



Tuesday, February 1, 2022

Civic Center, Memorial Hall 5:30 p.m.

Independence Planning Commission/Board of Zoning Appeals

To join by Conference Call dial:1-785-289-4727 Conference ID:652-632-373#

I. MINUTES

A. Consider Approving Minutes Of The December 7, 2021, Meeting.

Documents:

[PZ DRAFT 12072021 MINUTES NO ATTACHMENTS.PDF](#)

II. BOARD OF ZONING APPEALS (Does Not Include Outside City Appointments)

A. Public Hearing To Receive Comments On Variance Requests To Exceed The Number Of And Size Of Signs In A C-3, Central Business District, At 100 North 10th Street.

Documents:

[SCOOTERS 02012022.PDF](#)

B. Public Hearing To Receive Comments On A Variance Request To Decrease The Setbacks In An R-2 Single-Family Dwelling District, At 1222 North 2nd Street.

Documents:

[1222 N 2ND 02012022_REDACTED.PDF](#)

III. PLANNING COMMISSION

A. Consider Setting The Date Of March 1, 2022, For A Public Hearing To Receive Comments To Consider Text Amendments To Article B. – Zoning On The Subject Of Tiny Houses.

Documents:

[TINY HOUSES ORDINANCE 02012022.PDF](#)

B. Other Discussion

IV. ADJOURNMENT

MINUTES

Call to Order

The Planning and Zoning Commission meeting was called to order by Kendall Neill.

Planning Commissioners Present

Michelle Anderson (by phone)
Anthony Royse (by phone)
Kendall Neill
Barb Emert
Brent Littleton

Planning Commissioners Absent

Mary Jo Meier
Andy McLenon
Rachel Lyon
Lisa Richard

Staff Present

Kelly Passauer, City Manager
David Cowan, Assistant City Manager
Jeff Chubb, City Attorney
Lydia Collins, Administrative Aide

Visitors Present

Thomas Korhn
Machele Korhn
Toni Camacho (by phone)
Anna Krstulic (by phone)

Minutes

- a. Consider approving minutes of the November 2, 2021, meeting.

Motion

Kendall Neill moved to approve the minutes of the November 2, 2021, meeting. Brent Littleton seconded the motion. Motion carried 5-0.

Kendall Neill authorized Barb Emert to sign the minutes in place of Rachel Lyon.

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

- a. Public Hearing To Receive Comments On Variance Requests To Reduce The Setbacks And Relating To The Storage Of Recreational Vehicles In An R-2, Single-Family Dwelling District, At 1328 Irving Street.

Lydia Collins read the Background/History:

Mr. and Mrs. Korhn want to place an RV carport on the property, in line with the existing driveway and street opening. The previous house and garage were damaged due to a fire and the Korhn's demolished both after purchase. There is a residential structure on the lot so the carport would be an accessory use to the remaining residential structure. This structure is a tiny house and if approved the RV carport would extend beyond the front of the residence.

The Request:

The Korhn's are requesting a variance for the south side yard which, according to City code, should be a minimum of eight (8) feet. The site they are proposing would put the carport structure approximately two (2) feet from the property line of the neighbor at 1324 Irving Street. They are using the fence as the property line for the south side yard. This would be an encroachment of six (6) feet. The rear yard has a fence, and they will be seven (7) feet from it and consider it to be 10 feet from the alley because the fence encroaches three (3) feet onto their property line.

The Korhn's are also asking the variance to include the RV carport protruding beyond the front of the residence. The existing tiny house is 14.5 feet long and the RV carport is 35 feet long. The RV carport will be 5 feet beyond the rear of the tiny house which would cause it to extend 15.5 feet beyond the front of the tiny house. The RV carport cannot be extended any further behind the tiny house in order to be 10 feet beyond the rear property line. Even with a variance for the rear setback, the RV carport would still extend beyond the front of the tiny house.

And the Policy Explanation and Variance definition

606.1 Storage of recreational vehicles: Major recreational equipment such as boats, boat trailers, travel trailers, pickup campers or coaches, camping buses or converted trucks and tent trailers shall be stored at the rear of the premises, then such recreational vehicles may be stored at the side of the residence so long as they do not protrude beyond the front of the residence. Temporary storage not to exceed 72 hours is permitted in a private driveway located anywhere on private property. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours. For purposes of this section, the 72-hour permissible temporary storage or

parking shall be calculated as consisting of 72 hours over a 30-day period. 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 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, not to exceed the following capacity: 1. For single-family residence: Four cars. 2. For multifamily residence: Two cars per dwelling unit. b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area. Exception: Parking garages.

503.0. - R-2, single-family dwelling district. 503.1. Intent: The purpose of this district is to provide for single-family residential development of low population density together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

Staff Recommendation: City Staff recommends approving the variance based upon staff recommendation of the evidence presented in each specific case that

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 1. There is no apparent issue with public safety, health or welfare.
 2. There is no injury to other property owners or improvements in the neighborhood as the neighbors feel the owners have already made improvements by tearing down the dilapidated house and garage and have no issues with having a carport placed.
- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property.
 1. The existing property is a tiny home situated at the rear of the lot.
 2. Other lots in this neighborhood have houses that are located in the front portion of the lot.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 1. The owners would need to make a new street cut and move the driveway.
 2. The owners would not have enough lot space to construct the carport if it could not protrude beyond the front of the tiny house situated at the rear of the lot.

Tony Royse read 607.1 d. of the City Code and said according to the application the applicants live across the street. He said also an accessory use, item d, says it must be a contiguous lot. If it does not meet the definition, can we still grant this variance?

Lydia Collins asked if the tiny home was the principal use building.

Kelly Passauer said yes, there is a structure remaining, it is subordinate to the residential structure remaining on the lot. If there has been a home torn down and the adjoining property owner wants to acquire the lot they are allowed to leave the garage there.

Jeff Chubb said it meets the requirements. There is an existing structure and it can be a rental house, the carport can serve the house that is on the rental property.

Tony Royse asked if the resident of the tiny home owns the trailer. The code says that it has to be on a contiguous lot and the property owners live across the street.

Kendall Neill said it will stay on the lot and stay with the tiny home.

Kelly Passauer said it will be hard to monitor what anyone would utilize a garage for.

Jeff Chubb said he thinks it is fine.

Motion

Kendall Neill moved to approve the following variances based on staff's recommendation: 1) an encroachment totaling six (6) feet on the south side yard of the property which would reduce the eight (8) feet required side yard setback to two (2) feet; and 2) an extension of 15.5 foot beyond the front of the existing residential house for the purpose of constructing a carport to store a Recreational Vehicle. Barb Emert seconded. Motion carried 5-0.

Planning Commission

- a. Public Hearing To Receive Comments To Consider Text Amendments To Appendix B-Zoning Of The City Code Including, But Not Limited To, Article IX. Processing Procedures For Conditional Uses.

Text Amendment prepared by the City Attorney in Strikeout

Jeff Chubb proposed the following Ordinance:

ORDINANCE NO. _____

An Ordinance Modifying the Processing Procedure for Conditional Use Permits

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

Section 1. Zoning code section 902.0 and its subparts are amended to read as follows in their entirety:

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application ~~and five copies of the preliminary development plan~~ shall be filed with the zoning administrator at least ~~20~~ 30 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. As determined by the zoning administrator, the application shall include any or all of the following items deemed relevant by the zoning administrator, plus any other information or materials not listed below which the zoning administrator deems relevant; but not limited to, the below information:

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

902.2. Action by the planning commission: Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in section 1603.0 of the zoning code [article] XIV [XVI] of this ordinance. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date and require the applicant to provide such additional information. The decision of the planning

commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

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

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

902.4. Time limit: The planning commission may recommend to the governing body a time limitation on the conditional uses specified in appendix "A" of this ordinance. Said conditional use permit shall be renewable at the discretion of the governing body.

902.5. Action by the governing body: Upon hearing and consideration of the proposed conditional use, the planning commission shall at the earliest date possible, submit its recommendation ~~and endorsed copy of the plans~~ to the governing body for final action along with the reasoning for its recommendation plus all materials considered by it in reaching its recommendation. Within 30 days of receipt of the recommendation report from the planning commission, the governing body shall adopt, modify or deny the planning commission recommendation. The action of the governing body shall be final.

902.6. ~~[Reserved:]~~ Remand: In lieu of making a final decision, the governing body may elect to remand the matter to the planning commission for further consideration. In doing so, the governing body shall provide its reason for remand to the planning commission. The planning commission shall then reconsider the application at its first available meeting and follow the procedures outlined in section 902.2. The planning commission shall adopt a recommendation which shall be again submitted to the governing body which shall follow the procedures outlined in section 902.5.

902.7. Final ~~plan~~ approval: The applicant's compliance with all terms and conditions of the conditional use permit shall be the responsibility of the zoning administrator. The zoning administrator shall communicate with the building inspector for the city regarding compliance prior to issuance of a building permit to the applicant. All final plans shall be approved by the city engineer prior to the issuance of a conditional use permit and building permit by the zoning administrator.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the
_____ day of _____, 2021.

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LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

Kelly Passauer said sometimes the conditions for the Conditional Use permit are not met until the construction has begun so sometimes the occupancy permit is withheld until the requirements are met.

Jeff Chubb said that is built into the code already. When a building permit is issued an occupancy permit does not automatically occur.

Kelly Passauer said when they issue the building permit the conditions for the Conditional Use permit are not always met until the project is constructed.

Jeff Chubb said that the Zoning Administrator shall communicate with the Building Inspector regarding compliance prior to issuance.

The City will hold up the Occupancy Permit until all requirements are met in order to enforce compliance.

Kendall Neill opened the public hearing.

Motion

Kendall Neill moves to recommend the Governing Body approve the text amendments to Appendix B Zoning of the City code including, but not limited to Article IX. Processing Procedures for Conditional Uses as prepared by the City Attorney. Brent Littleton seconded. Motion carried 5-0.

- b. Public Hearing To Receive Comments To Consider Text Amendments To Appendix A-Subdivisions Of The City Code.

Kelly Passauer introduced Anna Krstulic of Stinson LLP who specializes in zoning law and has prepared a text amendment in relationship to minor replats.

Anna Krstulic introduced herself and explained the additions and deletions to Appendix A Subdivisions to the City Code.

Attachments: Text Amendment prepared by the Anna Krstulic, Stinson LLP in Strikeout

Tony Royse asked if there is a definition of what minor changes would consist of.

Anna Krstulic said page 19 of the 26 pages, Article XVI, Section 1, discusses the minor subdivision replat. The way these are written, the Governing Body review is only required if easements or right-of-way will be dedicated or vacated. That could be changed. Also, there is a reference to K.S.A. 12-504 for vacation of easements and that does require the Governing Body review.

Kelly Passauer said she would recommend the Governing Body review them all. It adds to the checks and balances.

Anna Krstulic said she could do that revision right away.

Kelly Passauer said she thinks it would be good to include the procedures to make it clear without having to look up the statute.

Kendall Neill opened the public hearing.

John Heckman said it looks fine.

Motion

Kendall Neill moved to approve the text amendments and the amendments suggested to Appendix A Subdivisions of the City Code. Barb Emert seconded. Motion carried 5-0.

c. Continuation Of Tiny Houses Discussion – April Nutt

1. Do you want to allow tiny homes? If so, do you want them on foundations or THOW. If THOW, do you want to allow them only in RV designated areas, do you want to allow them to be placed in a friend or families driveway?

Brent Littleton said he is ok with tiny homes as long as they have to go through the building department and meet all regulations.

Kendall Neill is ok with tiny homes but wants them on foundations.

Tony Royse said yes, on foundation.

2. If on foundation, do you want to allow them to be placed through the City or allowed only on designated developed PDU's or RMU's?

Tony Royse said throughout the City.

Kendall Neill said it needs to be in designated areas. If you are putting a small structure in your backyard you go through the code.

David Cowan said if they want to put something on their property, he would get with Kelly on it.

Kendall Neill said property values could drop if tiny homes were allowed to be placed anywhere.

Brent Littleton said most of those neighborhoods like that have their own codes in their area as far as the size of the home.

Kelly Passauer suggested that David Cowan give the board an idea of what we currently have going on.

David Cowan said we currently have a resident that wants to build some tiny houses. She owns a lot, and she would like to purchase the lot next to her. This lot goes across the block, and she wants the tiny houses all along this lot.

3. Do you want to allow them to be Airbnb's?

Tony Royse said yes.

Kendall Neill said yes.

Brent Littleton said yes.

Kelly Passauer said in a residential area that would require a Conditional Use Permit.

4. Do you want to allow them to be ADU's?

Tony Royse said yes.

Kendall Neill said yes.

Brent Littleton said yes.

Kelly Passauer said currently you would have to have multi-family zoning or have a large enough area to do a lot split. If you want to do a code modification to allow those in a single-family residential district that is something else we will need to know.

Brent Littleton asked if an exception could be made to build a mother-in-law house in back of your property.

Kendall Neill asked if that would be considered an accessory dwelling unit.

Kelly Passauer said it is possible now if you have a large enough lot that you can subdivide the lot and provide access to the street. Otherwise, you would have to rezone the lot to multi-family.

David Cowan said or build on to your structure.

Kelly Passauer said if you want to allow this in a single-family structure we need to know that. You can look at that as a Conditional Use Permit rather than rezoning. If you do it multi-family you are spot zoning in single-family areas. What happens if those people leave and the new owners want to rent that out to someone that is not in their family then you have created a nonconforming use.

Kendall Neill asked about people renting out one private bedroom in their home.

Kelly Passauer said it requires a Conditional Use Permit here to do that.

Kendall Neill said the answer would be yes, we just need to decide about a Conditional Use, rezoning or lot split. What is the size requirement for that?

David Cowan said it varies with each district.

Kelly Passauer said each district has a certain amount of square footage per family unit.

David Cowan said that is why using the Conditional Use Permit lets you look at each one. The Fire Department would be concerned if the lot were small and the structures too close.

Kendall Neill said that can be discussed at the next meeting.

5. On all situations, what exceptions to the rule do you think are needed?

Tony Royse said none.

Kendall Neill said this could also be discussed at the next meeting.

Kelly Passauer said the minimum lot area for an R-2 single-family district is 7200 square feet. To do a lot split for an R-2 you would need to have a 14,400 square foot lot and divided it would have to have access to another street for someone to live in full time.

d. Other Discussion

There are three terms coming up eligible for reappointment and each one has said they wanted to be reappointed.

Adjournment

Motion

Kendall Neill moved to adjourn. Barb Emert seconded. Motion carried 5-0.

Kendall Neill, Chairperson

Rachel Lyon, Secretary

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

- a. Public Hearing to receive comments on a variance request to exceed the number and size of signs in the C-3, central business district, at 100 North 10th Street.

Details:

Site Address:	100 North 10 th Street
Legal Description:	Lot 6-9 Block 40 Orig Plat, City of Independence, Montgomery County, Independence.
Property Owner:	Brew Crew Properties LLC, Sarah Kromer
Existing Use:	Scooter's coffee kiosk
Existing Zoning:	C-3, central commercial district

Background/History: Scooter's was recently built, and they are wanting to add three of their brand standard snap signs to the building that are 8 sq. ft. rather than the 5 sq. ft. the City Code allows. They currently have 4 signs, one on the front, one on the back and one on each side of the building. This would add three signs on each side.

Request:

There is a Scooter's Coffee Drive-Thru sign already on the building and they want to add 3 more signs to each side of the building. City Code for a corner building allows for one sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.

A standard Scooter's coffee kiosk has four (4) signs on each side of the building, one sign in front and one at the rear, for a total of ten (10) signs. They have one free-standing sign which City code allows. The brand standard size they use for the three signs they want to add is 8 sq. ft. The City Code allows for 5 sq. ft. signs. The total sq. ft. for the four signs on each side of the building is 66.4 sq. ft., 16.4 sq. ft. more than the City Code allows.

Policy Explanation:

802.6. *District C-3, central commercial district:*

a. *Permitted signs:*

1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
3. *Corner buildings:* One sign equal to standards above for each wall.
4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.

b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.

c. *Signs on awnings, canopies, and marquees:*

1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.

d. *General standards:*

1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
3. Marquees shall be no closer than two feet from the property line.

Variance: The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds

maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

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:

In considering the providing of a variance we wish to provide the following information:

- 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;*
 1. The four (4) standard brand signs are made for all Scooter's coffee kiosks and used for continuity.
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents as the signs are not in excess.
- 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;* The four (4) standard brand signs are used at all Scooter's coffee kiosks. Scooter's has done ample research for specific sizing on their snap frames and they are large enough to be seen but not in excess.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will adversely affect public health, safety, morals, order, convenience, prosperity or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. According to section 801.2 of the zoning code, the intent and purpose of the sign code is: "Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate*

goods, services, and facilities in the City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein.” Granting the variance will not be opposed to the general spirit and intent of the zoning regulations. The signs are standard to any Scooter’s coffee kiosk.

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.

Staff Recommendation: City Staff recommends approving the variance based upon staff recommendation of the evidence presented in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 1. There is no apparent issue with public safety, health or welfare.
 2. The coffee kiosk has already made improvements by tearing down the old gas station and improving the area.
- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property.
 1. The standard brand snap signs are used universally and would make this coffee kiosk stand out as different from other Scooter’s coffee kiosks if the variance is not granted.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 1. The store would not be in continuity with other Scooter’s coffee kiosks.

Chairperson opens the hearing.

Public Comments:

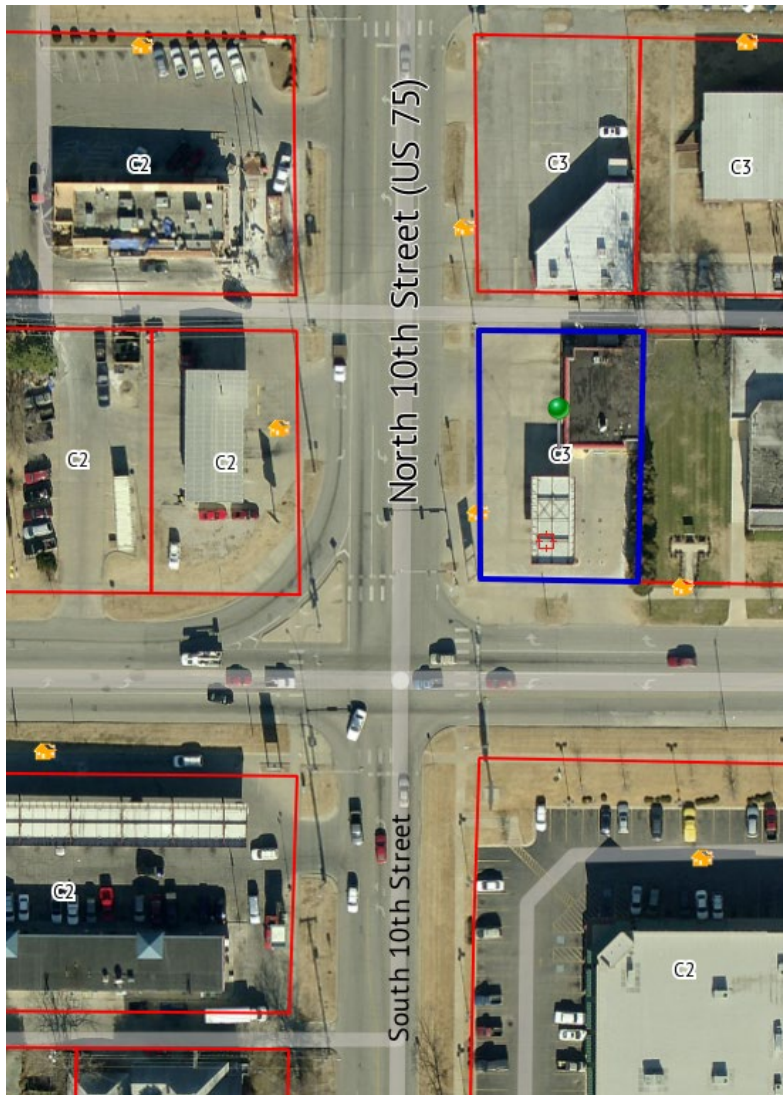
Suggested Motion:

I move to approve a variance to exceed the number and size of signs in the C-3, central business district, at 100 North 10th Street by allowing three (3) additional signs on both the east and west side of the building for a total of six (6) additional “snap frame” signs measuring 8.4 square feet each for a total of 50.4 square feet of additional signage.

Attachments:

Property Location
Application
Surrounding Property Owners' Responses (if any)
Hearing Notice

Property Location:



APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 12/5/2021

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

Brew Crew Properties LLC
Sarah Kromer
13913 W. Lost Creek Circle Wichita, KS 67235

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

Name: Sarah Kromer
Address: 13913 W. Lost Creek Circle Wichita, KS 67235
Telephone: 316-633-0323

4. Common Address of Land Involved:

100 N. 10th Street
Independence, KS 67301

5. Legal Description of Land Involved:

According to our property deed, the description is the above listed address.
Parcel # 099-31-0-20-08-005.00-0 Lot Size 12,197 Sq. Ft.

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

We would like to add snap frames on two sides our of building. Standard Scooter's coffee kiosks have 3 on each side. We would like to be allowed to have the 3 on each side, but would consider two on each side as well if this was more fitting for the zone code.

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:

Zoning permits 5 sq foot for signage on the building, our snap frames (3 on each side) are 8 sq feet each and cannot be made smaller.

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

We are in a commercia area. The signs require no extra lighting or space, they simply would be attached to the exterior of our existing building. Scooter's had tried to make them smaller in the past for other locations and does not allow them to be any smaller. These are standard signage on sides of Scooter's coffee kiosks.

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, February 1, 2022, at 5:30 p.m.

To receive comments on a variance request to exceed the number and size of signs in the C-3, central business district, at 100 North 10th Street.

Common Address:

100 N. 10th Street

Legal Description:

Lot 6-9, Block 40, Orig Plat, City of Independence, Montgomery County, Kansas.

Applicant/Owners:

Brew Crew Properties LLC, Sarah Kromer

Case Number:

2022/VAR/01

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

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

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

Kelly Passauer, Zoning Administrator

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

These snap frames are brand standard for all Scooter's coffee house and kiosks, and are used to help advertise what we offer. Not having these changes the appearance of the building, as well as the functionality of our building.

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

The purpose of these signs is solely for advertising that pose no risk to any of the above mentioned.

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

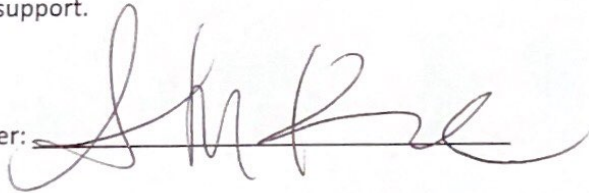
Scooter's has done ample research for specific sizing on their snap frames -they are large enough to be seen, but not in excess.

- 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.

Document attached.

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

Signature of Property Owner:



Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____

CITY OF INDEPENDENCE

REC#: 01164496 12/13/2021 9:09 AM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXXX-1878
AUTH #: 08030J
TRAN #: 000000049270

TYPE: PURCHASE
APP NAME: CAPITAL ONE
ENTRY MODE: CHIP

AMOUNT USD\$ 100.00

EMV DETAILS:
AC: CFF21B7FF83BA188
AID: A0000000041010
ATC: 0041
TSI: E800
TVR: 0000008000

TRAN: 1.9000 VARIANCE
100 N 10TH
VARIANCE FOR SCOOTERS
MISC FEES 100.00CR

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

**APPLICATION FOR SIGN PERMIT
CITY OF INDEPENDENCE, KS
620-332-2504**

BUSINESS Brew Crew LLC (DBA: Scooter's Coffee)

ADDRESS 100 N. 10th Street Independence, KS 67301

CONTACT NAME [Business Owner] Sarah Kromer

PHONE 316-633-0323 City License # _____

SIGN COMPANY Omaha Neon Sign Co.

CONTACT NAME Andy Nelson

Location of sign or advertising structure, be specific in detail: _____
Monument sign in SW corner of lot, two directional signs - one in NW corner, one in SE corner. (document attached with locations of each)

Color White, Red, Black Dimensions 12'x6'10"x28" (monument) 3'9"x23"x12" (directional) sq ft per face _____

Construction Material Aluminum, Lexan Lit Internally? Y/N Y

ELECTRICIAN TBD

COMPANY NAME _____

PHONE _____ City License # _____

ADDITIONAL INFORMATION & REQUIREMENTS

Does this design fit the guidelines of the historical district?

One set of detailed scale drawings and specifications [dimensions] showing proposed structure, method of construction and attachment to building or ground must accompany this application.

Stress and design calculation [if applicable] showing dead load and wind design must accompany this application.

Evidence that sign will comply with National Electric Code must accompany this application [if applicable].

Application submitted by Sarah Kromer

PERMIT APPROVAL

A \$25.00 fee must be paid and permit must be signed before work is started on installation of sign.

Zoning Administration Date _____ Permit Number _____



INSTALL CUSTOMER PROVIDED SIGN PANELS

SCALE: $\frac{1}{2}" = 1'-0"$



25.2 Total Sq. Ft.



SCOPE OF WORK:
INSTALL CUSTOMER PROVIDED SIGN PANELS. PANELS ARE TO BE MOUNTED TO FASCIA IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).

NOTE: SNAP FRAMES ARE TO BE INSTALLED BY

SELF TAPPING
NON-CORROSIVE
FASTENERS AROUND
FRAME PERIMETER

SNAP STYLE
DISPLAY FRAME

FASCIA



2 EXTERIOR ELEVATIONS
scale: $\frac{1}{8}" = 1'-0"$

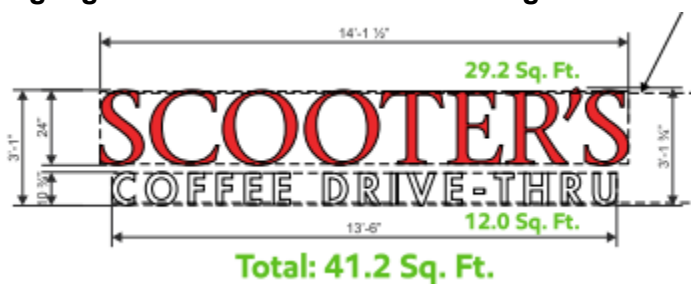


1 EXTERIOR ELEVATIONS
scale: $\frac{1}{8}" = 1'-0"$

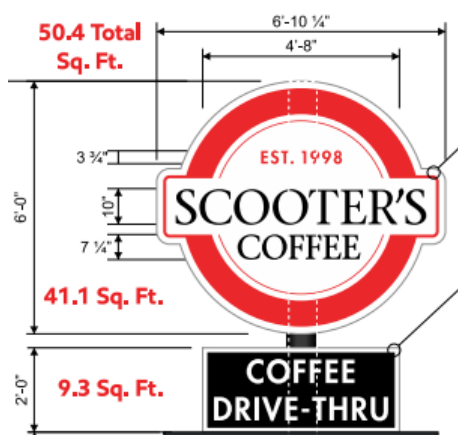
Sign on north/south sides of Building:



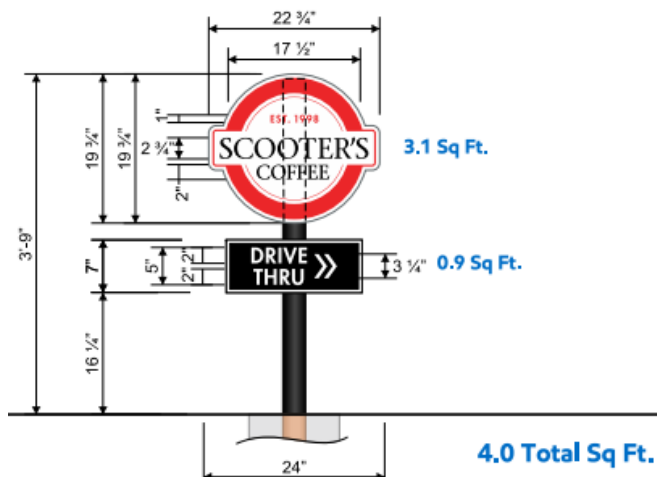
Signage on east/west sides of building:



Main Freestanding Sign:



Directional Freestanding Signs (at each entry - 2 total):



Asking for Variance of Snap Frames on east and west side of building:



25.2 Total Sq. Ft.



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

- b. Public Hearing to receive comments on a variance request to decrease the setbacks in an R-2 single-family dwelling district at 1222 North 2nd Street.

Details:

Site Address:	1222 North 2 nd Street
Legal Description:	Lot 33 & 34 Belmont Addition, City of Independence, Montgomery County, Independence.
Property Owner:	Hentges, Stephanie L Amended & Restated Rev Trust 5/24/2018
Existing Use:	Residence
Existing Zoning:	R-2, single-family dwelling district

Background/History: Mr. and Mrs. Hentges own the property and have been working with Miranda Bruening from HBK Architecture to build a new garage.

Request:

Mr. and Mrs. Hentges want to place a detached garage within two (2) foot from the south side yard property line and the neighbor's garage. This would be a six (6) foot encroachment. The residence had an existing garage, but it was not structurally sound, and they tore it down. They now want to build a new, deeper garage in the same place the old garage was in with the same two (2) foot between their garage and the neighbor's garage.

Policy Explanation:

03.0. - R-2, single-family dwelling district.

503.1. Intent: The purpose of this district is to provide for single-family residential development of low population density together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

503.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

503.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

503.4. Intensity of use regulations:

a. *Minimum lot area:* Single-family dwellings—7,200 square feet

Exception: Where a use is not connected to a public sewer, lot area shall be increased to area determined as adequate by the city engineer to meet current health standards.

b. *Minimum lot width:* 50 feet at the front building line, except cul-de-sac lots may be 35 feet at the front building setback line.

c. *Maximum lot coverage:* 30 percent.

503.5. Height regulations:

- a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

503.6. Yard regulations:

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yard:*

1. Interior side yards: Eight feet.
2. Where the side yard fronts on a street, the minimum front yard shall be provided.

c. *Minimum rear yard:* Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and the perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall equal at least ten feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

503.7. Parking regulations:

- a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

Variance: The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

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:

In considering the providing of a variance we wish to provide the following information:

- 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;* The previous garage was in the same location and is the only place a new garage would fit.
 - b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents;* The neighborhood has mostly detached garages similar to this residence.
 - 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;* There is no other space on the property where a garage can be placed.
 - d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;* It does not appear that the variance will adversely affect public health, safety, morals, order, convenience, prosperity or general welfare.
 - e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations. 503.6. Yard regulations: c. Minimum rear yard:* Ten feet. Granting the variance will not be opposed to the general spirit and intent of the zoning regulations. The previous garage was built in the same place and matches the neighborhood.
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.

Staff Recommendation: City Staff recommends approving the variance based upon staff recommendation of the evidence presented in each specific case that:

- a. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 1. There is no apparent issue with public safety, health or welfare.
- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property.
 1. The new garage is going back in the same spot as the old garage.
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
 1. The size of the old garage was too small for modern vehicles and was deteriorating.

2. The new garage will be deeper but in the same location as the previous garage.

Chairperson opens the hearing.

Public Comments:

Suggested Motion:

I move to approve the variance to reduce the south side yard setback from eight (8) feet to two (2) feet, based on the staff's recommendation that all City Codes and conditions are met.

Attachments:

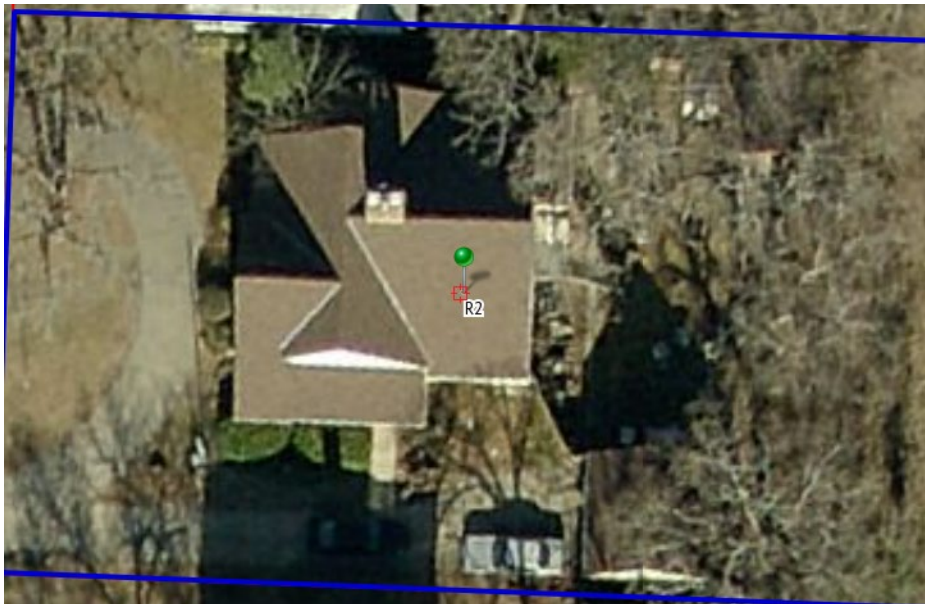
Property Location

Application

Surrounding Property Owners' Responses (if any)

Hearing Notice

Property Location:



APPLICATION TO BOARD OF ZONING APPEALS

CITY OF INDEPENDENCE, KANSAS

1. Date: 12/22/2021

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

David & Stephanie Hentges
4413 Nicklaus Dr.
Lawrence, KS 66047

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

Name: Miranda Bruening
Address: P.O. Box 373 Independence, KS 67301
Telephone: (620) 205-8487

4. Common Address of Land Involved:

1222 N. 2nd Street
Independence, KS 67301

5. Legal Description of Land Involved:

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

Place a detached garage within 2'-0" from the property line

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

The original detached garage was/is currently at the same location; however, the garage overall size didn't allow for modern vehicles to be parked within it so a new deeper garage is required. Additionally the existing garage was structurally unsound so it had to be demolished.

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

Because the proposed garage would not be any closer than what was there previously and will be more structurally sound.

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

The current setback requirements would push this structure too far north and would not allow for a detached garage. The neighborhood in question architectural styles consist of mostly detached garages abutting neighboring properties. While this garage will be slightly deeper than the neighboring garage it will not obstruct a view that wasn't already obstructed by the existing house.

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

The proposed plan intends to provide a similar set back to what already existed and is not asking for a zero setback.

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

The proposed plan intends to provide a similar set back to what already existed and is not asking for a zero setback.

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

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

Signature of Property Owner: _____

Munk May
ON BEHALF OF OWNER

Case Number: _____

Date Filed: _____

Fee Received: _____

Present Zoning: _____

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, February 1, 2022, at 5:30 p.m.

To receive comments on a variance request to decrease the setbacks in an R-2 single-family dwelling district.

Common Address:

1222 N. 2nd Street

Legal Description:

Lot 33 & 34, Belmont Addition to the City of Independence, Montgomery County, Kansas.

Applicant/Owners:

David and Stephanie Hentges

Case Number:

2022/VAR/02

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

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

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

Kelly Passauer, Zoning Administrator

Application Date: 12/22/2021

Applicant Name: HBK Architecture

Project Site Address: 1222 North 2nd Street Independence, MO 64504

Project Owner:

Name: David & Stephanie H

Address: **4413 Nicklaus Dr La**

Telephone: [REDACTED]

Email:

Construction Type: ☐ New Construction ☒ Addition ☐ Accessory Building

☒ Interior Renovation ☐ Exterior Renovation ☐ Duplex

☐ Townhouse ☐ Porch ☐ Addition to Garage ☒ Detach Garage

☐ re-roof/roofing – see roofing section ☐ Historical restoration

☐ Other

Project Construction Value: **\$350,000**

Total Square Footage of Project: **2460**

First Floor Square Footage: 1976

Second Floor Square Footage: na

Third Floor Square Footage: na

Unfinished Basement Square Footage: _____

Finished Basement Square Footage: _____

Garage Square Footage: 484

Number of Stories (if Applicable): 1

Total Project Height (if Applicable): _____

Construction Details:

Footing Type: ☐ Trench ☐ Pier ☒ Spread Footing

Footing Dimensions: 1' thick 2' wide Basement Wall Dimensions: 8" thick

Footing Depth: 3' Basement Wall Thickness: _____

Reinforcing system: rebar

Exterior Wall Framing Size: 2x6 Exterior Wall Framing Spacing: 16" o.c.

Exterior Wall Framing Material: wood Exterior Wall Sheathing: 1/2" thick

Exterior Wall Finish Material: LP Diamond

Interior Wall Framing Size: varies Interior Wall Framing Spacing: 16" o.c.

Interior Wall Framing Size: varies Interior Wall Framing Spacing: 16" o.c.

Floor Framing Size: _____ Floor Framing Spacing: _____

Roof Framing Size: _____ Roof Framing Spacing: _____

Roof Sheathing thickness: 5/8" Roofing Material: asphalt shingles

Driveway/Approach Material: concrete Paving Thickness: 4"

If there is a garage will it be attached? Yes ☐ No ☒

If yes will it be separated from the remainder of the living spaces by the appropriate fire separation barrier material and all penetration seal with approved fire sealant as well as all doors leading into the garage from the living spaces be of the appropriate fire rating and installed in the appropriate manner?

Yes ☐ No ☐

Will the basement be finished?

Yes ☐ No ☐

If yes will all sleeping and living spaces have an egressable window installed according to code and with the appropriate exiting devices to allow the occupants to egress from the basement?

Yes ☐ No ☐

Roofing/Re-Roof:

Will this project be one of the following:

☐ Overlay ☒ Total Tear off

If overlay have cores to the roof been taken, and if so have they been given to the building inspector:

Existing roofing system thickness/number of layers: 2

Note: Total tear off is required where the existing roof has two or more applications of any type of roof covering (See International Residential Building Code 2016 Section R907.3.3

☐ No ☐ Yes ☐ Yes but cores have not been given to the building inspector ☐ New Construction

Project Description:

Remove existing shingles on original house and install new laminated architectural shingles over weather barrier

Roof Drainage:

☐ existing gutters & downspouts ☒ new gutters and downspouts ☐ existing scuppers ☐ new scuppers

Historical:

What type of project:

☐ Complete exterior rehabilitation ☐ masonry tuck pointing ☐ window rehabilitation ☐ stucco rehabilitation ☐ wood rehabilitation ☐ roofing rehabilitation including gutters and downspouts or scuppers ☐ storefront rehabilitation ☐ Complete interior rehabilitation ☐ plaster rehabilitation ☐ wood rehabilitation ☐ door, frame and hardware rehabilitation ☐ millwork rehabilitation ☐ stucco rehabilitation ☐ stucco rehabilitation ☐ stucco rehabilitation

Will this project be funded by an historical grant or will it be seeking historical tax credits?

☐ No ☐ Yes

Explain:

If this project is using historical grants or applying to tax credits please reference the historical section at the end of the permit. Additionally, the historical review process will extend the review process by up to 2 weeks. If you have already submitted your project to the Kansas State Historical office for approval and have received approval, please attach the letter from the State.

Project Contractor/General Contractor:

Name: Miranda Bruening City License Number: _____

Company Name: HBK Architectur

Firm Address: P.O. Box 373
Independence, KS 67301

Telephone: (620) 205-8487

Email: miranda@hbkarch.com

Sub-Contractor Information:

Concrete	Name: _____	Independence License No. _____
Framing	Name: _____	Independence License No. _____
Electrical	Name: <u>Blankinship El</u>	Independence License No. _____
Plumbing	Name: <u>Eric's Plumbing</u>	Independence License No. _____
Mechanical	Name: <u>Independence</u>	Independence License No. _____
Other	Name: _____	Independence License No. _____

Design Professionals (if applicable):

Architect: HBK Architecture Kansas License Number: _____

Firm Address: P.O. Box 373
Independence, KS 67301

Telephone: (620) 205-8487

Email: miranda@hbkarch.com

Structural Engineer:_____ **Kansas License Number:**_____

Firm Address:_____

Telephone:_____

Email:_____

Mechanical Engineer:_____ **Kansas License Number:**_____

Firm Address:_____

Telephone:_____

Email:_____

Electrical Engineer:_____ **Kansas License Number:**_____

Firm Address:_____

Telephone:_____

Email:_____

Plumbing Engineer:_____ **Kansas License Number:**_____

Firm Address:_____

Telephone:_____

Email:_____

Checklist of Required Submittals & Drawings:

Documents Required	New Construction	Addition	Remodeling Interior	Remodel Exterior	Repairs	Accessory Building
Application Form	X	X	X		X	X
Fire Code Footprint						
Floor Plan	X	X	X		X	
Site Plan with Utilities	X	X				X
Elevation Drawings - exterior	X	X				
Civil Plans & Details						
Structural Plans & Details						
Mechanical Plans & Details	X	X				
Electrical Plans & Details	X	X	X			
Plumbing Plans & Details	X	X	X			
Construction Details						

Minimum Information to be included on drawings:

Site Plan: A graphic representation of the property indicating but not limited to the following: property lines, property size (to scale or dimensions shown), North arrow, adjacent street(s), location of existing improvements, proposed construction, setback dimensions from property lines, water service, sewer lines, electrical lines, gas lines, other utilities, any easements, paving, curb cuts, grading & drainage.

Floor Plan: Plans shall be drawn to scale with dimensions shown, showing walls, doors, windows, construction types, all floor levels. Note all fire rated partitions, rated doors, safety window glazing, stairway.

Elevation Drawings: Illustrate the building front, sides & rear views.

Electrical Plan: Indicate the location and size of the (new) electrical service and describe the (new) panelboard.

Plumbing Plan: Indicate the sanitary sewer location exiting the construction and the tie to the existing system (if applicable) with cleanout locations. Indicate the water service line location, size and the tie to existing system (if applicable).

Documents Required for Permit: In addition to the permit form the applicant will provide to the city a minimum three (03) sets of required drawings. Additionally, an electronic PDF version of the documents shall be submitted at the time of the application or emailed directly to the Code official within 5 days of the permit application. The PDF versions can be provided at the time the permit is submitted or by email. If provided at the time of the submittal they should be placed on a CD or removable media

thumb drive. If provided in this manner the CD and/or the thumb drive will remain with the code official and not be returned.

Election to Do Own Work:

Agreement for unlicensed, uncertified person to do their own work on an owner-occupied dwelling.

In accordance with the above referenced Building Code, I, _____ Hereby request authorization to do my own work on a one or two family dwelling, located 4413 Nicklaus Dr La _____, Lot _____, Block _____, Subdivision _____, which is existing or in the process of being newly constructed.

It is understood and I agree that this authorization is contingent on the fact that I shall personally purchase all materials to be used, in this work, and I shall personally perform all labor in connection therewith. It is further understood and agreed that as permittee and/or Owner, I shall not allow any person to do or cause to be done and work under a permit secured myself, unless such person is a licensed, certified and bonded contractor or master contractor of the said type of work performed.

I hereby certify that all work, for which this application is submitted, will be done in accordance with the terms of the above agreement and in accordance with the Codes and Laws of the City of Independence, Kansas.

Signature

Date

Exclusions of Owner Performed work:

1. The Following are area of work that cannot be performed by an Owner, these items will need to be performed by a licensed contractor of that particular trade:
2. Installation of gas lines and connects thereof to any heating appliance and or cooking appliance.
3. Installation of a permanent heating appliance (regardless of what type)
4. Installation of an electrical service panel, disconnect or electrical service entrance.
5. Main electrical branch and secondary branch circuits. Wiring may be installed by the owner; however, a licensed electrician shall make all connections within the electrical panel, disconnects, receptacles and switches. All connections shall be certified by said electrician shall be provided to the Building Inspections Department.

Required Inspections:

The following inspections are required for residential construction projects within the City of Independence. When your project is ready for an inspection, you may call (620) 332-2541, before 4:00PM the day prior to that requested for the inspection.

General Construction

DW (Driveway)	An inspection performed to verify that driveways, sidewalks and curb cuts are constructed in conformance with City code and ordinance.
FRM (Framing)	An inspection of structural components and connections, lumber size and load bearing, and egress window sizes, prior to sheetrock installation.
FTG (Footings)	Footings Inspection check the type and bearing of foundations, reinforcement, clearance and location on the property.
FBI (Final Building Inspection)	A final building inspection to verify all components are in place and operating as intended.
FFD (Final Fire Department)	A final inspection by the Fire Department to verify Local and State requirements for fire safety, detectors, hazardous materials, alarm systems, fire escapes, means of egress and maintenance of fire protection devices.

Plumbing Construction

CCI (Cross Connection Inspection)	An inspection to verify correct installation of the backflow prevention devices used on the potable water systems.
GL (Gas Line)	A visual inspection of the gas line and connection to the meter. This inspection is done by the gas utility and coordinated by the plumbing sub-contractor.
RIP (Rough-in Plumbing)	This is an inspection of the underground DWV (Drain, Waste and Vent) and water supply, 50#PSI on the water supply, 5#PSI air or 10-foot head on DWV system.
SWR (Sewer)	This inspection is a visual inspection of the sewer line in place from the cleanout to the tap at the city main.

FP (Final Plumbing)	A final inspection after all fixtures are installed and connected.
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Electrical Construction

TP (Temporary Power)	This inspection is for temporary power poles installed at job sites and/or job trailers for construction and is to assure pole is strong enough to withstand wind or weather, and GFCI protected.
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PS (Permanent Service)	A visual inspection of the installation or upgrade of the electrical supply system to a residence typically at the service entrance.
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RIE (Rough-in Electric)	An inspection of the installation of boxes, conduit, cable, conductors, etc. prior to the covering by wallboard, concrete, masonry or earth. This must be done for anything that will not be visible upon completion of the project.
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FE (Final Electrical)	An inspection that insures all fixtures, devices, equipment and panelboards are installed and operating correctly.
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Mechanical Construction

RIM (Rough-in Mechanical)	An inspection of the ductwork, panning, flues, combustion air, and all items that will be covered by drywall or ceilings.
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FM (Final Mechanical)	A final inspection after all final connections are made and grilles are in place. The system shall be operational.
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Site Construction

SPA (Site Plan Approval)	Inspection includes location of construction on property, identification of easements, setbacks, landscaping, sidewalks, pavement, and grading.
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STW (Storm Water)	An inspection to verify compliance with storm water regulations and control of excess storm water drainage, retention and dispersal.
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Adopted Codes:

2012 International Building Code (Resolution 4259 adopted 12/14/2017)
2012 International Existing Building code (Resolution 4266 adopted 12/14/2017)
2012 International Residential Code (Resolution 4258 adopted 12/14/2017)
2012 Uniform Plumbing Code (Resolution 4261 adopted 12/14/2107)
2012 International Mechanical Code (Resolution 4267 adopted 12/14/2017)
2012 Uniform Swimming Pool, Spa & Hot Tub Code (Resolution 4262 adopted 12/14/2017)
2011 National Electric Code (Resolution 4260 adopted 12/14/2017)
2010 ADA

Minimum Design Standards:

Wind Speed: 115 mph
Ground Snow Load: 15 lbs
Seismic Design Category: B
Frost Line Depth: 32"

Historical Standards:

Secretary of the Interiors Standards for Rehabilitation

<https://www.nps.gov/tps/standards/rehabilitation/rehabilitation-guidelines.pdf>

Additional Preservation and Rehabilitation information can be found at the following web address

<https://www.nps.gov/tps/education/free-pubs.htm>

Important Contact Information:

City Contacts:

Planning & Zoning: Zoning, setbacks, site plan review, landscaping, signage, parking, paving & subdivision regulations.

Kelly C. Passauer, CPM
Assistant City Manager/Zoning Administrator
City Hall
811 W. Laurel St.
Independence, KS 67301
(620) 332-2506
kellyp@independencesks.gov

Fire Department: Exiting, smoke detectors, sprinkler system and fire alarms

Shawn Wallis
Fire Chief
City Hall
811 W. Laurel St.
Independence, KS 67301
(620) 332-2504
shawnw@independencesks.gov

Utility Department: Water and sewer taps, fees and scheduling

Terry Lybarger
Director of Utilities
City Hall
811 W. Laurel St.
Independence, KS 67301
(620) 332-2542
terryl@independencesks.gov

Building Inspections: Building Inspections for new construction, renovations, additions, landlord/tenant

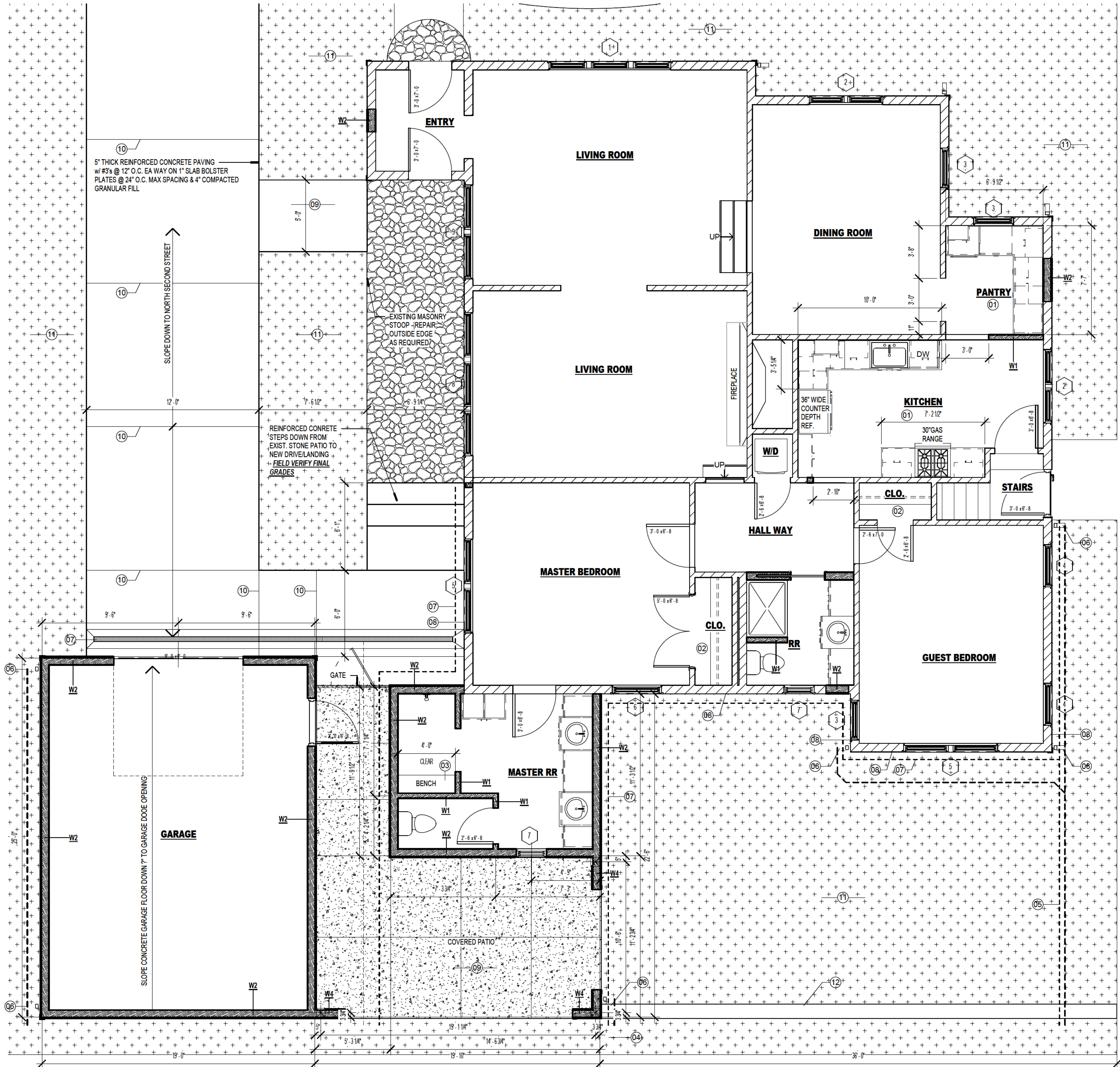
Don Cushing
Building Inspector
City Hall
811 W. Laurel St.
Independence, KS 67301
(620) 332-2541 Office
(620) 205-7166 cell
inspector@independencesks.gov

Private Utilities Contacts

Agency	Contact Person	Phone
Westar Energy	Joann Evans	(620) 332-2625
Atmos Energy	Ryan Collett	(620) 331-1547
AT&T	Business Support	888-944-0447
Cable One	Business Support	877-570-0500

RENOVATION AND ADDITION TO A RESIDENCE FOR: DAVID AND STEPHANIE HENTGES

1222 N. 2ND ST.
INDEPENDENCE, KS 67301



FLOOR PLAN GENERAL NOTES:

- DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REUSED OR REPRODUCED IN ANY MANNER WITHOUT EXPRESSED WRITTEN CONSENT.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS & AT THE JOB SITE AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES, OMISSIONS AND/OR CONFLICTS BEFORE PROCEEDING WITH THE PROJECT & THE ORDERING OF MATERIALS.
- CONTRACTOR MUST COMPLY WITH ALL RULES & REGULATIONS OF AGENCIES HAVING JURISDICTION AND SHALL CONFORM TO ALL CITY, COUNTY, STATE & FEDERAL CONSTRUCTION, SAFETY & SANITARY LAWS, CODES, STATUTES AND ORDINANCES. ALL FEES, TAXES, PERMITS, APPLICATIONS & CERTIFICATES OF INSPECTION, AND THE FILING OF ALL WORK WITH GOVERNMENTAL AGENCIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. DRAWINGS WERE COMPILED USING THE 2012 INTERNATIONAL BUILDING CODE.
- ALL WORK SHALL BE PERFORMED BY SKILLED AND QUALIFIED WORKMEN IN ACCORDANCE WITH THE BEST PRACTICES OF THE TRADES INVOLVED AND IN COMPLIANCE WITH THE MANUFACTURER'S CURRENT PRINTED INSTALLATION GUIDE, BUILDING REGULATIONS AND/OR GOVERNMENTAL LAWS, BUILDING CODES, STATUTES OR ORDINANCES.
- ALL WORK SHALL BE ERRECTED AND INSTALLED PLUMB, LEVEL, SQUARE, TRUE & IN PROPER ALIGNMENT.
- ALL MATERIALS SHALL BE NEW, UNUSED & OF THE HIGHEST QUALITY IN EVERY RESPECT, UNLESS OTHERWISE NOTED. MANUFACTURED MATERIALS & EQUIPMENT SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS & INSTRUCTIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CUTTING AND PATCHING REQUIRED FOR HIS WORK. REPAIR ANY EXISTING MATERIAL OR EQUIPMENT DAMAGED BY THESE OPERATIONS.
- CONTRACTOR SHALL AT ALL TIMES KEEP THE PREMISES FREE OF ACCUMULATION OF WASTE MATERIALS OR RUBBISH. PREMISES TO BE PICKED UP & CLEANED DAILY OF ALL CONSTRUCTION DEBRIS. AT THE COMPLETION OF THE WORK, LEAVE THE JOB SITE FREE OF ALL MATERIALS & THOROUGHLY CLEAN.
- DO NOT SCALE DRAWINGS. FIELD VERIFY ALL DIMENSIONS & QUANTITIES.
- ALL DIMENSIONS ARE FACE OF EXISTING WALL TO CENTERLINE OF NEW WALLS UNLESS OTHERWISE NOTED.
- ALL FINISHES ARE CHOSEN BY OWNER.
- ALL APPLIANCES ARE CHOSEN BY OWNER.

WALL TYPE GENERAL NOTES:

- MATCH EXISTING WALL THICKNESS WHERE PROVIDING WALL FRAMING INFILL IN EXISTING WALLS (FIELD VERIFY)
- PROVIDE NECESSARY BLOCKING, CONCEALED WITHIN THE CONSTRUCTION, AS REQUIRED FOR ANY AND ALL ITEMS THAT MUST BE SECURED TO THE WALL. VERIFY LOCATIONS WITH OWNER.

WALL TYPES:

- W1** 2X4 WOOD STUDS @ 16" O.C. WITH 1/2" GYPSUM BOARD ON EACH SIDE. WHERE SHOWN IN WET LOCATION, USE CONCRETE BOARD FOR TILE INSTALL.
- W2** 2X6 WOOD STUDS @ 16" O.C. WITH R19 MIN. BATT INSULATION AND 5/8" GYPSUM BOARD INTERIOR SIDE. EXTERIOR TO LP SMARTSIDE SHAKER PANELS OVER WEATHER BARRIER OVER SHEATHING.
- INFILL WALL LOCATIONS: MATCH EXISTING WALL THICKNESS
- W3** 2X4 WOOD STUDS @ 16" O.C. WITH 1/2" GYPSUM BOARD ON EACH SIDE. WHERE SHOWN IN WET LOCATION, USE CONCRETE BOARD FOR TILE INSTALL.
- W4** 2X6 WOOD STUDS @ 16" O.C. WITH CEDAR SHAKE SHINGLE SIDING ON WEATHER BARRIER OVER SHEATHING.

FLOOR PLAN KEYNOTES

#	KEYNOTE
01	UPPER AND LOWER CABINETS FOUND IN KITCHEN AND PANTRY. UPPER CABINETS WILL BE CEILING HIGH. NO SOFFITS.
02	CLOSET SHELF AND ROD
03	18 INCH HIGH AND DEEP BUILT-IN SHOWER BENCH IN MASTER BATHROOM
04	4" DIAMETER DRAIN LINE FROM POLYCAST TRENCH DRAIN. SLOPE TO DAYLIGHT & TERMINATE w/ SCREEN GRATE
05	4" DIAMETER DRAIN LINE FROM POLYCAST TRENCH DRAIN. SLOPE TO DAYLIGHT & TERMINATE w/ SCREEN GRATE
06	CONNECT DOWNSPOUT TO UNDERGROUND DRAIN LINE SLOPE TO DAYLIGHT w/ GRATE AT END.
07	POLYCAST TRENCH DRAIN w/ CAST IRON GRATE & SLOPED BOTTOM TO 4" DIAMETER DRAIN LINE
08	FLUID APPLIED WATERPROOFING MEMBRANE APPLIED TO SURFACE OF FOUNDATION & COVERED w/ MIRADRAIN BOARD
09	4" THICK REINFORCED CONCRETE w/ #3's @ 8" O.C. ON 4" COMPACTED GRANULAR FILL
10	SAWCUT JOINT w/ TRAFFIC SEALANT - 120sf MAXIMUM PANEL SIZE ON DRIVE WAY 25sf MAXIMUM PANEL SIZE ON SIDEWALKS & PATIO
11	4" DIAMETER DRAIN LINE FROM POLYCAST TRENCH DRAIN. SLOPE TO DAYLIGHT & TERMINATE w/ SCREEN GRATE
12	12" THICK REINFORCED CONCRETE RETAINING WALL

SQUARE FOOTAGE:

EXISTING SQUARE FOOTAGE: 1804 S/F
MASTER BATH ADDITION: 172 S/F
GARAGE ADDITION: 484 S/F



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RENOVATION AND ADDITION TO A RESIDENCE FOR:

DAVID AND STEPHANIE HENTGES
1222 N. 2ND ST.
INDEPENDENCE, KS 67301

DRAWING

FLOOR PLAN

MANAGER

MDB

DRAWN BY

AF

REVISIONS

PROJECT NUMBER

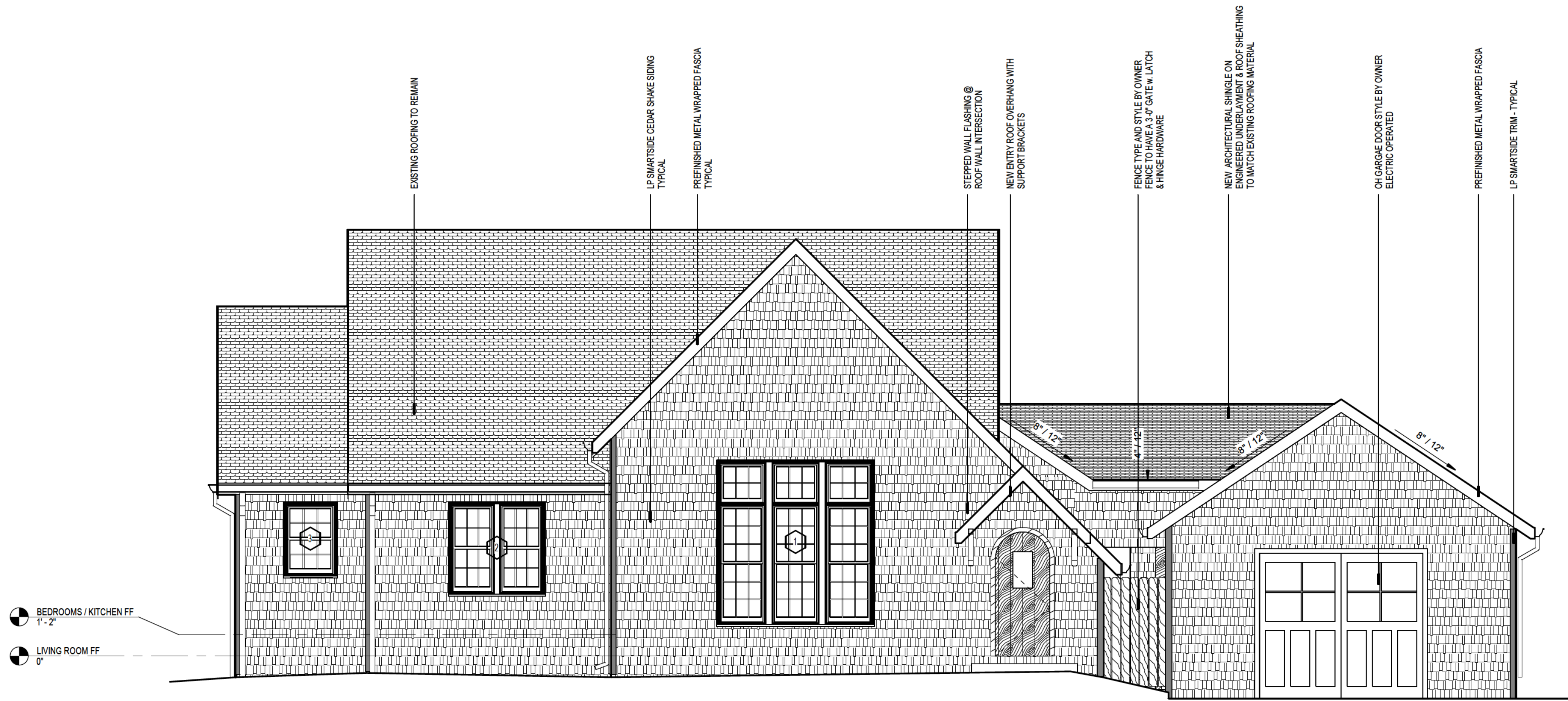
21-67

DATE

12/23/21

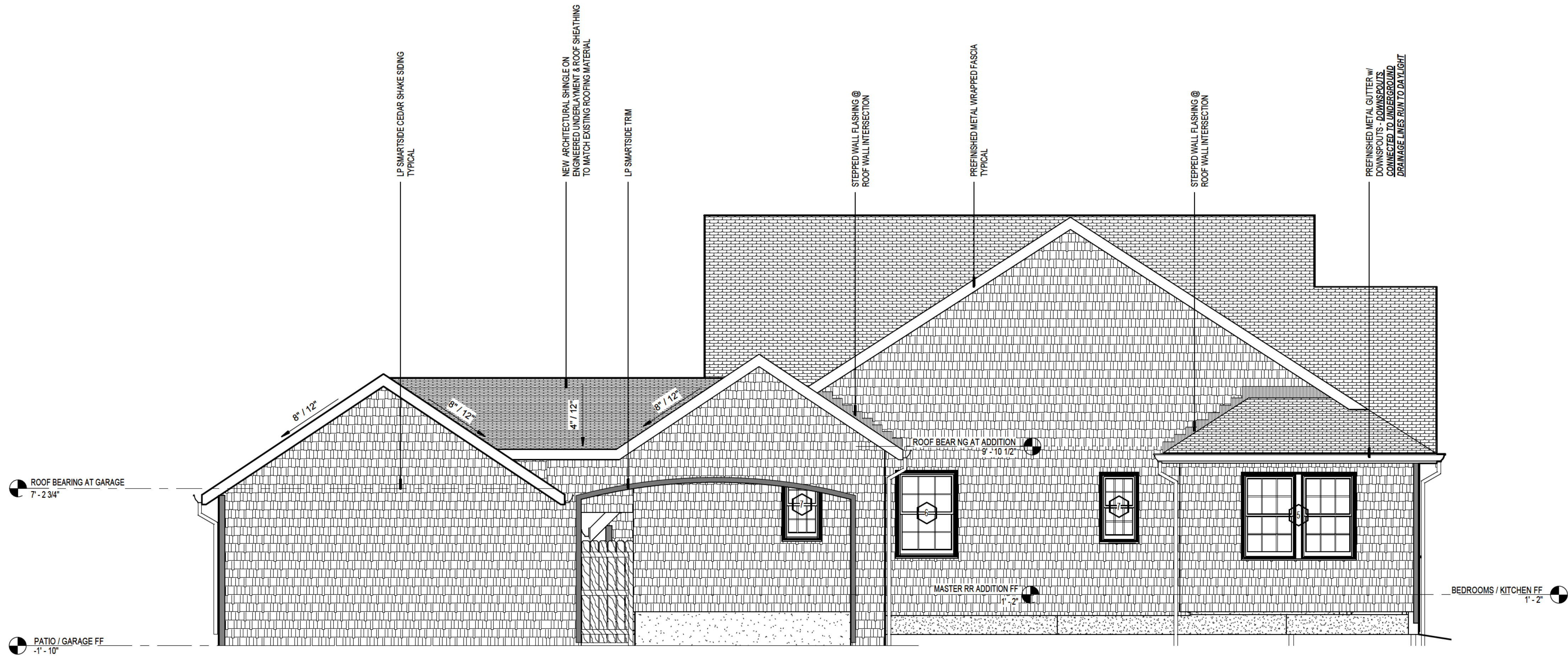
REVISIONS

A1



1 WEST EXTERIOR ELEVATION

1/4" = 1'-0"



2 EAST EXTERIOR ELEVATION

1/4" = 1'-0"

EXTERIOR GENERAL NOTES:

1. SIDING TO BE LP SMARTSIDE CEDAR SHAKE STYLE. COLOR TBD. USE APPROPRIATE TRIM PEICES AS RECCOMENDED BY MANUFACTURER.
2. FASCIA TO BE A WRAPED PREFINISHED METAL. INSTALL PROPER DRIP EDGE AND FLASHING FOR ROOF INTEGRATION.
3. SOFFIT TO BE VENTE
4. GUTTERS AND DOWNSPOUTS TO BE 6X6 PREFINISHED TO MATCH FASCIA COLOR.
5. ALL GUTTERS AT REAR OF HOUSE TO TIE INTO UNDERGROUPD DRAINAGE PIPE AND DAYLIGHT TO THE EAST.
6. EXISTING ROOF TO REMAIN. NEW ASPHALT SHINGLES TO BE INSTALLED ON NEW ROOF TO MATCH EXISTING. BID ALTERNATE - NEW SHINGLES ON ENTIRE HOUSE



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DAVID AND STEPHANIE HENTGES
1222 N. 2ND ST.
INDEPENDENCE, KS 67301

DRAWING

**EXTERIOR
ELEVATIONS**

MANAGER: MDB
DRAWN BY: SAC

REVISIONS

PROJECT NUMBER

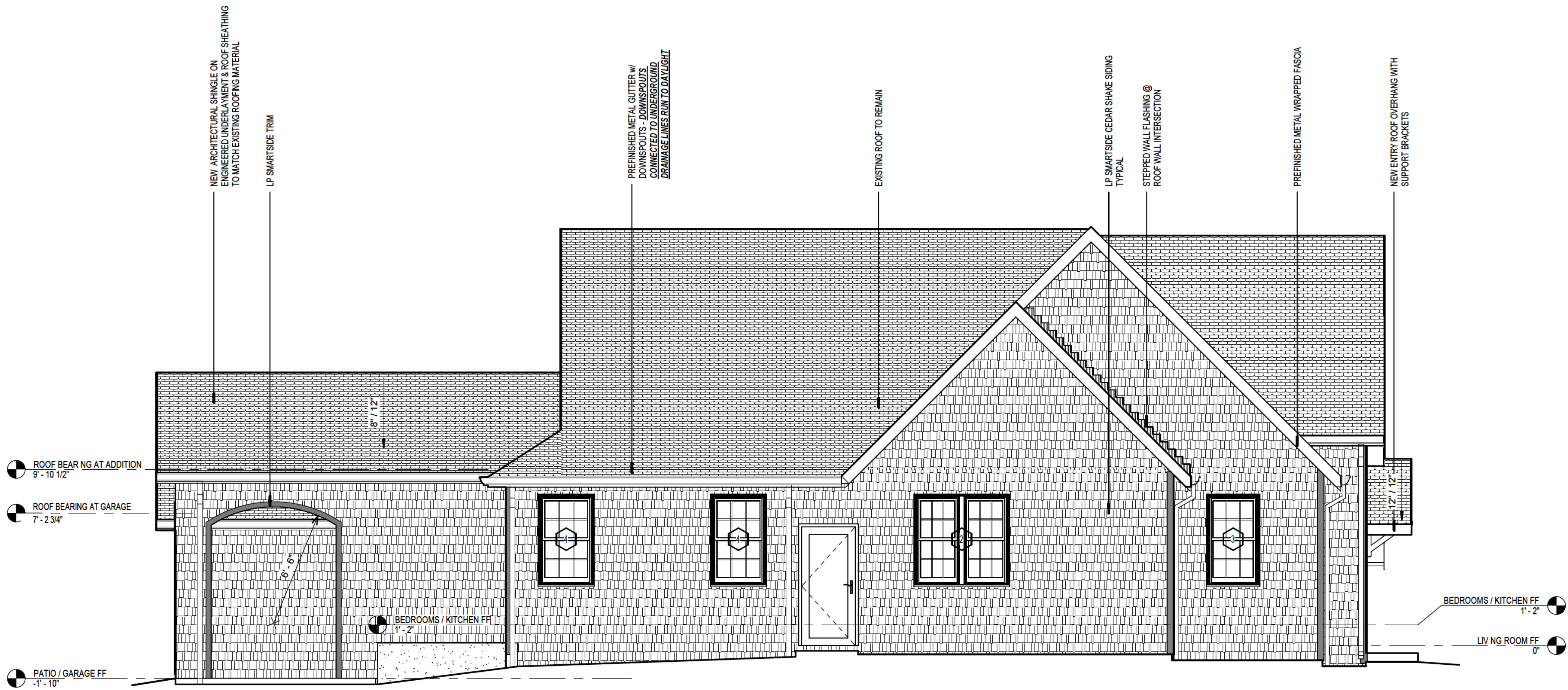
21-67

DATE

12/23/2021

REVISIONS

A2



1 NORTH EXTERIOR ELEVATION

1/4" = 1'-0"



2 SOUTH EXTERIOR ELEVATION

1/4" = 1'-0"

EXTERIOR GENERAL NOTES:

1. SIDING TO BE LP SMARTSIDE CEDAR SHAKE STYLE. COLOR TBD. USE APPROPRIATE TRIM PEICES AS RECCOMENDED BY MANUFACTURER.
2. FASCIA TO BE A WRAPED PREFINISHED METAL. INSTALL PROPER DRIP EDGE AND FLASHING FOR ROOF INTEGRATION.
3. SOFFIT TO BE VENTE
4. GUTTERS AND DOWNSPOUTS TO BE 6X6 PREFINISHED TO MATCH FASCIA COLOR.
5. ALL GUTTERS AT REAR OF HOUSE TO TIE INTO UNDERGROUPD DRAINAGE PIPE AND DAYLIGHT TO THE EAST.
6. EXISTING ROOF TO REMAIN. NEW ASPHALT SHINGLES TO BE INSTALLED ON NEW ROOF TO MATCH EXISTING.
BID ALTERNATE - NEW SHINGLES ON ENTIRE HOUSE



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RENOVATION AND ADDTION TO A RESIDENCE FOR:

DAVID AND STEPHANIE HENTGES
1222 N. 2ND ST.
INDEPENDENCE, KS 67301

DRAWING

EXTERIOR ELEVATIONS

MANAGER	DRAWN BY
MDB	SAC

REVISIONS

PROJECT NUMBER

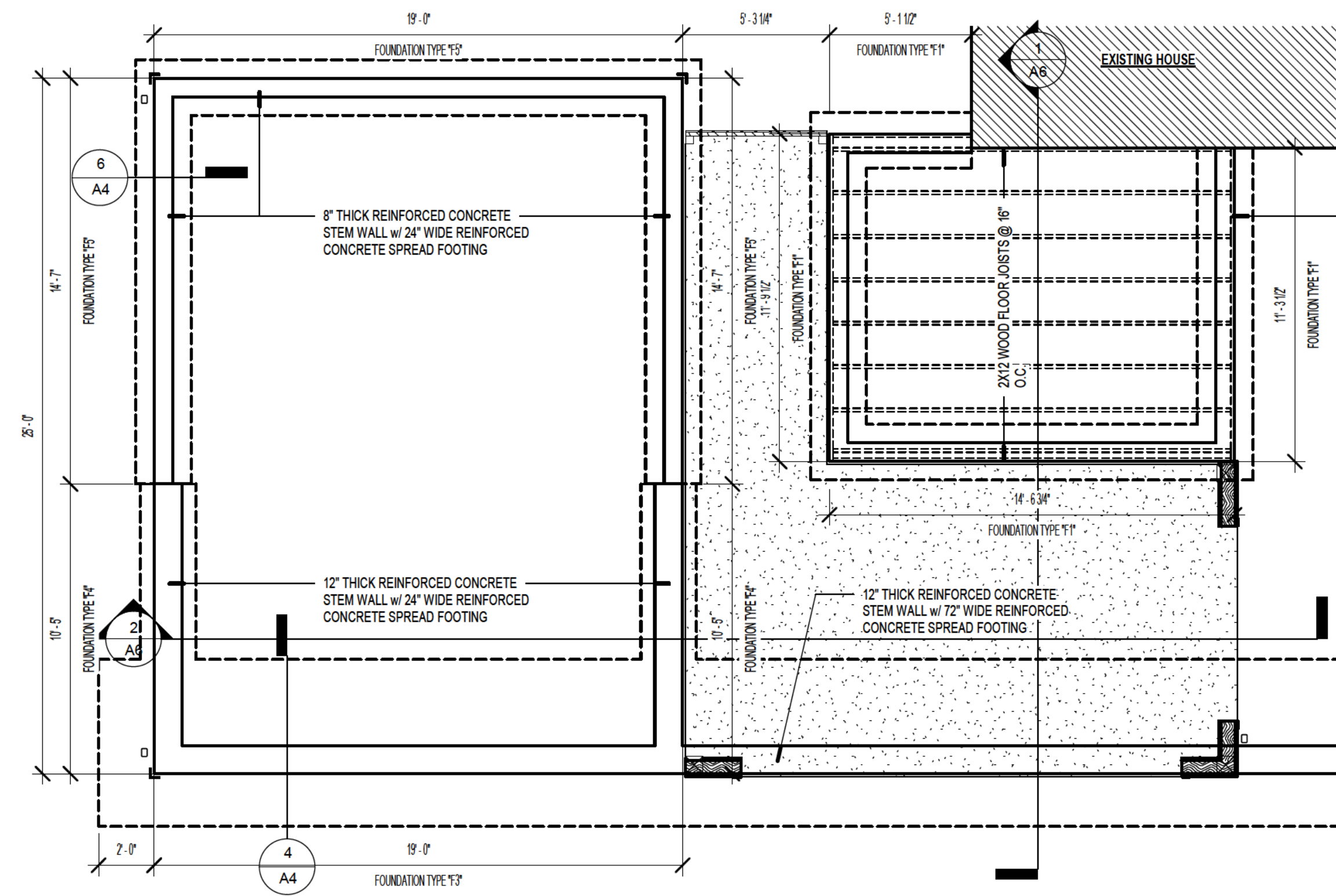
21-67

DATE

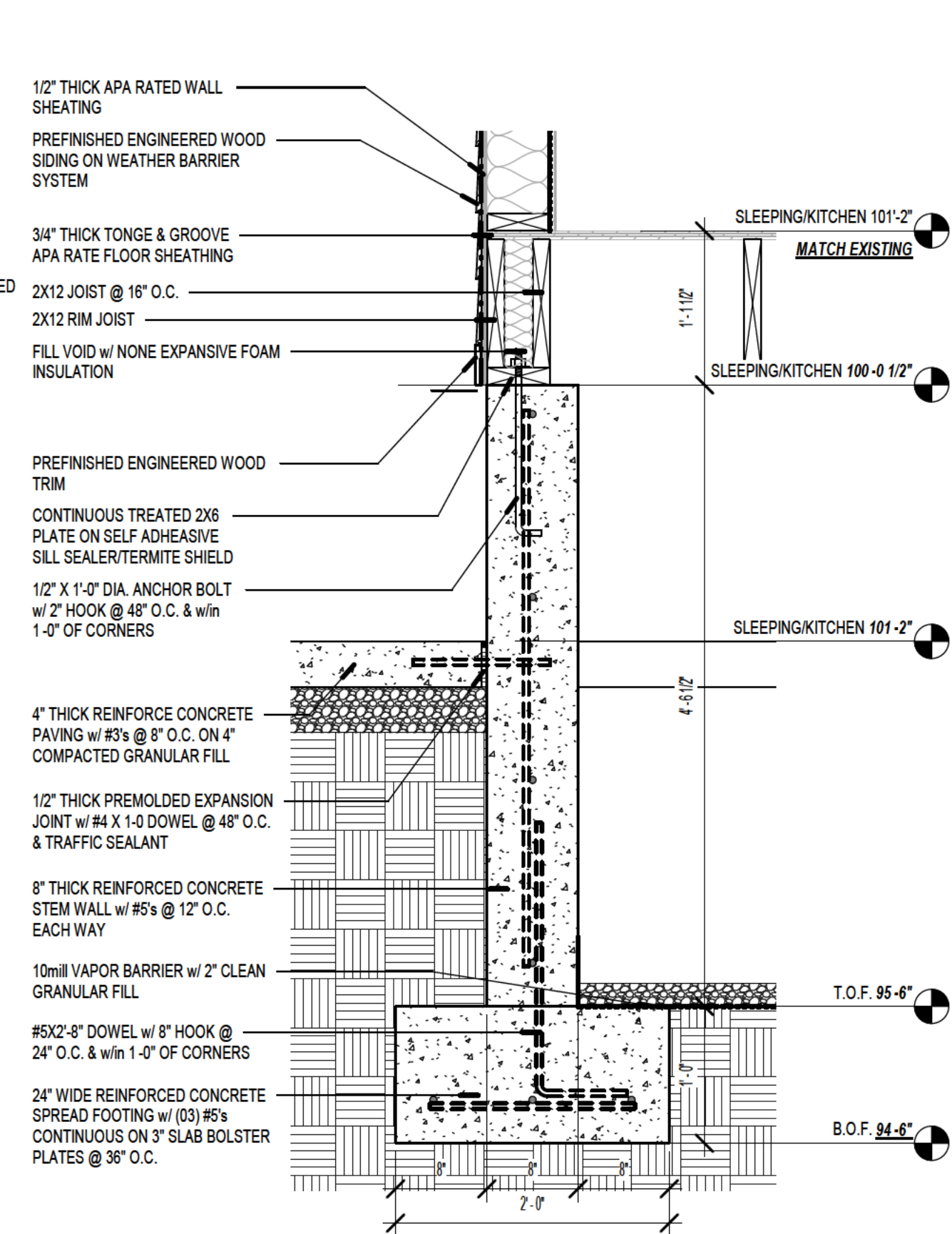
12/23/2021

REVISIONS

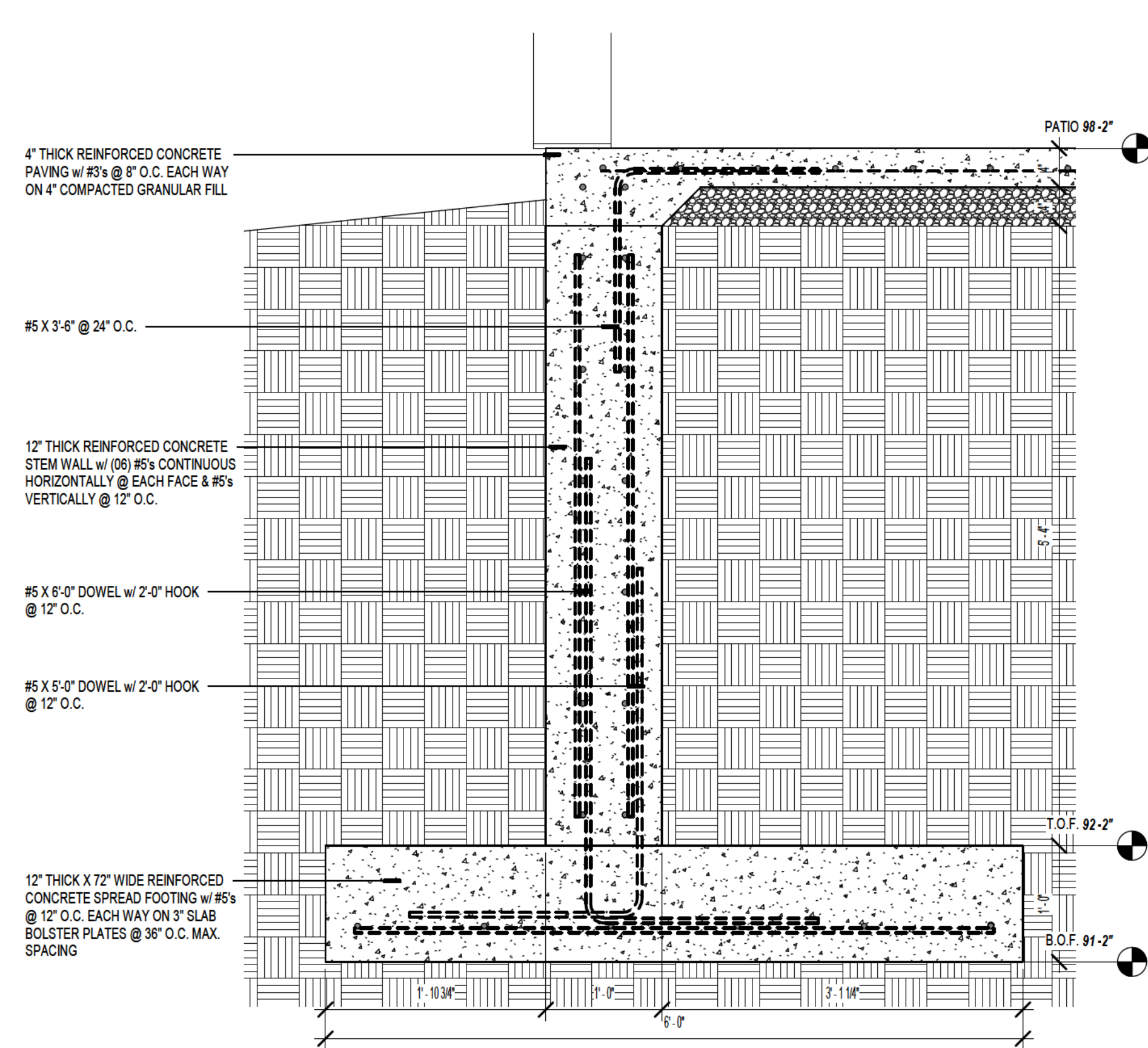
A3



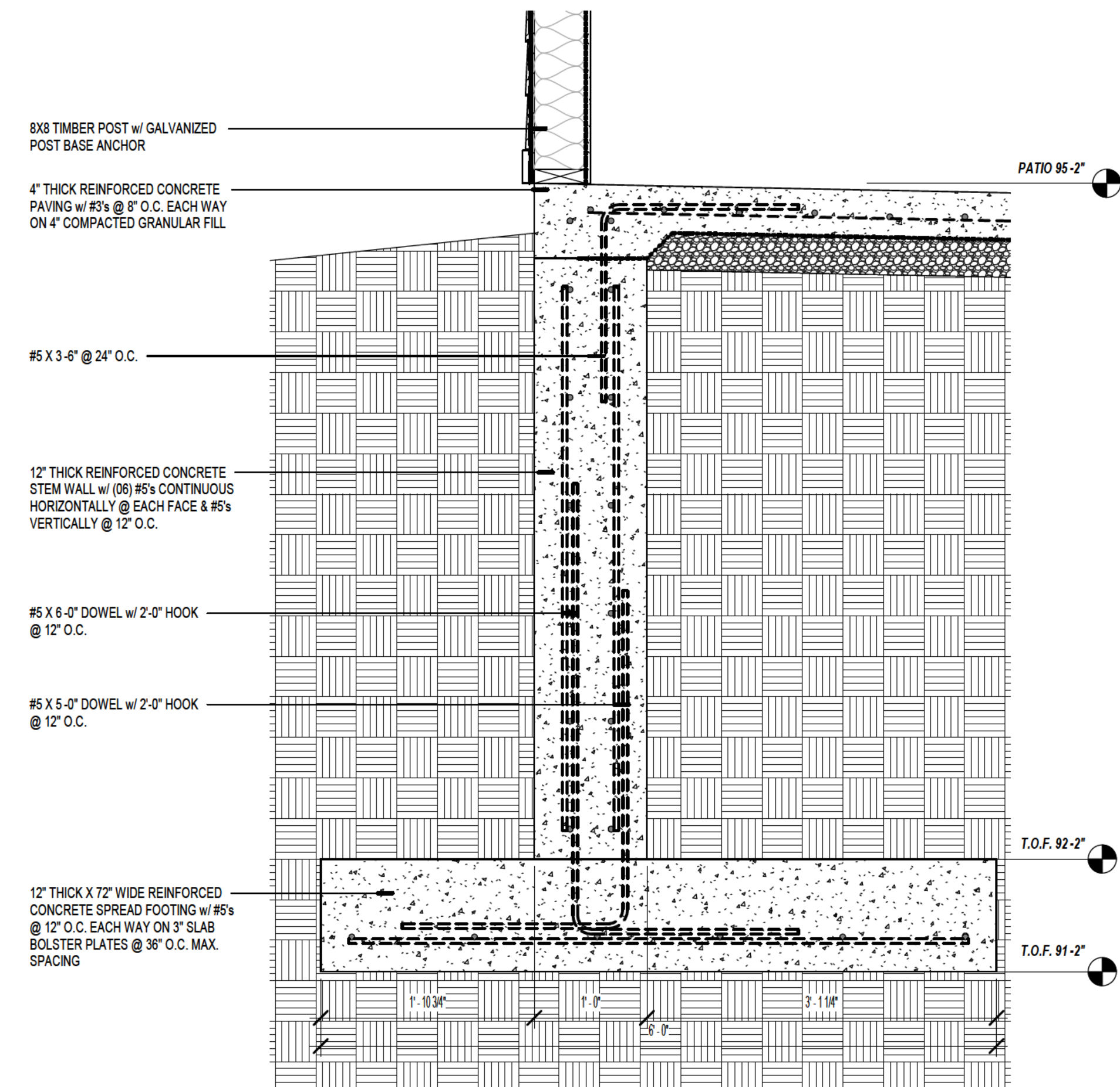
1 PLAN - FOUNDATION
1/4" = 1'-0"



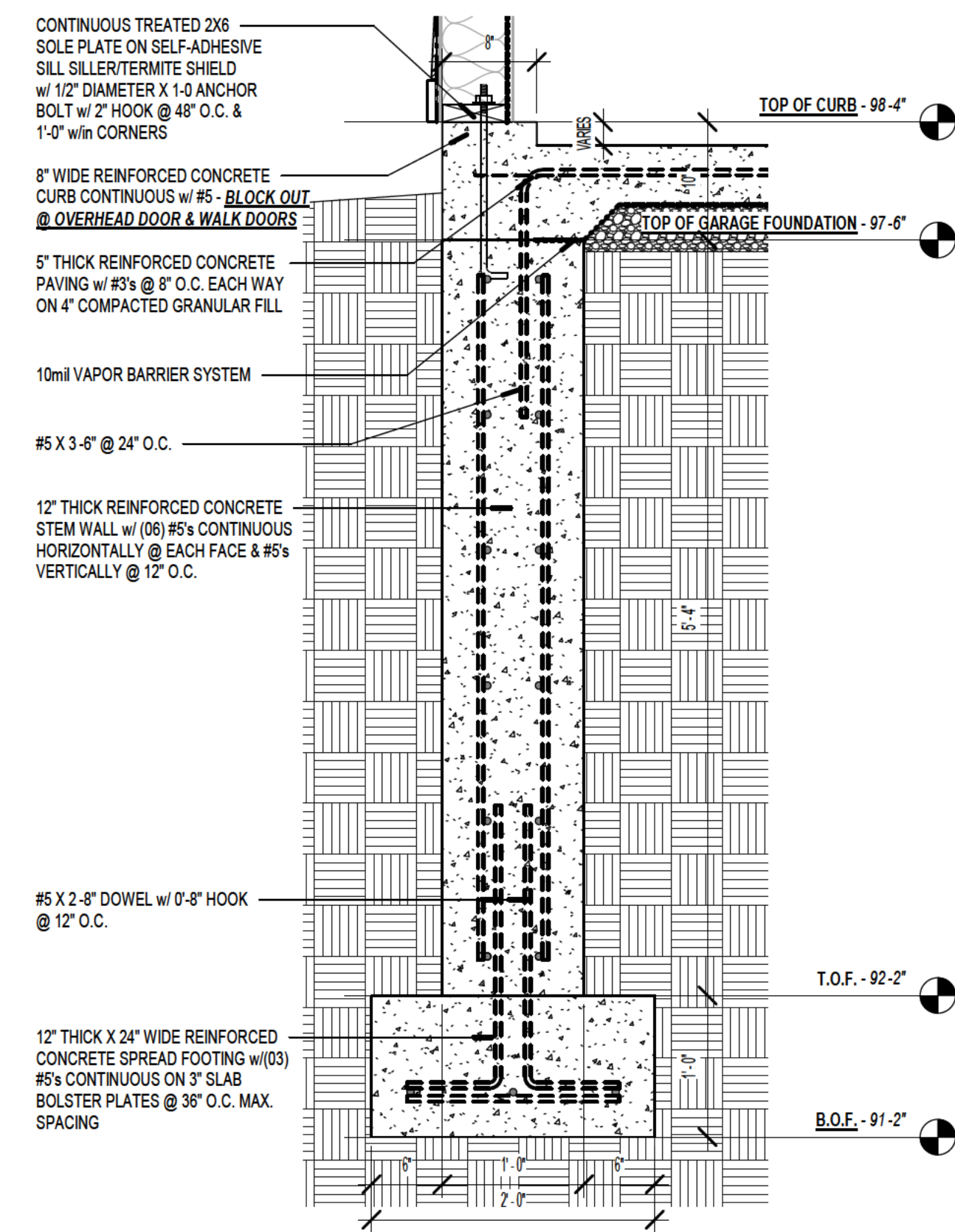
2 BATHROOM ADDITION FOOTING DETAIL - F1
1" = 1'-0"



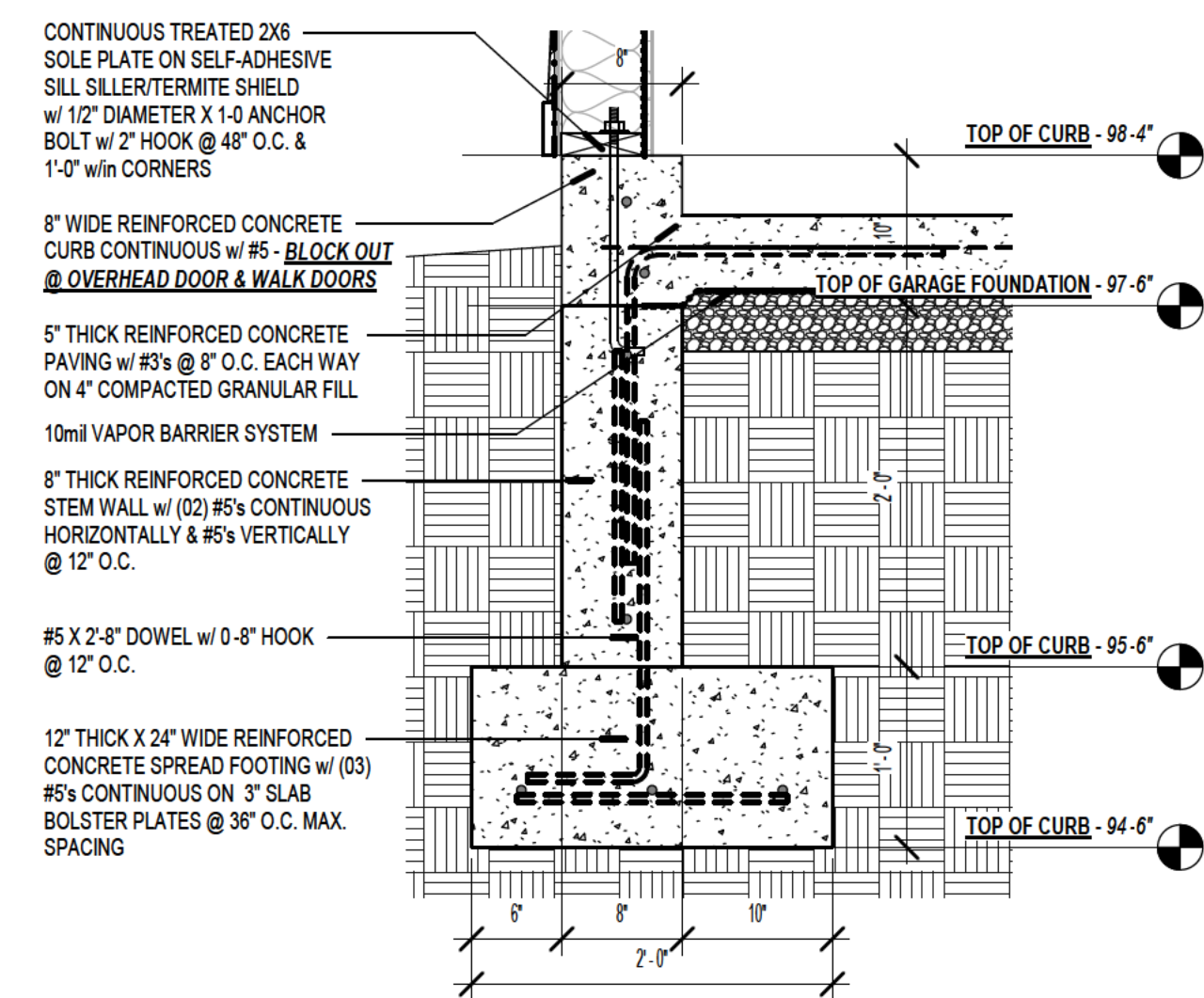
3 RETAINING WALL DETAIL - F2
1" = 1'-0"



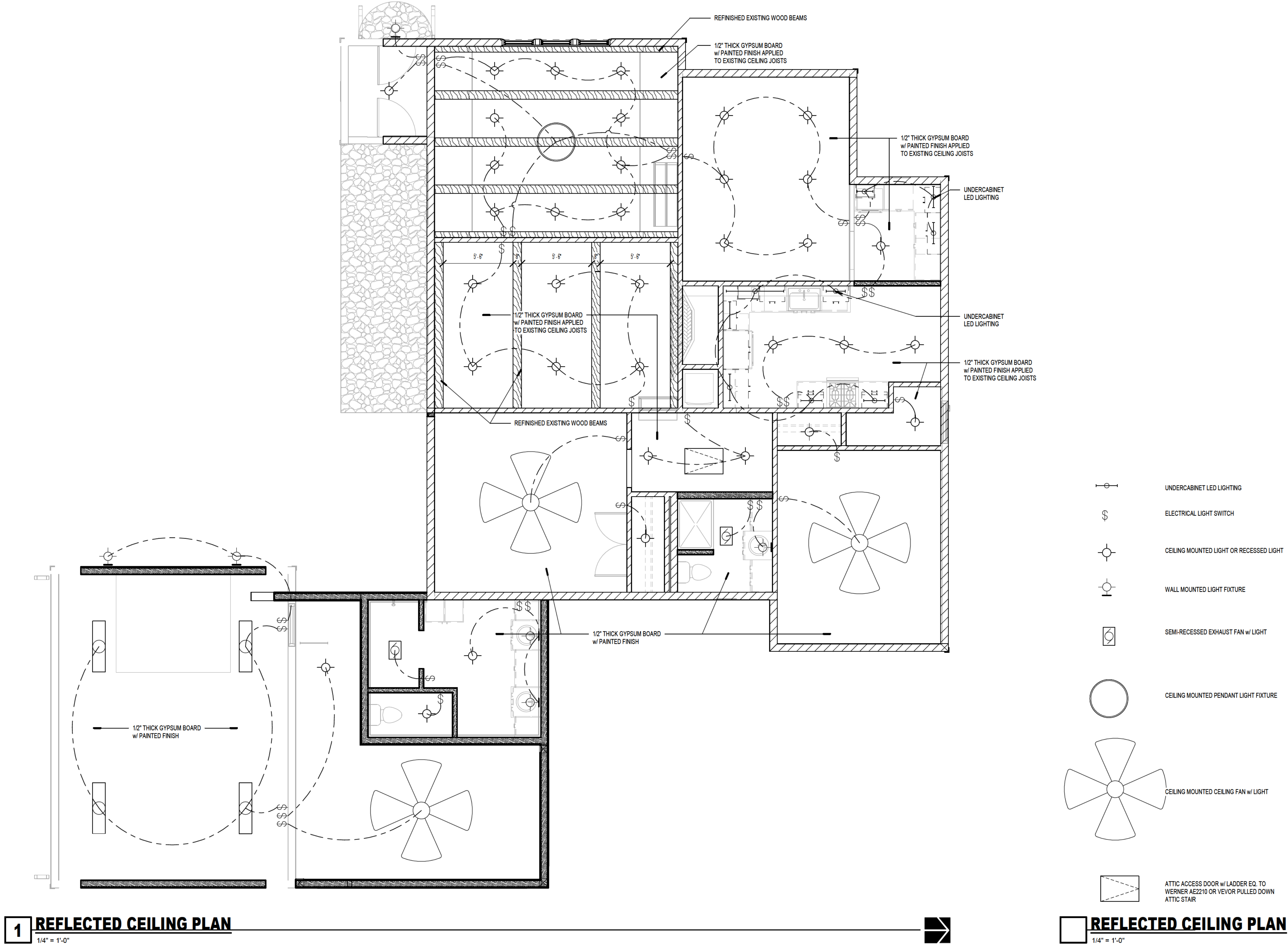
4 GARAGE FOUNDATION - F3
1" = 1'-0"



5 GARAGE FOOTING - F4
1" = 1'-0"



6 GARAGE FOOTING - F5
1" = 1'-0"



1 REFLECTED CEILING PLAN
1/4" = 1'-0"

REFLECTED CEILING PLAN
1/4" = 1'-0"

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RENOVATION AND ADDITION TO A RESIDENCE FOR:

DAVID AND STEPHANIE HENTGES

1222 N. 2ND ST.
INDEPENDENCE, KS 67301

DRAWING

**REFLECTED
CEILING PLAN**

MANAGER	DRAWN BY
MDB	SAC

REVISIONS

PROJECT NUMBER

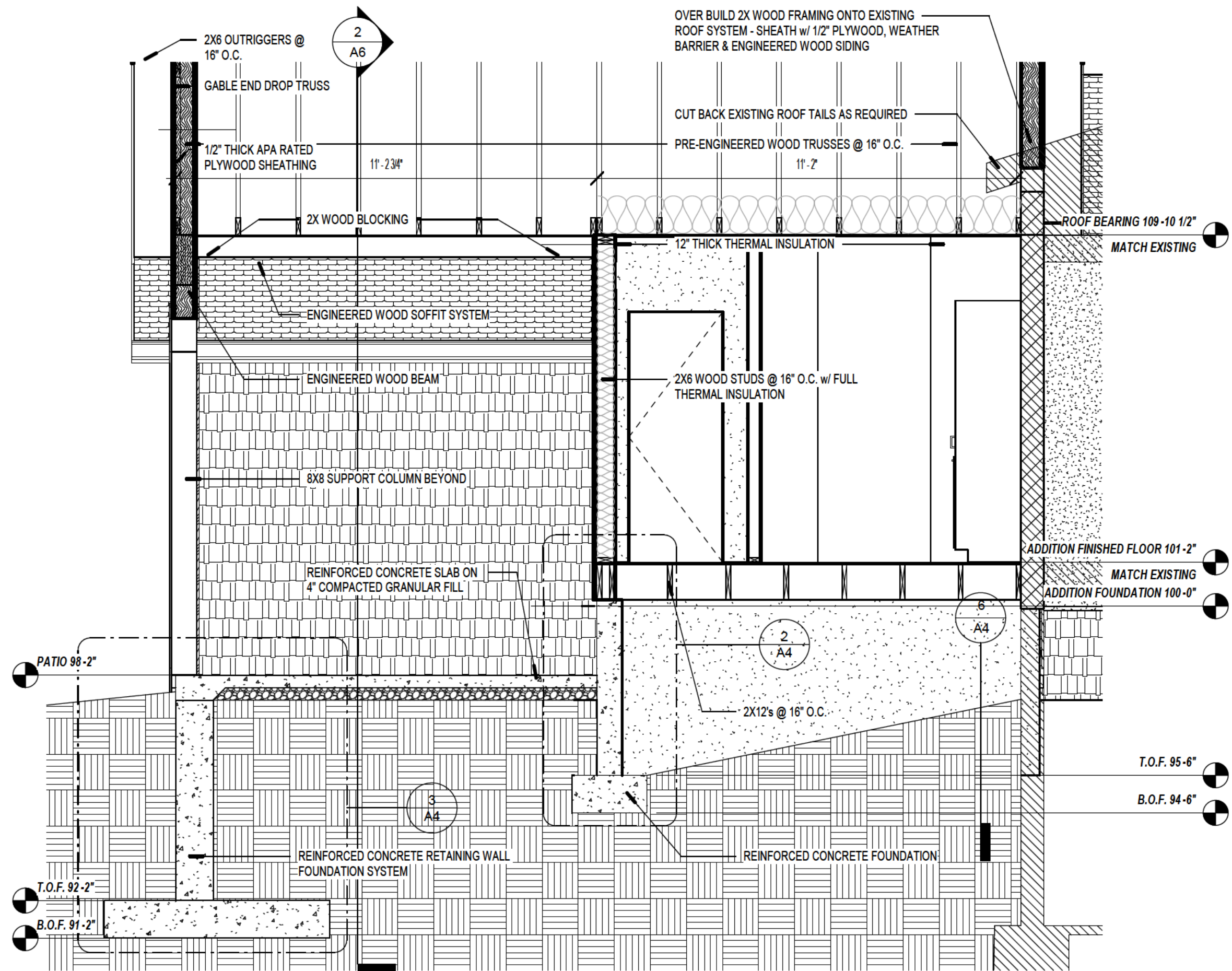
21-67

DATE

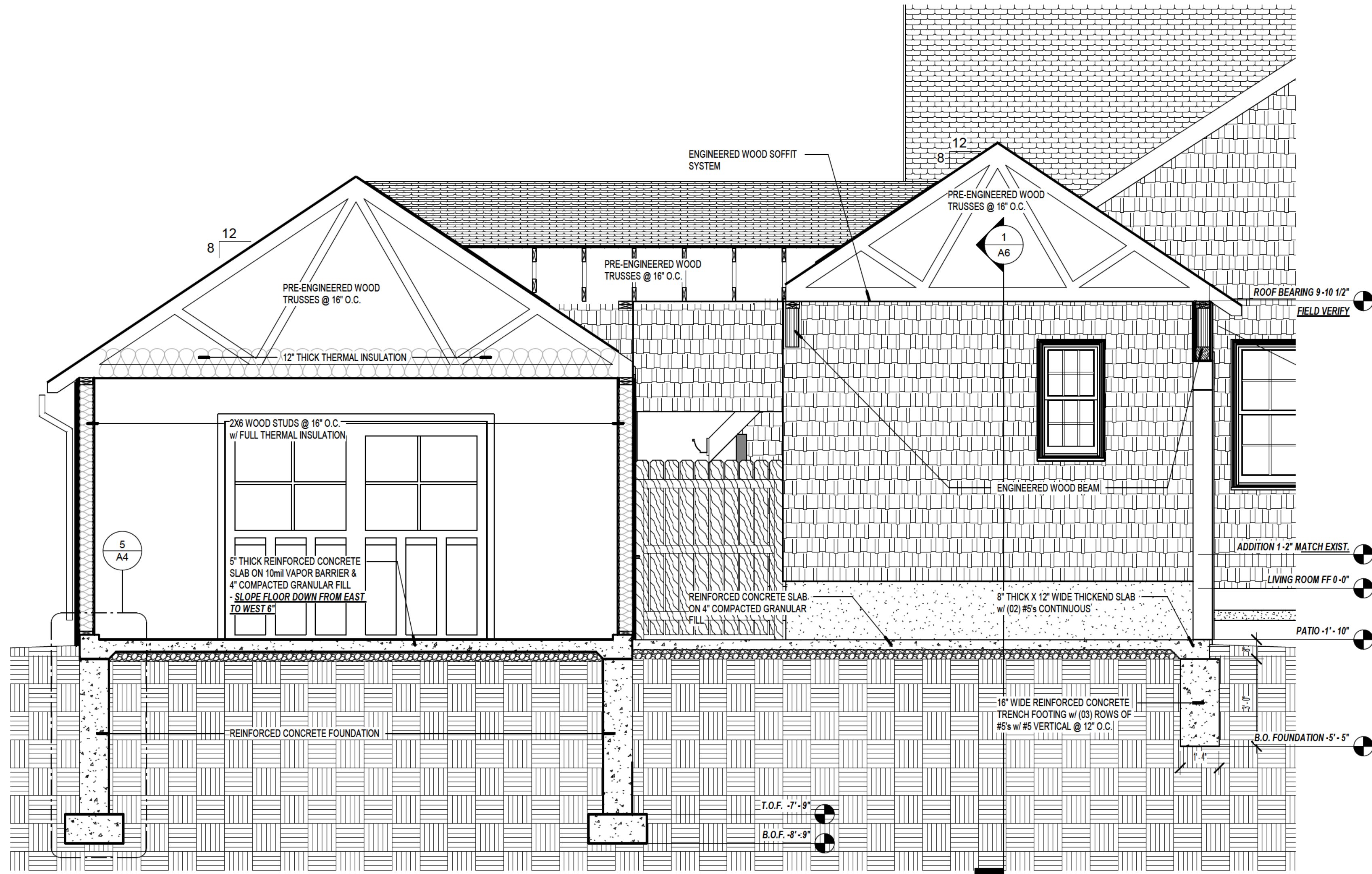
12/23/21

REVISIONS

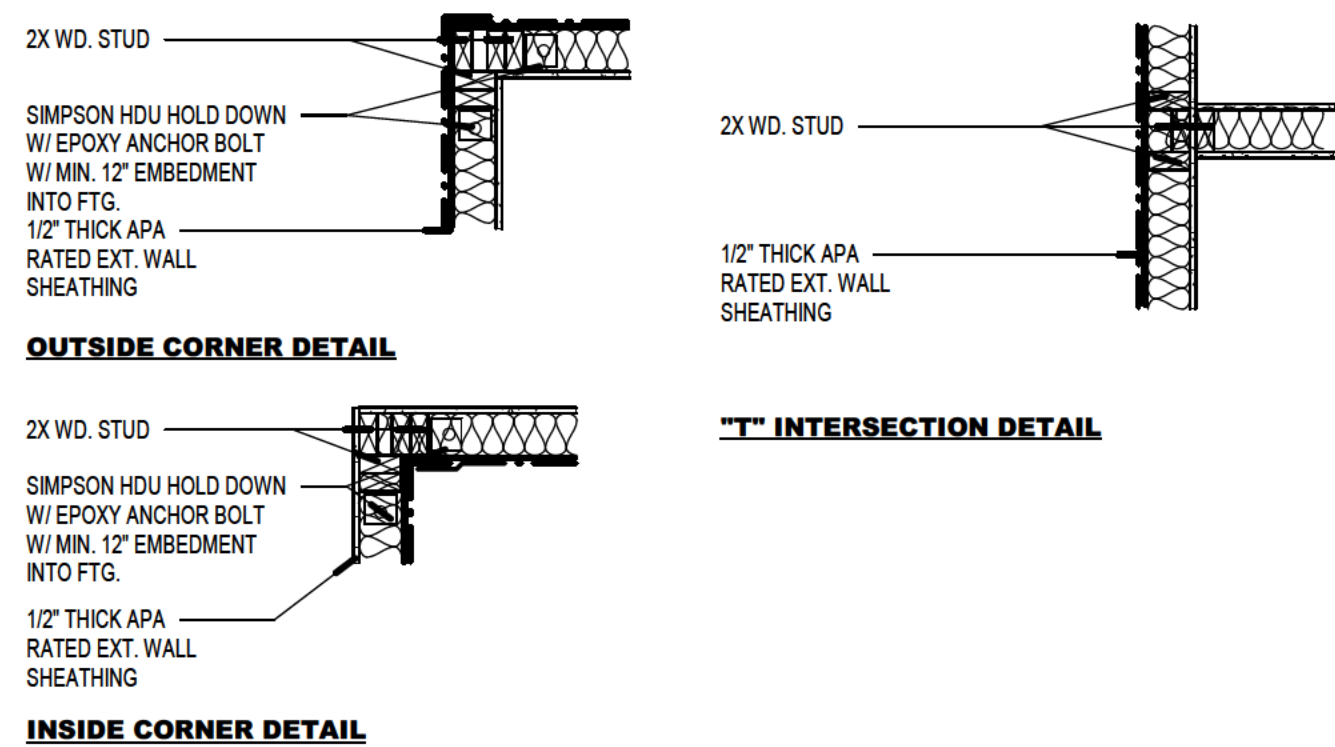
A5



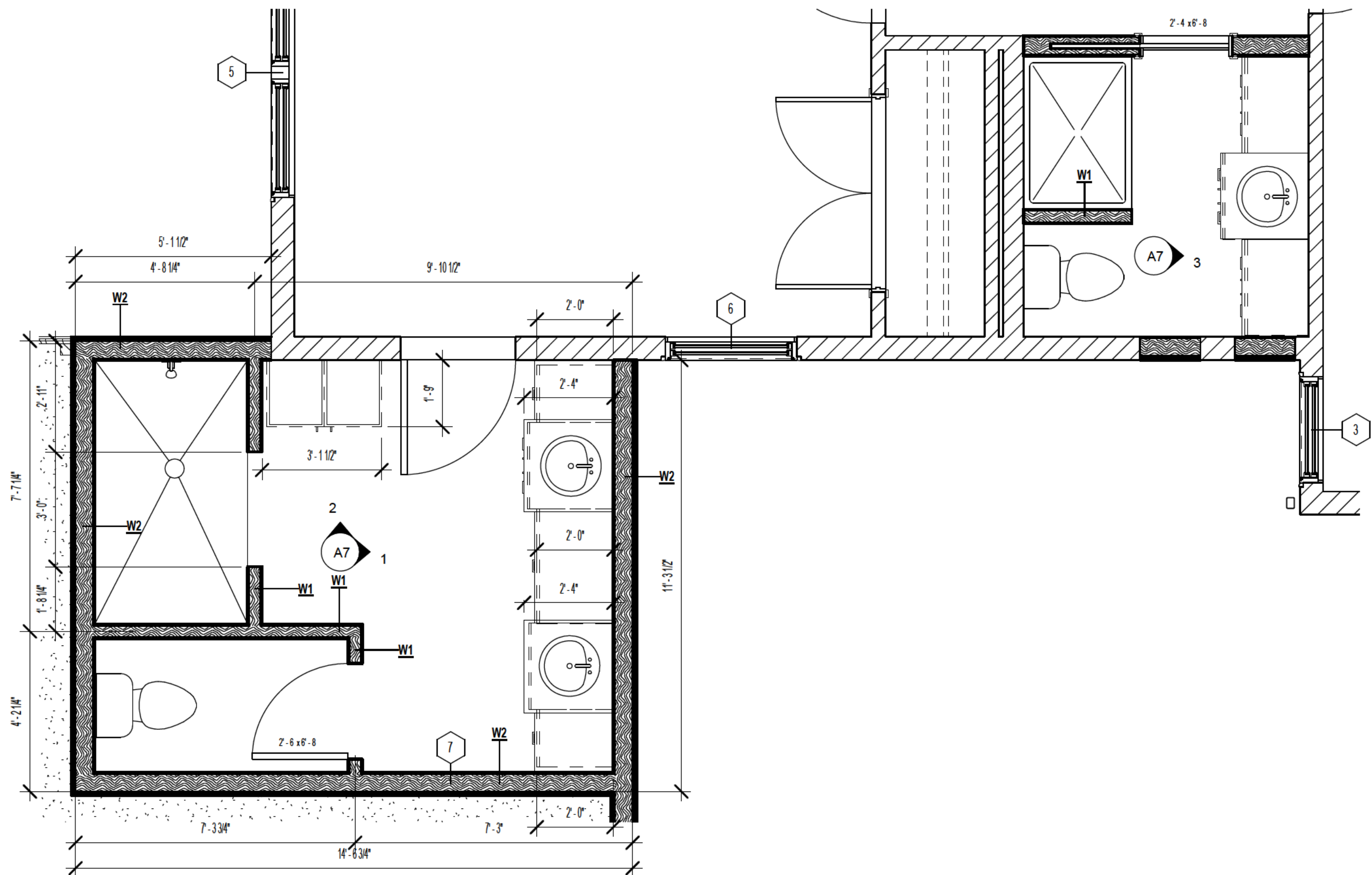
1 SECTION AA
3/8" = 1'-0"



2 SECTION BB
3/8" = 1'-0"

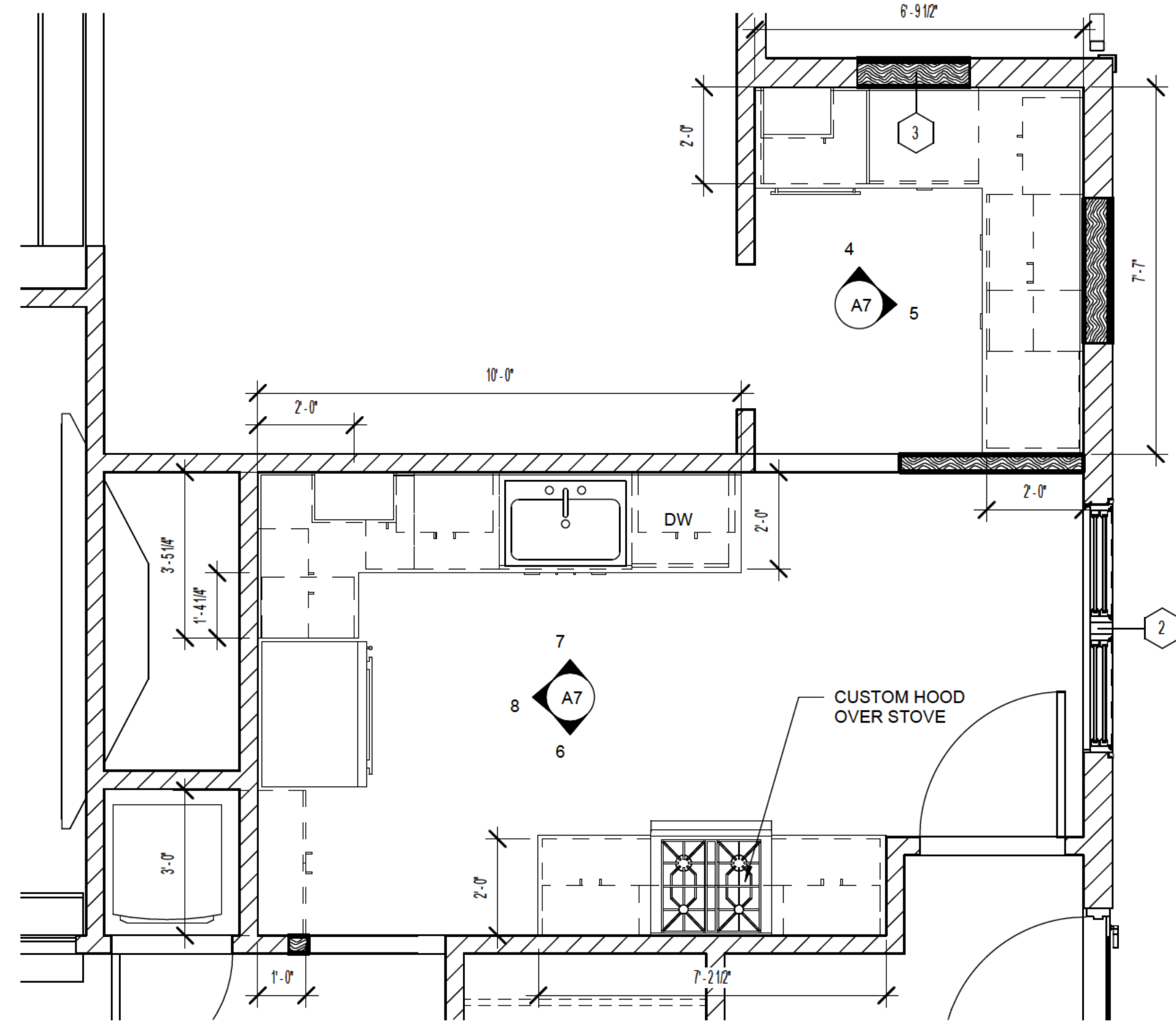


3 WALL DETAILS
3/4" = 1'-0"



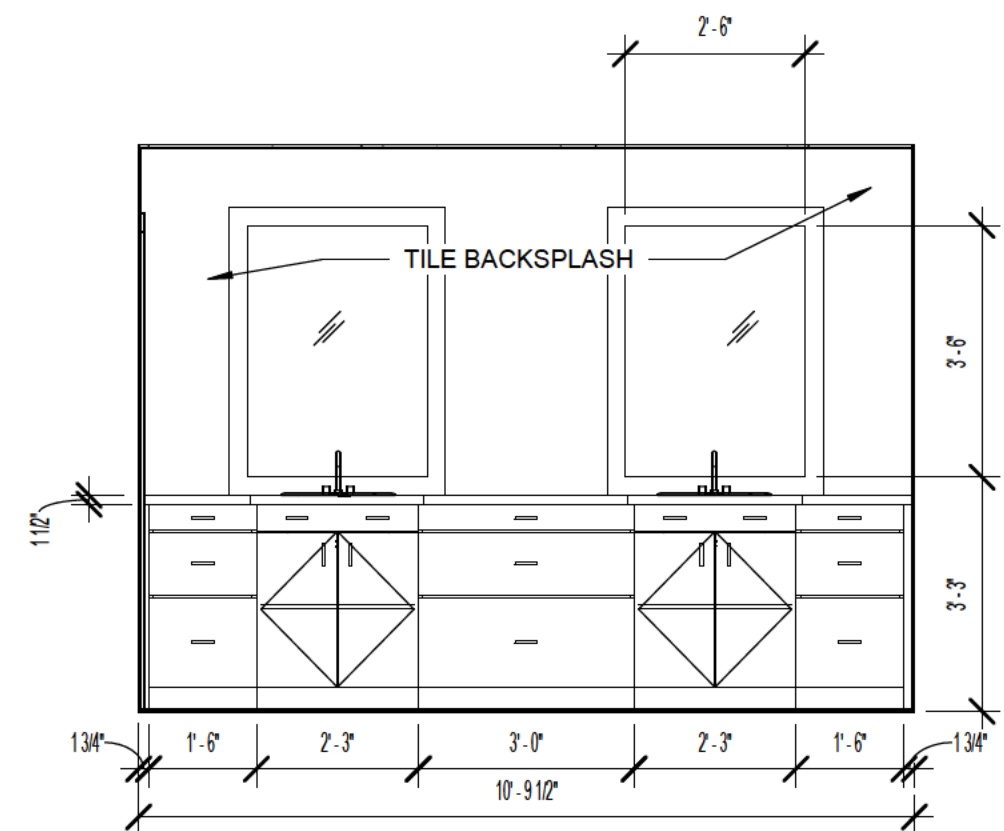
A ENLARGED RR PLANS

3/8" = 1'-0"



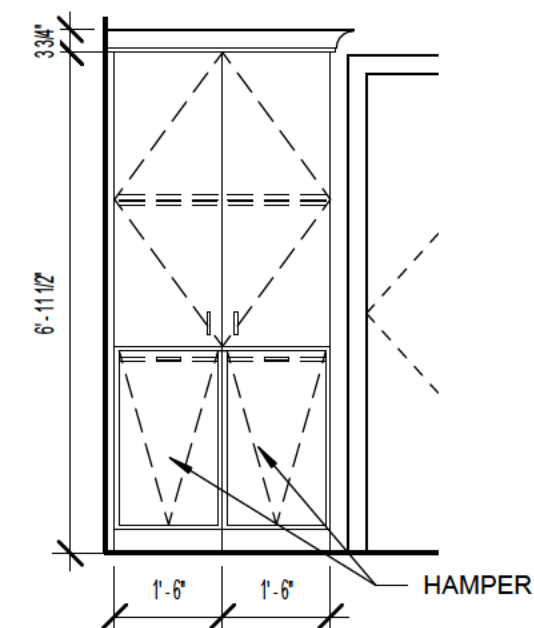
B ENLARGED KITCHEN PLAN

3/8" = 1'-0"



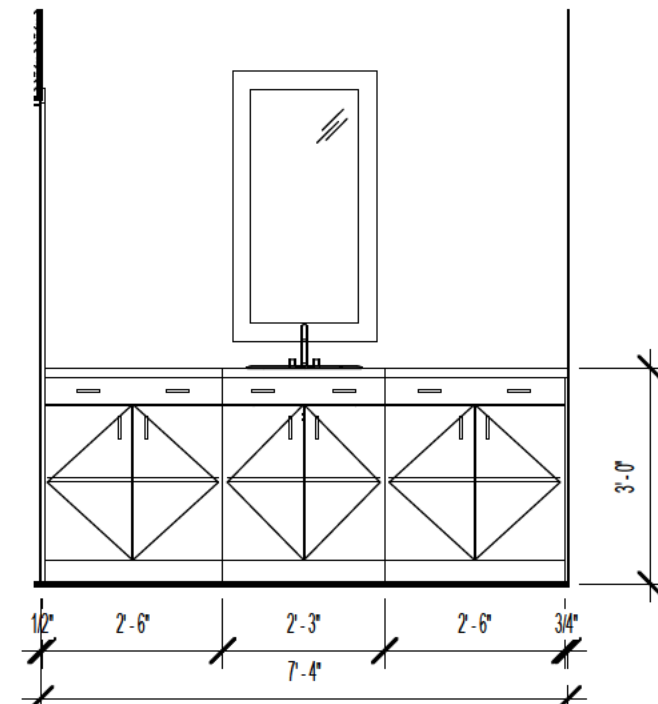
1 MASTER BATH

3/8" = 1'-0"



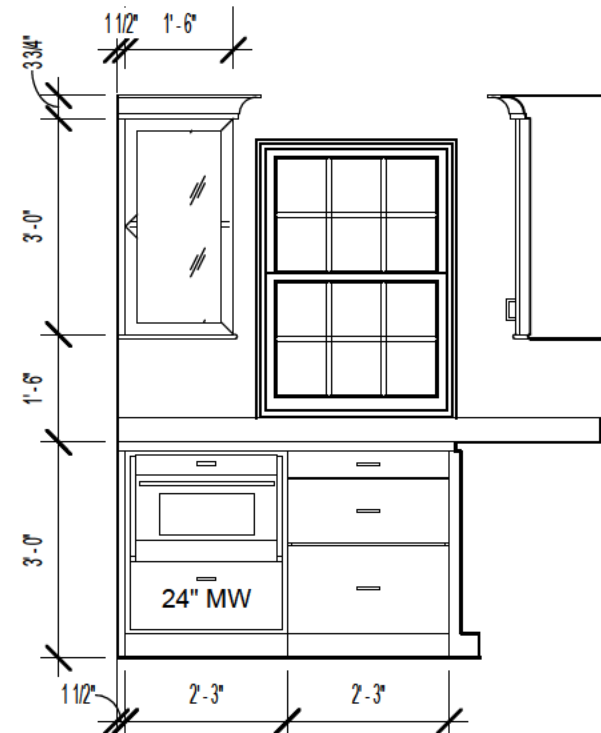
2 MASTER LINEN

3/8" = 1'-0"



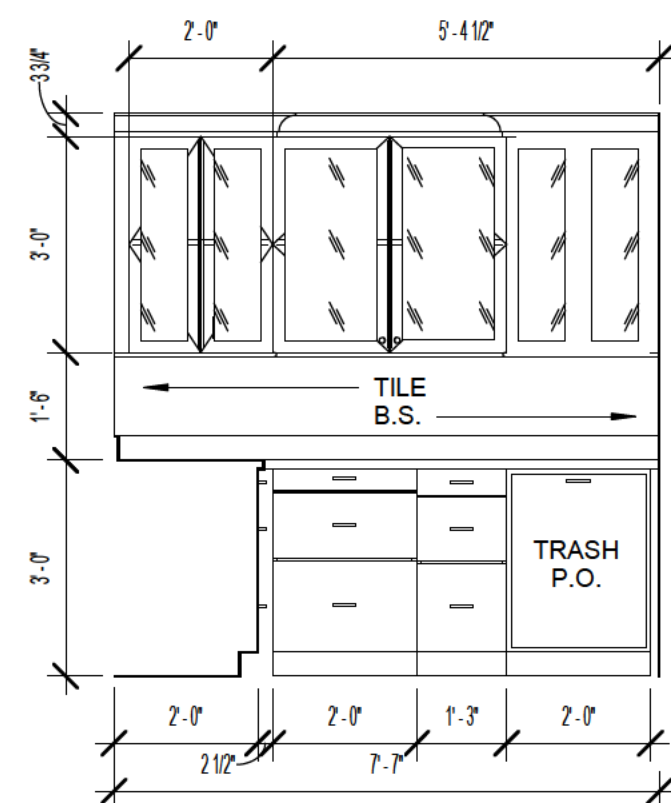
3 GUEST BATH

3/8" = 1'-0"



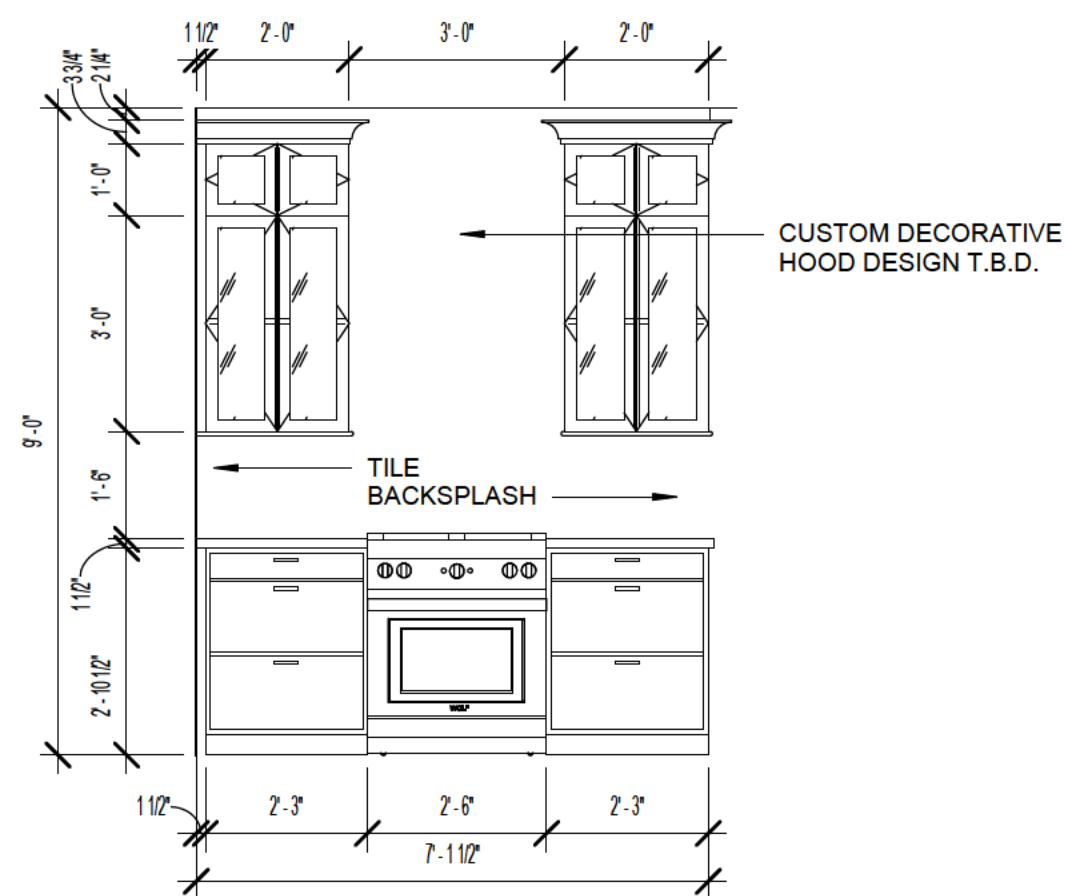
4 PANTRY ELEVATION A

3/8" = 1'-0"



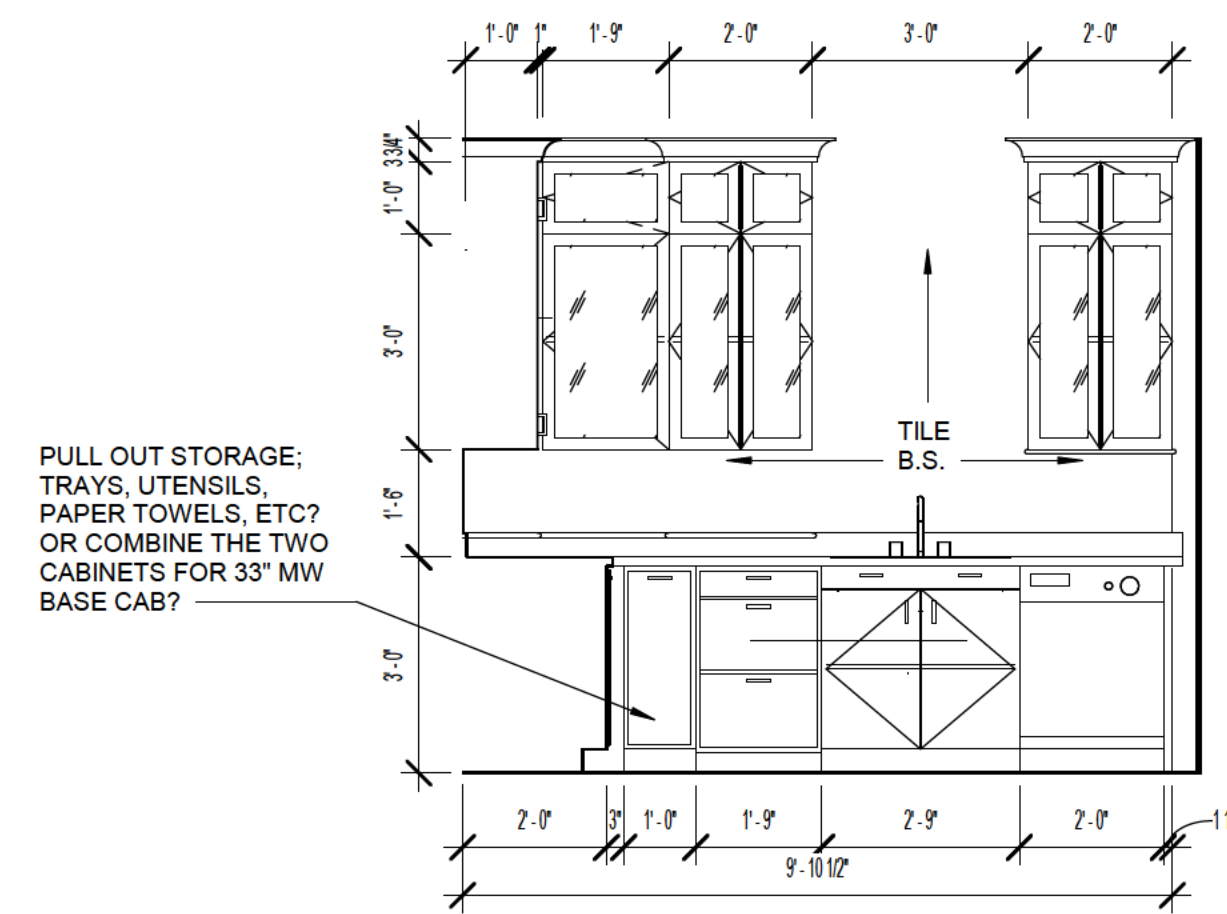
5 PANTRY ELEVATION B

3/8" = 1'-0"



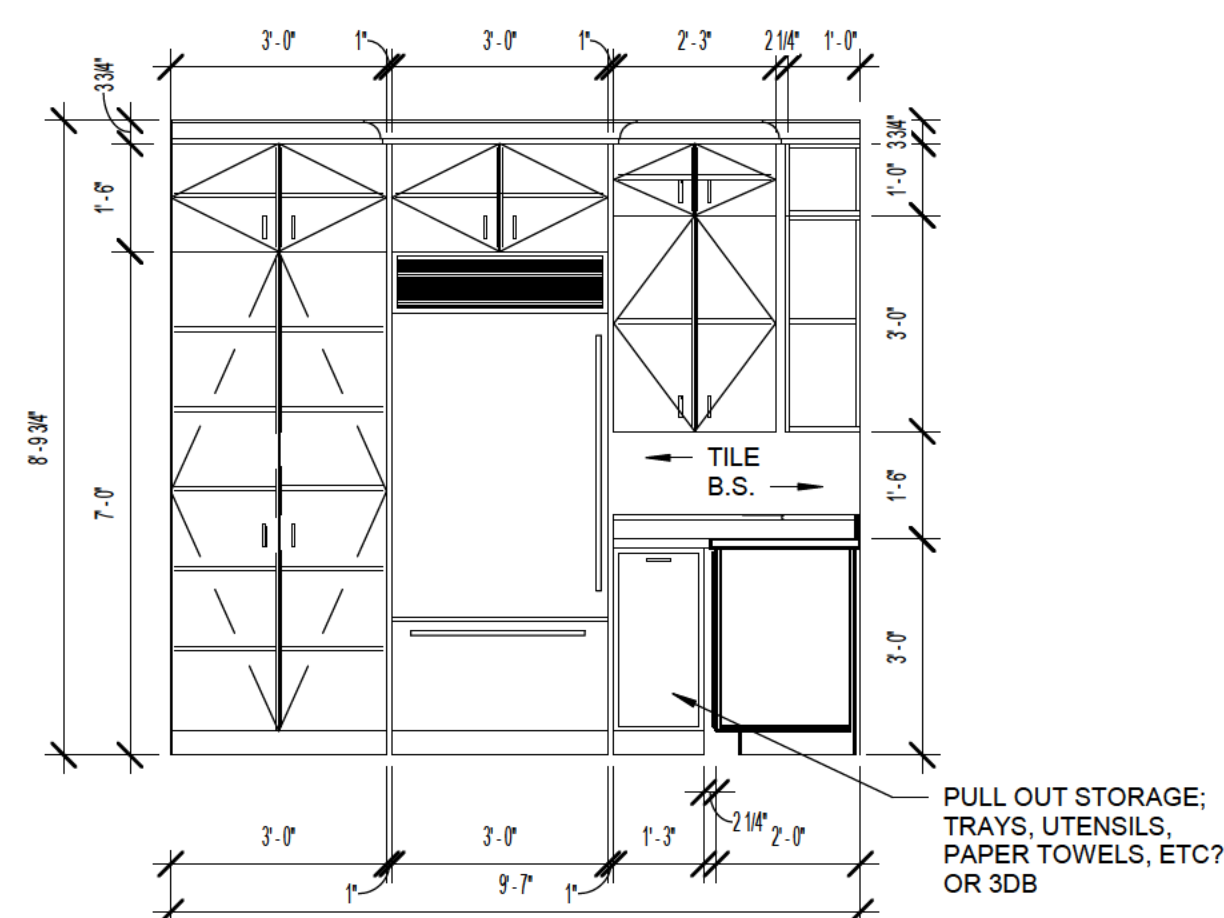
6 RANGE ELEVATION

3/8" = 1'-0"



7 SINK ELEVATION

3/8" = 1'-0"



8 REFRIGERATOR ELEVATION

3/8" = 1'-0"



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RENOVATION AND ADDITION TO A RESIDENCE FOR:

DAVID AND STEPHANIE HENTGES
1222 N. 2ND ST.
INDEPENDENCE, KS 67301

INTERIOR/CABINET
ELEVATIONS

MANAGER
MDB

DRAWN BY
MR

REVISIONS

PROJECT NUMBER

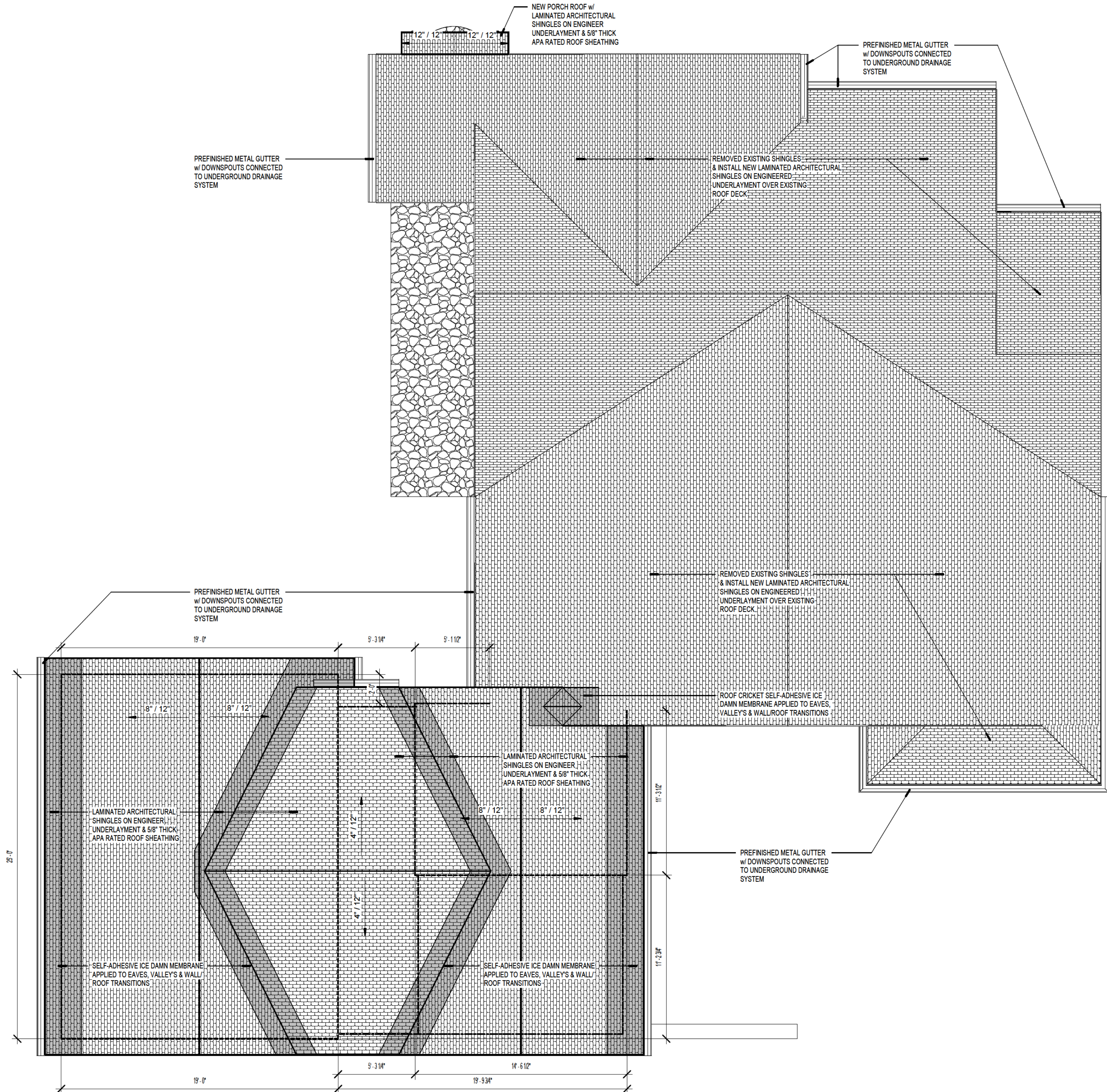
21-67

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A7



1 ROOF PLAN
1/4" = 1'-0"



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INDEPENDENCE, KS 67301

DRAWING

ROOF PLAN

MANAGER	DRAWN BY
MDB	SAC

REVISIONS

PROJECT NUMBER

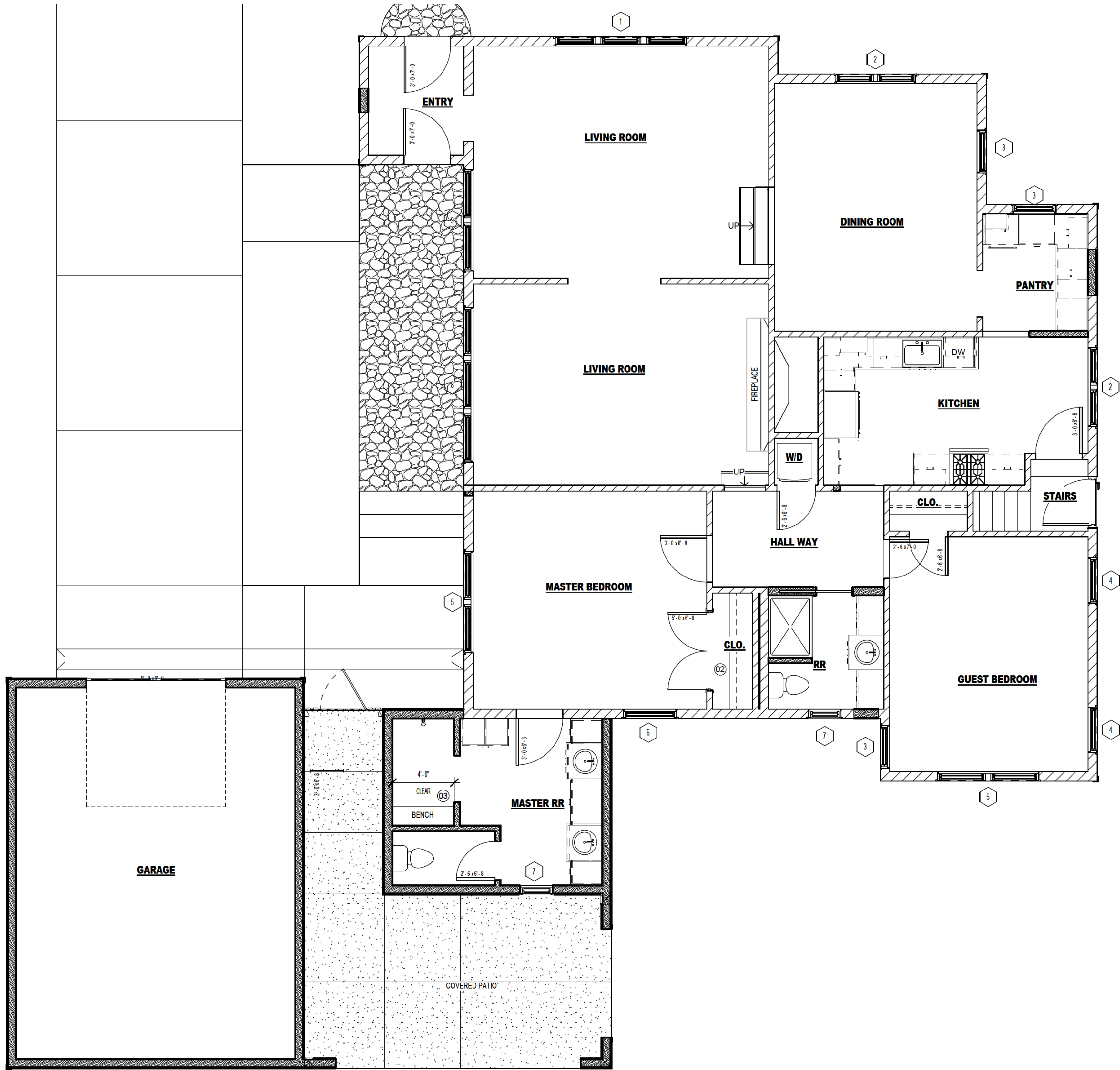
21-67

DATE

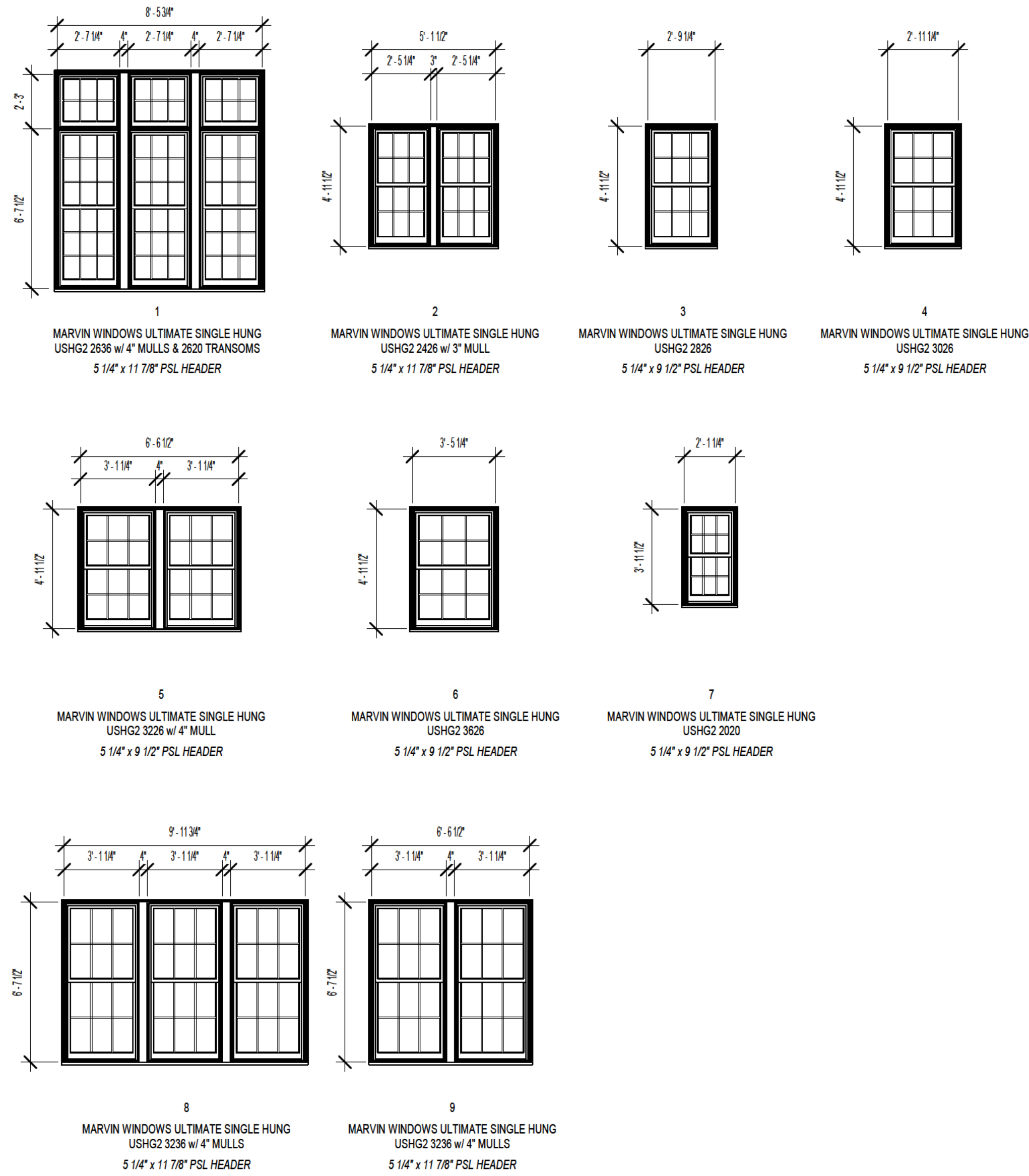
12/23/21

REVISIONS

A8



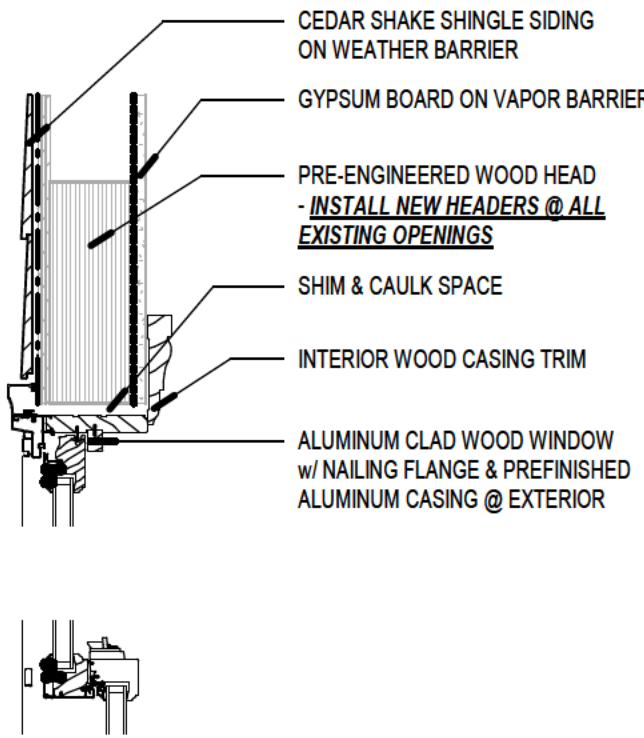
1 WINDOW PLAN
1/4" = 1'-0"



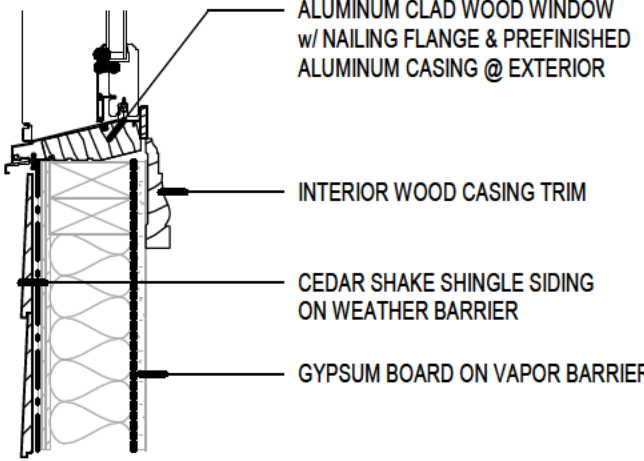
INSTALL NEW ENGINEER WOOD HEADER @ EACH EXISTING WINDOW OPENING

WINDOW LEGEND
1/4" = 1'-0"

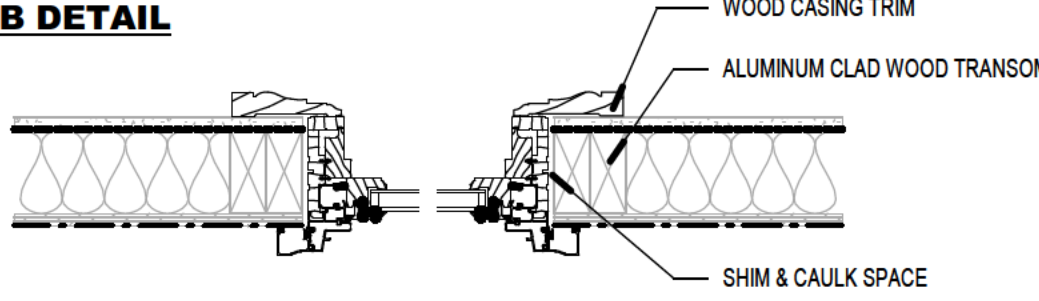
HEAD DETAIL



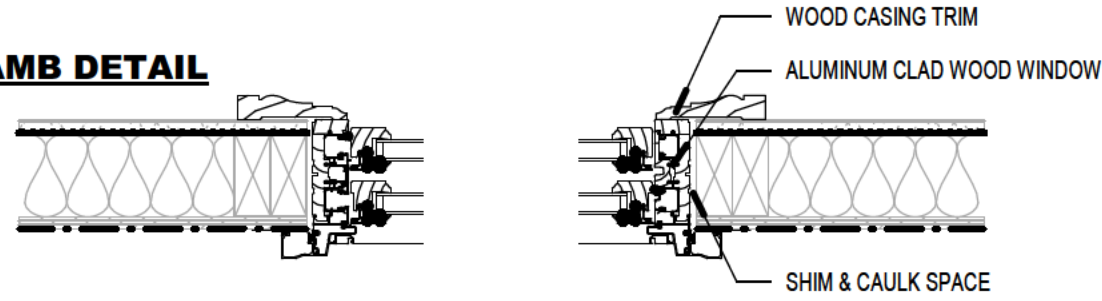
SILL DETAIL



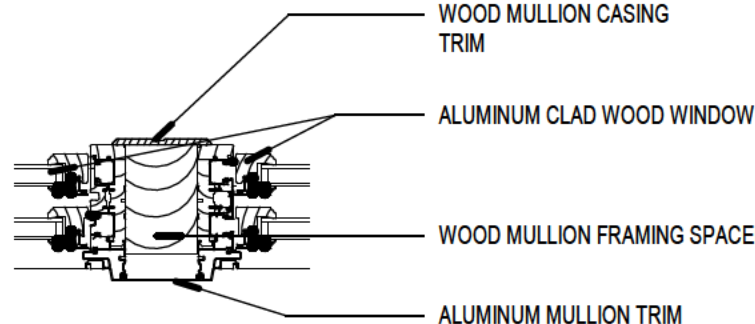
TRANSOM JAMB DETAIL



WINDOW JAMB DETAIL



WINDOW JAMB MULLION DETAIL



2 WINDOW DETAILS
1 1/2" = 1'-0"

RENOVATION AND ADDITION TO A RESIDENCE FOR:
DAVID AND STEPHANIE HENTGES
1222 N. 2ND ST.
INDEPENDENCE, KS 67301

HB
&K

ARCHITECTURE
INTERIORS

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**WINDOW
SCHEDULE &
DETAILS**

MANAGER	DRAWN BY
MDB	SAC

REVISIONS

PROJECT NUMBER
21-67

DATE
12/23/21

REVISIONS

A9

III. Planning Commission

- a. Consider setting the date of March 1, 2022, for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

At your previous meeting you provided feedback on what you would like to see regarding a text amendment regarding Tiny Houses. The City requested the assistance of Stinson LLP to assist us with this text amendment. Below and attached is the information they provided:

Attached for review are drafts of the following documents: i) a proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"; and ii) a comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments). The latter can either be incorporated into the proposed Ordinance as an exhibit or inserted directly into the body of the ordinance, depending upon your preference. The revisions to Section 507 are currently set up as an exhibit for ease of review.

The goal was to follow the apparent consensus from the December Planning and Zoning meeting. Accordingly, the Ordinance provides as follows:

1. Tiny houses must be on permanent foundations (Ordinance, Section 1).
2. A tiny house for use by the property owners' family is a permitted accessory use (Ordinance, Section 2).
3. A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such a use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.
4. Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.
5. The revisions to Section 507 allow for a Tiny Houses/PUD. Minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units is determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h). Please note that the numbers only reflect a general assessment of what I thought might be appropriate. Adjusting zoning

ordinances to accommodate tiny houses appears to be a relatively new concept, and there isn't much in the way of relevant examples.

After discussion and any suggested modifications, if you wish to move forward with this text amendment, the next step is to schedule a public hearing.

Suggested Motion:

I move to set the date of March 1, 2022, at 5:30 pm for a public hearing to receive comments to consider text amendments to Article B. – Zoning on the subject of tiny houses.

Attachments:

Proposed Ordinance amending provisions of the City's Zoning Code in order to allow for "tiny houses"

A comparison draft, in Word, showing proposed changes to Section 507.0 of the Zoning Code (Residential Planned Unit Developments.)

Hearing Notice

City of Independence, Kansas

NOTICE TO THE PUBLIC

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

Tuesday, March 1, 2022, at 5:30 p.m.

To receive comments to consider a text amendment to the zoning code relating to tiny houses.

Case Number:

2022/ZA/01

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

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

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

Kelly Passauer, Zoning Administrator

ORDINANCE NO. ____

**An Ordinance Setting Forth Text Amendments to the Zoning Code
on the Subject of Tiny Houses**

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

Section 1. Appendix B. – Zoning – Section 403.1 is amended to add the following defined term:

Tiny House: A dwelling that is 400 square feet in floor area or less, excluding lofts, and anchored to a permanent foundation.

Section 2. Appendix B. – Zoning – Section 607.2 (Permitted accessory uses) is amended to add the following permitted accessory use:

q. A tiny house for use by the property owner's family.

Section 3. Appendix B. – Zoning – Section 607.4 (Accessory uses permitted by conditional use) is amended to add the following permitted accessory use:

d. A tiny house for *short term rentals not elsewhere listed*.

Section 4. Appendix B. – Zoning – Article VI (Supplementary district regulations) is amended to add a new section, to be denominated as *Section 612.0. Tiny houses*, which shall read as follows:

Section 612.0 Tiny houses.

Tiny houses, whether a permitted or conditional use under these regulations, must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

Section 5. Appendix B. – Zoning – Section 507.0 (Residential planned unit developments) is amended and replaced in its entirety in the manner shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 6. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the ____ day of _____, 2022.

LOUIS YSUSI, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

507.0. Residential planned unit developments.

507.1. Intent: In accordance with ~~K.S.A. 12-725 et seq.~~ [applicable law](#), the residential planned unit development is intended to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the type of living environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
- f. An environment of stable character in harmony with surrounding development.
- g. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A residential planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements shall be equal to those in the corresponding district R-1 to R-5 inclusive. The uses permitted shall also be the same as in the equivalent district R-1 to R-5 inclusive.

Variations and departures from normal practice may, however, be permitted provided that the city finds that such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, each building need not face on a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101. [Variations and departures from normal practice will likely be especially prevalent with Tiny Houses/PUDs, which, given the size limitations on tiny houses, involve a higher residential density than other types of residential developments with proportionally smaller open space, and different needs regarding roadways, parking, open space, landscaping, etc.](#)

507.2. Design standards and conditions for residential planned unit developments:

- a. *Location:* A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change. The residential PUD shall be designated as follows:

Planned Unit Development	Corresponding District
R-1/PUD	R-1 large lot single-family district
R-2/PUD	R-2 single-family district
R-3/PUD	R-3 low density multifamily district

R-4/PUD	R-4 medium density multifamily district
R-5/PUD	R-5 high density multifamily district
Tiny Houses/PUD	R-1 – R-5 Districts, Tiny Houses Only

- b. *Permitted uses:* The uses permitted by right in a residential PUD ([other than a Tiny Houses/PUD](#)) shall be only those designated in the corresponding districts R-1, R-2, R-3, R-4 and R-5 as set out in appendix "A" of these regulations. [The only use allowed in a Tiny Houses/PUD are Tiny Houses.](#)
- c. *Conditional uses:* The uses conditionally permitted shall only be those designated in the corresponding districts R-1 to R-5 inclusive, as set out in appendix "A" of these regulations; [provided, however, that the only use allowed in a Tiny Houses/PUD are Tiny Houses.](#)
- d. *Minimum PUD size:* Two acres, [except for a Tiny Houses/PUD which has a minimum size of one acre.](#) However, the city commission may vary ~~said~~ [the applicable](#) minimum area where such an alteration would not have a negative impact on adjacent property.
- e. *Height limitations:* The height limitations for structures in residential PUDs shall be the same as those for corresponding residential districts. However, the city commission may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD shall not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Off-street parking:* The minimum off-street parking requirements set forth in article VII of this ordinance shall be complied with.
- h. *Number of permitted dwelling units:* ~~The~~ [Only tiny houses are allowed in Tiny Houses/PUDs. In all other residential PUDs, the](#) number and type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, [for all residential PUDs](#) the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents provided necessary setback be maintained to allow emergency access in case of fire or natural disaster. The maximum number of permitted dwelling units within a residential ~~planned unit development (PUD)~~ shall be computed as follows:

Permitted dwelling units residential PUDs other than Tiny Houses/PUDs	=	Residential area of the PUD divided by minimum average land area per dwelling unit permitted in the applicable PUD.
Permitted dwelling units for Tiny Houses/PUDs	≡	Twice the number of dwelling units permitted by application of the formula, above, to the corresponding underlying zoning district (R-1, R-2, etc.)

1. *Residential area:* The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the area of nonresidential land.

Nonresidential land shall include street pavement, parking lot pavement, and land allocated to schools, churches, accessory commercial development and other nonresidential uses.

Residential area shall include land allocated to dwellings, accessory buildings, recreational community facilities serving the homeowners and open space.

2. *Minimum land area:* The minimum average land area for the purposes of the described compilation shall be:

MINIMUM AVERAGE LAND AREA BY UNIT TYPE AND PUD DISTRICT

Dwelling Unit Type	PUD District				
	R-1/PUD	R-2/PUD	R-3/PUD	R-4/PUD	R-5/PUD
Single-family	10,000 sf	7,200 sf			
Two-family			4,000 sf	4,000 sf	4,000 sf
Three-family			3,000 sf	3,000 sf	3,000 sf
Low-rise multifamily				2,000 sf	2,000 sf
High-rise multifamily					900 sf

- i. *Common open space:* Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. Such open space shall be owned and maintained in common by the residents through a homeowners' association. The residential PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the city if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.
- j. *Staged development:* The residential PUD may be developed in stages. In such case, the owner of the planned development shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - (1) The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive

benefit of the residents of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties;

- (2) The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over [to] the established PUD homes association.
- k. *Landscaping and screening requirements:* The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
- l. *Homes association:* The developer shall provide for a homes association for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. Such homes association shall be established in the initial phase of development.
- m. *Financial guarantees:* The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- n. *Design standards for tiny houses:* Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City.

507.3. *Application for approval of residential PUDs:* Processing procedures for residential PUDs are set forth in article XIV of this ordinance.