

## WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: December 2, 2024

Staff Contact: Leslie Herring, City Administrator

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**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.

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**OWNER OF RECORD:** Richard and Helen Ackmann

**APPLICANT:** Chris Castrop, Architect

**LOCATION:** The property is deeded as WESTPORT ANNEX LT 109 & 110

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

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

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**REQUESTED ACTION:** A waiver/exception from Article No. 4.3.2 of the Westwood Zoning Ordinance, specifically:

- Article 4.3.2.(C) to allow lot coverage in excess of that allowable,
- 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,
- Article 4.3.2(J)4.b to allow a front yard setback less than 35', and
- Article 4.3.2(J)4.c to allow the maximum lot width coverage at the front yard setback to exceed 70%.

**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 for the four (4) requirements noted above that are in noncompliance. The full staff analysis is included in the meeting packet materials.

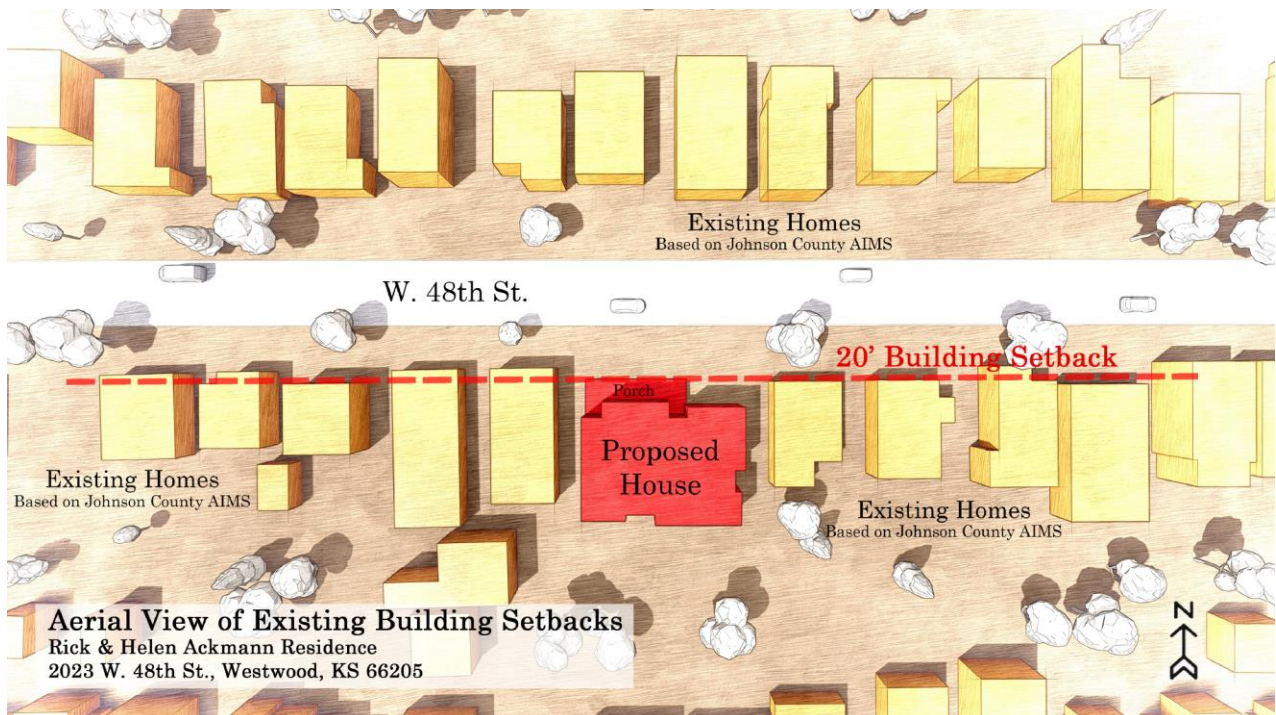
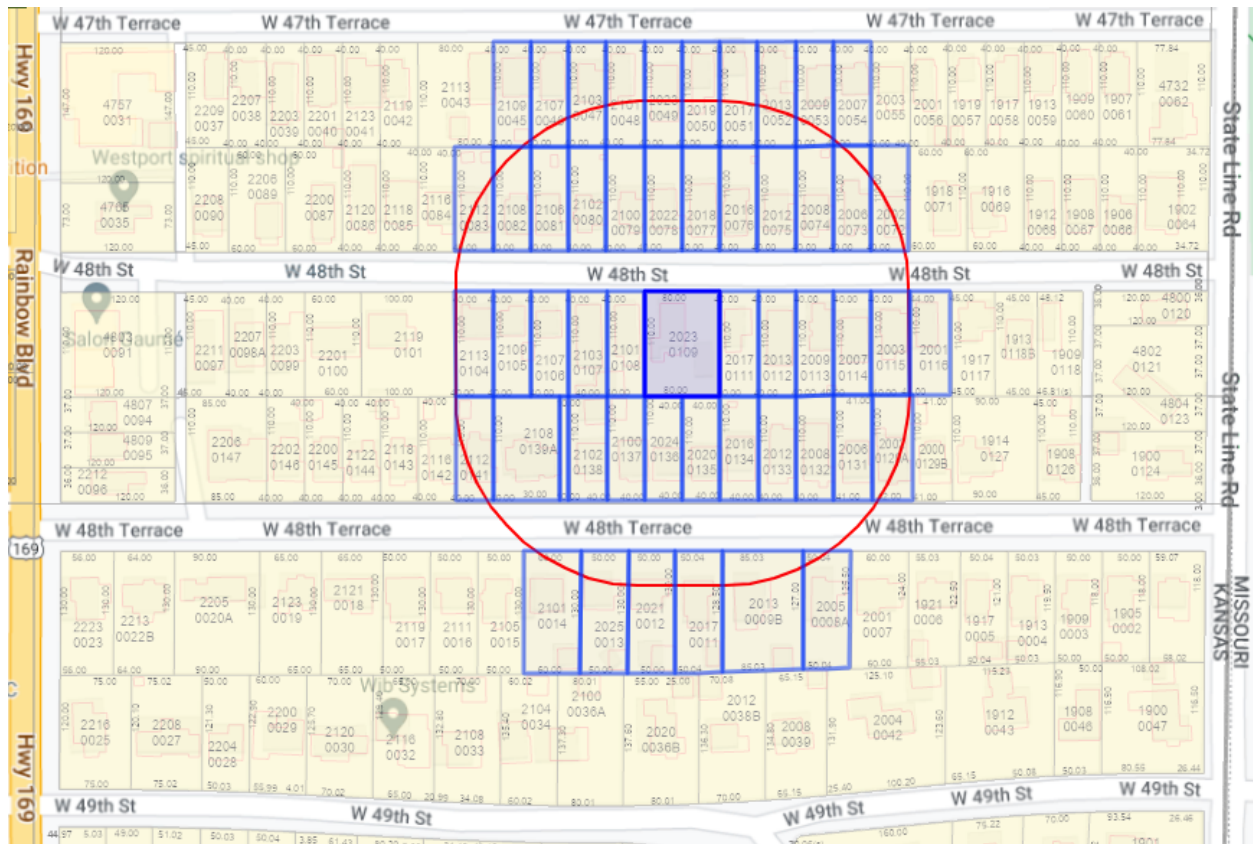
**STAFF RECOMMENDATION:** The Planning Commission should review the application materials included in the meeting packet, should consider any public comment received<sup>1</sup>, and should consider the applicant's presentation at the meeting to determine whether this application should be approved.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

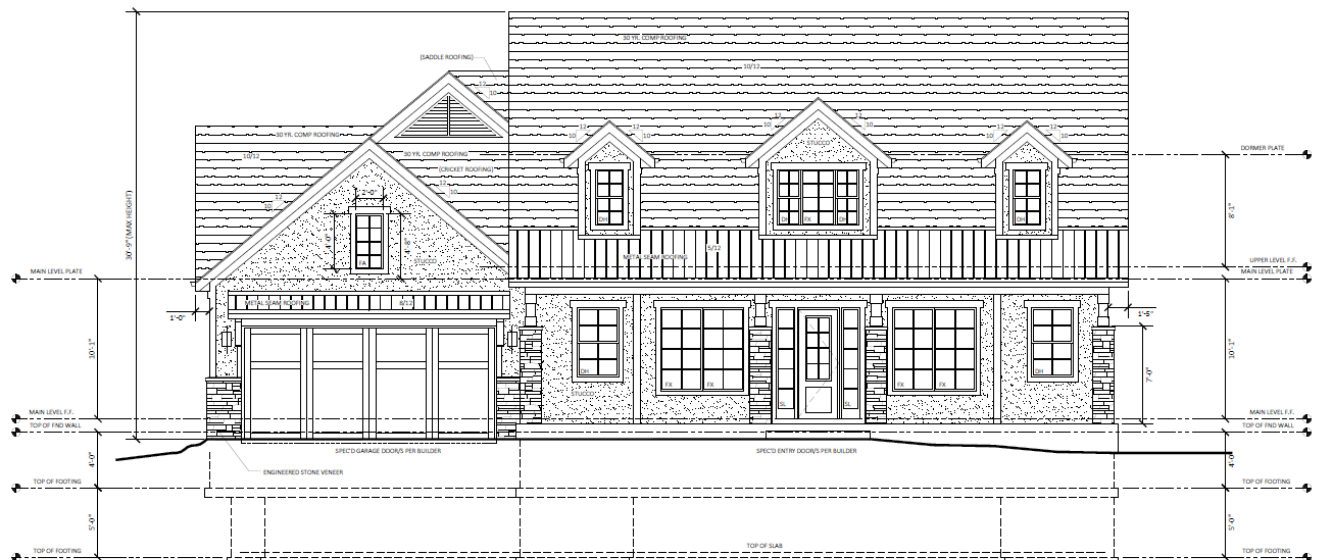
### *Suggested Motion*

*I move to approve/deny/conditionally approve a waiver/exception from Westwood Zoning Ordinance **Article No. 4.3.2(C), (D), and (J) 4 b and c** for a proposed single-family residence on property located 2023 W. 48th 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.





SCALE 1/4"=1'-0"



Waivers & Exceptions Application	
	<b>City of Westwood</b> 4700 Rainbow Blvd Westwood, Kansas 66205 913-362-1550 www.westwoodks.org
Requested Waiver For: <u>SINGLE FAMILY</u>	
<u>NEW RESIDENCE FOR</u>	
<u>RIK &amp; HELEN ACKMANN @ 2023 W. 48<sup>th</sup> St.</u>	
<u>(FRONT BUILD-TO-ONE FRONT YD STRUCK TO BE ADJACENT FROM 35' to 20' DEEP TO BACK)</u>	
General Location / Address of Subject Property: <u>2023 W 48<sup>th</sup> St.</u>	
Legal Description: <u>LOTS 109 and 110, WESTPORT ANNEX</u>	
Current Land Use: <u>RESIDENTIAL - SINGLE FAMILY</u>	
Zoning District: <u>R-1D</u>	
Property Owner's Name(s): <u>RIK &amp; HELEN ACKMANN</u> Phone: <u>913-481-7709</u>	
Mailing Address: <u>2023 W 48<sup>th</sup> St. WESTWOOD KS. 66205</u>	
E-mail Address: <u>rackmann.3@gmail.com</u>	
Applicant / Agent's Name: <u>CHRISTOPHER CASTRO</u>	
Company: <u>CASTRO DESIGN GROUP</u> Phone: <u>913-515-7004</u>	
Mailing Address: <u>4318 W. 54<sup>th</sup> St. R.R. KS. 66205</u>	
E-mail Address: <u>castrodesigngroup@live.com</u>	
A waiver or exception for the building design or site development standards is allowed from only the following Westwood Zoning Ordinance sections:	
4.3.2 Single-Family Primary Structure Requirements;	
4.3.6 Garages;	
4.3.7 Building Standards;	
4.3.8 Building Additions – Special Conditions; and	
4.4 New Infill Houses – Special Considerations.	
Fee: \$90.00	
RECEIVED	
OCT 28 2024	
City of Westwood KS	



List the specific Zoning Ordinance provisions that a waiver or exception is being requested from:

- (1) BUILD-TO LINE FACADE DOES NOT MEET MIN. OF 60%  
WE ARE ACTUALLY @ 52%.
- (2) MAX. LOT WIDTH COVERAGE @ FRONT YARD SETBACK (4.3.2.J)  
APPEARS TO BE EXCEEDED (MAX. 70%, ACTUAL 82% PER UMC 4.3.2.J)
- (3) LOT COVERAGE APPEARS TO BE EXCEEDED (MAX. 35%,  
ACTUAL 45% PER UMC 4.3.2.F)

A waiver or exception shall not be approved if it is contrary to the public interest or unnecessarily burdens the City of Westwood. The following provisions are evaluated before a waiver or exception can be granted.

Respond to each of the criteria as it pertains to the request.

- A. An alternative higher quality development design is being proposed with no negative impacts to either near-by residential or nonresidential properties. \_\_\_\_\_

NA

- B. 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. \_\_\_\_\_

THE FRONT PORCH WILL BE ON THE 20 FRONT BUILDING LINE TO MATCH EXISTING, NEIGHBORING HOUSES, WHICH WE WOULD BE IN KEEPING W/ QUALITY AND AESTHETICALLY PLEASING STREETSCAPE OF NEIGHBORING PROPERTIES.

- C. The granting of the waiver or exception will not be opposed the general spirit and intent of the adopted Comprehensive Plan. \_\_\_\_\_

BY GRANTING THESE WAIVERS IT WOULD ALLOW FOR THE NEW HOME TO BE IN LINE W/ BOTH OLDER & NEW HOMES ON 48<sup>TH</sup> ST. ALSO THE FRONT WRAP AROUND PORCH IS OPEN & WELCOMING TO NEIGHBORS, WHICH IS IDEALLY WHAT THEY WOULD WANT.

Signature of Owner or Agent: \_\_\_\_\_

Date: 10-28-24

Note: Authorization of Agent must accompany any requests made by anyone other than the property owner(s).



WAVERS - CONT'D.

\* (2) THE BUILD-TO LINE WOULD NEED TO BE ORLISTED  
TO BE LESS THAN THE MIN. REQUIRED OF 60%.

(3) DEPENDIND ON HOW THE FRONT PORCH SQUARE FT. CO.  
WILL BE CALCULATED, WE MIGHT NEED A WAYER  
TO OUR LOT COVERAGE WHICH EXCEEDS 35% AND  
HAS BEEN CALCULATED @ 40%.

Legal Description: LOT 104 AND 110 WESTWOOD ANNEX

Current Land Use: RESIDENTIAL - SINGLE FAMILY

Zoning District: R-1D

Property Owner's Name(s): RICK & JEN A. KAHN

Mailing Address: 2023 W. 48<sup>th</sup> ST. WESTWOOD KS 66205

E-mail Address: RICK@KAHN.COM

Applicant / Agent's Name: CAROLYN KAHN

Phone: 781-325-1110

Company: CAROLYN KAHN

Mailing Address: 4324 W. 48<sup>th</sup> ST. WESTWOOD KS 66205

E-mail Address: CAROLYN@KAHN.COM

A waiver or exception for the building design or site development standards is allowed from only the following Westwood Zoning Ordinance sections:

- 4.3.2 Single-Family Primary Structure Requirements;
- 4.3.6 Garages;
- 4.3.7 Building Standards;
- 4.3.8 Building Additions - Special Conditions; and
- 4.4 New Infill Houses - Special Conditions.

RECEIVED  
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City of Westwood KS

Fee: \$80.00