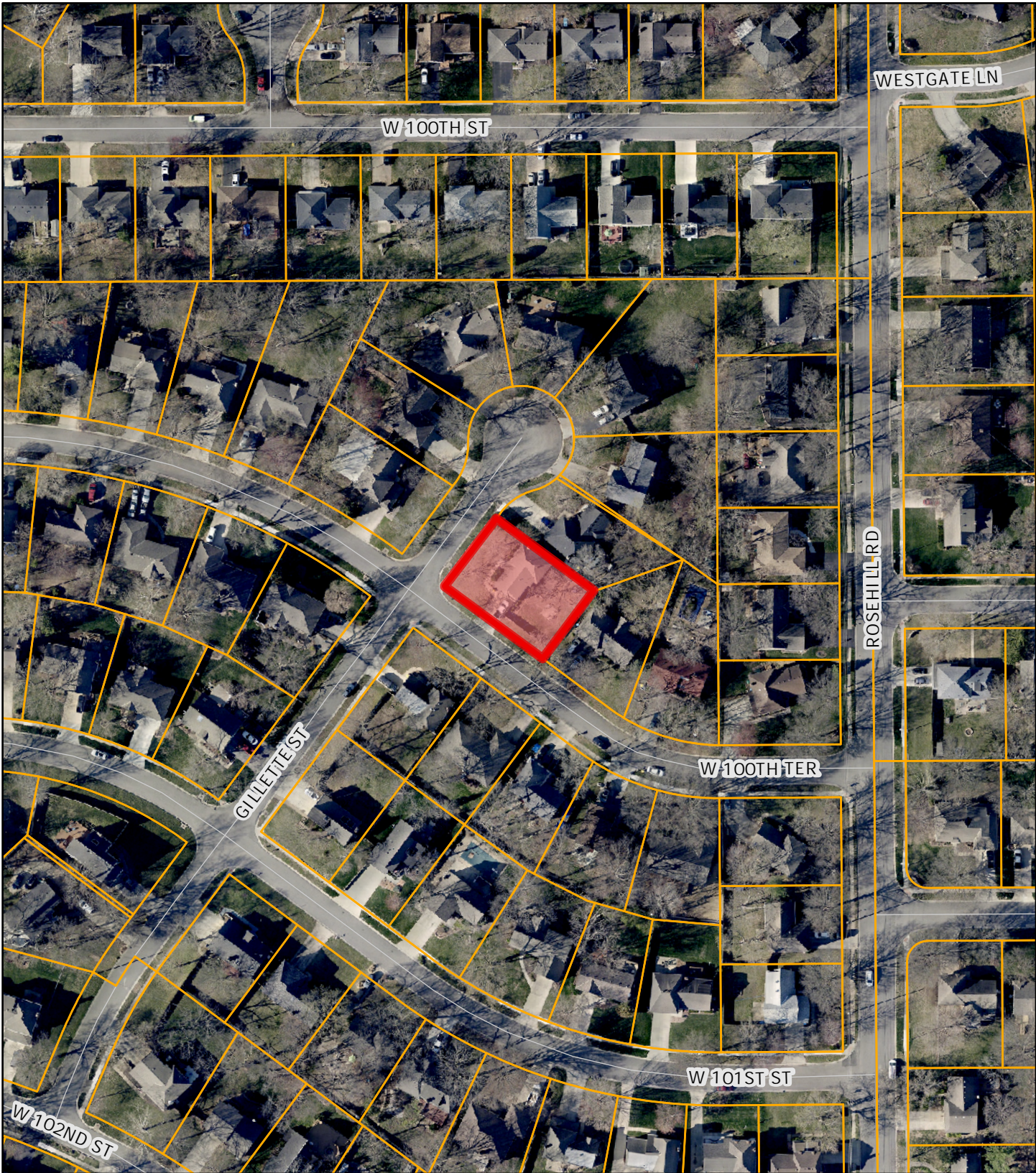
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Staff is of the opinion that the analysis was completed in a credible manner and that no error was made in considering the deviation request. Staff recommends the Board uphold Staff's decision and deny the appeal.

The Board of Zoning Appeals has the following options to consider for this appeal to Staff's denial of an administrative deviation request related to the property line setback for a fence located at 10019 Gillette Street in the R-1, Residential Single-Family Zoning District:

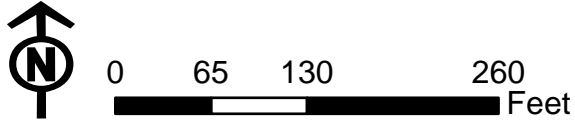
1. **Find that Staff did not make an error in its decision and uphold Staff's decision and DENY** the applicant's appeal for a deviation for the fence to encroach 12-feet into the 20-foot setback from the property line as required by the UDC.
  - This results in the applicant submitting a revised fence plan for the fence permit (B23-1942) to receive plan approval to remove existing fencing and relocate it to the code-allowed 20-foot setback. The fence permit must be issued before the fence can be relocated.
2. **Find that Staff did make an error in its decision and reverse Staff's decision and APPROVE** the deviation request but **MODIFY** the amount of encroachment into the street-side yard setback to a specified distance the Board of Zoning Appeals determines is reasonable.
  - This results in the applicant modifying the location of the fencing as discussed by the Board. The applicant must submit a revised fence plan for the fence permit (B23-1942) and the fence permit must be issued before the fence can be relocated.
3. **Find that Staff did make an error in its decision and reverse Staff's decision and APPROVE** the deviation request as proposed by the applicant to encroach 12-feet into the UDC required 20-foot setback for 6-foot privacy fences.
  - This results in the applicant keeping the fencing as installed at an 8-foot setback from the property line. The applicant must still finalize the fence permit with the City.





Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

# Waldron Fence Appeal BZ24-03







# BOARD OF ZONING APPEALS NOTICE OF APPEAL FORM

Notice of Appeal Forms must be submitted online through Lenexa's [Permitting Portal](#), but you will need to contact [Gloria Lambert](#) or the [Licensing and Permitting Division](#) to obtain a licensed professional number before submitting online. You may call 913-477-7500 for assistance.

## PROPERTY DESCRIPTION

|                                  |                             |                            |                        |
|----------------------------------|-----------------------------|----------------------------|------------------------|
| Address:                         | <u>10019 Gillette St</u>    | Property Tax ID #:         | <u>IP09200000 0009</u> |
| Zoning:                          | <u></u>                     | Size of Property (sq.ft.): | <u>9,201.86</u>        |
| Subdivision:                     | <u>Century Estates West</u> | Current Use:               | <u>SFR</u>             |
| Description of proposed project: | <u>New fence installed</u>  |                            |                        |

## APPEAL INFORMATION

**Note: Attach additional information as needed.**

What are you appealing?:  Code Section: \_\_\_\_\_  
 Administrative Decision (attach documentation)


Reason for appeal: The new fence is in the same exact location as the previous fence. There were no safety issues with the previous fence. The new fence should be the same.  
As for the esthetic appeal, it is a new fence, which makes the neighborhood look nicer and more appealing.

## APPLICANT & PROPERTY OWNER INFORMATION

**Note: If the applicant is anyone other than the fee simple owner, the signature of the fee simple owner designating the applicant as the authorized agent for all matters concerning this request must be submitted with this application.**

| Applicant/Contact Person: |                                    | Owner of Record:  |                                |
|---------------------------|------------------------------------|-------------------|--------------------------------|
| Name:                     | <u>Kayla Thompson</u>              | Name:             | <u>Lee Waldron</u>             |
| Company:                  | <u>Slagle Fence</u>                | Company:          | <u></u>                        |
| Address:                  | <u>12121 Blue Ridge Ext. Ste B</u> | Address:          | <u>10019 Gillette St</u>       |
| City, State, ZIP:         | <u>Grandview, Mo 64030</u>         | City, State, ZIP: | <u>Lenexa KS 66215</u>         |
| Phone:                    | <u>816-534-0665</u>                | Phone:            | <u>913-326-3933</u>            |
| Email:                    | <u>kayla@slaglefence.com</u>       | Email:            | <u>lee.e.waldron@gmail.com</u> |

**NOTICE OF APPEAL FEE**  
\$100.00 (non-refundable; will be invoiced after online submission)

Applicant Signature: 

Date: 1/29/24





## FW: 10019 Gillette St. Fence Application

Colter Stevenson <cstevenson@lenexa.com>

Wed 2/7/2024 8:32 AM

To: Logan Strasburger <lstrasburger@lenexa.com>

---

**From:** Colter Stevenson

**Sent:** Wednesday, December 27, 2023 10:24 AM

**To:** Kayla Thompson <kayla@slaglefence.com>

**Subject:** FW: 10019 Gillette St. Fence Application

Hi Kayla,

I wanted to ask again about the fence application at 10019 Gillette St – have you had a chance to communicate with the homeowner about the required changes to the plan?

---

**From:** Colter Stevenson

**Sent:** Friday, December 1, 2023 2:21 PM

**To:** Kayla Thompson <[kayla@slaglefence.com](mailto:kayla@slaglefence.com)>

**Subject:** 10019 Gillette St. Fence Application

Hi Kayla,

I'm reaching out regarding the fence application at 10019 Gillette Street in Lenexa. On the submitted plan, you show a 6' tall privacy-style fence being installed approximately 9' from the property line. This would not meet current fence code. For the fence to be compliant as a 6' tall privacy-style fence, it would need to be moved back to 20' from the property line. If more space is desired, a 4' tall, open-style fence could be installed 15' from the property line. I understand this is a replacement fence, but the city must still pursue compliance when a non-compliant fence is being removed. Please let me know if the resident is agreeable to these edits, and if so, resubmit and edited plan showing the change. Thank you.

**Colter Stevenson**

Management Analyst

City of Lenexa

Phone: 913.477.7694

[cstevenson@lenexa.com](mailto:cstevenson@lenexa.com) | [www.lenexa.com](http://www.lenexa.com)

## FW: FW: 10019 Gillette St. Fence Application

Colter Stevenson <cstevenson@lenexa.com>

Wed 2/7/2024 8:33 AM

To: Logan Strasburger <lstrasburger@lenexa.com>

---

**From:** Kayla Thompson <kayla@slaglefence.com>

**Sent:** Monday, January 15, 2024 12:33 PM

**To:** Colter Stevenson <cstevenson@lenexa.com>

**Subject:** Re: FW: 10019 Gillette St. Fence Application

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Colter,

I do apologize for the delayed response. We did install the fence. What do I need to do to get this cleaned up?

On Wed, Dec 27, 2023 at 10:24 AM Colter Stevenson <cstevenson@lenexa.com> wrote:

Hi Kayla,

I wanted to ask again about the fence application at 10019 Gillette St – have you had a chance to communicate with the homeowner about the required changes to the plan?

---

**From:** Colter Stevenson

**Sent:** Friday, December 1, 2023 2:21 PM

**To:** Kayla Thompson <kayla@slaglefence.com>

**Subject:** 10019 Gillette St. Fence Application

Hi Kayla,

I'm reaching out regarding the fence application at 10019 Gillette Street in Lenexa. On the submitted plan, you show a 6' tall privacy-style fence being installed approximately 9' from the property line. This would not meet current fence code. For the fence to be compliant as a 6' tall privacy-style fence, it would need to be moved back to 20' from the property line. If more space is desired, a 4' tall, open-style fence could be installed 15' from the property line. I understand this is a replacement fence, but the city must still pursue compliance when a non-compliant fence is being removed. Please let me know if the resident is agreeable to these edits, and if so, resubmit and edited plan showing the change. Thank you.

**Colter Stevenson**

Management Analyst

City of Lenexa

Phone: 913.477.7694

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--

*Thank you,*

*Kayla Thompson*

*Office Manager*

*Slagle Fence LLC*

*816-534-0665*

*Always be kind! And recycle!*  



## FW: 10019 Gillette St. Fence Application

Colter Stevenson <cstevenson@lenexa.com>

Wed 2/7/2024 8:33 AM

To: Logan Strasburger <lstrasburger@lenexa.com>

---

**From:** Colter Stevenson

**Sent:** Friday, January 19, 2024 4:17 PM

**To:** Kayla Thompson <kayla@slaglefence.com>

**Subject:** RE: 10019 Gillette St. Fence Application

Kayla,

I'm about to send you a long email about 10019 Gillette. It's mostly stuff you're already aware of, but it's part of our internal process and I'm just covering my bases. Just wanted to give you a heads up.

---

**From:** Kayla Thompson <[kayla@slaglefence.com](mailto:kayla@slaglefence.com)>

**Sent:** Tuesday, January 16, 2024 2:35 PM

**To:** Colter Stevenson <[cstevenson@lenexa.com](mailto:cstevenson@lenexa.com)>

**Subject:** Re: 10019 Gillette St. Fence Application

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Colter,

We would like to proceed with the appeal process please.

Thank you,

-Kayla

On Fri, Dec 1, 2023 at 2:21 PM Colter Stevenson <[cstevenson@lenexa.com](mailto:cstevenson@lenexa.com)> wrote:

Hi Kayla,

I'm reaching out regarding the fence application at 10019 Gillette Street in Lenexa. On the submitted plan, you show a 6' tall privacy-style fence being installed approximately 9' from the property line. This would not meet current fence code. For the fence to be compliant as a 6' tall privacy-style fence, it would need to be moved back to 20' from the property line. If more space is desired, a 4' tall, open-style fence could be installed 15' from the property line. I understand this is a replacement fence, but the city must still pursue compliance when a non-compliant fence is being removed. Please let me know if the resident is agreeable to these edits, and if so, resubmit and edited plan showing the change. Thank you.

**Colter Stevenson**  
Management Analyst  
City of Lenexa  
Phone: 913.477.7694

---

**From:** Colter Stevenson <cstevenson@lenexa.com>

**Sent:** Friday, January 19, 2024 4:18 PM

**To:** Kayla Thompson <kayla@slaglefence.com>

**Cc:** Gloria Lambert <glambert@lenexa.com>; Stephanie Kisler <skisler@lenexa.com>

**Subject:** 10019 Gillette St Fence

Hi Kayla,

Staff reviewed your administrative fence deviation request to allow a 6' wood privacy fence to be set back 8' from the south (100<sup>th</sup> Terrace) property line at 10019 Gillette Street when Table 1 within Unified Development Code Section 4-1-B-24-F-5-b requires a 20' setback from the south property line in the R-1 Zoning District. Staff notes the fence was already constructed and did not have a valid permit.

As part of the administrative review of a fence deviation request, the Staff must review the following criteria and analyze your request against this criteria. The criteria and Staff's evaluation are provided below.

**1. Purpose and intent of the Code.**

Staff Evaluation: The code has a purpose of preserving and improving the public health, safety, and general welfare of the citizens of Lenexa. The fence code maintains aesthetic and safety standards to balance the needs and desires of the property owner and the neighborhood. Requiring fence permits is one way to ensure the consistent standards are being met. The City very recently changed the code and received confirmation from the Planning Commission and City Council that these standards are expected to be enforced. There were lengthy discussions about fences on corner lots and the expectations were solidified into the code as it is written today. The fence, as it is built now, does not meet these standards.

**2. Impact on adjacent properties.**

Staff Evaluation: The City Council recently revised the fence code to balance the needs of property owners with the aesthetics and safety needed for drivers, pedestrians, and the community at large. The Council desired to maintain consistency within street corridors where fences would maintain an open feel if allowed to extend further toward the street and sidewalks. The street corridor should not be impacted by tall, privacy-style fences that interrupt the openness and harmony of the streetscape. The fence, as constructed, does not convey openness along 100<sup>th</sup> Terrace.

**3. Safety.**

Staff Evaluation: In Staff's opinion, the location of the fence has potential to pose a safety risk to the property east of 10019 Gillette Street, 12708 W. 100<sup>th</sup> Terrace. The location of the fence may block line of sight from the driveway at 12708 W. 100<sup>th</sup> Terrace.

**4. Unique site conditions and constraints.**

Staff Evaluation: Staff finds no unique site condition or constraint that would necessitate allowing the fence location to be extended to the desired 8' setback from the south property line.

**5. Promotion of high quality or unique design.**

Staff Evaluation: See note in #2 regarding promotion of aesthetics along Gillette Street.

The proposed fence does not align with the Council's directive to maintain openness along street corridors.

6. **Character of the neighborhood.** Century Estates West is a relatively older neighborhood. The neighborhood includes a mix of code-compliant and noncompliant fences; however, the majority of permitted fences appear to be compliant. Bringing the fence into compliance will positively impact fence consistency within the neighborhood.

Decision:

Based on the evaluation of the criteria as outlined above, Staff cannot support your administrative fence deviation request. The administrative fence deviation request is denied by Staff.

Option to Appeal:

If you are interested in appealing this decision to the Board of Zoning Appeals, you must submit an application for an appeal of Staff's decision to deny the administrative fence deviation. I've attached a Notice of Appeal Form to this email. The form includes instructions on how to submit the Notice of Appeal Form through the City's permit portal.

**Please note that the Notice of Appeal must be received within 30 days of this email to be a valid appeal.** The application must also be submitted by January 29, 2024 in order for the appeal to be heard at the March 4, 2024 Board of Zoning Appeals meeting. If the application is submitted between January 30, 2024 and February 20, 2024, then the appeal will be scheduled for the April 1, 2024 Board of Zoning Appeals meeting. If the Board of Zoning Appeals does not approve the appeal, then the fence must be relocated to an allowable location with a valid permit.

If you have questions about the appeal process, email Stephanie Kisler, CC'd on this email. Thank you.

**Colter Stevenson**

Management Analyst

City of Lenexa

Phone: 913.477.7694

[cstevenson@lenexa.com](mailto:cstevenson@lenexa.com) | [www.lenexa.com](http://www.lenexa.com)

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*Thank you,*

*Kayla Thompson*

*Office Manager*

*Slagle Fence LLC*

*816-534-0665*

*Always be kind! And recycle!*





## FW: 10019 Gillette Fence Appeal

Colter Stevenson <cstevenson@lenexa.com>

Wed 2/7/2024 8:35 AM

To: Logan Strasburger <Lstrasburger@lenexa.com>

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**From:** Colter Stevenson

**Sent:** Wednesday, January 24, 2024 9:40 AM

**To:** Kayla Thompson <kayla@slaglefence.com>

**Subject:** 10019 Gillette Fence Appeal

Kayla,

I just wanted to make sure you saw in the previous email that there's an appeal form that needs to be filled out by the 29<sup>th</sup> of January – that's a fairly new thing in the process so I forgot to mention it in our phone call. It'll need to be submitted through the permit portal once it's finished – I believe there's instructions on the form as to how to do that on the form. Let me know if there are any issues with the process – thanks.

**Colter Stevenson**

Management Analyst

City of Lenexa

Phone: 913.477.7694

[cstevenson@lenexa.com](mailto:cstevenson@lenexa.com) | [www.lenexa.com](http://www.lenexa.com)

**From:** [Kayla Thompson](#)  
**To:** [Logan Strasburger](#)  
**Subject:** Re: BZ24-03 Waldron Fence Appeal, 10019 Gillette Street  
**Date:** Monday, February 19, 2024 10:02:02 AM  
**Attachments:** [image001.png](#)  
[image.png](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Logan,

The only thing I am able to do is 'create a new collection'. I do not have an option to add any statements, only add attachments.

The screenshot shows a web application interface. On the left, there is a record summary for 'Record BZ24-03: Variance (BZA)' with a status of 'Pending'. Below this is a 'Fees' section with a table showing a single entry: Date 01/29/2024, Invoice Number 245127, and Amount \$100.00. On the right, a modal window titled 'Add to collection' is open, showing options to 'Create a New Collection' with fields for 'Name' and 'Description', and buttons for 'Add' and 'Cancel'.

Good morning!

To answer the question Reason to appeal,

We choose to appeal because we would like you to reconsider. The fence placement is in the exact location that the previous fence was in. There is a retaining wall just behind that fence so moving the fence back is not really an option. I have included a photo for reference. Since the fence is in that same location, we don't feel there is a safety concern. The neighbor can still see the intersection.

Having a new fence installed boosts the appeal of not only the home it was installed at, but the neighborhood as well. We do not want to mess up the aesthetic of the neighborhood, only improve it.

Thank you!

On Mon, Feb 19, 2024 at 9:48 AM Logan Strasburger <[Lstrasburger@lenexa.com](mailto:Lstrasburger@lenexa.com)> wrote:

Hi Kayla,

If you can upload it to the online portal where you applied for the appeal, that would be preferred. If you have issues accessing the application, feel free to send them to me and I can upload them manually. Thank you!



**Logan Strasburger** (*she/her/hers*)

*Planner I*

**Community Development Department**

**City of Lenexa, Kansas**

17101 W. 87th Street Pkwy, Lenexa, KS 66219

[lstrasburger@lenexa.com](mailto:lstrasburger@lenexa.com) | 913-477-7713 | [www.lenexa.com](http://www.lenexa.com)

*The City of Lenexa: Leaders in the delivery of exceptional public service.*

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**From:** Kayla Thompson <[kayla@slaglefence.com](mailto:kayla@slaglefence.com)>  
**Sent:** Monday, February 19, 2024 9:47 AM  
**To:** Logan Strasburger <[Lstrasburger@lenexa.com](mailto:Lstrasburger@lenexa.com)>  
**Subject:** Re: BZ24-03 Waldron Fence Appeal, 10019 Gillette Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Logan!

Do I send the response to you personally or am I to upload it somewhere?

On Mon, Feb 12, 2024 at 11:51 AM Logan Strasburger <[Lstrasburger@lenexa.com](mailto:Lstrasburger@lenexa.com)> wrote:

Hi Kayla and Adam,

As part of the Appeal application, the applicant is to provide a narrative to why the appeal is being filed. I see your application does contain a reason for the appeal.



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Thank you,

Kayla Thompson

Office Manager

Slagle Fence LLC

816-534-0665

Always be kind! And recycle!









## **CALL TO ORDER**

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Chairman Poss called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, January 8, 2024. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, Kansas.

## **ROLL CALL**

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### **COMMISSIONERS PRESENT**

Chairman Chris Poss  
Vice-Chairman Mike Burson  
Commissioner Ben Harber  
Commissioner Brenda Macke  
Commissioner David Woolf  
Commissioner John Handley  
Commissioner Cara Wagner  
Commissioner Curt Katterhenry

### **COMMISSIONERS ABSENT**

Commissioner Don Horine

### **STAFF PRESENT**

Scott McCullough, Director of Community Development  
Stephanie Kisler, Planning Manager  
Tim Collins, Engineering Construction Services Administrator  
Andrew Diekemper, Assistant Chief – Fire Prevention  
Steven Shrout, Assistant City Attorney II  
Kim Portillo, Planner III  
Dave Dalecky, Planner II  
Logan Strasburger, Planner I  
Will Sharp, Planning Intern  
Gloria Lambert, Senior Administrative Assistant

## **APPROVAL OF MINUTES**

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The minutes of the November 6, 2023 meeting were presented for approval.

Chairman Poss entertained a motion to **APPROVE** the minutes as drafted. Moved by Commissioner Burson, seconded by Commissioner Katterhenry, and **APPROVED** by a majority voice vote.



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## REGULAR AGENDA

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1. **Wheatley Point Lot 8 - Consideration of a variance from the rear yard setback requirement on property located at 24109 West 95th Street within the RP-2, Residential Planned (Intermediate Density) District. BZ24-01**

### APPLICANT PRESENTATION

Dan Foster, Schlagel Engineering, presented on behalf of the applicant and provided the location and said that the lots back up to Prairie Star Parkway. Mr. Foster said that the final plan was previously approved, and they were now refining the plans because adjustments were needed on the rear yard setback to meet stormwater requirements. The applicant was also requesting a deviation because Staff discovered an issue with an encroachment of the covered deck. He noted that the landscaping surrounding Lots 8, 9, 10 and 11 had plenty of buffer and screening.

### STAFF PRESENTATION

Logan Strasburger presented the Staff Report and gave the site location and showed an aerial map of the property. Ms. Strasburger explained that the property was rezoned, a final plan was approved in December 2020, and the final plat was approved March 2021. The final structure was not identified at final plan and final plat stage, and it was not realized that the deck would be enclosed within the main roofline. She explained that because the deck is enclosed in the main roofline, it becomes part of the primary structure, and the primary structure is required to meet the 20-foot rear yard setback. She pointed out the six Variance Review Criteria to review the application. She stated Staff recommends approval of the variance request.

### PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Handley, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

### BOARD OF ZONING APPEALS DISCUSSION

Commissioner Katterhenry asked if 18.71 square feet is being too precise. Stephanie Kisler responded that when the hearing notice was advertised in the Legal Record it was noticed for 2-feet instead of the 18.71 feet. Ms. Kisler said Staff is comfortable with an approximately 2-foot variance.

### MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a 2-foot variance from the rear yard setback requirement on property located at 24109 West 95<sup>th</sup> Street within the RP-2, Residential Planned (Intermediate Density) District.

Moved by Commissioner Burson, seconded by Commissioner Wagner, and carried by a unanimous voice vote.

## 2. Wheatley Point Lot 9 - Consideration of two variances from the rear yard setback requirement on property located at 24110 & 24112 West 95<sup>th</sup> Street within the RP-2, Residential Planned (Intermediate Density) District. BZ24-02

### APPLICANT PRESENTATION

Dan Foster, Schlager Engineering, stated that Lot 9 was a similar situation to Lot 8, a requested variance to avoid the easement and stormwater detention, but on both sides of the units. Mr. Foster said the applicant is requesting to encroach 4-feet within the rear yard setback.

### STAFF PRESENTATION

Logan Strasburger presented the Staff Report and stated that the applicant was requesting to encroach 4-feet into the rear yard setback. Ms. Strasburger displayed an aerial map of the location of both properties and explained that Lot 9 was west adjacent to Lot 8. She said the rezoning of the property was approved in December 2020 and the final plat was approved in March 2021. She displayed an image of both decks and stated that they were both encroaching 4-feet into the required setback. She talked about the Variance Review Criteria required to review the variance application. She stated Staff recommended approval of the variance request.

### PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Burson, seconded by Commissioner Macke, and carried by a unanimous voice vote.

### BOARD OF ZONING APPEALS DISCUSSION

Commissioner Horine suggested both decks request a setback amount that is rounded up as the previous application was. Chairman Poss agreed and said the west desk can be rounded to 4.5 and the east deck, 4.25.

### MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a 4.5-foot and a 4.25- foot variance from the rear yard setback requirement on property located at 24110 & 24112 West 95<sup>th</sup> Street within the RP-2, Residential Planned (Intermediate Density) District.

Moved by Commissioner Harber, seconded by Commissioner Woolf and carried by a unanimous voice vote.

## ADJOURNMENT

Chairman Poss ended the regular meeting of the Lenexa Board of Zoning Appeals at 7:16 p.m. on Monday, January 8, 2024.