

## WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: January 6, 2025

Staff Contact: Leslie Herring, City Administrator

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**WE-2024-04** – Application of homeowner Joseph Hirleman for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow a primary structure to have less than 60% of its front façade on the front build-to line for a proposed new single-family residence on property located at 4831 Booth St., Westwood, Kansas 66205.

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**OWNER OF RECORD:** Joseph and Kathryn Hirleman

**APPLICANT:** Joseph Hirleman, property owner

**LOCATION:** The property is located at 4831 Booth St. and is deeded as SWATZELL VIEW S 50 FT LOT 3 & N 10 FT LOT 4 BLK 5

**ZONING:** The property is zoned R-1B

**PROPOSED PROJECT:** Construct a new single-family dwelling

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**REQUESTED ACTION:** A waiver/exception from Article No. 4.3.2(D) to allow a primary structure to have less than 60% of its front façade on the front build-to line.

**ZONING ORDINANCE WAIVER & EXCEPTION:** Pursuant to Ordinance No. 1000 passed by the Westwood Governing Body on March 14, 2019, the Westwood Zoning Code was amended to create a new Section 4.5 - Waivers & Exceptions to establish a new review and approval process as an alternative to consideration of a variance request by the Board of Zoning Appeals.

As provided for by Ordinance No. 1000, and in conformance with the Planning Commission's and Governing Body's intent to provide a process to consider waivers and exceptions from certain sections of Chapter 4 of the Westwood Zoning Ordinance, a waiver from Section 4.3.2(I) would need to be granted to allow the property owner to construct the home as proposed.

**APPROVAL CRITERIA:** Pursuant to Ordinance No. 1000, a waiver or exception shall not be approved if it is contrary to the public interest or unnecessarily burdens the City. The Approving Authority may approve the waiver or exception if the applicant demonstrates one (1) or more of the following:

1. An alternative higher quality development design is being proposed with no negative impacts to either nearby residential or nonresidential properties.
2. Relief of the development restrictions imposed on the property will ensure low impact land uses, and quality building and site design arrangements in which adjoining residential properties will not be negatively impacted by any deviations from the applicable regulations.

3. The granting of the wavier or exception will not be opposed to the general spirit and intent of the adopted Comprehensive Plan.

The waiver/exception is a condition of the underlying application for approval and has the same effect as any approval of that application. In such instances, findings shall be prepared that:

1. No private rights will be injured or endangered by granting of the waiver or exception.
2. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

**STAFF ANALYSIS:** Staff review of the application submittal concludes that all elements of the proposed single-family dwelling conform to the Westwood Zoning Ordinance except the percentage of the front of the house situated on the build-to line. Article No. 4.3.2(D) requires at least 60% of a primary structure's front façade to be on the front build- to line. The applicant's proposed design has 55% of the front on the build-to line.

**STAFF RECOMMENDATION:** The Planning Commission should review the application materials included in the meeting packet, should consider any public comment received<sup>1</sup>, and should consider the applicant's presentation at the meeting to determine whether this application should be approved. Staff does not have any objection to the application being granted.

#### *Suggested Motion*

*I move to approve/deny/conditionally approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow a primary structure to have less than 60% of its front façade on the front build-to line for a proposed new single-family residence on property located at 4831 Booth St., Westwood, Kansas 66205.*

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<sup>1</sup> Per Westwood zoning regulations, this public hearing was published at least 20 days prior and notice of the hearing was mailed to all property owners within 200' of the subject property, as shown in the map on the next page.



