

WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: March 3, 2025

Staff Contact: Leslie Herring, City Administrator

WE 2025-02 - Consider application of property owner F. Kaan Akyalcin for a waiver from Westwood Zoning Ordinance Article Nos. 4.3.2.B to allow a third story (maximum allowable is 2 ½ stories), 4.3.2.H to allow the height of the primary structure to exceed that allowed, and 4.3.6.F to allow the front wall of the front-facing garage to not be located entirely behind the front wall of the primary building for a proposed new single-family residence on property located at 2012 W. 47th Ter., Westwood, KS 66205

OWNER OF RECORD: Fethi Kaan Akyalcin

APPLICANT: Fethi Kaan Akyalcin, property owner

LOCATION: The property is located at 2012 W. 47th Ter. and is deeded as WESTPORT ANNEX LOT 19

ZONING: The property is zoned R-1E

PROPOSED PROJECT: Construct a new single-family dwelling

REQUESTED ACTION: A waiver/exception from Westwood Zoning Ordinance Article Nos.:

- a. 4.3.2.B to allow a third story (maximum allowable is 2 ½ stories), and
- b. 4.3.6.F to allow the front wall of the front-facing garage to not be located entirely behind the front wall of the primary building.

Based on administrative review and consultation with two members of the Planning Commission during the staff review period (prior to the publication deadline for a public hearing), three articles were identified for possibly requiring a waiver and, as such, all three were included on the notice of public hearing in an abundance of caution and to ensure as efficient a review and approval process as possible. Following submission of the publication of the notice of public hearing, the applicant submitted revised plans that address the height of the primary structure and the structure now appears to be in compliance with that provision of the Westwood Zoning Ordinance (4.3.2.H).

It is possible that during the public hearing the Planning Commission will decide certain of these waivers are not applicable.

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 waiver 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 with the following exceptions:

- a. WZO 4.3.2.B – The enclosed space (kitchen/storage area) on top of the second story of the structure is interpreted by the City to constitute a story. Even though this enclosed area does comply with [WZO 4.3.2.J.5.f](#), it does not meet the City's definition for a half story in that the structure/enclosed area is not under a sloping roof ([WZO 2.3.660](#)); and
- b. WZO 4.3.6.F – The garage does not comply with [WZO 4.3.6.F](#) in that it is substantially flush with the front façade of the house. The garage does appear to comply with [WZO 4.3.6.C](#).

Illustrations of the rooftop as proposed are provided here:



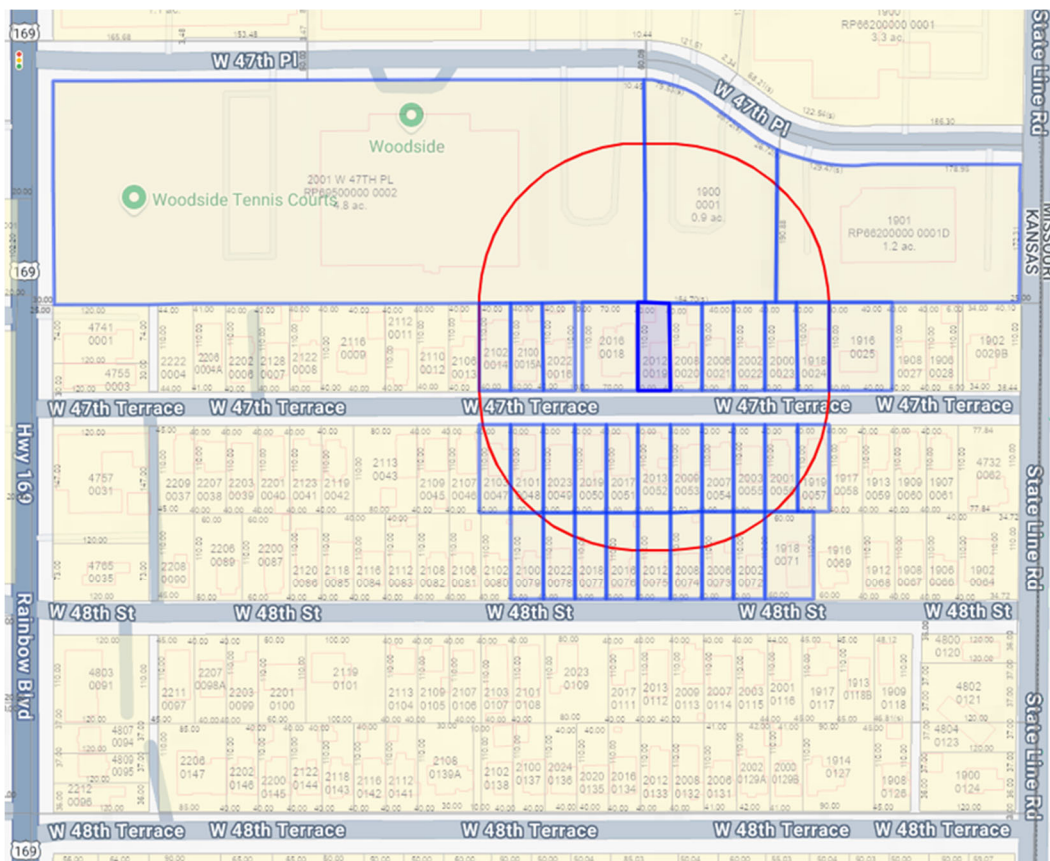
With regard to WZO 4.3.2.H, which was included on the notice of public hearing but which has since been addressed to comply with the City's zoning ordinance, the structure height as proposed is 34'11.5" and the maximum height allowed is 35".

STAFF RECOMMENDATION: 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 object to approval of the application.

Suggested Motion

I move to approve/deny/conditionally approve the following waiver(s)/exception(s) for the proposed new single-family residence on property located at 2012 W. 47th Ter., Westwood, KS 66205:

- a. 4.3.2.B to allow a third story (maximum allowable is 2 ½ stories)*
- b. 4.3.6.F to allow the front wall of the front-facing garage to not be located entirely behind the front wall of the primary building*



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.



