

Board of Zoning Appeals Minutes
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
6:00 P.M.
December 5, 2024

Board Members: Darren Nielsen (chair) Jeff Meador Chris Thowe
 Brandon Gillette Erik Hage

Staff: Wade Holtkamp, Building Inspector
 Alex Felzien, City Attorney

I. Call the meeting to order

The Roeland Park Board of Zoning Appeals met December 5, 2024. Darren Nielsen called the meeting to order. Mr. Holtkamp called the roll. Darren Nielsen, Brandon Gillette, Chris Thowe, and Erik Hage, Jeff Meador were present.

II. Approval of Minutes from April 18, 2024, meeting

BZA Hage moved and BZA Thowe seconded to approve the meeting minutes from April 18, 2024. (Motion carried, 5-0)

III. BZA 2024-02 - Variance Request, 4519 W 52nd Ter

Open Hearing - Staff Report, Applicant Presentation, Public Comment

No public comment was requested.

Mr. Holtkamp gave the staff report for the requested variance at 4519 W 52nd Ter to allow construction and connect an existing garage to existing dwelling in an R1, single family zoned district. The lot is 1.4 acres, 6250.37 sq feet. It is required to keep a 55% green space on the lot. The existing garage was built 2003/2004, the code issue connecting is the setback distances. The current code is 16-421 (b), 16-410, currently existing non-conforming status.

The setback property line to the west along Garanda St is 10 feet, 6 inches. The current code is 20 feet. Connected to the garage would create a single dwelling requiring a 15 feet setback. The current setback of the garage is 6 feet, 8 inches. If the connection is made this would a new setback to the rear. The two setback issues are to the west and south. The surrounding area is mostly single family residential with a business district to the northwest.

To review, if the variance is approved it create new setbacks for of 10 feet, 6 inches, to the west and 6 feet, 8 inches, to the south. The footprint of the house will remain the same which will lessen the impact to the neighborhood.

Mr. Holtkamp asked if there were any questions. BZA CHAIR Nielsen asked is the 55% greenspace element will be maintained. Mr. Holtkamp said that from the architectural site plan

appears the 55% is maintained but if it's close staff and request a surveyed site plan. Mr. Holtkamp will retrieve the exact percentage and provide that later in the meeting.

BZA THOWE asked is there is a maximum height limit. Mr. Holtkamp said there is a code design standard maximum height of 35 feet. BZA THOWE asked if there any other design requirements BZA would need to see. Mr. Holtkamp stated the variance to for the two setbacks and that the applicant will still need to follow the design code.

BZA MEADOR asked regarding the greenspace coverage does that include current patio. Mr. Holtkamp said the patio would be removed but for construction, but the 55% greenspace will need to remain. BZA Meador asked about the other neighboring setback lines specifically to the east. Specifically, from the street to the neighboring house. Mr. Holtkamp provided some rough estimates using an online mapping tool of 25 feet. BZA Gillette asked if there was a City permit of the existing garage. Mr. Holtkamp stated that the City does not have documentation that the garage was ever permitted. Property owner Glenn Haney states the permit documentation can be submitted to the City.

Mr. Holtkamp added that the variance approval can contain a condition for proof the garage was permitted. BZA Gillette asked if staff received any feedback from the neighbor notice that was sent. Mr. Holtkamp stated no response from the mailers sent 100 feet of the property. BZA HAGE asked if Granada St along the property to the south is a dead-end street. Mr. Holtkamp replied, yes, it's a dead-end street.

Property owner Glenn Haney states he has been living in Roeland Park for 25 years and met his wife here. They would like to age in place in Roeland Park. They like the area. It's close to work, love the trees. It's my first house here and would like to stay here. It's a small house so the add on would give us another bathroom, bigger kitchen, laundry room. It will give more common area, an extra 240 square feet. Having the garage attached to the house will make it a little safer, slipping on ice. Property owner Julie Haney stated the current house configuration is not laid out well for a wheelchair or walker. She added it will be easier to move around.

BZA CHAIR Nielsen expressed concern if the addition happens and in the future a request is made to build up then it could be a very large structure on a very small lot. He added if it stays a one-story structure on a small lot, it doesn't feel imposing or overbuilt and it's not a hazard to your added to you adjacent neighbors. If it's a two and half story, then you are a bigger source and a hazard. BZA CHAIR Nielsen asked if the other members of the BZA also have this concern. BZA Gillette stated he does not think the BZA can put limits on future home construction. BZA CHAIR Nielsen stated on a positive if you build on a hard structure, stormwater runoff, not adding to the burden of the system. Age in place is something I'm concerned about. Mr. Holtkamp stated he obtained the submitted plans which indicate 59% greenspace. This calculation is based on proposed construction.

BZA HAGE asked if the garage will need to be brought up to current code standards. Mr. Holtkamp stated the permit would be for the addition and garage would stand by the code of its time of construction. BZA CHAIR Nielsen added the existing garage and house remain as is except for where they connect. BZA MEADOR asked when last time the setback code distances changed. In 2003 when the garage was build was it complaint with the setback. Mr. Felzien stated he presumes it was in compliance. Staff can conform once the building permit

documentation is received. A building permit granted would indicate it was built correct. If not, then staff will look if it had a variance.

Vote of the Board

Following discussion, Mr. Holtkamp polled the Board. An affirmative vote is in favor of granting the variance.

	Nielsen	Gillette	Howe	Hage	Meador
Uniqueness	Aye	Aye	Aye	Aye	Aye
Impact	Aye	Aye	Aye	Aye	Aye
Hardship	Aye	Aye	Aye	Aye	Aye
Public Interest	Aye	Aye	Aye	Aye	Aye
Spirit and Intent	Aye	Aye	Aye	Aye	Aye

The request for the variance passes, 5-0

BZA CHAIR Nielsen made a motion to make a condition of approval the applicant provide a signed copy of the garage permit for city verification. BZA Hage seconded the motion. (Motion carried 5-0)

Adjourn

BZA Howe moved to adjourn. BZA Hage second. (Motion carried 5-0)
Roeland Park Board of Zoning Appeals Adjourned.