

**Board of Zoning Appeals
City of Basehor, Kansas**

Wednesday, December 4th, 2013



City Hall Council Chambers

6:00 p.m.

AGENDA

CITY OF BASEHOR BOARD OF ZONING APPEALS

December 4th, 2013

6:00 P.M.

Basehor City Hall

A. Call to Order

B. Roll Call

C. Approval of the Minutes of the January 10th, 2013 BZA Meeting.

1. Please review the Minutes from this meeting and make any changes you feel necessary.

D. New Business

1. **Appointments-** With the appointment of Ty Garver to the City Council we were lacking a fifth individual to represent the City on the Board of Zoning Appeals. At this time I would like to introduce our new Board member, Kevin Jones. Mr. Jones comes to us as a former member of the Planning Commission, serving from July 2008 through May 2010.
2. **Selection of Positions-**At this time we must reselect a Chairman and Vice Chair, this process is to be done at the first meeting of each year, we did not conduct this process at our first meeting.
3. **Public Hearing**—A request for variance from the front/side yard setback as stated in the Pinehurst South Subdivision of twenty-five feet (25') to allow for a room addition to be constructed at 601 154th Place.

E. Old Business

None

F. Open Agenda

G. Reports from Special Committees

H. Notices and Communications

I. Adjournment

**Minutes of the
January 10th, 2013
Board of Zoning Appeals Meetings**

Minutes
Basehor Board of Zoning Appeals
January 10, 2013
Basehor City Hall

A. Call To Order

Chair Bill Robinson called the meeting to order at 6:51 p.m.

B. Roll Call

Present: Ken Massingill, and Bill Robinson and Jeff Scherer.

John Dockendorff: absent

Staff: Mark Lee; Building Inspector, Mitch Pleak; City Engineer and Kathy Renn; Asst. City Clerk.

C. Approval of Minutes

A motion from Mr. Massingill to approve the October 20, 2011 minutes. Mr. Scherer seconded. Motion passed 3-0.

D. New Business

1. Public Hearing – A Request for variance from the Zoning regulations as allowed in Article 17 Subsection 14 [A] regarding the rear yard setback at Lot 9 of Falcon Lakes Villas Phase 1 Plat of twenty-five (25') to approximately fifteen feet (15').

Mr. Massingill motioned to open public hearing. Mr. Scherer seconded. Motion passed 3-0.

Ed Herman - 7500 West 95th St., Overland Park, KS, representing applicant discussed reasons for requesting setback.

Gene Hinkle - 4807 Augusta Drive, Basehor, KS, spoke against application.

Judy Wickland - 4811 Augusta Drive, Basehor, KS, spoke against application.

Application then withdrawn

Mr. Scherer motioned to close public hearing. Mr. Massingill seconded. Motion to close public hearing passed 3-0.

Applicant withdrew and Board of Zoning Appeals requested to reapply a new application is so desired.

E. Old Business – None

F. Open Agenda – None

G. Reports from Special Committees – None

H. Notices and Communications – Reappointments of Mr. Scherer and Mr. Robinson

I. Adjournment

Mr. Scherer made the motion to adjourn. Mr. Massingill seconded. Motion passed. 3-0.

There being no further business, the meeting was adjourned at 7:30 p.m.

Submitted for approval with/without additions or corrections this 4th day of December 2013.

Bill Robinson, Chairman

Katherine M. Renn, Asst. City Clerk, BZA Secretary

New Business

STAFF REPORT

Date: December 4th, 2013

Subject: Request for variance from the platted front/side yard setback in Pinehurst South Subdivision.

File Number: V-2-13

GENERAL INFORMATION

Applicant: Garland Auten
Address: 601 154th Place
Basehor, KS 66007

Owner: Same as above
Address:

Agent: None

STAFF ANALYSIS

Site Characteristics

Location: 601 154th Place
Lot 28, Pinehurst South Subdivision

Area of Property: 11,412 square feet (.3 acres)

Zoning: PR-Planned Residential

Future Land Use Map: Planned Residential

Adjacent Property:

	ZONING	USE
North:	PR	Planned Residential
South:	PR	Planned Residential
East:	PR	Planned Residential
West:	PR	Planned Residential

Narrative/Background

*The term **front/side** yard setback will be used in the description of this encroachment. The Auten home is located on a corner lot thus creating two front yards per the City of Basehor Zoning Regulations, the Autens' home is an existing structure and has been oriented such that its 'front yard' faces 154th Place.*

Garland Auten has submitted an application for a variance request for an encroachment into the front/side yard setback line at his residence, located at 601 154th Place (Lot 28, Pinehurst South). The requested variance is to allow the encroachment of a room addition/sunroom (elevated living space) into the front/side yard setback. The total encroachment into the front/side yard is approximately fifteen feet (15').

The orientation of the Auten home does pose some unique challenges, as stated above, the home being on a corner lot, does by the Zoning Regulations have two front yards. Along with the two front yards the lot in question backs up to a cul-de-sac on the southeast corner, the radius of the cul-de-sac reduces this section of 'front yard' even more. The room addition although encroaching into the front/side yard drastically, will not encroach into the actual rear yard setback. The property is zoned PR, Planned Residential and consists of approximately 11,412 square feet. All other aspects of this home comply with the Zoning Regulations and all applicable Building Codes adopted by the City of Basehor.

The Planned Residential Zoning Regulations have the following requirements for Yard Regulations:

Front Yard: Thirty-five (35) feet
Side Yard: Twelve (12) feet
Rear Yard: Thirty (30) feet

The regulations go on to state:

Yard regulations, lot size, and street widths may be modified with approval of the Planning Commission upon a showing of (1) sufficient open space accessible to the occupants; (2) a separation between structures sufficient for fire-fighting purposes; and (3) that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district unless deemed appropriate by the Planning Commission.

The Pinehurst South plat was approved by the City Council in July 2003. The plat established side-yard setbacks varying from seven feet six inches (7'6") to eight (8') feet, front yard setbacks of twenty-five (25') feet and rear yard setbacks of thirty (30') feet, of which all are consistent with the Zoning Ordinances as adopted.

Staff has no direct opinion on this matter; the room addition will be replacing an existing deck that was constructed when the home was built. In general uncovered structures have been allowed to encroach into the setbacks in some circumstances: uncovered decks into the rear setback, driveways/parking areas into the side yard setback, etc. Never has a covered structure been allowed to encroach without the Board's approval. The property does have some unique characteristics that would not allow this room addition to happen per our regulations. The room addition is planned to flow directly east, off of the existing structure (see included plot plan) and would only encroach into the setback at the cul-de-sac radius. If the lot was a straight, front to back lot, this would not be an issue.

Conformance with the Zoning Ordinance

Section 17 states: *The board shall have the power to hear and decide variances from the specific terms of this Ordinance in an individual case provided that the spirit and intent of this Ordinance be observed, public safety and welfare are secured, adjoining property owners are not adversely affected and the strict application of the Zoning Ordinance will result in an unnecessary hardship on the property owner/applicant. Such variance shall not permit any use not permitted in the Zoning Ordinance in such district.*

A variance may be granted in each case, upon finding by the board that all of the following conditions have been met:

- 1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.**

The variance arises from the curvature of the cul-de-sac radius at the southeast corner of the lot. The variance is not necessarily unique to the zoning district but is unique to the lot in question.

- 2. The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.**

Granting the variance may in fact harm the property owner located directly east (behind) the Autens' home, although it will not encroach into their property nor the rear yard setback, it may hinder the line of sight from this homes driveway. Looking at the aerial photo included though, it appears as though the layout of the room addition will have very limited impact on the line of sight. The room addition will remain an estimated thirty-two (32') to thirty-five (35') feet from the rear property line.

- 3. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

Staff finds that no apparent hardship would result from the denial of this variance request. This request for a variance comes solely from the homeowners wishes to expand the size of their home by adding a room addition.

- 4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.**

Granting the variance will not adversely affect the health, safety, morals or general welfare of the public in any way. It may have the potential to impact the neighbor that resides directly to east/behind, but it will not affect the general public as a whole as it does not encroach unto any public right of way. The setbacks set forth by the Zoning Ordinance or plat restrictions are intended to 1) provide sufficient open spaces between structures; and 2) provide sufficient separation between structures for emergency purposes (fire fighting). In the event that a variance is granted, the required spaces will not be intruded upon.

- 5. That granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

Granting the variance for the front/side yard setback may be opposed to the general spirit and intent of the Zoning Ordinance. The Zoning Ordinance provides setback requirements in all zoning districts that are intended to 1) provide sufficient open spaces between structures; and 2) provide sufficient separation between structures for emergency purposes (fire fighting).

In the event that this variance is granted the intent of the Zoning Ordinance shall not be affected.

- 6. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions, which are in question.**

The requested variance shall be the minimum variance required to remedy the situation as it relates to the proposed room addition.

Conformance with the Future Land Development Plan:

The Future Development Plan identifies this area as “Planned Residential”. This property is typical of other lots in the area and is in conformance with the density shown on the Future Development Plan.

Traffic Impact:

The proposed variance request will have no impact on the current street network. The home is located one lot west of a cul-de-sac, with only one home located behind said property, the potential for the street to proceed further east is not viable as there are homes located in an adjacent subdivision which would not allow this, thus the street (Crimson Street) will most likely remain a cul-de-sac street.

Drainage Impact:

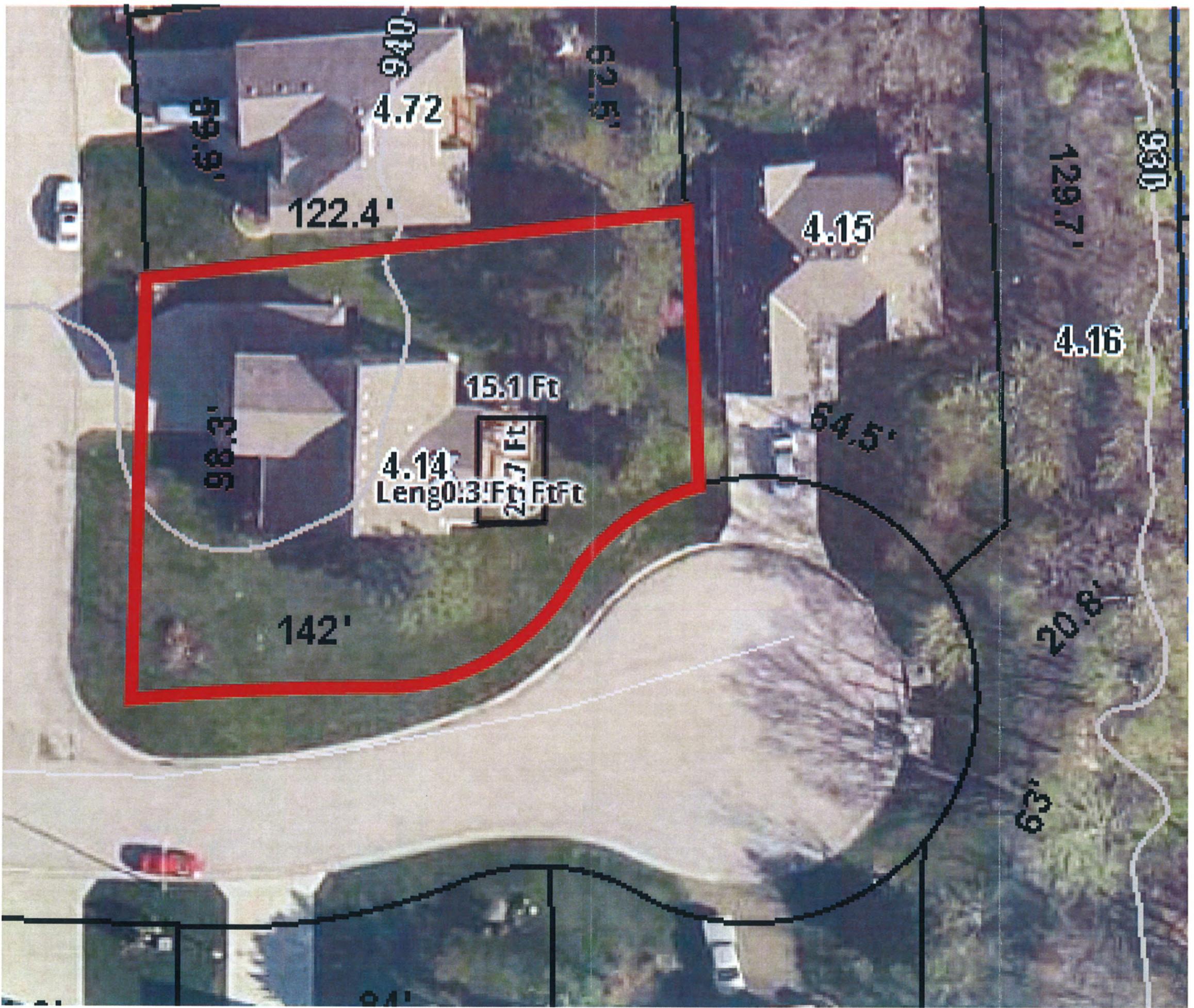
The proposed variance request will have no impact on drainage.

STAFF RECOMMENDATION

With the unique conditions of this lot and the radius of the cul-de-sac, along with a personal site visit to observe the layout of the future room addition, along with the driveway location of the adjoining property located directly east. Staff feels that the approval of the variance request to allow encroachment into the front/side yard setback line no further than that indicated on the included “plot plan” would not be detrimental to the surrounding properties and would have the potential to increase property values by the increase in living space, this is not a known fact but just staffs opinion.

BOARD OPTIONS

- 1. Approve the variance request, with or without conditions/changes.**
- 2. Deny the variance request**
- 3. Continue the Public Hearing to another date, time, and/or place**



122.4'

4.72

62.6'

94.0

99.9'

129.7'

93.0

4.16

4.15

64.5'

98.3'

15.1 Ft

4.14

Length: 3.1 Ft

2.7 Ft

142'

20.8'

63'

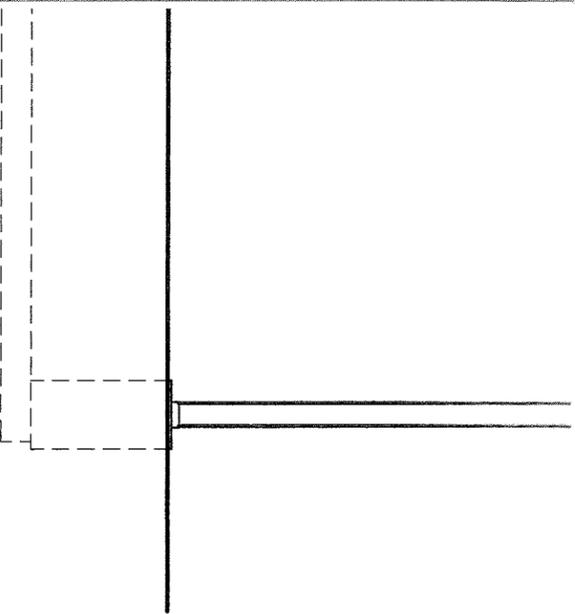
94'



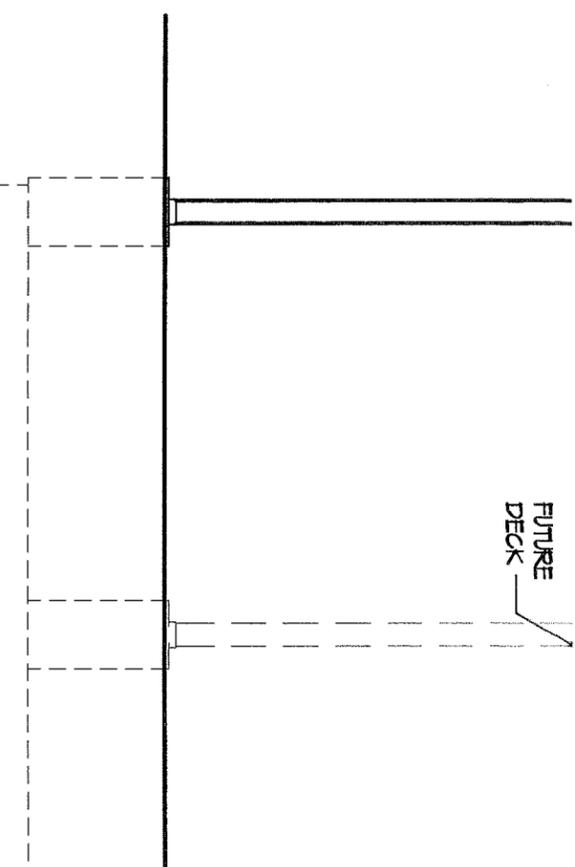






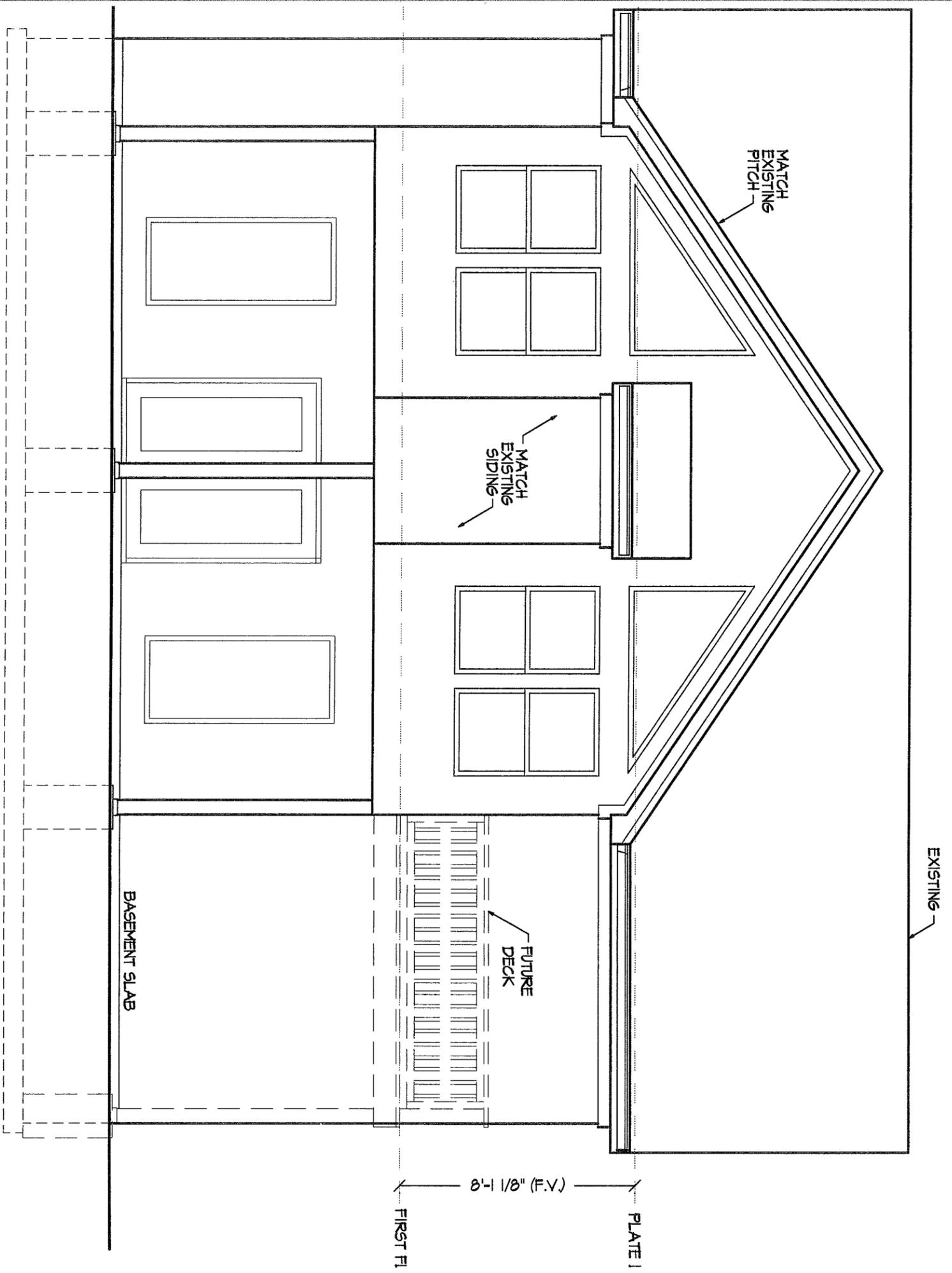


FUTURE
DECK

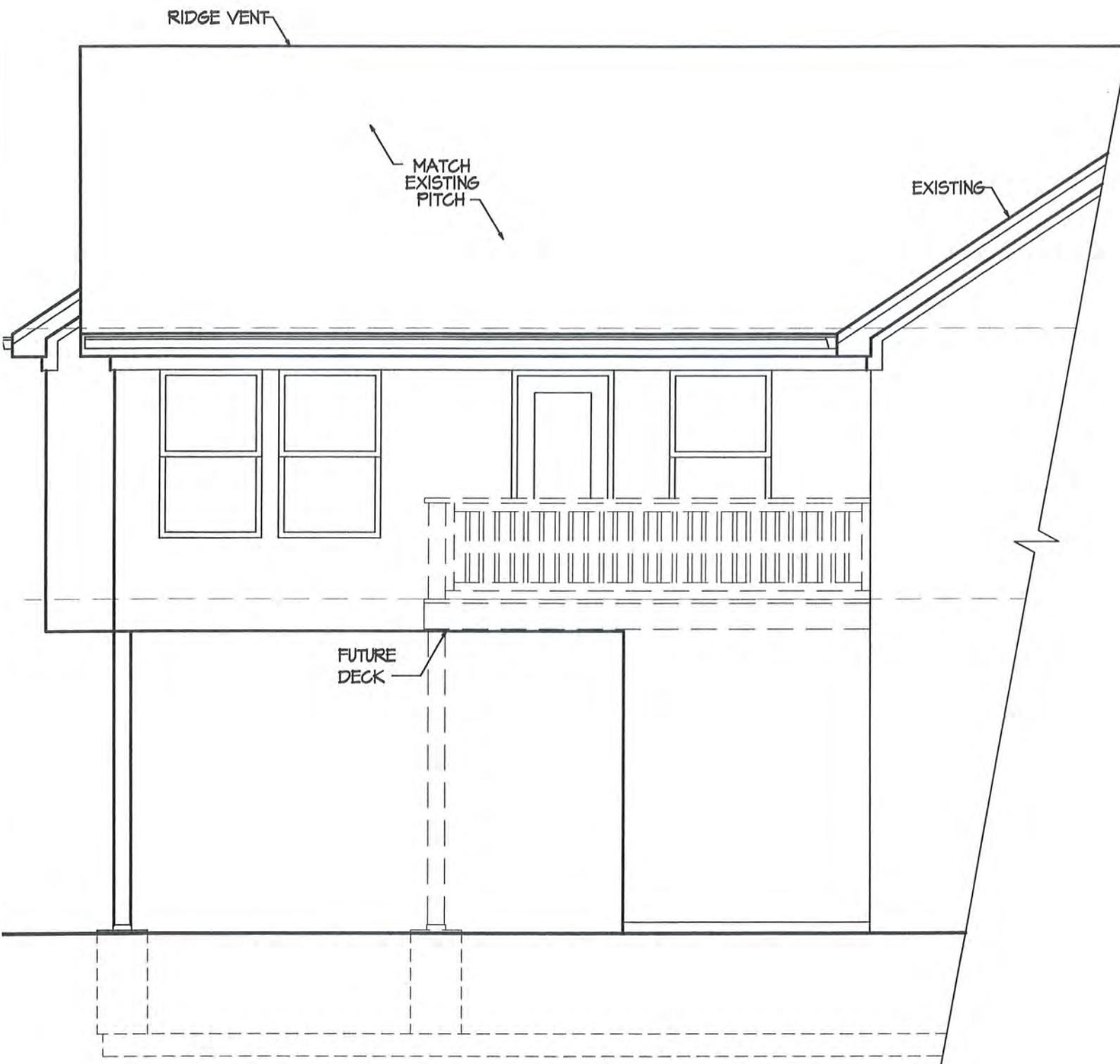


ACTION
9'-0"

RIGHT EI
SCALE: 1/4"



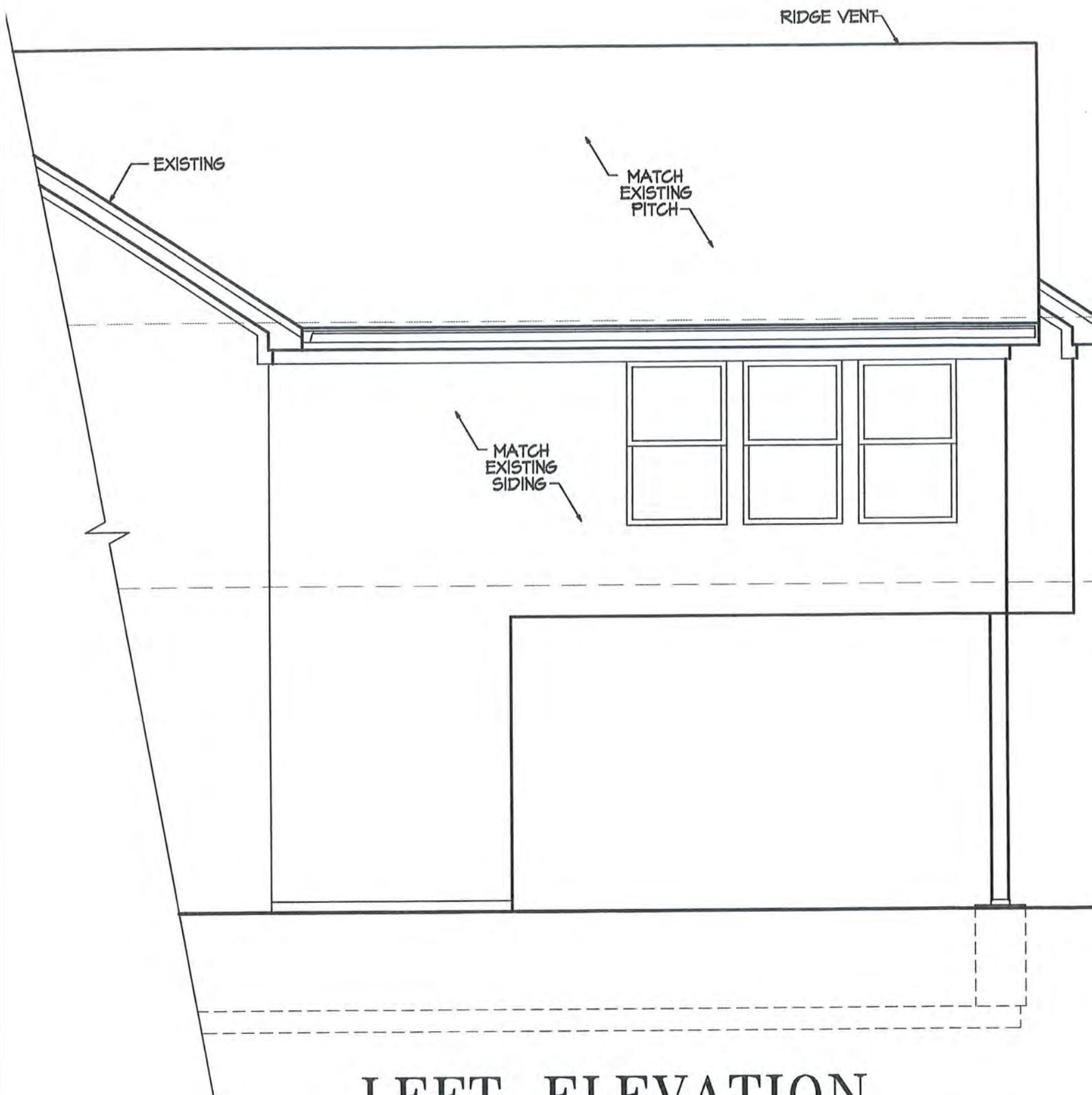
REAR ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

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

North



LEFT ELEVATION

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

South

**Information Supplied
By
Applicant**

RECEIVED

OCT 23 2013

APPLICATION FORM

CITY OF BASEHOR

Planning & Zoning Department
 2620 N. 155th Street, PO Box 406, Basehor, KS 66007
 Phone: 913-724-1370 Fax: 913-724-3388
 www.basehor.org



Project Name & Description GARLAND + SHERI AUTEN ROOM ADDITION		Total Site Acreage	Present Zoning
Legal Description (May be attached as separate sheet) SEE ATTACHED (LOT 28 PINEHURST)		Proposed Zoning	
Project Address / General Location 601 N 154TH PL		Presubmittal Date	
Parcel ID Number (CAMA Number)		Floor Area Classification	
Property Owner Name GARLAND + SHERI AUTEN	Phone 913-230-1470	Fax	
Property Owner Address 601 N. 154TH PL	City BONNER SPRINGS	State KS	Zip 66012
Applicant's Name (if different from above) GARLAND AUTEN	Phone 913-230-1470	Fax	
Applicant's Address 601 N 154TH PL	City BONNER SPRINGS	State KS	Zip 66012
Applicant's mobile phone 913-230-1470	Property Owner and/or Applicant's E-mail address garauten@gmail.com		

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Preliminary Development Plan (Submit Sheet A)
<input type="checkbox"/> Rezoning (Submit Sheet A)	<input type="checkbox"/> Final Development Plan (Submit Sheet A)
<input type="checkbox"/> Conditional Use Permit (Submit Sheet A)	<input type="checkbox"/> Lot Split
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary Plat
<input checked="" type="checkbox"/> Variance (Submit Sheet B)	<input type="checkbox"/> Final Plat / Replat

PROJECT INFORMATION	
Existing Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____	
Proposed Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Office <input type="checkbox"/> Agriculture <input type="checkbox"/> Other _____	

COMPLETE THIS AREA IF APPLYING FOR SITE PLAN, CONDITIONAL USE PERMIT, AND PRELIMINARY OR FINAL DEVELOPMENT PLANS (in acres)			
Total Site Area	Existing Floor Area 2500 sq FT	Existing Building Footprint 2500 sq FT	Open Space Area
No. of Buildings 1	Proposed Floor Area 350 sq FT	Proposed Building Footprint	Pavement Coverage

COMPLETE THIS AREA IF SUBDIVIDING PROPERTY			
Proposed Number of Lots	Maximum Lot Size	Minimum Lot Size	Average Lot Size

Property Owner/Agent Consent – I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

X *[Signature]* 10-23-13
 Signature Date

Office Use Only
 Filing Fee \$ 150.00 Received by KRenk # of Plans _____
 Attached Legal Description Property Ownership List

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2620 N. 155th Street, PO Box 406, Basehor, KS 66007
Phone: 913-724-1370 Fax: 913-724-3388
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GENERAL REASON FOR APPEAL, EXCEPTION, OR INTERPRETATION

REASON FOR REQUEST

Is this a request for:

- an interpretation of the zoning ordinance text, maps, or boundaries according to Article 17(6)A?
(Includes appeals from decisions of any officer administering the provisions of the Zoning Ordinance as allowed in Article 17(11)A.)
- a special exception as allowed in Article 17(10)A in the Zoning Ordinance?
- a request for a variance from the Zoning ordinance as allowed in Article 17(14)A?

Explain, including the interpretation, exception or applicable section of the Zoning Ordinance. _____

ELEVATED ROOM ADDITION ON BACK OF HOUSE

REQUEST FOR VARIANCE

A request for a variance from the zoning ordinance may be granted upon the finding of the board that all of the following conditions have been met: **(Explain in detail how each of the following conditions have been met)**

- a. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant. _____
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. _____
- c. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application. _____
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare or the harmonious development of the city. _____
- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance. _____
- f. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question. _____

CITY OF BASEHOR

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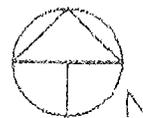
www.basehor.org



1. The Auten family respectfully requests the allowance of the aforementioned variance for a room addition to our existing residence. The room addition will be a 15' x 23' elevated space and porch to extend our current living conditions to meet the needs of our growing family.
2. Although the proposed room addition breaches the current build line, it does not extend beyond any other easement displayed on the existing lot drawing. Furthermore, the location of the residence is situated in a manner that incorporates the back yard and the side yard due to the curvature of the cul-de-sac. Whereas the cul-de-sac (Crimson St.) is a turnaround and mail box location, it does impact the setback and utility easement that follows the arching of the street.
3. The removal of the restrictions will have no adverse affect to nearby property. Undoubtedly, the proposed addition will only increase the assessed value of the residence in a neighborhood that is attempting to overcome several recent foreclosures.
4. There is irrefutable evidence that suggests the decisive allowance of the proposed variance will emphatically increase the fiscal status of the community and continue leading the Pinehurst South Subdivision towards an economic recovery. This, combined with the growing needs of a young family, contributes to our commitment to Basehor and the residents of Pinehurst South.
5. A positive outcome to the variance request will conform to the comprehensive plan through increased revitalization and neighborhood improvement. The proposed value of the room addition surmounts 20% of the overall appraisal of the residence. Furthermore, the venture made by my family will far exceed the necessary investment required in neighborhoods involved in the Basehor Revitalization Program. Just as Basehor is attempting to stimulate the economic growth of various neighborhoods within the city limits, the Auten's are making every effort to do the same while providing a comfortable home to raise our family.

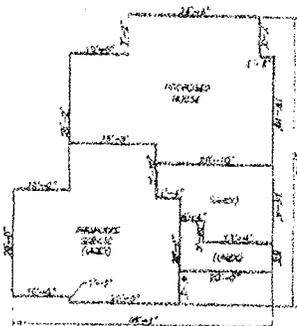
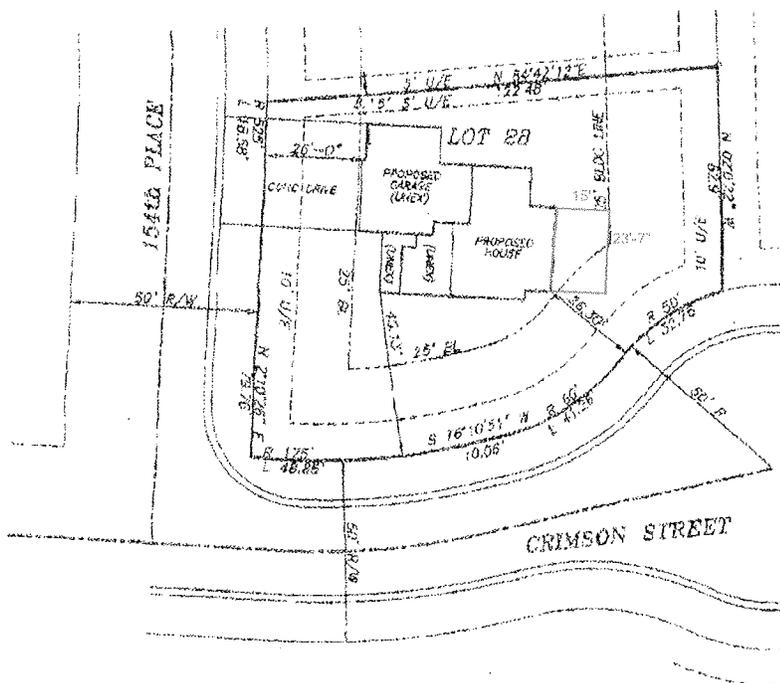
PLAT PLAN

LOT 28
PINEHURST SOUTH



Scale 1" = 30'

PINEHURST SOUTH SUBD.



LEGAL DESCRIPTION

LOT 28, PINEHURST SOUTH, a subdivision of land in Leavenworth County, Kansas, according to the recorded plat thereof.

SURVEYOR'S CERTIFICATE

I hereby certify that during the month of APRIL, 2005, we completed the staking of the structure shown above and the results of that staking are herein shown correctly to the best of my knowledge and belief.

Truman J. Givens
Truman J. Givens, L.S. 408
Surveyor

DRAWN BY: TJS	REVISIONS:	FOR: CORVAN	STORY ENTERPRISES, INC. 7735 WASHINGTON AVE., SUITE G KANSAS CITY, KANSAS 66112 PHONE # (913) 334-1813 FAX # (913) 334-9924
DATE: 04-21-2005		PROJECT: LOT 28 PINEHURST SUBDIVISION	
DWG. NO.:			
APPROVED BY: TJS			

601 154th Pl

Old Business

Open Agenda

(Discussion)

Reports from Special Committees

Notice and Communications

Board Members:

At the August 13th, 2013 City Council meeting, the Council approved the reappointments of all Board Members for three (3) year terms all individuals will be considered for reappointment again at that time.

If for some reason a Board Member feels they cannot fulfill their duties as Board of Zoning Appeals Members, please feel free to contact me.

Mr. Bill Robinson your term expires August 18th, 2016.

Mr. Jeff Scherer your term expires August 18th, 2016.

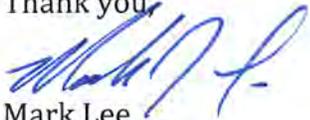
Mr. Ken Massingill your term expires August 18th, 2016.

Mr. John Dockendorff your term expires August 18th, 2016.

Kevin Jones your term expires August 18th, 2016.

Thank you for service to the City as Board of Zoning Appeals Members, staff believes that you gentleman do a superb job in looking out for the best interests of the City and its citizens.

Thank you,



Mark Lee
Building Official
Codes Enforcement Officer
City of Basehor

Adjournment