WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: December 2, 2024

Staff Contact: Leslie Herring, City Administrator

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.

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

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.

<u>APPROVAL CRITERIA</u>: 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.

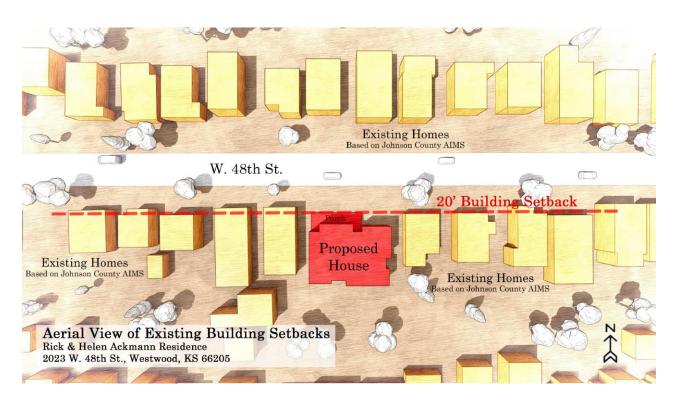
<u>STAFF RECOMMENDATION:</u> The Planning Commission should review the application materials included in the meeting packet, should consider any public comment received¹, and should consider the applicant's presentation at the meeting to determine whether this application should be approved. Staff does not have any objection to the application being granted.

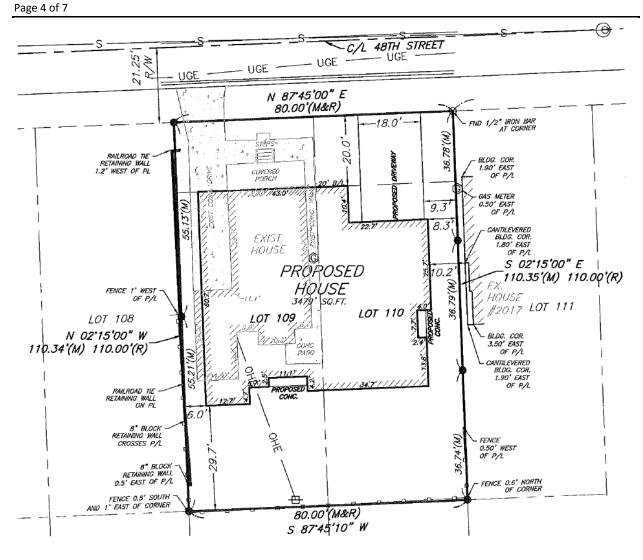
Suggested Motion

I move to <u>approve/deny/conditionally approve</u> 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.

¹ 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.









Waivers & Exceptions Application City of Westwood Group Renove Blvd Westwood Kanaba 66205 913-362-1650 Www.westwoods.org Requested Waiver For: New Property Centeral Location / Address of Subject Property: Legal Description: OTS 109 0md 110 USTFORTH ADDRESS Company Company: Description: OTS 109 0md 110 USTFORTH ADDRESS E-mail Address: Dash Address E-mail Address E-mail Address: Dash Address E-mail Addre	TOWN TOWN	
Requested Walver For: Note of Subject Property: Assessment of Subject Property Ceneral Location / Address of Subject Property: Applicant / Agent's Name: Applicant / Agent's Name: Applicant / Agent's Name: Awaiver 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; 4.3.3 Garages; 4.3.7 Building Standards; 4.3.8 Building Additions - Special Considerations. RECEIVED Fee: \$90.00 City of Westwood KS	Waivers & Exceptions Application	
Requested Walver For: NEW RESIDENCE FOR WWW.westwoodks.org Requested Walver For: NEW RESIDENCE FOR Walver To PEACH TO PROPERTY TO PEACH TO PEACH TO PROPERTY TO PEACH T	AZOO Rainbow Blvd	
Requested Waiver For: Requested For: Requ	Westwood, Kansas 66205	
Requested Waiver For: A State of Subject Property: A State of Subject Prop	- dico org	
Current Land Use: Legal Description: Current Land Use: Zoning District: Zoning District: Zoning Address: Zoning Address: Zoning District: Applicant / Agent's Name: Company: Applicant / Agent's Name: E-mail Address: Zoning Address: Zoning District: Applicant / Agent's Name: Company: Applicant / Agent's Name: Zoning Address: Zoning District: 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 Standards; 4.3.8 Building Standards; 4.3.8 Building Additions - Special Conditions; and 4.4 New Infill Houses - Special Considerations. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	(S) I Property	
Current Land Use: Legal Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address: Property Owner's Name(s) Company: Applicant / Agent's Name: Company: Applicant / Agent's Name: Company: 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 Building Address; 4.3.7 Building Address: A.3.8 Building Address: Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Requested Waiver For:	1
Current Land Use: Legal Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address of Subject Property: Description: OR DESCRIPTION Address: Property Owner's Name(s) Company: Applicant / Agent's Name: Company: Applicant / Agent's Name: Company: 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 Building Address; 4.3.7 Building Address: A.3.8 Building Address: Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	KICK HELEN ACEMANN OF COSTA TERESTROM 3	一方,
Current Land Use: Zoning District: Property Owner's Name(s) Mailing Address: E-mail Address: Applicant / Agent's Name: Company: 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; 4.3.8 Building Additions – Special Conditions; and 4.4 New Infill Houses – Special Considerations. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	THAT BUILD TO LINE FROM UP STRAIT TO THE THAT IS THE THE THAT IS THE	20
Current Land Use: Zoning District: Property Owner's Name(s) Mailing Address: E-mail Address: Company Applicant / Agent's Name: Company Awaiver 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; 4.3.8 Building Additions – Special Conditions; and 4.4 New Infill Houses – Special Considerations. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	1 - 1-0 and the life that ANDEX	
Property Owner's Name(s) Mailing Address: E-mail Address: Applicant / Agent's Name: Company: Amailing Address: E-mail Address: Awaiver 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 Additions - Special Conditions; and 4.4 New Infill Houses - Special Considerations. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Legal Description: OS OWN 110 0000	
Property Owner's Name(s) Mailing Address: E-mail Address: Applicant / Agent's Name: Company: Amailing Address: E-mail Address: Awaiver 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 Additions - Special Conditions; and 4.4 New Infill Houses - Special Considerations. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS		
Property Owner's Name(s) Mailing Address: E-mail Address: Company: Applicant / Agent's Name: Company: Mailing Address: Hone: Phone: Phone: Phon	Current Land Use:	
Property Owner's Name(s) Mailing Address: E-mail Address: Company: Applicant / Agent's Name: Company: Mailing Address: Hone: Phone: Phone: Phon	Zoning District: R-	
Mailing Address: E-mail Address: Applicant / Agent's Name: Company: Amailing Address: E-mail Address: Amailing Address:	- 1 de la 12 de la 170	9
Applicant / Agent's Name: Company: Mailing Address: E-mail Address: 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. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Property Owner's Name(s)	1
Applicant / Agent's Name: Company: Mailing Address: E-mail Address: 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. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Mailing Address: 2023 148 878 15 165 160 165 166 166 166 166 166 166 166 166 166	
Company: ASISTA STATES AND	MA ZON ONLY ZON WINAN CMM	
Mailing Address: 43 8 1. 51 51 M around Well Collins E-mail Address: Caching Ordinance sections: 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. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Applicant / Agent's Name:	
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. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Company: CASIND ESION (DP Phone: P13-515-70)	101
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. RECEIVED Fee: \$90.00 OCT 2 8 2024 City of Westwood KS	Mailing Address: 4318 H. 54 St. R. R. L.	
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. RECEIVED Fee: \$90.00 City of Westwood KS		
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. RECEIVED Fee: \$90.00 City of Westwood KS	E-IIIali Address.	
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. RECEIVED Fee: \$90.00 City of Westwood KS	A waiver or exception for the building design or site development standards is allowed from only	
4.3.7 Building Standards; 4.3.8 Building Additions – Special Conditions; and 4.4 New Infill Houses – Special Considerations. RECEIVED Fee: \$90.00 City of Westwood KS		
4.3.8 Building Additions – Special Conditions; and 4.4 New Infill Houses – Special Considerations. RECEIVED OCT 2 8 2024 City of Westwood KS	1.0.0 Odiages,	
Fee: \$90.00 City of Westwood KS	4.3.7 Building Standards;	
Fee: \$90.00 0CT 2 8 2024 City of Westwood KS		
City of Westwood KS	RECEIVED	
City of Westwood KS	Fee: \$90.00 OCT 2 8 2024	
City of Westwood KS		
City of Myoth.	——————————————————————————————————————	3
y or westwood	City of Westwood	

4
List the specific Zoning Ordinance provisions that a waiver or exception is being requested from:
(1) BUILD-TO UNE FACASE DESNOT MEET MIN. OF 606.
WEARE ACTIVITY 0.57%
1 May 181 MARINE (FRONT) SET BUCK (4.32.2)
2) ATTENTORE TORE TORE TO BE ACTUAL: 82 6 PUR 432.3
(3) LOT CONTRACT ADDELANT TO BE EXCEEDED (MX. 35-10)
A ATIAL AS OF THE THE AT THE
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 in being proposed with no negative impacts to
either near-by residential or nonresidential properties.
NA NA
B Relief of the development restrictions imposed on the property will ensure low impact land uses,
Relief of the development restrictions imposed on the property will ensure that describe the management of the development restrictions imposed on the property will ensure that describe and quality building and site design arrangements in which adjoining residential properties will not be negatively impacted by any deviations from the applicable regulations.
be negatively impacted by any state of the 20 FRONT ELLO
NHE FROM A STATE OF THE POLICY OF THE RELIGION
THE TO WAR CONTINUE TO THE TOTAL TOT
WE WALLD SE IN FIRE INC H QUALITY AND
AESTHETICALLY PLEASING SIFEETSCAFE OF
NEW ROLL OF THE EXTRES.
The granting of the wavier or exception will not be opposed the general spirit and intent of the adopted Comprehensive Plan.
CHUSTINGHTS ENAMES IT HOUDANDS
THE NEW HOVE TO BE WINE W BOTH OLDER SHEW HOME
ON 45) ASS THE FRANT AIRES ADAMS
E OPEN 9 WELCOMING TO NEW PORCH
THEY WOULD WANT. I WHAT I WHAT IN THE REALIZY WHAT
Signature of Owner or Agent:
Note: Authorization of Agent must accompany any and accompany accompany and accompany and accompany and accompany accompany and accompany accomp
Note: Authorization of Agent must accompany any requests made by anyone other than the property owner(s).
City of Westwood

HAVERS CONTD. (2) THE BUILD TO LINE WOULD NEED TO BE OF 100%. TO BE USS THAN THE WIN. FEDURED OF 100%. 5) DEFENDING ON HOW THE FRONT POPCH SQUARE FOR MILTER CALCULATED WE WIGHT NEED A WAVER. WILL BE CALCULATED WE WIGHT NEED & JEWAND TO ONE LOT COVERAGE WHICH EXPENS 35% AND THE BUILD CALCULATED C.40%.	p.
Legal Description: LOTS 109 and 110 WESTZONT ZINEX	
Current Land Use: Education of Supplies Family Coming District 13-12	
Property Owner's Name(s) RICLE HOTEL ACHIMIN PROPERTY OF THE MAINING Address 2023 HAR STATES HOTEL ACTIVITIES HOTEL WOOD FOR WOOD	
Applicant I Agent's Name: CHETTCHER. CASTERS. Company CASTER TO TEST OF THE CASTERS. Mailing Address: AS 182 HJ ENT OF THE CASTERS. Ernant Address: COSTER DESIGN ATOMY COMM.	
4.3.7 Building Additions - Special Considerations 0007 2 8 2024	
A is New Infill House	
Fee 590.00	