

Jacob and Taylor Jensen

509 E Rankin Road
Independence, MO 64055
(385) 528-9323
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18th April 2023

Independence City Council

City Manager's Office
111 E Maple Ave
Independence, MO 64050

To whom it may concern:

On April 11, 2023 our request to obtain a short-term rental permit from the City of Independence Planning Commission was denied. We would like to respectfully appeal the Planning Commission's decision, request that you review the proceedings, and reconsider our application for approval.

In short, we purchased the property due to the seasonal nature of Jacob's job. To avoid small, company housing we bought the home to live in with our growing family during the months we are in the area. We decided to use it as a short-term rental while we are away and create the opportunity to come back at any time of the year as needed, but more importantly to cover the cost of the mortgage. We operated it as a short term rental from September 2022 until January 25, 2023 when we received a cease and desist letter from the City. It was then we were made aware we were doing so illegally without permit. Immediately and happily we ceased operations and set about to obtain a permit and comply with city code. The following items were either completed or were willing to be completed upon approval of a permit.

As per the City's code for short-term rentals :

14-424-03 Business license required - immediately upon approval, the applicant would list the occupation license number on all advertisements and online platforms.

14-424-04 Transient guest tax required - during operations from September 2022 - January 25, 2023, applicant had already been collecting transient tax for the City automatically from guests through Airbnb and Vrbo and upon approval would continue to do so.

14-424-05 Limit on short term rentals operated by a single owner - the applicant does not operate any other short term rentals.

14-424-06 Density limitations - 509 Rankin Road does not reside within 500 feet from the property line of another existing or proposed short-term rental.

14-424-07 Maximum number of guests - previously, the applicant had their property listed to accommodate 14 guests. Upon learning City code and pending approval, the applicant was happy and willing to relist the property to accommodate only 10 guests including adults and children.

14-424-08 Maximum number of bedrooms - previously, the applicant had their property advertised with 5 bedrooms. Upon learning City code and pending approval, the applicant was happy and willing to remove beds from the fifth sleeping area and advertise the property with 4 bedrooms.

14-424-09 Responsible agent required - the applicant had Juan Vasquez of J2KC Cleaning/Management Services to serve as a Responsible Agent. Juan is located within 30 minutes of the property and is available 24/7 to respond to complaints, concerns, and violations.

14-424-10 Events - the applicant prohibited and would continue to prohibit upon approval the hosting of weddings, banquets, parties, charitable fundraising, or other similar gatherings.

14-424-11 Multiple booking party rental prohibited - the short-term rental never was and upon approval would never be rented to more than one (1) booking party at a time.

14-424-12 Owner living unit while rented prohibited - the applicant never lived and upon approval would never live in the short-term rental unit while it was being rented.

14-424-13 Food/Meals Prohibited - the applicant never provided and upon approval would never provide food, light snacks, or other food and/or meals to guests.

14-424-14 Insurance Requirement - the applicant provided and upon approval would continue to provide liability insurance for themselves, their property, and guests through Airbnb and Vrbo up to \$1,000,000.

14-424-16 Interior Posting of Good Neighbor Guidelines and tenant information - upon approval the applicant was happy and willing to post in a prominent location of the dwelling the City's Good Neighbor Guidelines as well as the maximum permitted occupancy, parking plan, trash disposal plan, the noise management plan, responsible agent name and contact information, the street address of the short-term rental and the short-term rental license.

14-424-17 Noise Management Plan - upon approval the applicant was happy and willing to install the Minut noise monitoring device in the great room and sunroom to monitor noise levels. Also upon approval, the applicant would post quiet hours and penalties for violating the City's noise ordinance.

14-424-18 Parking - the applicant created a parking plan that could accommodate 2 cars in the property's garage, 2 cars in front of the garage on the cement driveway, and 1 car on the rv pad on the side of the home with 1 car allowed to be parked on the street directly in front of the property.

14-424-19 Refuse collection - the applicant has AAA Disposal collecting trash every Monday. The responsible agent would place the trash receptacles on the street to be collected each week.

14-424-20 Safety - per the requirements of the Fire Department's inspection performed on April 3, 2023, the applicant received notice on April 10, 2023 that all had been satisfactorily completed and had passed. The following items were completed by the applicant:

- a. A map identifying escape routes posted in each guest room with owner emergency contact information
- b. Carbon Monoxide detectors mounted on each level
- c. Child-proofed electrical outlets
- d. Smoke detectors mounted as required by code
- e. A mounted fire extinguisher as required by code

14-424-22 Application Requirements for short-term rentals - the applicant submitted an application to the Department of Community Development with all required documentation and is attached to this letter.

In addition to the City's code, the applicant reviewed the staff's recommendations for approval and was willing to complete the following immediately :

1. "All sleeping areas not meeting the building code for emergency escape and rescue openings or proper ventilation shall cease as sleeping areas." Upon approval, the applicant had scheduled a contractor to make necessary changes to the basement bedroom's windows to meet the city's building code for egress windows to ensure emergency escape for guests.
2. "Per the UDO, the second kitchen in the basement does not meet the definition of a single dwelling unit and must be removed or modified to not be considered a multifamily unit." Upon approval, the applicant was happy and willing to modify the basement kitchen and remove the stove and dishwasher to meet the definition of a single dwelling unit.

Despite our willingness to comply with the City's code, we were denied the short-term rental permit because of complaints from two neighbors the night of the planning commission meeting. Neighbors complaining at the planning commission meeting does not seem to comply with city code (14-424-23 B , 4) which requires that neighbors who oppose the application must submit and validate a legal protest petition to the Planning Commission "no later than 24 hours before the beginning of the meeting at which the short term rental application will be considered." The petition must be "duly signed and acknowledged by the owners of 25 percent or more of the land within an area determined by lines drawn parallel and 185 feet from the boundaries of the parcel proposed for the short-term rental" to be considered a legal protest. No such legal protest was provided or presented to the Planning Commission.

However, it is important to us that we create and maintain good relationships with our neighbors. Therefore, even if neighbors did not meet the required city code for protest we genuinely feel their concerns are and should be our concerns. We also don't want large parties, loud disturbances, cars parked up and down the street, or illegal activity occurring on our property at any time. We want our neighbors to feel safe and undisturbed. The City's code, as well as other parameters we want to implement, i.e., screening guests, requiring two-night minimum stays and so on, will ensure that our concerns as well as those of our neighbors' will be addressed and avoided.

While still wanting to address neighbor concerns, and having a willingness to comply with city code we still feel we were denied a permit based on a code that is subjective. If the standard is that we need approval from every neighbor within 185 feet of our property, and two of twenty-one neighbors never approve, how will we ever be able to obtain a permit despite our eagerness to follow City code and best practices? We feel that city code should be objective not based on a standard that is arbitrary and capricious. Particularly because circumstances can be interpreted very subjectively. The following two examples were complaints submitted to the city that were subsequently addressed in the Planning Commission meeting:

1. November 28, 2022 - A neighbor called and reported to the city that they were concerned our property might be a flop/drug house. SR #78333 was created to alert the Independence Police Department about the concerns of drug use at this property during that time.

Our records indicate that a guest, Kelsie M. booked the home for her family to gather for Thanksgiving. There were 12 total guests - 2 couples and their children. Kelsie's identity was verified through Airbnb and had 5 star reviews from 4 previous hosts recommending her as a respectful guest. What may have looked like a drug drop to a neighbor was most likely tired parents ordering food to the house for the night. Police found no evidence of drug activity. Her profile information is attached for your review.

2. January 9, 2023 - A neighbor called and informed the city that there was a large party on the property with a party bus on January 7, 2023, and that 8 cars were parked at the front of the property on January 8, 2023. In the planning commission meeting a neighbor said, "I have witnessed party buses dropping people off into the house late at night, loud music coming out of the party bus, and that's in addition to who is already in the house."

Our records indicate that a guest, Kellyn D., booked the home for a group of women to get together and spend time in the city. There were 10 total guests. Kellyn's identity was verified by Airbnb and had 5 star reviews from 3 previous hosts. Our security cameras indicate that a bus arrived at the home around 8pm to pick up the women, very much like an "Uber" would do, and returned at 12:00 a.m. with the same group of women. There was no activity indicating a party at the house during this time window, nor after (in keeping with our policy to not allow parties at the home). The next morning, January 8th, 3 cars, not 8, were parked at the house until the group checked out around 11:00 a.m. There were no guests at the home again until the following weekend. Attached are screen captures of the time stamps from the party bus arriving and leaving. Video of the encounter has been emailed to the City staff for your review.

An additional note to the same neighbor's concerns about 4-5 cars being parked at the house and then additional vehicles coming and going from the home during other stays, all of our video evidence indicates guests who are traveling to the city who responsibly pay for a rideshare because they don't want to endanger the community by driving under the influence of alcohol. Our house is not the venue for the party, merely the place to crash when all the fun has been had.

As you may be able to note, one can interpret circumstances very subjectively. Despite our empirical evidence refuting these claims, we have been held to a standard that two other applicants the very same night were not held to, simply because they didn't have a neighbor who complained. This denial came notwithstanding the relationships and rapport built with multiple others who live in the same vicinity and even closer in property proximity than the two who complained. We feel this subjective approach, with this particular portion of the City code, infringes on the property rights of citizens of Independence, violating their rights in the use of their property, especially when applied unequally. Because of this subjective code the city risks a taking of an individual's property ownership interest, highest and best use of their property, and measurable value for use of their property.

The night of the planning commission meeting where we were denied, we received the following feedback from the commission:

Commissioner : "This is one of the best presentations I've ever seen before this commission. Unfortunately, you only get one shot at a first impression."

Commissioner : “Madame Chair, my comment is predictable... If this applicant were to come back before this commission at a later date when he has established himself with these people, and they [the neighbors] take no exception, I would joyfully, I think he is one of the most brilliant young people I’ve ever seen. But as far as this application, hell would freeze over before I’d vote for it.”

We feel there was no objective feedback or standard that was given that night that we can follow through with. We could spend the next six months or even five years trying to build a better relationship with the two neighbors that complained, but at the end of the day these two neighbors may never reach a place where they find “no exception” with us or the use of our home that the commissioner is looking for. Especially considering the fact we have in previous months already tried to reach out and resolve their concerns with emails, text messages, and personal visits to their home with no reciprocation for cooperation.

If the city is basing this decision on subjective emotions, what about the subjective feelings of our other neighbors who voiced support for our application, are their feelings and ours not equally relevant? Especially considering they were the positive majority, 3 to 2, whose letters for our support will be attached.

Given this standard, this means that for future applicants, a neighbor can come to a public hearing, and although having a non-ownership interest in the applicant’s property, give negative comments, whether based in fact or not, and the applicant may be denied the use of their property. This seems to contradict both the fifth and fourteenth amendment of the constitution that protects property ownership rights, and requires fair and equal protection under the law.

In summary, all other portions of the objective code that can be adhered to fairly and equally by all Independence short-term rental owners, we agree to adhere to, but we find this neighbor approval portion of the code very subjective, and not fair, nor equitable when determining an individual's property rights.

Cordially

Jacob
Taylor Jensen

Jacob and Taylor Jensen

April 7, 2023

To Whom It May Concern:

I live across the street, have seen all of the occupants who have stayed nights and I have witnessed no problems. Most occupants are females having bachelorette parties and baby showers, and many are out of town Chiefs, Super Bowl, Royals and college sports enthusiasts. I see these guests as bringing in money to our city. I whole heartedly support the short term rental across the street from me.

Karen Carmack
516 Rankin Rd
816-908-7427

From: Michael Higbee normahig@hotmail.com
Subject:
Date: April 9, 2023 at 10:52 AM
To:

Independence Community Development
Planning Commission
111 East Maple Av
Independence, MO. 64050

April 9, 2023

To Whom It May Concern,

This letter is concerning "Proposed Short-Term Rental: 509 E Rankin Rd"

We are neighbors at 512 E Rankin Rd and have no problem with this property owned by Jacob and Taylor Jensen as being a short-term rental. There has been no disturbance that we have experienced.

Since the Jensens have to travel during the year, it only makes sense that the property would be occupied instead of vacant. They have contracted a person to take care of the property in their absence which is a plus for all the neighbors.

If a problem arises the property manager, Juan Vasquez, is close by to remedy any disturbance.

I look forward to renting this property in the future as a place for our out-of-town relatives to stay. It will be close to me and much better than a distant hotel.

In closing we believe this property and the owners will be a benefit to our neighbor.

Sincerely,

Norma and Mike Higbee
512 Rankin Rd
Independence, MO. 64055
(816) 254-8919

Mike Higbee Norma Higbee




Past guest

Kellyn D 



NEW! Cozy home

Jan 6 – 8 (2 nights)

10 guests · \$ 

Kellyn's review:

This was the perfect space for a weekend family getaway! We had a crew of 10 for the weekend ...

[Show review](#)

About Kellyn

★ [5.0 rating from 3 reviews](#)

✓ [Identity verified](#)

 Joined Airbnb in 2019

[Show profile](#)

Send or request money

Message



Lives in Hewitt, TX

Show profile

Send or request money

Message

Call

Phone number unavailable

Booking details

Guests

4 adults, 7 children, 1 infant

View

Check-in

Wed, Nov 23, 2022

Check-out

Sun, Nov 27, 2022

Past guest

Kelsie M [REDACTED]



NEW! Cozy home

Nov 23 – 27 (4 nights)

11 guests, 1 infant · \$ [REDACTED]

About Kelsie

★ 5.0 rating from 4 reviews

✓ Identity verified

📅 Joined Airbnb in September 2017

🏠 Lives in Hewitt, TX

Show profile

Send or request money

Message

7:04



Event History

Actions

Cameras ▾

Devices ▾

Events ▾

1/8/23

Backyard

1:11 AM



Motion



Side

12:00 AM



1/7/23



Motion



Side

7:59 PM



Motion



Side

7:57 PM



7:05



Event History

Actions

Cameras ▾

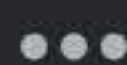
Devices ▾

Events ▾

1/8/23

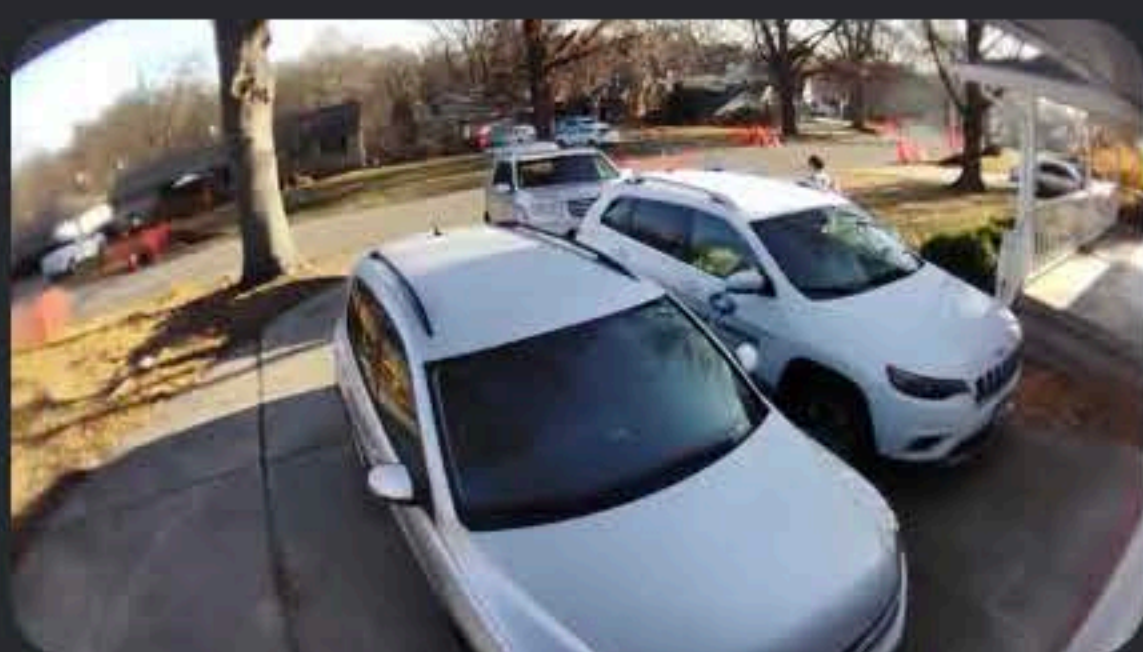


Motion



Side

8:06 AM



Motion



Side

1:29 AM



Motion

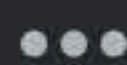


Side

1:22 AM



Motion



Backyard

1:13 AM

