



Urban Planning and Land Use

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To: Unified Government Board of Commissioners
From: City Staff
Date: June 25, 2020
Re: **Change of Zone Petition # 3216**

GENERAL INFORMATION

Applicant:
Asaf Eylon & Gal Foyerman

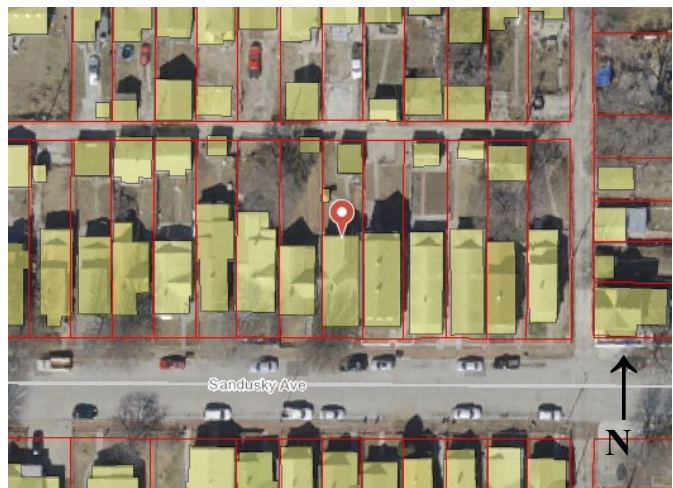
Status of Applicant:
Property Owners
67 Greenbriar Drive
Deerfield, IL 60015

Requested Actions:
Change of Zone from R-1(B) Single-Family District to R-2(B) Two-Family District.

Date of Application:
January 15, 2020

Purpose:
Change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect historic use of the primary residence.

Property Location:
520 Sandusky Avenue



Commission Districts:

- 1. Commissioner At Large: Tom Burroughs
- 2. District Commissioner: Brian McKiernan

Existing Zoning: R-1(B) Single-Family District

Surrounding Zoning: **North:** R-1(B) Single-Family District
South: R-1(B) Single-Family District
East: R-1(B) Single-Family District
West: R-1(B) Single-Family District

Existing Uses: **North:** Single-family residence
South: Single-family residence
East: Single-family residence
West: Single-family residence

Total Tract Size: 0.07 Acre

Master Plan Designation: The Downtown Master Plan designates this property as Neighborhood Residential.

Major Street Plan: The Major Street Plan designates Sandusky Avenue as a local/neighborhood street.

Parking Requirements: Section 27-457(d) requires one parking space for each dwelling unit must be provided in an R-2(B) district.

Advertisement: The Wyandotte Echo – February 13, 2020
Letters to Property Owners – February 12, 2020,
March 2, 2020, April 6, 2020, May 2, 2020 and June 19, 2020

Public Hearings: June 8, 2020 and June 25, 2020

Public Support: The applicant, nor anyone else, appeared in support at the June 8, 2020 City Planning Commission meeting.

Public Opposition: One (1) person appeared in opposition at the June 8, 2020 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Asaf Eylon & Gal Foyerman, request a change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect features that suggest previous use of the residence as a duplex.

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The neighborhood features high density but appears to be made up predominately—or solely—of single-family residences on Sandusky Avenue.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The residential properties in the few blocks around the property in question are almost exclusively single-family. On-street parking is also very common for the neighborhood, given the lot sizes spurred by the fact that the neighborhood was platted and developed long before the car was a ubiquitous feature in a single-family home. Adding to the already limited parking capacity could be an issue.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The actual effects of one property becoming a duplex are complicated to measure. On one hand, adding one (1) more unit to a street block that already has up to 25 units may not place that much more stress on the system. But on the other hand, higher density is unfortunately synonymous with increased parking, which has a much more detrimental effect on a neighborhood street that is already close to or at capacity.

4. *The length of time the property has remained vacant as zoned.*

It is unclear if the property is currently vacant.

5. *The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.*

A duplex will give another family the opportunity to live in the neighborhood. Bringing in more families is crucial for neighborhood redevelopment, and increased density allows for the same municipal services at a lower cost per capita, all else being equal.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

Without on-site, off-street parking, the addition of another unit (and the vehicle that comes with it) to the block would add to the already crowded on-street

parking situation. Neighbors could best attest to any on-street parking issues, but Staff's observations of the area show on-street parking is nearly at capacity.

7. The degree of conformance of the proposed use to the Master Plan.

The Downtown Master Plan designates this area for neighborhood/urban residential uses. The Neighborhood Residential designation does consider duplexes, but only along collector/arterial roads or as transitions from commercial or mixed-use development. In this case, the property in question is located in the middle of its block. Neighborhood Residential is also defined by density of 6-12 units per acre. Current density in the neighborhood is approximately 14 units per acre.

8. The extent to which the proposed use could cause environmental harm or enhance the environment.

This is not applicable.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

Available

d. Police

Police service is provided by Central Patrol, District #115.

e. Fire

Fire service is provided by Station #8.

f. Transit

Property is served by the KCATA #102 Central Avenue line.

g. Schools

Schools are provided by Kansas City, Kansas USD 2.

h. Streets

See item #6 above

10. The economic impact of the proposed use on the community.

A duplex will add an additional family unit to the local community and increases density within a core neighborhood.

11. The capability of the proposed use to meet applicable ordinance requirements.

Applicant must demonstrate the ability for the property to provide parking. Otherwise, the property appears to be capable of meeting all applicable ordinances.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

While increased density in the downtown neighborhoods are generally seen as a gain to the city and the overall public, it is likely there will be hardships experienced by the other residents of the 500 block of Sandusky Avenue. It is unclear from the application what connections the applicant has to Kansas City, so it is hard to tell the extent of hardship that would be placed upon them if a Change of Zone were to be denied.

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting at 4:00 pm on February 24, 2020 at the Rosedale Development Association, 1403 Southwest Boulevard. Meeting minutes state that only one (1) neighbor was in attendance. Staff has notified Applicant that the location of the meeting was too far from the property in questions, and therefore too far from the affected neighbors. Applicant was requested to hold a new neighborhood meeting at a closer location in March, but due to precautionary measures allowed by the Unified Government and the Department of Urban and Regional Planning, the physical neighborhood meeting requirement was suspended in March. However, Applicant still failed to send letters to the requisite neighbors which was meant to both convey this information and to provide Applicant's contact information to allow them to reach out to him if they had questions, comments, or concerns.

Update: On February 26, 2020, Staff first became actively aware that the applicant had held a neighborhood meeting several miles away from 520 Sandusky Avenue. That same day Staff notified the applicants that a new neighborhood meeting would need to be conducted. The applicants responded on March 2, acknowledging Staff's email regarding the need for a new neighborhood meeting to be held closer to the neighborhood. Soon after, the COVID-19 pandemic caused significant changes to the daily operations of the Unified Government, and as a result the Urban Planning and Land Use Department adjusted neighborhood meeting requirements. The applicants were emailed new instructions for how to conduct a virtual neighborhood meeting. As of

June 3, 2020, the applicants have not responded to Staff nor have they provided the required documents after a neighborhood meeting—meeting minutes and an affidavit of fact.

KEY ISSUES

Parking
Spot Zoning

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **DENIAL** of Change of Zone Application #3216 **as per the staff's determination that it is an illegal conversion.**

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **DENIAL** of Petition #3216 subject to all comments and suggestions outlined in this staff report, summarized by the following reasons:

- 1) **The applicants have not held a new neighborhood meeting in compliance with neighborhood meeting guidelines and Staff direction;**
- 2) **The applicants have not provided an acceptable parking plan to satisfy Section 27-457(d); and**
- 3) **In light of the fact that no other adjacent properties are of the same or greater use intensity than the zoning use in this request, and in light of the fact that the property does not have legal non-conforming status, the requested change the zone is considered spot zoning and is contrary to planning best practices.**

ATTACHMENTS

June 8, 2020 City Planning Commission Minutes
Proof of Recent Conversion Work
Photos of Duplex Provided by Applicant
Proposed Floor Plans
Parking
Proof of Updated Utilities
Sanborn Map Entry of 520 Sandusky Avenue
Neighborhood Meeting Letter, February 11, 2020
Neighborhood Meeting Minutes, February 24, 2020

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing		
Rezoning	June 8, 2020	June 25, 2020
	Denial	

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #3216, as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #3216 as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

June 8, 2020 City Planning Commission Minutes:

Hearing Starts at 2:11:

CHANGE OF ZONE APPLICATION #3216 – ASAF EYLON WITH FOYLON

INVESTMENTS, LLC – SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for continuation of a duplex at 520 Sandusky Avenue.

Detailed Outline of Requested Action: The applicants, Asaf Eylon & Gal Foyerman, request to change property from R-1(B) Single-Family District to R-2(B) Two-Family District to reflect features that suggest previous use of the residence as a duplex.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 8, 2020;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated February 13, 2020; and
7. The Notices to property owners dated February 12, 2020, March 2, 2020 and April 1, 2020.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- No one appeared

Present in Opposition:

- Martha Wolfe-Holland, 513 Splitlog Avenue, Kansas City, Kansas 66101

Staff Recommendation starts at 2:15:50: Planning Director Hand stated that other than the comments tonight there has not been any comments in support or opposition to this application. In reviewing the application, the staff discovered that there is no documentation, building permit or otherwise, of this conversion. The staff does believe that it is an illegal conversion. In working with the applicant, there were utility filed in May of 2020 for two (2) meters. There are issues with parking for the zone that has been requested. It requires one (1) off-street parking space per unit, which would be two (2) parking spaces total. The applicant has not provided an adequate parking plan. The accessory garage does not appear to be used for parking. In conversations with the staff the applicant did mention that there is plenty of on-street parking; however, that does not meet the code requirements. This is a new owner that purchased it as is and is trying to restore the house. The request is to make a parcel in the middle of a R-1 block a R-2 zoning, which is spot zoning and the staff recommends denial as it is in violation of the comprehensive plan and neighborhood character.

Motion and Vote starts at 2:19:08:

On motion by Mr. Mohler, seconded by Mr. Reasons, the Planning Commission voted as follows to recommend **DENIAL** of **Change of Zone Application #3216 as per the staff's determination that it is an illegal conversion:**

Carson	Chairman
Armstrong	Aye
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Not Present
Jones	Aye
Miller	Not Present
Mohler	Aye
Pauley	Not Present
Reasons	Aye
Motion to DENY Passed: 6 to 0	

For the following reasons:

- 1) The applicants have not held a new neighborhood meeting in compliance with neighborhood meeting guidelines and Staff direction;**
- 2) The applicants have not provided an acceptable parking plan to satisfy Section 27-457(d); and**
- 3) In light of the fact that no other adjacent properties are of the same or greater use intensity than the zoning use in this request, and in light of the fact that the property does not have legal non-conforming status, the requested change of zone is considered spot zoning and is contrary to planning best practices.**

PROOF OF RECENT CONVERSION WORK

Result (520 sandusky ave) 20380-00048

20380-00048

Menu Save Reset Summary Help

Go To Summary Fee (1) Payment Workflow Payment History Assess Fee History (1) Custom Fields Custom Lists (1) Permit Addtl Info Professionals (1) Contact

Permit No. 20380-00048 Permit Type Building/Electrical Permit/Residential/NA Opened Date 01/13/2020

Status Issued

Short Notes

Detailed Description
CHANGE INTO TWO METERS FOR DUPLEX 200 AMP SERVICE, 100 AMP EACH UNIT.

[check spelling](#)

Total Paid 71.25

Balance 0.00

Application Name

Assigned Date

Completed Date

Completed by Department Current Department BUILDING INSPECTION

Completed by Staff Current User LELA M DANT

An electrical work permit for converting one (1) meter to two (2) meters was filed by the applicants' contractor on or before January 13, 2020. A single meter does not typically power separate units being rented and operated independent of each other. Therefore, the electrical work permit is strong indicator of a current conversion—not a previous, legally non-conforming conversion.

PHOTOS OF DUPLEX PROVIDED BY APPLICANT



520 Sandusky was originally planned as du plex.

There are 2 entry doors:



Fire exits:

There is an exit + stairs from the back of the 1st floor as shown:



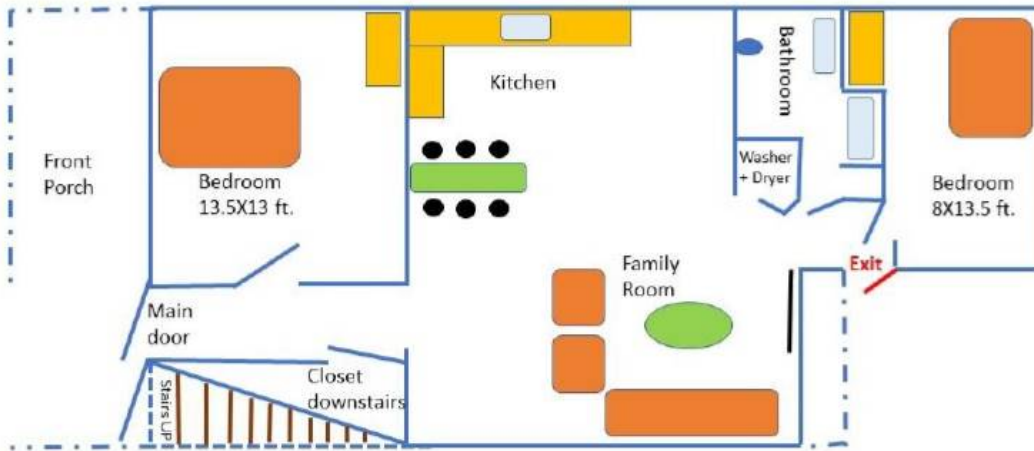
Left door is the entry to the 1st appertment on the ground floor,
Right door is the entry to stairs the leads to the 2nd appertment on the upper floor:



PROPOSED FLOOR PLANS

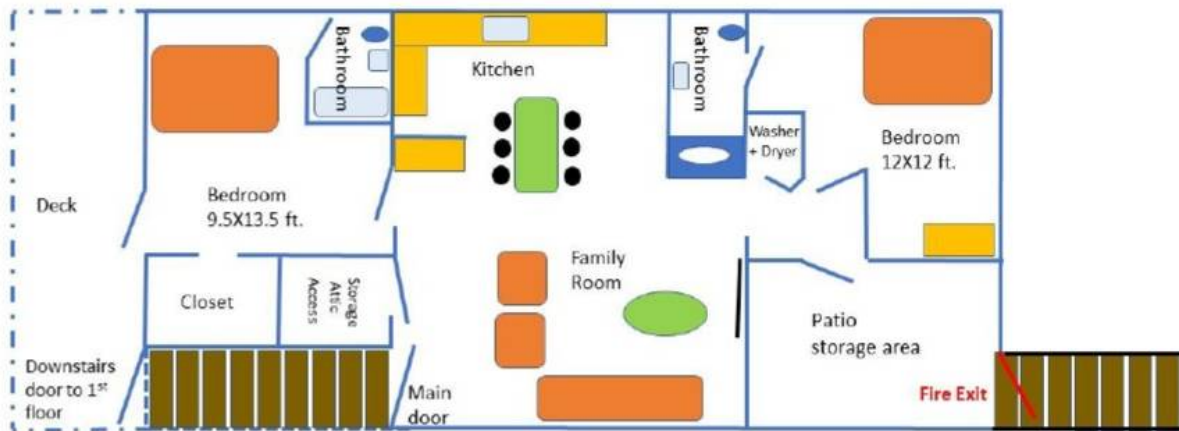
Floor Plans
Ground floor 2 bed + 1 bath

Floor A



1st Floor – 2 beds + 2 bath

Floor B



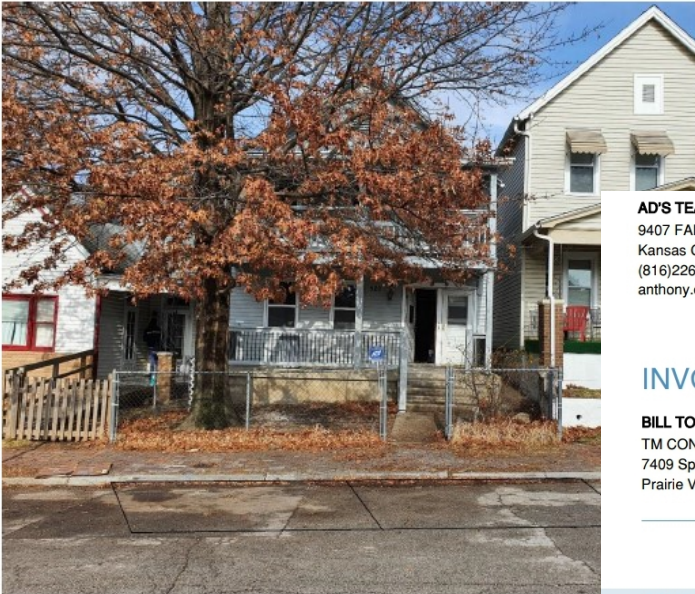
PARKING

Parking

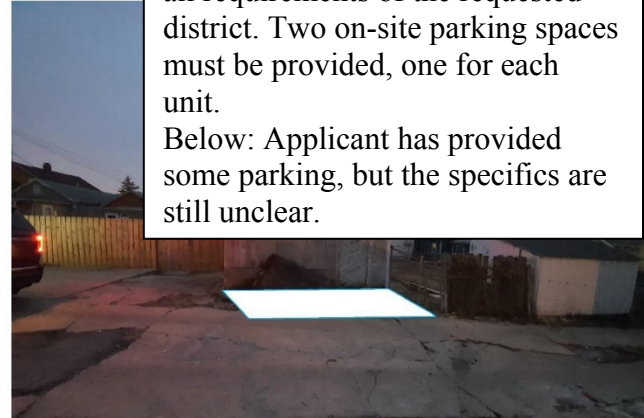
Sandusky Ave is a wide street with free street parking on both sides of the street.



In front of 520 Sandusky there is enough space for 2 cars to park as shown below:



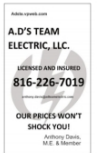
In addition, there is an



Left: Applicant demonstrates that there is plenty of street parking. However, a property requesting a change of zone must comply with all requirements of the requested district. Two on-site parking spaces must be provided, one for each unit.
Below: Applicant has provided some parking, but the specifics are still unclear.

PROOF OF UPDATED UTILITIES

AD'S TEAM ELECTRIC, LLC.
9407 FAIRWOOD DR
Kansas City, MO 64138 US
(816)226-7019
anthony.davis@adteamelectric.com



INVOICE

BILL TO
TM CONSTRUCTION
7409 Springfield St.
Prairie Village, Kansas

INVOICE # 1330
DATE 02/03/2020
DUE DATE 02/03/2020

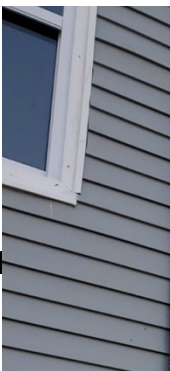
DESCRIPTION	QTY	RATE	AMOUNT
Licensing and permit Obtain a permit from Wyandotte County building permits. Obtain passing inspection from Wyandotte County building permits. Coordinate with BPU for permanent power restoration For: 520 Sandusky Avenue Kansas City Kansas	1	200.00	200.00
Material	1	2,300.00	2,300.00
Labor Build 200 amp service w/ two 100 amp disconnects Build two 100 amp sub panels one for each side of the duplex.	1	3,000.00	3,000.00

PAYMENT 5,500.00
BALANCE DUE **\$0.00**

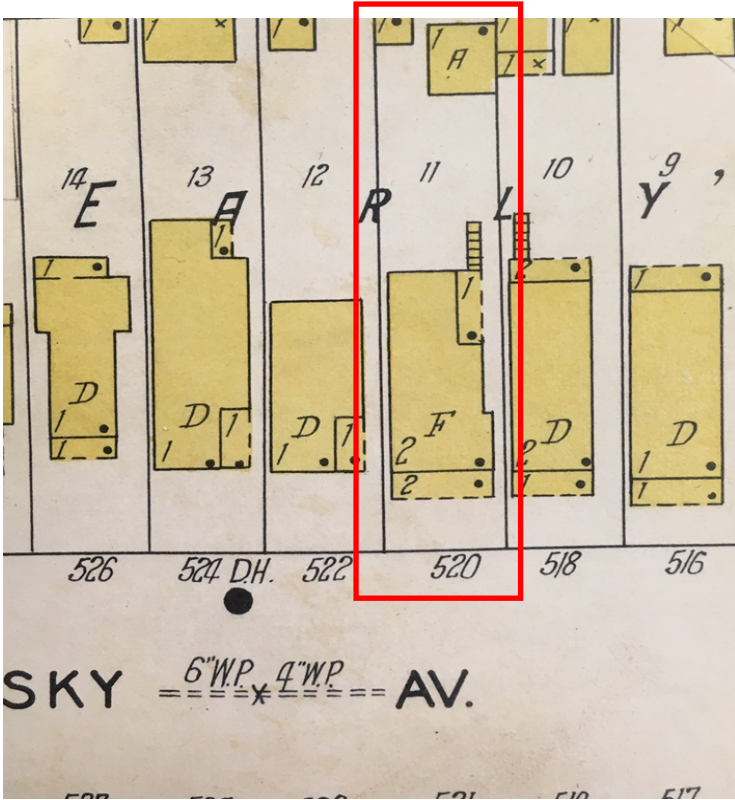
#COZ-3216

June 2

Above: Proof updated electrical boxes.
Right: New, dual electrical boxes on the exterior wall of the property.

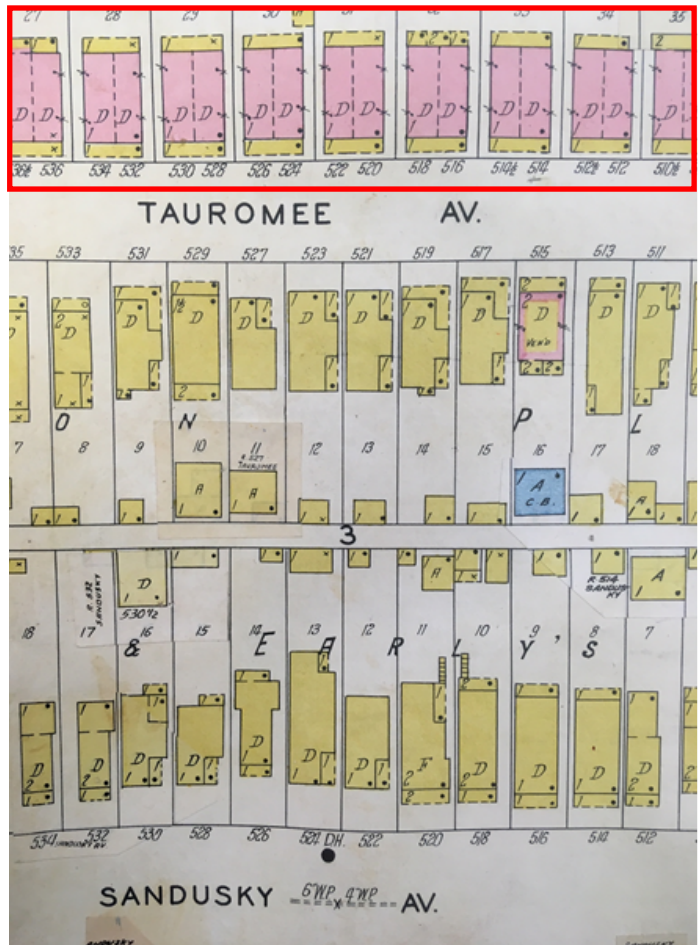


SANBORN MAP ENTRY OF 520 SANDUSKY AVENUE



Left: Sanborn Map from the 1930s showing 520 Sandusky Avenue (outlined in red) as a two-story, single-family residence.

Below: Same map showing side-by-side duplexes (outlined in red) a block over on Tauromee Avenue, in contrast to a two-story, single-family residence.





Feb 11, 2020

SUBJECT: **Neighborhood Meeting**

Dear Sir/Madam,

We have filed an application with the Department of Urban Planning and Land Use # COZ 3216. The purpose of this:

- change of zone

is for changing the property zone from R1(B) to R2(B) from SFH to DUPLEX (back to its original definition).

at the following address: 520 Sandusky Ave, Kansas City, KS 66101.

We are having a neighborhood meeting on **Feb 24 2020 at 4 p.m.** at the following address: **Rosedale Development Association 1403 Southwest Blvd. (phone # 913 6775097)**

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,
Gili Beer
On behalf of *Foylon Investments LLC*
foylon.biz@gmail.com / 816 2073399

Phone (Gili) # 610 4638355

Feb. 24, 2020



Neighborhood Meeting- 520 Sandusky Ave

Meeting Minutes

Opening: The neighborhood meeting was called to order at 4:00 PM on February 24, 2020 at Rosedale Development Association by Gili Beer Present: Melissa Rousselo

Angela Turner

Gili Beer

Agenda: To discuss petition #3216

Meeting: Only one member of the neighborhood attended the meeting, reflecting no or minimal concern over the matter of the zone change

Adjournment: Gili Beer moved that the meeting be adjourned, and this was agreed upon at 4:30 PM

Recorded and approved by

Gili Beer
(on behalf of Foylon Investments LLC)

NATALIE ANOUPHOUTH
Notary Public-State of Kansas
My Appt. Expires 1/23/2024

State of Kansas
County of Johnson
Signed or attested before me on 02/25/2020 by
Gili Beer

Natalie Anouphouth
Signature of notary public