



Evaluation of Permit Application Conformance
with Westwood Zoning Regulations

Review Conducted by: Nick Finck
Owner of Record: DONOVAN ENTERPRISES, LLC
Applicant: James P and Peggy S Donovan
Address: 3018 West 51st Terrace
Residential Zoning District: R-1(C)
Description of Proposed Project: New Single Family Dwelling

Address		
Zoning District		
	<i>Code</i>	<i>Admin Review</i>
Height (4.3.2.B & H) Story Def. (2.3.645 – 660)	maximum of 2 stories; 35'	Height at peak of roof is 21' 5-1/16"
Lot Coverage (4.3.2.C) Definition (2.3.405)	shall not exceed 35% of the area of the lot	33.74% lot coverage
Maximum lot width coverage at front yard setback (4.3.2.J)	Based on zoning district	R-1(C) Maximum 70% 23.3% at setback line
Build-to Line (4.3.2.D)	at least 60% of front façade must be situated on build-to line	31.25% on Build-to Line
Maximum eave height above the first floor (4.3.2.J)	Based on zoning district	R-1(C) maximum 23' 21' 5-1/16"
Architectural relief on vertical surfaces (4.3.2.E)	max. 600 sqft. without incorporating architectural relief	Conditions are met.
Front setback encroachments (4.3.2.G)	no greater than 4'	No encroachments.
Attached garage setback (4.3.6.F)	entirely behind the front façade of the primary structure	Yes.
Setback – Front yard (4.3.2.J)	Based on zoning district	R-1(C) 35' minimum 35' shown on plan
Setback – Side yard (1st story) (4.3.2.I)	Based on zoning district	R-1(C) 5' minimum Shown on plan
Setback – Side yard (2nd story) (4.3.2.J)	7'	R-1(C) 7' N/A
Setback – Back yard (4.3.2.J)	Based on zoning district	29' minimum 31' shown on plan

Waivers & Exceptions Application



City of Westwood
4700 Rainbow Blvd
Westwood, Kansas 66205
913-362-1550
www.westwoodks.org

Requested Waiver For: 4.3.2.D as it specifically relates to the property generally referenced as 3018 West 51st Terrace

General Location / Address of Subject Property: 3018 West 51st Terrace

Legal Description: The west 70 feet of the east 231 feet of the north ½ of the west ½ of lot 19, less the south 20 feet taken for road purposes, Holmesland, a subdivision of land in the City of Westwood, Johnson County, KS

Current Land Use: Residential

Zoning District: R-1 c

Property Owner's Name(s): Donovan Enterprises LLC Phone: 913-236-9466

Mailing Address: % 3009 West 51st Street, Westwood, KS 66205

E-mail Address: donovan66205@gmail.com

Applicant / Agent's Name: James P & Peggy S Donovan

Company: N/A Phone: same Mailing Address: same

E-mail Address: same

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

City

of Westwood

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

4.3.2.D - at least 60% of the front facade must be situated on build-to-line

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.

See attached

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.

See attached

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

See attached

Signature of Owner or Agent: _____

Date: _____

3/4/24

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

City of Westwood

Background related to the front build-to line:

The current house has a front build-to line of 41.6 feet (Plat of Survey attached) as does the garage and front façade of the neighbor to the west and other neighbors east of this property (Johnson County AIMS Map attached). Further, the neighbor's garage to the west is located three feet off the shared side-yard property line causing a side-yard setback issue with this proposal. NOTE: That is being resolved by stepping the side yard façade of the proposed new build two additional feet off the side property line as far back as the neighbor's garage extends (one of the issues resulting from meeting with the city on Feb 12).

Allowing for relief from the front yard build-to line would keep the southwest corner of the proposed new build to be more in line with the neighbor's front façade and their southeast corner of their structure, allow a greater line of sight for that neighbor from their house/garage/driveway, and reflect the "as built" front-yard build-to line of other neighbors on that street.

Responses to questions asked on page 2:

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

The proposed new-build incorporates a consistent front yard setback with current city zoning standards and works to allow the new/proposed structure to incorporate a stepped approach to reflect the consistency of setbacks in this neighborhood and more importantly the neighbor to the west, their façade, garage location, and their line of site.

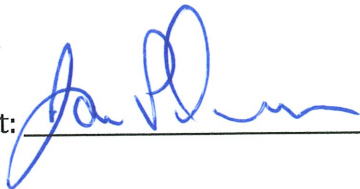
B. Relief of the development restriction imposed on the property will ensure low impact land uses, and quality building and site design arrangements in which adjoining residential properties will not be negatively impacted by any deviations from the applicable regulations.

The requested waiver/exception presents a better alternative than to construct a new build on the 35 foot front yard setback with a five foot side yard setback starting at the southwest corner of a new build and then stepping the west wall of the new build two additional feet once it reaches a point equal to the three foot setback of the neighbor's garage . Further, allowing for a waiver/exception better protects the root structure of the two established mature trees in the front yard and allows for side windows within the foyer/sunroom.

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

The waiver/exception requested is in keeping with the lived experiences (front yard setbacks) on that street while incorporating modern living expectations in housing (universal design) and keeping with current city zoning codes.

Signature of Owner or Agent: _____



Date: _____

3/4/24

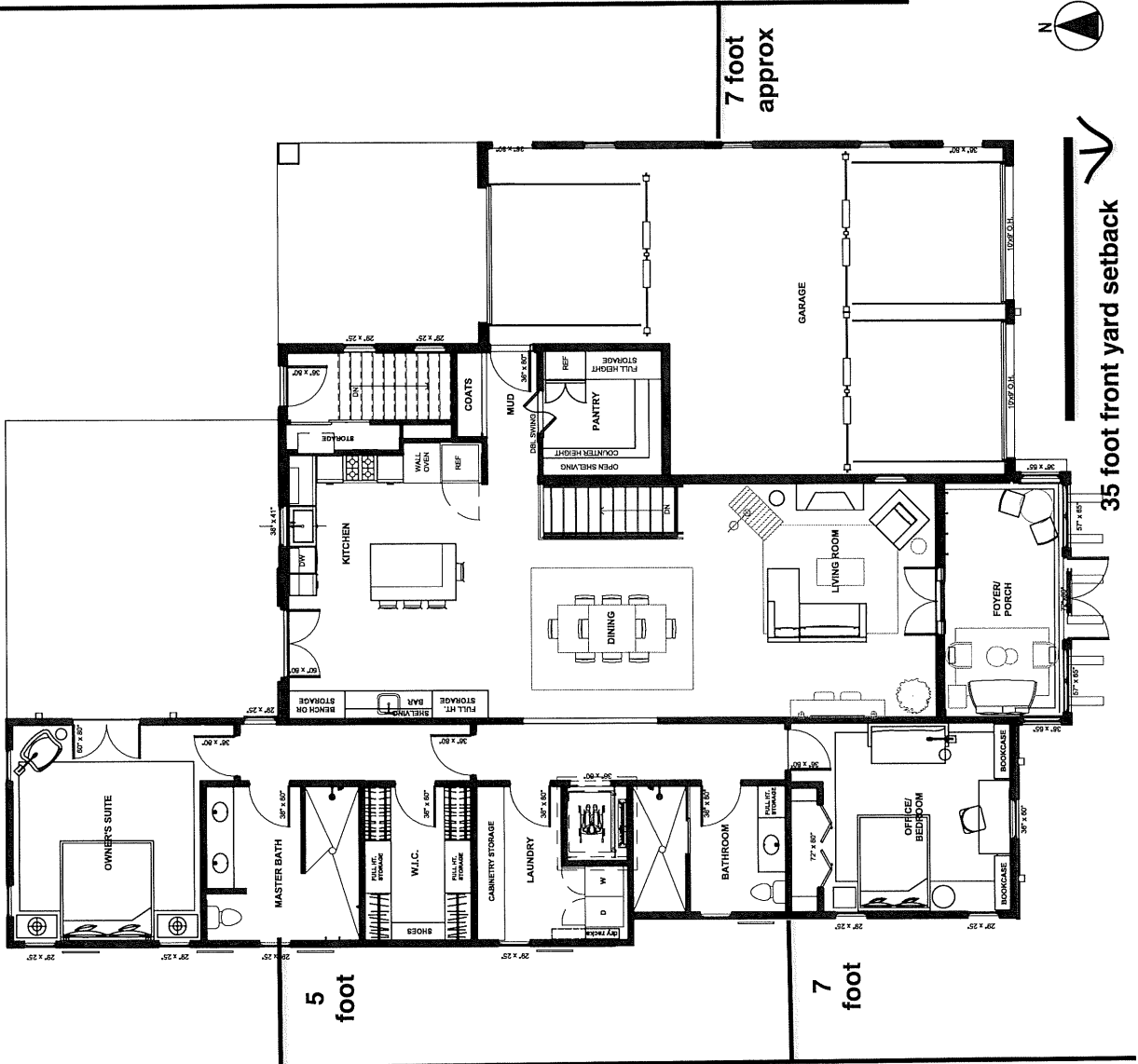
BACKGROUND CONTEXT:

Feb 12, 4pm – Jim and Peggy met with Nick and Leslie for the purpose of receiving zoning clarification related to Westwood’s codes and a potential new construction of a single family home.

Feb 16 via e-mail – Nick clarified issues associated with the Feb 12 meeting. He also shared information related to universal design (Better Living Design documents) to assist us in furthering our design/build-to features. Based on Nick’s review and our attempts to alleviate as many of the issues presented, Nick’s conclusion is that this proposed build-to design will need an exemption from the planning commission to address the front build-to line (4.3.2.D).

March 1 via e-mail – Leslie shared two documents: Evaluation of Permit Application Conformance with Westwood Zoning Regulations; and, Waivers and Exceptions Application. Completed and returned herein.

approx 31 foot rear yard from this point



Side yard property line

Side yard property line

3,380 sqft including the garage

Scale: 1" = 1'-0"
February 29, 2024



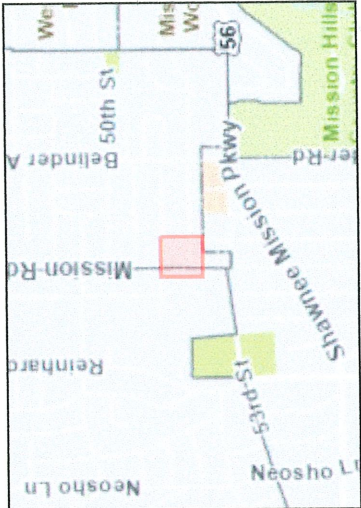
35 foot front yard setback



Johnson Co AIMS Map

LEGEND

- + Address Point
- Building/Structure
- Property
- Untaxed
- Vertical
- Unplatted
- Mineral Rights
- Common Interest
- Platted
- Right-of-way
- Leased Land



Disclaimer: The person who has prepared this map is not responsible for the purpose of selling or offering for sale any portion of the data provided herein. Johnson County makes every effort to provide and publish the most current and accurate information possible. Johnson County assumes no liability whatsoever, associated with the use or misuse of a computer, and disclaims any representation or warranty as to the accuracy and currency of the data.

JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

5/21/2024

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