

**City of Westwood, Kansas  
Planning Commission Meeting  
4700 Rainbow Boulevard  
December 2, 2024 – 7:00 PM**

Commissioners Present: Kevin Breer, Vice Chair  
Ann Holliday  
Samantha Kaiser  
David Kelman  
Emily Keyser  
Mark Neibling  
Sarah Page, Chair  
Matt Prout

Commissioners Absent: Clay Fulghum

Staff Present: Leslie Herring, City Administrator  
John Sullivan, Public Works Director  
Spencer Low, City Attorney for Planning Commission

**Call to Order**

Chair Page called the meeting to order at 7:00 PM on December 2, 2024.

**Approval of Agenda and Meeting Minutes**

Chair Page called for modifications or discussion of the December 2, 2024 meeting agenda or November 4, 2024 meeting minutes or a motion for approval. Commissioner Breer moved to approve the agenda and meeting minutes. Commissioner Prout seconded. Motion passed unanimously.

**Public Hearings**

*WE-2024-04: Application of Christopher Castrop, on behalf of Rick and Helen Ackmann, for a waiver/exception from Westwood Zoning Ordinance: (1) Article 4.3.2.(C) to allow lot coverage in excess of that allowable, (2) 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, (3) Article 4.3.2(J)4.b to allow a front yard setback less than 35', and (4) Article 4.3.2(J)4.c to allow the maximum lot width coverage at the front yard setback to exceed 70% for a proposed new single-family residence on property located at 2023 W. 48th St., Westwood, Kansas 66205*

Chair Page invited Herring to present the staff report. Herring presented the staff report included in the meeting packet.

Chair Page invited the applicant to address the Planning Commission. Chris Castrop, Castrop Design Group architect for the property owner, 4318 W. 54<sup>th</sup> St., Roeland Park, Kansas, addressed the Planning Commission. Castrop shared context and background in support of the application.

Chair Page called for questions from the Planning Commission of the applicant. Commissioner Kelman noted that Westwood Zoning Ordinance provision 4.3.3.D.1 sets the front yard setback at 20', which if applicable to this application, would eliminate the need for a waiver from Article 4.3.2(J)4.b. Herring confirmed this is the case and thanked Commissioner Kelman for finding that provision and making note for the record and staff. Commissioner Kelman continued by commending the architect on creating a

design he feels complements the street, specifically by the decision to add a front porch and keeping the massing low in the front. Commissioner Breer inquired as to whether this home on a double lot was on one taxing parcel or two. The applicant confirmed that the lot is a single lot and does not need to be platted. Commissioner Prout inquired as to whether modifications to the use of the interior space in the house were considered to reduce the area of the overall footprint so as not to exceed maximum lot coverage. Castrop responded that they could reduce the area and depth of the front porch but that they desire to keep the depth to make it usable and also desire to maintain a symmetrical look. Commissioner Kelman asked several questions about surface materials and uses of areas shown on the footprint plan in an effort to ensure the lot coverage total was calculated correctly to ensure the waivers sought by the applicant are necessary and appropriate.

Chair Page invited the property owners to address the Planning Commission. Richard Ackmann shared that they have designed this house to allow them to age in place and that his wife, Helen, has mobility challenges and this design supports her. Helen Ackmann shared that they have lived in on the property for over forty years and they love the area and love their neighbors and want a home that supports them in their later years and enables them to stay.

Chair Page called for questions from the Planning Commission. Commissioner Neibling noted that since Westwood Zoning Ordinance provision 4.3.3.D.1 sets the front yard setback at 20', that an exception from Article 4.3.2(J)4.c to allow the maximum lot width coverage at the front yard setback to exceed 70% is no longer relevant since the lot width coverage at the front yard setback – 20' – no longer exceeds the allowable. Further, Commissioner Neibling noted that with the front yard setback being 20', 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 also is no longer violated by the proposed design since more than 60% of the front façade is now set at 20' from the right of way. Neibling interprets the application to only exceed the allowable lot coverage and so only need a waiver from Article 4.3.2.(C) of the zoning ordinance. Herring recommended the Planning Commission – if they desire to approve this application – approve all four waivers with a caveat to be recorded in the meeting minutes that only those zoning ordinance waivers required shall apply. Herring noted that this is a conservative way to move the application along without creating potential issues for this property owner should not all waivers sought be granted and then following further review it is determined that they should have been granted to permit the building. Commissioner Neibling stated support for this recommended approach and noted that the effort of he and Commissioner Kelman raising these questions and issues about exact waivers approved is to ensure future applicants don't attempt to point to the approval of certain waivers in this case if they weren't needed as an argument of why the same waivers should be approved for them, in this hypothetical future scenario.

Chair Page called for public comment on the application.

Eddie Van Zandt, 2103 W. 48<sup>th</sup> St. stated support for the application. He noted that he lives two doors down but also owns the house next door to the applicant. He likes the design and especially the front porch.

Kathy Davis, 2006 W. 48<sup>th</sup> St., stated support for the application. She noted that she likes this more traditional architectural design and feels that since modern architectural designs have been granted waivers before to be built, she thinks a waiver should be granted for this design.

Chair Page closed the public comment portion of the hearing.

Chair Page called for discussion amongst the Planning Commission. Commissioner Kelman thanked the applicant for recessing the garage. Commissioner Breer noted support for the design and noted support for residents going through this effort to stay in the neighborhood.

Attorney Low recommended that the Planning Commission identify in-turn each of the waivers sought, to have a discussion about each individually, to ask amongst the Planning Commission to note their stance on the mootness of each waiver, and to note whether any Planning Commissioner would vote against each waiver individually causing them vote to deny the application.

No objection to Low's recommended approach was stated by the Planning Commission. Low called for discussion on the mootness of 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. No discussion occurred; however, Commissioner Holliday indicated that the applicability of this provision would impact her approval of the application. Low stated that Holliday is welcome to vote nay on a future motion to approve if she so desires.

Low called for discussion on the mootness of Westwood Zoning Ordinance provision 4.3.2(J)4.c to allow the maximum lot width coverage at the front yard setback to exceed 70%. No discussion nor Planning Commissioner dissent noted.

Low called for discussion on the mootness of Westwood Zoning Ordinance provision 4.3.2(J)4.b to allow a front yard setback less than 35'. No discussion nor Planning Commissioner dissent noted.

Low noted that Westwood Zoning Ordinance provision 4.3.2.(C) to allow lot coverage in excess of that allowable was not disputed.

Motion that – given Planning Commission's responses to each of the questions called by Low, and the Planning Commission majority opinion that three of the four waivers sought do not apply to the design proposed by the application, and in an effort to not cause delay to the applicant in the issuance of their building permit – all four waivers sought by application WE-2024-04 for a proposed new single-family residence on property located at 2023 W. 48<sup>th</sup> St., Westwood, Kansas 66205 be approved. Motion made by Commissioner Breer. Seconded by Neibling. Motion passed 7-1, with Holliday against.

#### **Presentations**

None.

#### **Old Business**

None.

#### **New Business**

None.

#### **Staff Reports**

None.

#### **Adjournment**

Motion by Commissioner Breer to adjourn the meeting. Second by Commissioner Kelman. Motion passed unanimously. The meeting adjourned at 7:45 PM.

**Upcoming Items**

- A. January Public Hearing: WE-2024-05: Application of Joe Hirleman, for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow a primary structure to have less than 1 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

APPROVED: \_\_\_\_\_  
Sarah Page, Chair

ATTEST: \_\_\_\_\_  
Leslie Herring, Secretary