AGENDA
City of Roeland Park, Kansas
Board of Zoning Appeals
6:00 PM
June 8, 2017

I. Call the meeting to order

II. Approve Minutes from 5/4/17 Meeting

III. BZA 2017-03 – 4846 Fontana, Swimming Pools
   A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments
   B. Close Public Hearing
   C. Board Deliberation
   D. Vote of the Board

IV. BZA 2017-04 – 4300 W. 51st Street
   A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments
   B. Close Public Hearing
   C. Board Deliberation
   D. Vote of the Board

V. Discuss BZA Board By-Laws

VI. Adjourn
BOARD OF ZONING APPEALS MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
May 4, 2017 6:00 P.M.

MEMBERS PRESENT:
Tom Madigan    Paula Gleason    John Christensen    Mike Baugher    Courtney Craig

OTHERS PRESENT:
John Jacobson, Building Inspector
Jennifer Jones-Lacy, Finance Director

ROLL CALL

Ms. Jones-Lacy called the roll.

I. Approval of the January 18, 2017 BZA Minutes

MOTION: MS. CRAIG MOVED AND MR. CHRISTIANSEN SECONDED TO APPROVE THE JANUARY 18th BOARD OF ZONING APPEALS MINUTES. (THE MOTION PASSED 5-0).

Ms. Jones-Lacy stated that the Board also needed to approve minutes from the October 16, 2016 BZA meeting but wasn’t able to get those to the Board prior to the meeting. Chairman Madigan suggested the approval of those minutes go to the last item.

II. BZA 2017-2017-5149 Buena Vista, Side Yard Setback
A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments

Mr. Madigan opened the public hearing on the variance request.

Staff Report
In the staff report, Mr. Jacobson said the request is a reduction in the 80%/20% rule which states that a house cannot exceed more than 80% of the linear length of a lot. The lot in question is a double lot and the setbacks are 13.5’ and 5’ on each side. Mr. Jacobson said staff does not have an issue with this request and that it conforms with the neighborhood.

Mr. Christianson said he would recuse himself from the vote.

Applicant Presentation
Kylie Darden, architect for the homeowner – Mr. Darden said it’s a wider than an ordinary lot and that’s why they are applying for the variance as adherence to the strict guidelines of the code would require a much larger side yard setback than neighboring lots.

Public Comment:
Mr. Madigan asked for any citizens who wished to speak in favor of this item.
Katie Hale, 5205 Buena Vista, said she was in favor of the variance that there would be plenty of room on both sides of the house.

Aaron Otto, 5200 Catalina Street, said it was a good opportunity to do some housing stock renewal in the neighborhood.

Mr. Madigan asked if anyone wanted to speak in opposition of the project.

Susan Schenewerk, 5144 Clark Drive, said she had concerns about the change in the neighborhood in that the size of the property was large and she had concerns about water runoff and there is already flooding in the back of their home and how the trees would be addressed. She said this home would reduce the character of the neighborhood potentially. She said they are good neighbors and she is also speaking for a next-door neighbor.

Mr. Darden used a drawing to illustrate answers to her concerns. He explained it’s not going to be a tall house as the roof line will be kept low. The home will provide a welcoming feel. He said engineering is always involved and that storm water retention will be performed as needed to ensure there is no negative impact on storm runoff.

Ms. Joanna Rush, homeowner at 5149 Buena Vista, said the house won’t be much taller than the existing house. She said she hopes to improve the storm water runoff with this process.

Mr. Greg Elmore, neighbor, stated that the Rush’s don’t keep up their property and he has concerns about the changes.

Ms. Rush said they would need 22.5’ on each side to meet the side yard setback as code requires when all of the neighboring properties have about 10 feet. Ms. Rush said they love the area and want to help improve it.

Mr. Madigan said he received a letter regarding this variance from Michelle Doherty at 5146 Buena Vista. They supported the variance request.

Mr. Madigan then closed the public hearing.

B. Board Deliberation

Mr. Baugher said he supports the variance as it has more space for side yard setbacks than smaller lots.

Ms. Craig said she didn’t have any questions. She does look at the overbuilding that has happened in neighboring communities and she wants to voice that concern but as to the spirit of the rules she sees no issue.

Ms. Gleason said she takes no issue.

C. Vote of the Board

Mr. Jacobson read the five criteria for the board to vote on. Mr. Madigan stated it only takes three affirmative votes for something to pass.

Mr. Baugher and Ms. Craig expressed they had some pause regarding whether or not the situation presented a hardship.
BZA request no 2017-01 was approved with no conditions.

III. BZA 2017-002 – 5149 Buena Vista, Front Yard Setback
   A. Open Hearing – Staff Report, Applicant Presentation, Open Public Comments

Staff Report

Mr. Jacobson said the variance is required because of the location of the sport court in relationship to the house itself. It will have an encroachment of seven feet beyond the 35 ft. required setback, the court is located within the home. However, it still needs BZA approval.

Applicant Presentation

Mr. Darden said the sport court is in the basement and the encroachment is all underground and will never be seen. He explained the idea to the Board.

Mr. Jacobson further explained why the variance was needed because it’s an encroachment into the front setback.

Mr. Madigan asked if there would be sod on top of the land and Mr. Darden said it would have flowers or some landscaping on top.

The Board discussed the merits of that rule.

Public Comment:

Ms. Hale said she thinks it will be great to have the sport court inside. In addition, since you cannot see the court from the outside she said she’s fine with it.

Ms. Rush said the space would have been unused if not for the sport court. It will be smaller than a half court in size.

B. Board Deliberation

Mr. Christiansen said this is less intrusive than having the court outside and that its pretty straightforward.

<table>
<thead>
<tr>
<th>BZA 2017-01</th>
<th>Madigan</th>
<th>Craig</th>
<th>Gleason</th>
<th>Baugher</th>
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<tbody>
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Variance 2017-02 was approved with no conditions.
Mr. Madigan closed discussion on this issue.

IV. BZA Bylaws Discussion
Mr. Madigan said the Board discussed creating some bylaws. He asked if everyone had a chance to read the suggested changes. Mr. Christensen and Mr. Baugher said they hadn’t had a chance to review them. Ms. Gleason and Ms. Craig said they had.
Mr. Jacobson said there would be another variance request in short order and that they would have a chance to review again soon.
Ms. Gleason said the suggested bylaws were very straightforward.
Mr. Madigan said it was best not to be too specific on the bylaws per Mr. Jacobson’s recommendation so as not to corner the Board on a decision.
Mr. Madigan asked if that could be moved to the next agenda for adoption and discussion and everyone agreed.

V. Approval of the October 16, 2016 minutes.
Ms. Craig was not present at that meeting and agreed not to vote on those minutes.
Mr. Madigan called for a five-minute break so the Board had time to read.

MOTION: Mr. Cristiansen moved and Ms. Gleason seconded to approve the October 16th with the condition to change the title to include the appropriate date Board of Zoning Appeals minutes. (The motion passed 5-0).

V. Adjournment

MOTION: Ms. Gleason moved and Mr. Baugher seconded to adjourn the Roeland Park Board of Zoning Appeals meeting. (Motion passed 5-0)
TO: Board of Zoning Appeals  
FROM: John Jacobson, Building Official  
DATE: June 1, 2017  
RE: Action Items June 8th Meeting

The board has two actions before it. The first of these actions pertains to a pool location that lies outside of the strict application of the requirements. The applicant has had numerous discussions with staff to attempt to accommodate pool construction but in staff’s opinion the variance process is the most reasonable and effective tool to achieve that goal.

The second action is relative to a unique lot on the corner of 51st street and Buena Vista. This lot has approximately 60’ of railroad ROW that has been vacated and now makes the lot reasonably buildable. The new owner has stated an interest in conforming to the character of the neighborhood and leery about utilizing smaller rear yard setbacks called out for in the code. To offer a similar setback as exists in the neighborhood currently, a variance must be applied to limit the setback from the exorbitant amount of ROW on the lot.

Staff has reviewed both actions, and attempted to weigh neighborhood concerns and impacts we submit the following for your review and consideration.

1) **BZA 2017-03: 4846 Fontana**
   - The installation is being requested by the parents of a little boy so sick that his only form of tolerable exercise is swimming. Staff briefed the BZA on this action after the last meeting and the details of the request can be viewed in the attached documents.

**Specific Request(s) Variance from 16-613(e): location of accessory structures and 4-1304: Location of Swimming Pools**

- Request 23% of Rear yard space  
  (req. 15%)
- Request 7’ SYSB  
  (req. 10’)
- Request 10’ to RPL  
  (req. 15’)
- Request off center location  
  (req. states centrally located)

**Staff Review**
Staff see no adverse impacts to adjoining properties. Staff recommends approval of the request as submitted.

2) **BZA 2017-04: 4300 W.51st**

The second request before you relate to front yard setback. The new owners of the 4300 W.51st are requesting a variance to construct a new single family home on the lot. After reviewing the lot and probable locations for the home the owners are uncomfortable with the small amount of setback from the rear property line to the potential structure and would like to move it closer to the street.

**Variances to section 16-407(a)**

Request is approximately 11’7”       (Req. is 35’)

**Staff Review**

Staff has reviewed the potential location and checked sight triangles as well locational relationships with the character of the neighborhood. *Most homes in the area are about 38’ to the back of curb. This proposal (with variance) puts the measurement for this home at 35’. This lot has an exorbitant amount of right – of – way and as such requires a variance to set the structure in a similar pattern.*

The proposed location neither adversely impacts the adjoining property owners, nor does it adversely affect the turning movements of the intersection of 51st and Buena Vista. Staff recommends a motion to approve the request as submitted.
MARAN RESIDENCE
4846 FONTANA ST.
TOLEDO PARK, K.

NEW STEEL ABOVE
GROUND POOL
24 FT. DIAMETER
32 INCHES DEEP

SHED

EXISTING
FENCE & LOCKS

24 FT. HOUSE

NEW DECK

EXISTING PATIO

3’-2” X 3’-0” STAIRS
7/8” THICKNESS
10” MIN THICK

NEW DECK

2” X 8” STAIRS @ 12” OC

2” X 10” BEAM

2” X 12” BEAM

2” X 8” BEAM

2” X 8” BEAM

2” X 12” BEAM

NEW 6’ PRIVACY FENCE

SCALE =
1" = 6’-0”

16’

10’

2” X 12” STAIRS

6’ PRIVACY FENCE
4300 W. 51st
PRUITT AND DOOLEY SURVEYING, LLC
7912 Elm, Raytown, MO 64133
816-599-4239
10777 Barkley, Suite 220-J, Overland Park, KS 66211
913-652-9022

PLOT PLAN

LEGEND

F = Foul
EG = Existing Grade
PF = Proposed Grade
TC = Top of Curb
T/F = Top of Foundation
G/F = Garage Floor
G = Garage
--- = Existing elevation contour
--- = Proposed elevation contour

AGE: 6-2
2R=992.16
F=1=979.3 per plate

I hereby certify that this plot plan correctly portrays the size and location of the proposed foundation on the above described property.

Jerald W. Pruitt, PS 814
May 1, 2017

The scale of 1"=20' is shown.

This plot plan shows the proposed size and location of the foundation on the lot, along with the dimensions shown above. The builder should verify all grades and dimensions to ensure proper position, drainage and sewer. No site information has been furnished for the preparation of this plot plan.

Bearings are correct.

Exemptions and right of way are based on the Title Commitment No. 1400332, issued by First American Title Insurance Company on February 20, 2017.

No real right of way was furnished.
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: 4-27-17
Case no.: 

Application for Variance, Section 16-335.

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

Applicant: Carolyn Macan
Phone: 816 510 7616

Address: 4846 Fontana

If different from above:
Property Owner
Address
Phone

Location of Property: Subdivision
Lot Number
Section of the zoning regulations for which variance is sought: Article 13: Swimming Pools

Present use of property: Single Family Residential

Description of requested variance(s): Requesting exemption from pool requirements to accommodate the installation of a pool for our disabled son. Pool therapy is integral to his treatment plan.

(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): Swimming is a necessary low impact exercise that he can do without exacerbating the health conditions that plague him.

Utility lines or easements that would restrict proposed development: None

Adjacent zoning and land use:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>North</td>
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</tr>
<tr>
<td>South</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

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

Applicant signature: [Signature] Date: 4-28-17

Fee Paid $ No Fee/ APRIL Date 4/27/17 Received by: L. Clarke
Date of Publication: Date of Public Hearing
Date Proof of Ownership and/or Authorization of Agent affidavit(s) submitted
Written comments from City Engineer submitted:
Surrounding Property Owners Noticed Planning Commission/BZA Notified

Revision date: 9/15/00
Hi, My Name is Carolyn Macan, I live at 4846 Fontana st, Roeland Park, KS 66205. My son Bo is 7 years old and has a rare genetic condition that is actually named after him. Called Bo Syndrome. Which includes, type 1 diabetes, epilepsy, severe rheumatoid arthritis, chronic lung disease, growth hormone deficient. His immune system Doesn't work like everyone else's. A common cold could be fatal for Bo. One of the best things for Bo body is swimming, he can't go to a public pool due to the possible things living in a public pool. It's just to risky. Having an above ground pool in our back yard would change his life, he would be motivated to get out of bed, he is having fun in the water, but it's great exercise, great for his poor little body. Not to mention his siblings can enjoy this with him too. Bo spends around 120 days a year in the hospital, this would be life changing for him. Feel free to visit our blog or our Facebook page.
Www.macanithappen.com

Thanks for your time
Carolyn Macan

Sent from my iPhone
MACAN RESIDENCE
4846 Fontana St,
Topeka, KS.

Existing Privacy Fence & Locked Gate

- 24' -

House

- 10 -

Existing Deck

3-2x12 Studs
7 3/4 Hemcircle
10" Min Tread

Existing Patio

3-2x12 Studs
7 3/4 Hemcircle
10" Min Tread

2x8 Ledger

New Deck

2x8 Joists @ 16" OC

3-2x10 Beam

NEW STEEL ABOVE GROUND POOL
24 FT, Diameter
32 inches deep

14'-8"

-11-

Shed

10'
Each line represents 1'
Existing is drawn in pencil
New is drawn in red

House

Existing Deck
2x8 joists @ 16" O.C.

Add (2) 12" Piers & Level Midspan Beam.

Existing Concrete Slab

Add 2x8 #2 2x8 Joists @ 16" O.C.

2x8 Ledger
Attach w/ 3/8" Lag Screws @ 12" O.C.

(3) 2x10 Beam

All Piers to be min. 36" Deep
Application for Variance, Section 16-335.

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

Applicant

WALT COOPER

Address

2016 W 93RD ST
LENEXA K.S. 66219

Phone 913-290-8977

If different from above:

Property Owner

WALT COOPER

Address

2016 W 93RD ST
LENEXA K.S. 66219

Phone

Location of Property: Subdivision

Location Block

Section of the zoning regulations for which variance is sought:

Present use of property:

Description of requested variance(s)

Regulatory: The above

(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)

Utility lines or easements that would restrict proposed development

None

Adjacent zoning and land use:

Land Use

North

South

East

West

Zoning

S.F.R.

S.F.R.

S.F.R.

S.F.R.

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

Applicant signature: WALT COOPER

Date: 5/8/17

Fee Paid $100.00 Date 5-8-17 Received by: D. DRAYNE

Date of Publication: Date of Public Hearing 6-8-17

Written comments from City Engineer submitted: Y

Surrounding Property Owners Notified Y

Planning Commission/BZA Notified Y

Revision date: 9/15/00
1) PP
   Brief History
   RR was vacated 60'
   Lot Size

2) Request
   5 criteria

3) Extreme Slide