



# **The City of Roeland Park, Kansas**

*4600 West Fifty-First Street  
Roeland Park, Kansas 66205  
City Hall (913) 722-2600 – Fax (913) 722-3713*

## **AGENDA**

**City of Roeland Park, Kansas  
Board of Zoning Appeals  
6:00 PM  
August 29, 2017**

Tom Madigan

John Christensen

Paula Gleason

Mike Baugher

Courtney Craig

- I. Call the meeting to order
  
- II. Approve Minutes from 6/8/17 Meeting
  
- III. BZA 2017-005 – 5213 Granada, Detached Garage Rebuild
  - A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments
  - B. Close Public Hearing
  - C. Board Deliberation
  - D. Vote of the Board
  
- IV. Adjourn

**Board of Zoning Appeals Minutes**  
City of Roeland Park  
4600 W 51<sup>st</sup> Street, Roeland Park, KS 66205  
June 8, 2017, 6 p.m.

**Members Present:**

Tom Madigan, Paula Gleason, Mike Baugher, Courtney Craig

**Members Absent:**

John Christensen

**Others Present:**

Steve Mauer, City Attorney

John Jacobson, Building Official

Jennifer Jones-Lacy, Finance Director/Asst. City Administrator

I. Approve Minutes from 5/4/17 Meeting

**Motion:** Ms. Craig motioned to approve the minutes, seconded by Ms. Gleason. (THE MOTION PASSED 4-0).

II. BZA 2017-03 – 4846 Fontana, Swimming Pools

A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments

*Staff Report*

Mr. Jacobson explained that performance information on installation of a pool is not provided in the City's Zoning Code but it is referenced in Chapter 13, which discusses installation requirements. The application's home doesn't allow a pool under the City's requirements. However, the family who is applying for the variance has a child with special needs and a swimming pool is the only way this child can safely get exercise. He recommended approval.

Mr. Madigan asked if the applicant wanted to make any comments. Kevin York, the contractor said they were installing an above-ground pool with a privacy fence and deck around it. Due to the boy's condition all of the materials have been donated.

Mr. Madigan explained to the applicant the process.

Carolyn Macan, the applicant said that her son's condition is so rare that it's named after him. Since he turned seven, aqua therapy is no longer covered under insurance so by having a pool, it would force him to get out of bed and his siblings could swim with him. She said it would be life changing for him.

Mr. Madigan closed the public hearing and opened board deliberation.

Ms. Gleason said she has no issues with the variance and Ms. Craig also said she had no issues but asked that she vote last.

Mr. Madigan called roll to vote on the variance.

<b>BZA 2017-03</b>	<b>Madigan</b>	<b>Craig</b>	<b>Gleason</b>	<b>Baughner</b>
Uniqueness	Y	Y	Y	Y
Effect adjacent property	Y	Y	Y	Y
Would it create a hardship to applicant?	Y	Y	Y	Y
Public interest	Y	Y	Y	Y
Spirit and intent of the law	Y	Y	Y	Y

The variance request was approved with no conditions.

I. BZA 2017-04 – 4300 W. 51<sup>st</sup> Street

A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments

Mr. Madigan opened the hearing with applicant presentation.

Christine Cooper said her son Daniel Cooper is the person building this home. She said a house would have to sit almost on the property line. She provided an illustration of where they are requesting to move the house, which she said was centered in the lot facing 51<sup>st</sup> Street.

*Staff Report*

Mr. Jacobson said it has a large section of the lot that was vacated right-of-way that hasn't been built on to date. She said they want to build closer to the right-of-way to afford some backyard to the home itself. To comply with City rules, the house would have to be built right up to rear property line which was a concern for many of the neighbors. The large amount of road right-of-way is what caused for the variance request. As for the house, the plans are to design it in congruency with the neighborhood aesthetic. He also said that the rear setback for the house would be in general conformance with the neighborhood. He said his primary concern was sight triangles. He took a look at that and after reviewing it there was no issue.

Mr. Madigan asked if the City has received any negative feedback on this item. Mr. Jacobson said when he met with neighbors they were concerned about the impact on the neighborhood but after sharing the plans with them they seemed to have most questions answered.

Mr. Madigan said anyone wanting to speak in favor to please stand and speak.

Said she owned the property directly behind this parcel. If they were to put the house where it was supposed to go it would be seven feet from their fence and so she is in favor of the variance.

Daniel Cooper, the would-be homeowner said he just came from Houston and is committed to living in the home for the long-term. He said it would be a good-looking home that would be a part of the community.

The architect who designed the home said they would be using materials that are consistent with the neighborhood and that it would add value to the City.

Mr. Madigan closed the public hearing and began board deliberation.

Mr. Madigan asked Mr. Mauer if they have to vote on each criteria separately or if they can be voted on all together. Mr. Mauer said it only needed to be one motion for all items.

**MOTION:** MS. GLEASON MOVED AND MS. CRAIG SECONDED TO APPROVE THE VARIANCE REQUEST. (MOTION PASSED 4-0)

<b>BZA 2017-03</b>	<b>Madigan</b>	<b>Craig</b>	<b>Gleason</b>	<b>Baughner</b>
Uniqueness	Y	Y	Y	Y
Effect adjacent property	Y	Y	Y	Y
Would it create a hardship to applicant?	Y	Y	Y	Y
Public interest	Y	Y	Y	Y
Spirit and intent of the law	Y	Y	Y	Y

Ms. Craig asked if there needed to be any conditions due to the sight-lines if anything were to change.

Mr. Jacobson said he didn't think that would be necessary.

Mr. Madigan said the variance was approved with no conditions.

## II. Discuss BZA Board By-Laws

Mr. Madigan asked if everyone had an opportunity to read the proposed by-laws. Mr. Madigan said there was one point where draft minutes should be available and he said he would like to ask staff what's reasonable. Ms. Jones-Lacy asked for clarification. Mr. Madigan said there have been times in the past where it's taken 9 months to a year to get minutes. Mr. Jacobson said 30-45 days should be more than enough time.

Ms. Jones-Lacy asked if the Board wanted to put that time frame in the by-laws or just have it as a practice.

Mr. Madigan asked if 60 days was okay with the board. Everyone concurred.

Ms. Jones-Lacy asked about section 5 of the bylaws which stated that notifications should be a distance of 200 feet. The City code currently states that the notification must go out 100 feet. If the bylaws are changed they would be in conflict with the city code. That could be changed.

Mr. Jacobson said most general notifications are 200 feet.

Ms. Jones-Lacy said that it would need to be changed with the Planning Commission and Council and she said she thinks 100 feet is sufficient.

Ms. Gleason said notifying for 100 ft means you still notify 10 people and its still posted in the paper.

Mr. Madigan said he had two instances where neighbors contacted him and said they were never notified about the meeting. In each case they were next door to the homeowner requesting the variance.

Ms. Craig said that's another issue.

Mr. Madigan said to change it to 100 feet.

Ms. Craig asked if there should be a timeline for how far in advance applicants need to contact him to get a meeting schedule.

Mr. Jacobson said that's dependent on the Board's schedule and it's important not to get too specific in the bylaws so as not to paint yourselves into a corner on what must be done.

Mr. Madigan said the bylaws will help provide the Board with direction on operations.

Ms. Craig said she also wanted to point out that the bylaws require a simple majority of those present to make changes to the bylaws. If there are only three people present at the meeting that would mean two people could change the bylaws.

Mr. Mauer if said if you wanted to adjust that just take out the words "of those present" at any meeting and make the statement say that changes to the bylaws require a simple majority of the Board then it would take three of five.

The Board agreed to remove that language of the proposed bylaws so that the bylaws require a majority of the Board to make changes.

Mr. Madigan said he will be a Council member and so his BZA seat will be vacant. Ms. Jones-Lacy said that prior to that change taking place we'll put the notice on our website and seek out applicants for the position.

Mr. Madigan said that the BZA is a group of common sense people and in the past the Board has approved some things that it perhaps shouldn't have but tonight were two good examples of folks that deserved variances. He also said that John Jacobson has a lot of experience and he's someone the Board

can ask questions of and get answers.

**MOTION:** MR. BAUGHER MOVED AND MS. CRAIG SECONDED TO APPROVE THE BYLAWS AS AMENED. (MOTION PASSED 4-0).

**MOTION:** MS. GLEASON MOVED AND MS. CRAIG SECONDED TO ADJOURN THE MEETING. (MOTION PASSED 4-0).

DRAFT



## STAFF REPORT – BZA 2017-005

*Completed By: John Jacobson, Building Official*

**REQUEST:** Applicant requesting a variance to size and setback criteria to accommodate the construction of a new 24'x24' garage. Existing 18'x18' garage has been damaged by recent storm events and will need to be demolished.

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**RECOMMENDATION:** Staff would suggest an accommodation to facilitate the construction of the proposed garage. The applicant is a plumber by trade and wishes to keep work related items stored inside the garage and not on the driveway. The surrounding neighborhood is a mix of commercial and residential uses. In staff's opinion, reasonable accommodation to protect the property rights of neighbors and safeguard the character of the respective neighborhood makes sense in this area. Some consideration should be given to the owner since there is an existing structure there that has been damaged by recent storms. The current structure is located on the property south line of the lot and any future structure would need to adhere to a similar location given the grade and surface of the existing yard.

Should the request be denied the owner will certainly suffer some hardship as his ability to store materials currently kept inside the existing garage will be substantially impacted. These impacts could be substantial to the owner and the surrounding property owners given the location of the lot and the character of the neighborhood.

**BACKGROUND:** Request stems from storm damage to an existing structure that does not comply with current setback criteria. Intends to increase footprint during reconstruction

### **ANALYSIS:**

The current code allows construction of a detached accessory structure with a maximum size of 250ft<sup>2</sup>/ for every 3000ft<sup>2</sup> of lot area. Additionally, the structure must be located 5' from the property line. Applicant seeks relief from:

#### **16-407(1)- Setbacks**

No detached or accessory structure shall be located within five feet of any property line, nor shall any such structure be placed on any easements or right-of-way. Exceptions include walkways from

front to rear yards which will not require any setback, and walkways, driveways or similar structures that cross an easement or right-of-way to access a property. Detached and accessory structures on lots that are joined to two streets and extend 30 inches or more above the finished grade shall be placed at the furthest appropriate location from the abutting streets. An exception to this would include a garage.

**16-613(d)(1)- Garages, carports and storage buildings.**

(1)

For any single-family or duplex dwelling, there shall be permitted one detached garage or covered carport. Detached garage or carport spaces shall not exceed 250 square feet for each 3,000 square feet of lot area; provided, that in no event shall these areas exceed a total of 1,200 square feet. An attached garage or carport shall be subject to the same required setbacks as the main structure. A detached garage or carport shall be subject to the setbacks required for detached accessory buildings.

This lot is approximately 6,200ft<sup>2</sup> and would have an allowable accessory structure size of 500ft<sup>2</sup>. The applicant is requesting an additional 76ft<sup>2</sup> in this proposal.

From a staff perspective, this process is appropriate to accommodate the property owners request to maintain the current structure setback and accommodate existing grades and improvements in the yard. The neighborhood is a mix of commercial to the west and residential uses to the east. The ability to store more materials inside versus outside should be a positive impact for the neighborhood.

**IMPACTS:** Substantial improvements have been made by the owner to the property over the years he has owned it and compliance with current setback criteria would certainly impact those improvements and would substantially impact the usability of the rear yard. The current similarly sized garage has existed in the neighborhood for over 50 years with no setback. Approaching the issue from least disruptive approach possible allowing a slightly larger structure with similar building lines and setbacks allows the owner highest and best use of his property rids the neighborhood of a dilapidated structure and little or no impact to adjoining properties.

**POLICY ISSUES:** Current policy restricts applicant to a maximum square footage of 500 ft<sup>2</sup> for accessory structure and a minimum of a 5' setback to the side property line.



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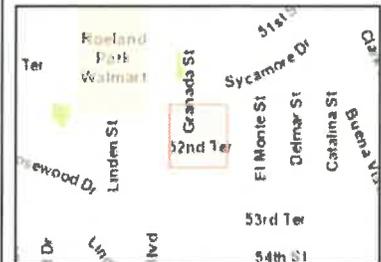
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**Johnson Co AIMS Map**

BZA VARIANCE SITE

**LEGEND**

AIMS Imagery: Current Imagery (2016)



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8.15.2017

29th @ 6:00pm



# The City of Roeland Park, Kansas

4600 West Fifty-First Street  
Roeland Park, Kansas 66205  
City Hall (913) 722-2600 – Fax (913) 722-3713

To be filled in by City:  
Date filed:  
Case no.: 17-065

## Application for Variance, Section 16-1507.

Fee: \$100. (Free for residents/home owners in April and August) *Proof of residency required.*

Applicant MICHAEL/LESLIE DOOLIN Phone 913-207-2382

Address 5213 GRANADA  
ROELAND PARK KS 66205

If different from above: N/A

Property Owner \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_

Location of Property : Subdivision Southridge Lot 11 Block 1

Section of the zoning regulations for which variance is sought: \_\_\_\_\_  
*Relief From: 16-407.1 — Setbacks Allowable 5ft/Req. 0/ setback*  
*Relief From: 16-613(d)(1) — Size Limitations Allowable 488sq/Req. 516sq?*

Present use of property: RESIDENTIAL  
Description of requested variance(s) Size of Accessory Structure AND  
Location of Structure currently sits on property line.

\_\_\_\_\_ (The application shall be accompanied by a sketch map showing proposed and existing structures and uses of the property and of immediately adjacent properties.)

Reasons for requested variance(s) Due to location @ NO size of existing  
Structure variance is necessary to reposition GARAGE

Utility lines or easements that would restrict proposed development \_\_\_\_\_

Adjacent zoning and land use:

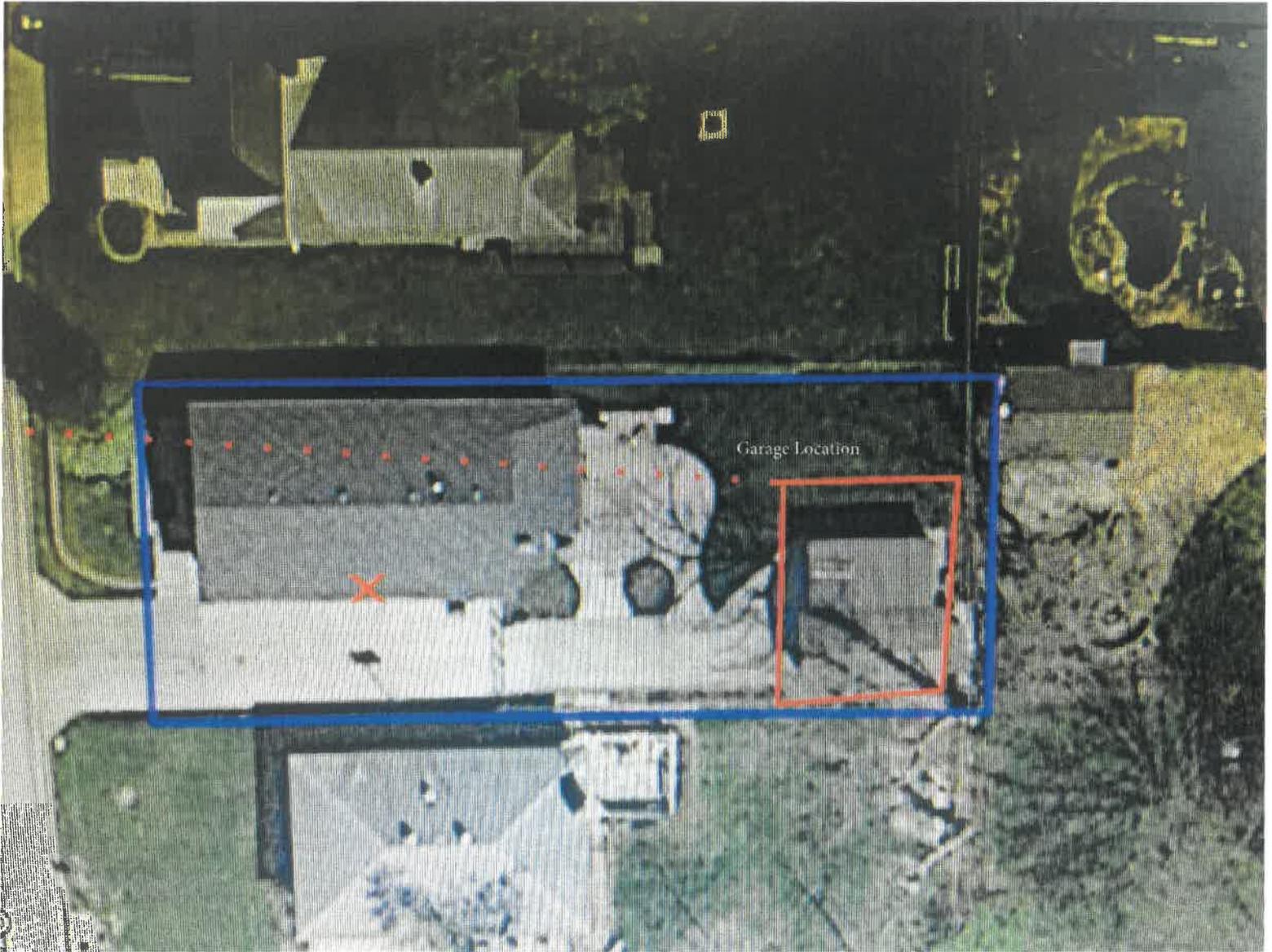
	Land Use	Zoning
North	<u>SINGLE FAMILY</u>	<u>S.F</u>
South	<u>SINGLE FAMILY</u>	<u>S.F</u>
East	<u>SINGLE FAMILY</u>	<u>S.F</u>
West	<u>Commercial</u>	<u>CP-1 — Planned Restricted Business</u>

I acknowledge receipt of the variance criteria and that the above information is true and accurate.

Applicant signature: \_\_\_\_\_ Date: 7/26/17

Fee Paid \$ <u>100.00</u>	Date <u>7-26-17</u>	Received by: <u>Kelly Bohm</u>
Date of Publication: _____	Date of Public Hearing _____	
Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted <u>7-27-17</u>		
Written comments from City Engineer submitted: _____		
Surrounding Property Owners Notified _____	Planning Commission/BZA Notified _____	

PROPOSED GARAGE LOCATION



## Jacobson, John

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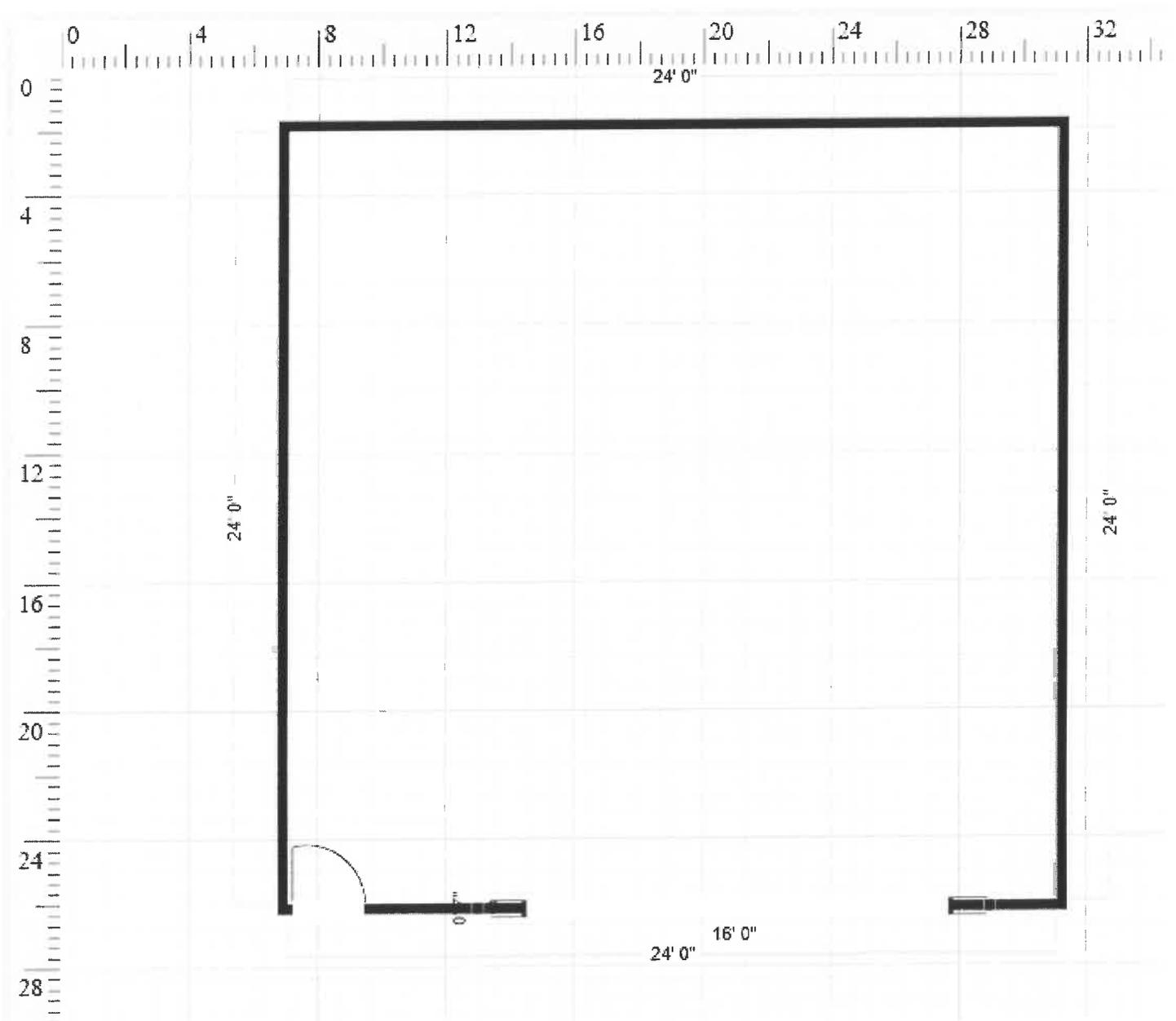
**From:** Leslie Doolin <ldoolin@universalmoney.com>  
**Sent:** Thursday, July 27, 2017 1:03 PM  
**To:** Jacobson, John  
**Cc:** Leslie Doolin  
**Subject:** RE: Emailing - MICHAEL.RLS\_T[2528]\_1463765106864.pdf

**Importance:** High

God afternoon John

can you tell me if this will be ok? If this is ok I will print this off and he can bring it with him.

24'x24' with a 36" door and a 16' garage door.



**OWNERS WITHIN 100'**

5209

GRANADA ST

Owner 1 QUANDT, MEGAN T  
Own Addr Line 1 5209 GRANADA ST  
ROELAND PARK, KS 66205

5205

GRANADA ST

Owner 1 LAUBE, DENNIS E.  
Owner 2 LAUBE, ORVILEA O.  
Own Addr Line 1 5205 GRANADA ST  
ROELAND PARK, KS 66205

5200

FONTANA ST

Owner 1 DAHLSTROM, DORIS D.  
Own Addr Line 1 10292 RED MAPLE DR  
MERIDEN, KS 66510

5210

FONTANA ST

Owner 1 MINGES, JAMES D.  
Owner 2 BACHMANN, DONNA G.  
Own Addr Line 1 5210 FONTANA ST  
ROELAND PARK, KS 66205

5212

FONTANA ST

Owner 1 LATIMER, ROBERT  
Own Addr Line 1 5212 FONTANA ST  
ROELAND PARK, KS 66205

4502 W 52ND

TER

Owner 1 HILLYARD, NICHOLAS P.  
Own Addr Line 1 4502 W 52ND TER  
ROELAND PARK, KS 66205