

## WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: July 10, 2023

Staff Contact: Leslie Herring, City Administrator

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**WE-2023-03** – Application of builder Dan Quigley on behalf of property owners Vaughn Ericson and Erika Brown, for a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to allow the 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 2917 W. 47th Ter., Westwood, KS 66205

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**OWNER OF RECORD:** Vaughn Ericson and Erika Brown

**APPLICANT:** Dan Quigley, Quigley Custom Homes, LLC

**LOCATION:** The property is deeded as MISSION CIRCLE LOT 14 WWC-0392

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

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

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**REQUESTED ACTION:** A waiver/exception from Article No. 4.3.2(D) of the Westwood Zoning Ordinance requiring primary structures to have at least 60% of the front façade on the front build-to line.

**ZONING ORDINANCE PROVISIONS:** The following zoning ordinance provisions are applicable to this variance request:

### **4.3.2 Single-Family Primary Structure Requirements**

D. Primary structures shall have at least 60% of their front facade on the front yard 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 near-by 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.

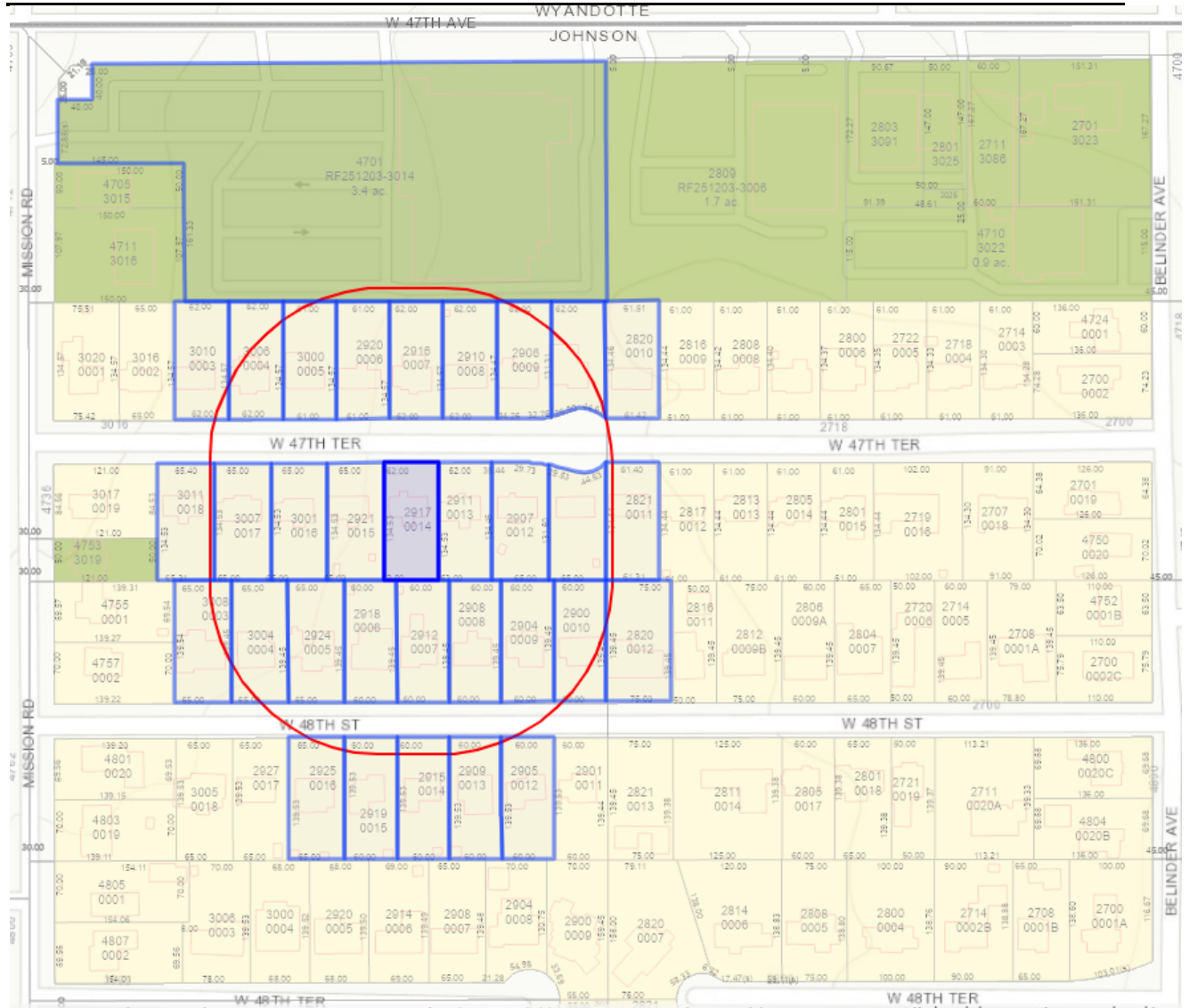
**STAFF ANALYSIS:** Staff review of the application submittal concludes that all elements of the proposed single-family dwelling conform to the Westwood Zoning Ordinance except for the proposed 43% of the front façade of the primary structure being on the front build-to line.

**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.

*Suggested Motion I move to approve/deny/conditionally approve a waiver/exception from Westwood Zoning Ordinance Article No. 4.3.2(D) to reduce the required minimum 60% of the front facade to be on the front yard build-to line for a single-family residence on a property located at 2917 W 47<sup>th</sup> Terrace, Westwood, KS 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.



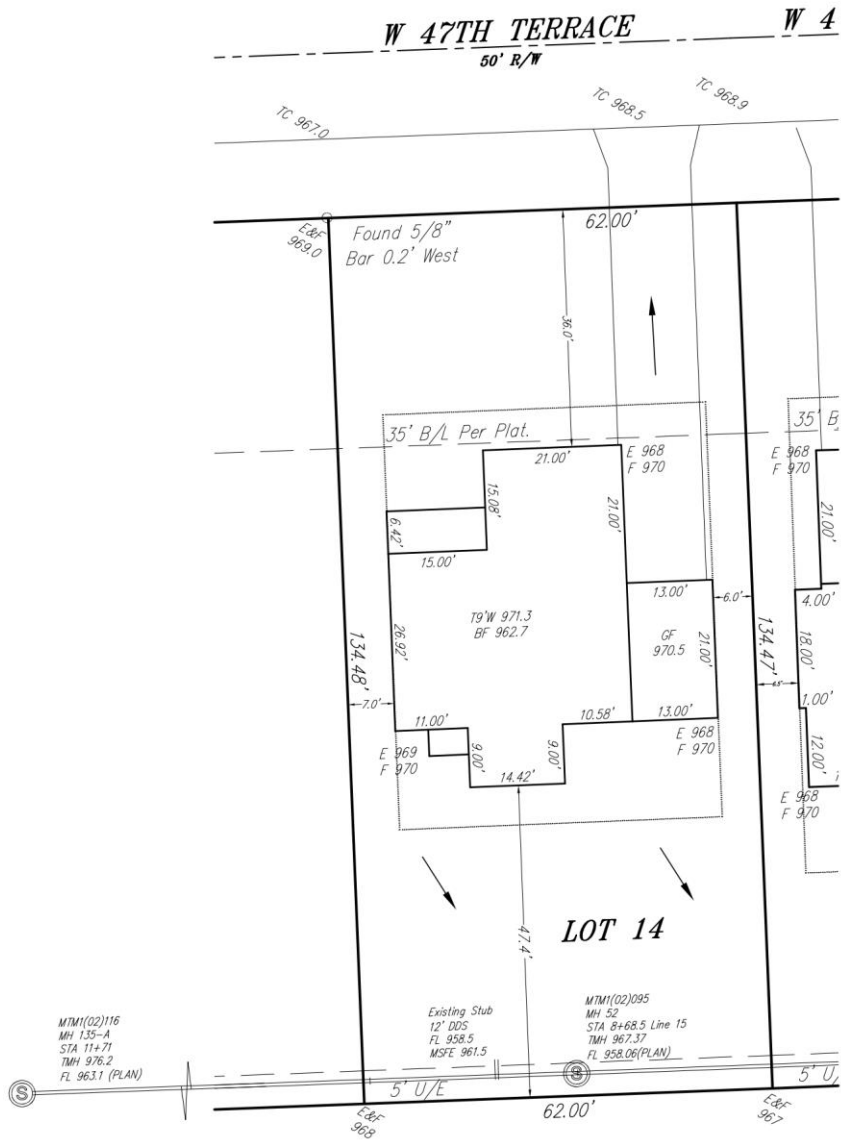
ORDERED BY: Quigley Custom Homes  
 PROPERTY ADDRESS: 2917 W 47TH TERRACE  
 DESCRIPTION: Lot 14, Mission Circle, a subdivision in  
 the City of Westwood, Johnson County, Kansas.

# LAND SURVEY COMPANY

Quality since 1959  
 P.O. BOX 528, GRANDVIEW, MISSOURI 64030  
 PHONE: (816) 966-0839 FAX: (816) 763-1761

## SITE PLAN

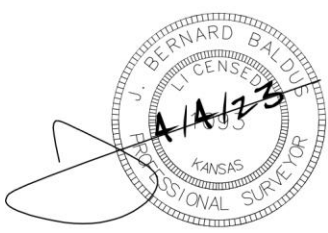
Area Calculations:  
 Lot = 8,337.7 s.f.  
 Proposed Non Permeable = 2,516 s.f. = 30.1%



MTM1(02)116  
 MH 135-A  
 STA 11+77  
 TMH 976.2  
 FL 963.1 (PLAN)

Existing Stub  
 12" DDS  
 FL 958.5  
 MSFE 961.5

MTM1(02)095  
 MH 52  
 STA 8+68.5 Line 15  
 TMH 967.37  
 FL 958.06(PLAN)



Scale: 1" = 20'  
 Date: 3/29/23  
 Final:

Attention: This Plot Plan was prepared for use before and during foundation construction ONLY. This house is staked as shown on this drawing. The Contractor is to check and verify house dimensions and elevations at the job site. We are not responsible for unknown or unplatted easements of any kind unless we are furnished with the description of said easement prior to our field work being performed. Elevations shown hereon are for a guide only, and final elevations are the responsibility of the on-site Contractor. Unless otherwise noted, THIS IS NOT AN AS-BUILT SURVEY and we can not guarantee the construction of anything shown on this "Plan." Boundary and Improvement Surveys and "As-Built" Grading Certifications serve the purpose of showing "Actual" construction.

(Westport Annex SPC)

**STANDARD PORCH SLAB**

PLAN IS IN COMPLIANCE WITH REQUIREMENTS OF SECTION 310 OF THE IRC FOR EMERGENCY EGRESS WINDOWS  
 PLANS PROVIDE COMPLIANCE WITH THE REQUIREMENTS OF SECTION 306 OF THE IRC FOR SAFETY GLAZING WINDOWS HAVE FALL PROTECTION PER IRC 312.2  
 PLANS ARE IN COMPLIANCE WITH THE PHYSICAL ORDINANCE IN THE WESTWOOD CODE.  
 THIS HOUSE WILL BE PROVIDED WITH A CONCRETE ENCASED ELECTRODE (UFER) GROUND PER IRC SECTION 908.4  
 CORNERS AND HEADERS SHALL BE INSULATED PER TABLE N102.4.1.1  
 SMOKE DETECTORS WILL BE PROVIDED PER 9014  
 CARBON MONOXIDE DETECTORS WILL BE PROVIDED PER 9015.

ALL WORK SHALL CONFORM WITH THE 2018 INTERNATIONAL BUILDING CODE AS ADOPTED BY THE CITY OF WESTWOOD, KS.

FIRST FLOOR: 1965 SQ. FT.  
 SECOND FLOOR: 1306 SQ. FT.  
 SECOND FLOOR DECK: 254 SQ. FT.  
 FRONT PORCH: 191 SQ. FT.

ERICSON RESIDENCE  
 2917 W 47<sup>th</sup> TERRACE  
 WESTWOOD, KANSAS

SCALE: 1/4" = 1'-0"

QUIGLEY CUSTOM HOMES

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ELEVATIONS

BACK

RIGHT SIDE

LEFT SIDE

ERICSON RESIDENCE  
 2917 W 47<sup>th</sup> TERRACE  
 WESTWOOD, KANSAS

SCALE: 1/4" = 1'-0"

QUIGLEY CUSTOM HOMES

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ELEVATIONS