



Board of Adjustment

March 19, 2026 6:30 PM,

20201 E Jackson Drive – Room 149 – Santa Fe

CALL TO ORDER

ROLL CALL

PUBLIC HEARING(S)

1. **Case 26-999-01 – 1001 W. US Highway 24** – Variances to the building and parking lot setbacks.

APPROVAL OF MINUTES

1. December 18, 2025

ADJOURNMENT

MEETING DATE: March 19, 2026

STAFF: Brian L. Harker, Planner

PROJECT NAME: Karam Properties Rezoning

CASE NUMBER: 26-999-01 – 1001 W. US 24 Highway – Variances to the building and parking lot setbacks for the property at 1001 W. US 24 Highway

APPLICANT: RB Architecture Engineer and Construction

OWNER: Karam Properties, LLC

PROPERTY ADDRESS: 1001 W. US 24 Highway

SURROUNDING ZONING/LAND USE:

North: C-2 (General Commercial)...restaurant and shopping center

South: R-6 (Single-Family Residential)...single-family home

East: C-2...(General Commercial) and R-6 (Single-Family Residential)...restaurant and single-family home

West: C-2 (General Commercial) and R-6 (Single-Family Residential)...retail store and vacant land

PUBLIC NOTICE:

- Notification letters sent out to property owners within 185 feet on March 3, 2026.
- Legal notification published in the Independence Examiner on March 3, 2026.

VARIANCE REQUEST

CITY CODE REQUIREMENTS/VARIANCE:

SECTION 14-301-04 indicates that the Minimum Exterior Setback for C-2 districts abutting a residential district are as stated, “When an O- or C-zoned lot abuts an R-zoned lot with frontage on the same street, the setback on the O- or C-zoned lot must match the actual exterior setback that exists on the abutting R-zoned lot, or if no building exists on the abutting R-zoned lot, the O- or C-zoned lot must provide the minimum exterior setback that applies to the abutting R-zoned lot.”

SECTION 14-501-10-B Setbacks and Parking Surfaces...2. Commercial and Industrial Districts. In O, C, BP/PUD and I districts, parking is prohibited in required setback areas and in required landscape areas.

BACKGROUND:

On June 20, 2019, the applicant requested a variance to the exterior setback requirements in order to construct a proposed convenience store/gas station on this existing gas station

property. The presence of a sewer easement and sewer line on the southwestern portion of the property made placing the proposed structure in conformance with the UDO difficult. The UDO requires an exterior yard setback for the C-2 zoned lot to equal the exterior setback for the home on the residential lot to the south. In short, the adjoining house to the south sets approximately 15.7 feet from the River Boulevard right-of-way so the proposed convenience store would have to set no closer as well. The applicant proposed to place the building 5 feet from N. River Boulevard thus, a variance of 11 feet was needed.

The request was approved by the Board of Adjustment, but permitting never occurred. The convenience store/gas station was never constructed. Again, a request was approved a second time on February 20, 2025. Now the applicant wishes to restart the project so the expired variance will need to be considered by the Board for a third time. Therefore, a variance of 11 feet from the 15.7-foot residential contextual setback is requested so the proposed building can be set just 5 feet from the right-of-way of N. River Boulevard.

Secondly, the existing paved parking area (that may continue to have the same coverage to the west and northwest when the property is redeveloped) will not set back the necessary 10 feet from the western property line and 15 feet from the US 24 right-of-way. Thus, 10-foot and 7-foot variances will be required. Separate from the requested variances, the project will need to follow the building permit process and be subject to all current city codes and design standards.

ANALYSIS

Comprehensive Plan Guiding Land Use Principles:

The City's Comprehensive Plan designates Mixed Uses for this property. The applicable Guiding Land Use Principle is, "Promote growth, innovation, investment and opportunity."

REVIEW CRITERIA

Recommendations made by staff and decisions of the Board of Adjustment must be based on consideration of all the following criteria. All six criteria **MUST** be met for variance to be granted.

1. The requested variance arise from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action. *Yes, this is true for both. There is a sewer easement and sewer line in the location where the building might normally be placed. Further, the existing paved parking lot extends to the west property line and encroaches into the northern exterior setback already;*
2. The requested variance will not adversely affect the rights of adjacent property owners or residents. *Yes, this is true for both. The buildings in the area do not have deep setbacks, so this should not be that noticeable. The parking lot already abuts the west property line and encroaches into the northern exterior setback;*
3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner. *Yes, this is true for both. The planned structure will have to be much smaller or configured differently given the location of the sewer easement and sewer line. Removing that existing parking would eliminate needed parking spaces;*

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. *Yes, this is true for both. The change in setback is across the street from a restaurant parking lot and convenience store/gas station parking lot already exists;*
5. The alleged hardship has not been created by any person presently having an interest in the property. *Yes, this is true for both. The applicant is not responsible for the location of the existing sewer easement and sewer line and the existing configuration of the western and northwestern edges of the parking lot;*
6. The variance, if granted, will not alter the essential character of the neighborhood. *Yes, this is true for both properties. Again, the buildings in the area do not have deep setbacks, so this should not be that noticeable. Further, the parking lot encroachments to the west and north already exist.*

The requests meet all six of the above-stated hardships or facts for the variances, as listed in the City Code for consideration.

EXHIBITS

1. Narrative
2. Code Section
3. Application
4. Applicants Variance Criteria
5. Notification letter
6. Notification addresses
7. Notification area map
8. Mailing affidavit
9. Elevations
10. Site Plan

Subject: Variance Application
1001 W 24 Hwy

Location of the existing public sewer line in the Southwest area of the property prevents moving the proposed building West to allow for 15' setback along River Blvd. The setback will be 5'-0" minimum to the South side of the building and about 10' on the North Side of the building. This will allow for approximately 4,400 S.F. Building. The reduced setback area will be planted with shrubs and trees.

Special efforts spent to produce an attractive and pleasant building. The proposed development will improve site circulation, provide new landscaping, provide new parking and provide new site lighting. We are looking forward to develop this area and upgrade the whole site to make it more safe and more pleasant.

14-301-04 - Lot and building standards



All residential and nonresidential development in O and C districts must comply with the lot and building standards of Table 301-2, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in Table 301-2 and applicable exceptions to the standards can be found in Article [14-202](#)

EXPAND

Table 301-2 Lot and Building Standards (O & C Districts)					
	O-1	O-2	C-1	C-2	C-3
Lot Size					
Min. lot area (square feet)	None	None	None	None	None
Min. lot area per unit (square feet)	1,000	NA	1,000	1,000	NA
Min. lot width (feet)	None	None	None	None	None
Min. Exterior Setback [1]					
Abutting residential district	[1]	[1]	[1]	[1]	[1]
Not abutting R district	15	15	None	15	15
Min. Interior Setback	[2]	[2]	[2]	[2]	[2]
Maximum Height	40	45[3]	40	45[3]	45[3]

Notes to Table 301-2:

- [1] When an O- or C-zoned lot abuts an R-zoned lot with frontage on the same street, the setback on the O- or C-zoned lot must match the actual exterior setback that exists on the abutting R-zoned lot, or if no building exists on the abutting R-zoned lot, the O- or C-zoned lot must provide the minimum exterior setback that applies to the abutting R-zoned lot.
- [2] Interior setbacks are required only when an O- or C-zoned lot abuts R-zoned lots. In such cases, the O- or C-zoned lot must provide the same setback as required for the abutting R-zoned lot.
- [3] Additional building height is permitted in O-2, C-2 and C-3 districts if interior setbacks abutting R-zoned lots are increased at least one foot for each one foot of building height in excess of the stated maximum height. On lots that do not abut R-zoned lots, buildings may be increased in height if interior side and interior rear setbacks are increased at least one foot for each three feet of building height in excess of 35 feet.

14-501-10-B. Setbacks and Parking Surfaces.

- 2. **Commercial and Industrial Districts.** In O, C, BP/PUD and I districts, parking is prohibited in required setback areas and in required landscape areas. All parking and storage of vehicles must be on a paved, all-weather surface.

Board of Adjustment

City of Independence, Missouri

Subject Address 1001 W US 24 HWY

Legal Description (Provide electronic copy if description is metes and bounds): _____

SHELTON'S ANNEX LOT 6 (EX W 40.2' THOF)

Property Zoning: C-2 Existing Use: GAS STATION

Is a change of use proposed? **YES / NO** If **YES**, list new use: _____

Request (Cite the specific section and subsection of the Unified Development Ordinance from which variance is sought): _____

SIDE SETBACK - REDUCED FROM 15' TO 5'

APPLICANT (DEVELOPER):

Name RB ARCHITECTURE ENG. CONST.

Address 11661 COLLEGE BLVD, STE 104

City OVERLAND PARK State KS Zip 66210

Phone _____ Cell [REDACTED]

E-Mail [REDACTED] Fax _____

PROPERTY OWNER:

Name Karam Properties LLC

Address 1001 W US 24 HWY

City Independence State MO Zip _____

Phone [REDACTED] Cell [REDACTED]

E-Mail [REDACTED] Fax _____

I hereby certify that all the above statements and the statement contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

Riad Baghdadi

Applicant's Signature

Owner

Fee: \$400.00

Date Filed 02-10-2026

VARIANCE CRITERIA

The Board of Adjustment must make a determination on each criteria listed below. Please explain how the requested variance meets the following criteria. Attach additional sheets if necessary.

1. The requested variance arises from conditions which are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.

Yes No

Explain: Location of existing public sewer line prevents moving the proposed building west to allow for 15' setback along River Blvd.

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

Yes No

Explain: Requested variance is along public street,

3. Requiring strict compliance with the subject zoning regulation will constitute a practical difficulty for the subject property owner.

Yes No

Explain: The existing public sewer does not allow proper setback

4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Yes No

Explain: Proposed development will enhance the site.

5. The alleged hardship has not been created by any person presently having an interest in the property.

Yes No

Explain: The existence of the public sewer line on the property is the cause of the hardship.

6. The variance, if granted, will not alter the essential character of the neighborhood.

Yes No

Explain: _____

Property Owner Notification Letter

City of Independence, Missouri

Date: _____

Case No. _____

Dear Property Owner:

This letter is to notify you that an application has been submitted for consideration of a variance. The Board of Adjustment will consider the case on the property, date and time identified below.

Proposed project description: _____

Applicant: _____

Location of Property: _____

Board of Adjustment Meeting Date: _____, 20____, at 6:30 p.m.

Location of public hearings: Room 149 - Santa Fe, Independence Municipal Commons
20201 E. Jackson Drive, Independence, Missouri, 64057

All interested persons are invited to attend and will have an opportunity to be heard at the public hearing.

Applicant (or Owner/Agent)

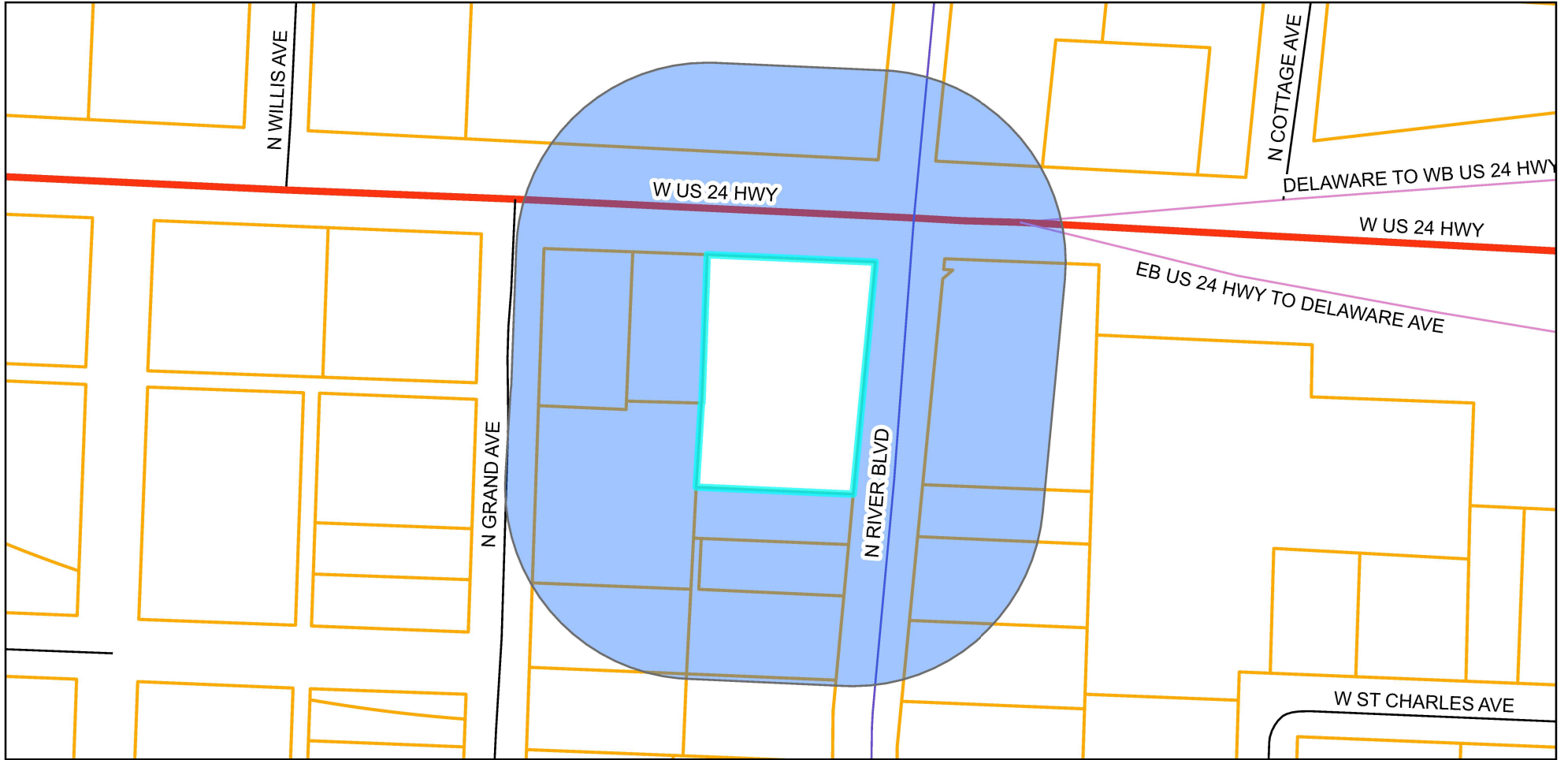
For more information, contact the Community Development Department at 816-325-7421.

Property Address	Property Owner	Owner Address	City	State	ZIP Code
1000 W US 24 HWY	HWY 24 INVESTMENTS LLC	829 S SAN PEDRO ST	LOS ANGELES	CA	90014
1011 W US 24 HWY	HENDREN HOWARD & BROOKE	104 E SUE LN	INDEPENDENCE	MO	64050
1013 W US 24 HWY	BAUER FABIAN & KAREN E	1101 W US 24 HWY	INDEPENDENCE	MO	64050
1015 N RIVER BLVD	COMER LARRY D & CHERYL L TRUSTEE	1308 NE BRANDYWINE RD	LEES SUMMIT	MO	64064
828 N RIVER BLVD	MCBEE PROPERTIES LC	1203 E US 24 HWY	INDEPENDENCE	MO	64050
829 N GRAND AVE	LOPEZ ELSY	1612 W 27TH ST S	INDEPENDENCE	MO	64052
901 N GRAND AVE	DEVALL APRIL	901 N GRAND AVE	INDEPENDENCE	MO	64050
901 N RIVER BLVD	SCHLUCKEBIER CYNTHIA	901 N RIVER BLVD	INDEPENDENCE	MO	64050
904 N RIVER BLVD	HAMMER CHASE	904 N RIVER BLVD	INDEPENDENCE	MO	64050
905 N RIVER BLVD	MORENO LIZETTE MACEDO	905 N RIVER AVE	KANSAS CITY	MO	64050
906 N RIVER BLVD	STOUGH ROBERT J	906 N RIVER BLVD	INDEPENDENCE	MO	64050
907 N RIVER BLVD	EDMOND SUSAN & DENNIS	907 N RIVER BLVD	INDEPENDENCE	MO	64050
908 N RIVER BLVD	PARKER SAMMY WILSON JR	932 N STRODE ST	INDEPENDENCE	MO	64050
925 W US 24 HWY	WENDYS PROPERTIES LLC	ONE DAVE THOMAS BLVD	DUBLIN	OH	43017



Notification Area Map

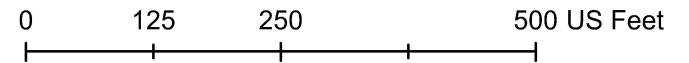
1001 W US 24 Hwy

Case #26-999-01



Legend

-  Notification Area
-  Parcels



Prepared For: Board of Adjustment
 Meeting Date: March 19, 2026



Property Owner Notification Affidavit

STATE OF MISSOURI

COUNTY OF JACKSON

Case No. 26-999-01

I, Riad Baghdadi, of lawful age being first duly sworn upon oath, state:

That I am the (agent, owner, attorney) for the property for which the application was filed and did, not later than fifteen (15) days prior to the date of the public hearing scheduled before the Board of Adjustment, mail notices to all persons owning property within 185 feet of the subject property. **The list of property owners to whom notice has been mailed is attached.**

These notices were mailed on the third day of March, 2026.



Signature of Agent, Owner or Attorney

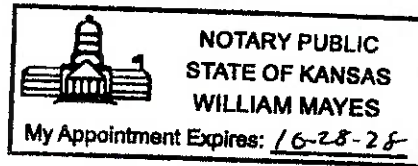
Subscribed and sworn to before me this 4 day of March, 2026.

William Mayes

Notary Public

10-28-2028

Commission Expiration Date





Board of Adjustment Minutes

December 18, 2025 6:30 PM

Council Chambers - 111 E. Maple Ave.

CALL TO ORDER

A meeting of the Board of Adjustment was held at 6:30 PM on 12/18/2025, at 111 E Maple Avenue, Independence, MO 64050. The meeting was called to order.

ROLL CALL

Upon roll call, the following members were present - Roy Browne, John Davies, Anthony Sommer, Cody Atkinson, Cindy McClain.

PUBLIC HEARING(S)

1. **Case 25-999-13 – 2730 S. Jackson Circle** - Variance to commercial fence requirements.

Brian Harker gave the staff report.

Motion

Board member Anthony Sommer made a motion to approve the request for the structure/use to be located within the front yard, as presented, based on the findings that it meets applicable standards and conditions. Board member Cindy McClain seconded the motion. The motion was approved, Yes 5, No 0, Abstained 0.

Motion

Board member Cody Atkinson made a motion to allow the use of exposed galvanized material, as presented, based on the finding that the material is acceptable under the applicable design standards. Board member Anthony Sommer seconded the motion. The motion was approved, Yes 5, No 0, Abstained 0.

APPROVAL OF MINUTES

1. September 18, 2025

Motion

Board member Anthony Sommer motioned to approve the minutes. Board member Cindy McClain seconded the motion. The motion was approved, Yes 5, No 0, Abstained 0.

ADJOURNMENT

The meeting was adjourned at 6:50 p.m.