

LEAVENWORTH BOARD OF ZONING APPEALS

MONDAY, January 22, 2018 - 7:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: September 18, 2017 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. 2018-01 BZA – 1050 WALLIS LANE

Hold a public hearing for Case No. 2018-01 BZA, wherein the applicant, Kyle Whelpley, seeks a variance from section 4.03 of the adopted Development Regulations to allow a side setback on a corner lot of less than 25'. Although not specifically requested on the application for a variance, approval of the requested variance in regard to the side yard setback would necessitate approval of a variance for maximum lot coverage in conjunction. Section 4.03 of the Development Regulations allows maximum lot coverage in the R1-6 zoning district of 50%.

2. 2018-02 BZA – 1000 DELAWARE

Hold a public hearing for Case No. 2018-02 BZA, wherein the applicant, Sharon Jones, is requesting a variance from Section 4.03 of the adopted Development Regulations to allow a maximum lot coverage of over 50%, and from Section 5.05B to allow a driveway separation of less than 50'.

ADJOURN



**BOARD OF ZONING APPEALS MINUTES
MONDAY, September 18, 2017, 7:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS**

The Leavenworth Board of Zoning Appeals (BZA) met in regular session on Monday, September 18, 2017. It was determined a quorum was met with the following board members present: Mike Bogner, Dick Gervasini, Ron Bates, and Jan Horvath. Kathy Kem was absent. Staff members City Planner Julie Hurley and Administrative Assistant Michelle Baragary were present.

Chairman Bogner called the meeting to order at 7:00 pm and called for the first item on the agenda; approval of minutes from July 17, 2017. As there were no comments or changes, Mr. Gervasini moved to approve the minutes as presented, seconded by Mr. Horvath. The minutes were approved 3-0; Bogner abstained as he was not at the July 17, 2017 meeting.

The chairman called for the next item on the agenda – **Case No. 2017-18 BZA – 621 S. Chestnut and 711 S. 7th Street – Variance Request** - and requested the staff report.

City Planner Hurley addressed the board stating the applicant, Tony Patton, is requesting a variance from section 4.03 of the adopted Development Regulations to allow the creation of two lots which are less than the minimum required lot size of the zoning district and by which the existing structures will not meet required setbacks. The subject property is located at the southeast corner of Chestnut and S. 7th Street and is zoned R1-6, High Density Single Family Residential District, with two separate existing homes on the lot. The existing homes are well established and were constructed prior to current regulations which allow only one primary structure on a residential lot.

The R1-6 zoning district requires a minimum lot size of 6,000 sqft, with front, corner side, and rear setbacks of 25' and interior side setbacks of 6'. The existing lot is 9,643 sqft in size. The applicant has commissioned a survey of the property, and is proposing to split the lot between the two existing homes, resulting in two separate lots. The resulting lots would be approximately 5,338 sqft (621 S. Chestnut) and 4,305 sqft (711 S. 7th Street) in size. The resulting rear setback for both 621 Chestnut and 711 S. 7th Street would be less than the required 25'. There are no other changes to the property as proposed.

The chairman called for questions or comments from the board about the staff report.

Mr. Bogner asked if the south lot line will follow the existing fence line for 711 S. 7th Street. Ms. Hurley stated that is what it appears they will do.

Ms. Hurley stated the properties have been functioning as two separate properties but in order to sell them as two separate properties they must be legally split.

Mr. Bogner asked that when they the request for the variance, is it just for the square footage of the lots or does it also include the setbacks. Ms. Hurley stated the board will take into consideration any non-conformities that would be resulting from the proposed lot split, which will be the lot size requirement and the setback requirement.

Mr. Bogner asked that when the board goes through the motions can they do it just one time for all non-conformities. Ms. Hurley responded in the affirmative.

Mr. Gervasini asked when the buildings were built. The applicant, Anthony Patton, stated 711 S. 7th Street was built in 1850 in a town in Missouri and the house was eventually moved to Leavenworth. The owner of 711 S. 7th Street built the house at 621 S. Chestnut in the 1960's.

Mr. Horvath asked the applicant if he had any affidavits of support from his neighbors. Mr. Patton stated the only person who contacted him was his neighbor, Kev Lis, who resides at 710 S. 7th Street. Mr. Patton stated Mr. Lis supports the lot split. Mr. Patton further stated, Jeffrey Marrin at 613 S. Chestnut also supports the lot split. Ms. Hurley stated staff received no comments either for or against the application since the notification was mailed out.

Mr. Bates stated he would be surprised if anyone in the neighborhood realizes this is even an issue.

Chairman Bogner opened the public hearing. With no one wishing to speak, the vice chairman closed the public hearing and read the following criteria regarding the Board's authority and reviewed each item.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

B. **Variances:** To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met:
 - a) *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
 - b) *That the variance requested arises from such condition which is unique to the property in question and 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.*

All board members agreed; the need for a variance was not created by an action(s) of the property owner/applicant.

Vote 4-0

- c) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

All board members agreed; the granting of the variance would not adversely affect...

Vote 4-0

- d) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

All board members agreed; the strict application of the Regulations would constitute unnecessary hardship...

Vote 4-0

- e) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*

All board members agreed; the variance desired will not adversely affect the public health, safety...

Vote 4-0

- f) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

All board members agreed; granting of the variance will not be opposed to the general spirit and intent of the Development Regulations

Vote 4-0

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

The chairman called for any additional comments and asked if any safeguards, conditions or restrictions should be considered for this request. No conditions or restrictions were recommended.

Chairman Bogner called for a motion to approve the variance. Mr. Gervasini moved to approve the variance. The Variance Request 2017-18 BZA was approved by a unanimous vote 4-0.

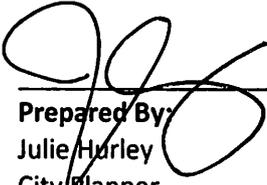
Finding no other business, chairman Bogner called for a motion to adjourn. Mr. Gervasini moved to adjourn, seconded by Mr. Horvath and passed by a unanimous vote 4-0.

The meeting adjourned at 7:13 pm.

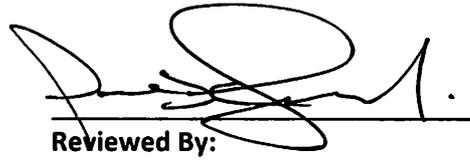
JH:mb

**Board of Zoning Appeals Agenda Item
Variance Request
2018-01-BZA
1050 Wallis Lane**

JANUARY 22, 2018



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

SUMMARY:

The applicant is requesting a variance from section 4.03 of the adopted Development Regulations to allow a side setback on a corner lot of less than 25'.

DISCUSSION:

The applicant, Kyle Whelpley, is requesting a variance from section 4.03 of the adopted Development Regulations to allow a side yard setback on a corner lot of less than 25'. The subject property is located in the Wellington on the Park subdivision and is zoned R1-6, High Density Single Family Residential District, with an existing single family home on the lot. The subject property is surrounded by other single family homes of a similar size and nature.

The R1-6 zoning district requires a minimum side yard setback on a corner lot of 25'. The applicant is proposing to construct a building addition on the west side of the house for the purpose of creating an additional garage, which would be accessed by a new driveway proposed to be built off of Grand Avenue. The home faces Wallis Lane and has an existing two car garage to the front of the house, accessed off of an existing driveway on Wallis Lane.

The applicant has proposed two options for the addition. The first option would observe a 12' side yard setback. The second option would observe a 16' side yard setback. No other changes to the property are proposed.

Although not specifically requested on the application for a variance, approval of the requested variance in regard to the side yard setback would necessitate approval of a variance for maximum lot coverage in conjunction. Section 4.03 of the Development Regulations allows a maximum lot coverage in the R1-6 zoning district of 50%. Per County records, the subject lot is 10,938 square feet, for a maximum allowed lot coverage of 5,469 sqft (total impervious area). Total existing lot coverage is 5,072 sqft. The proposed addition would add between 600-720 sqft of building area, plus the area of the proposed driveway.

After notice was sent to neighboring properties within 200' of the subject property, as is required by Kansas State Statute, staff received two letters in support of the proposed variance, and three letters in opposition to the proposed variance.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variations: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variations shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *That the variance requested arises from such condition which is unique to the property in question and 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 Development Regulations from which the 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, or general welfare;*
 - e) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

ACTION:

Approve or deny the request for a variance from section 4.03 of the Development Regulations to allow a side yard setback on a corner lot of less than 25', and a maximum lot coverage of more than 50% at 1050 Wallis Lane.



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

Case No. 2018-01 BZA

Property Zoning R1-L6

Application No. 3219
Fee (non-refundable) \$350.00
Filing Date 12/6/2017
Fee Paid \$350.00

PETITION

Petitioner: KYLE WHELPLEY kylew1050@gmail.com
(name typed or printed)

Petitioner Address: 1056 WALLIS LN. LEAVENWORTH KS 66048

Email: KYLE W1050@gmail.com Telephone: 913 290 0506

Location of Property Involved: 1056 WALLIS LN LUKS

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

Petitioner's Interest in Property: OWNER

Purpose of Petition: ADDING ADDITION/GARAGE WEST SIDE OF HOUSE
Variance section 4.03-requesting reduction in req. setback on side corner lot.

- Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance:
Section 11.03:B
- Exception:
Section 11.03.C

Site Plan or drawing attached: Yes No

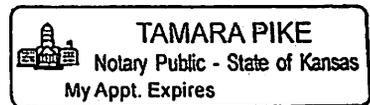
I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name: KYLE WHELPLEY

Signature: Kyle Whelpley (print name) Date: 11-21-17

State of Kansas
County of Leavenworth
Signed or attested before me on 11-21-17 by _____

Tamara Pike
(Signature of Notary Public)



My commission expires: 5-09-2021 (Seal)

FOR OFFICE USE ONLY:	
Date of Publication	<u>12-19-17</u> Date of Hearing: <u>1-22-18</u>
<input checked="" type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input checked="" type="checkbox"/>	Current list of names and addresses of the owners and the tax identification number of all properties within 200'
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

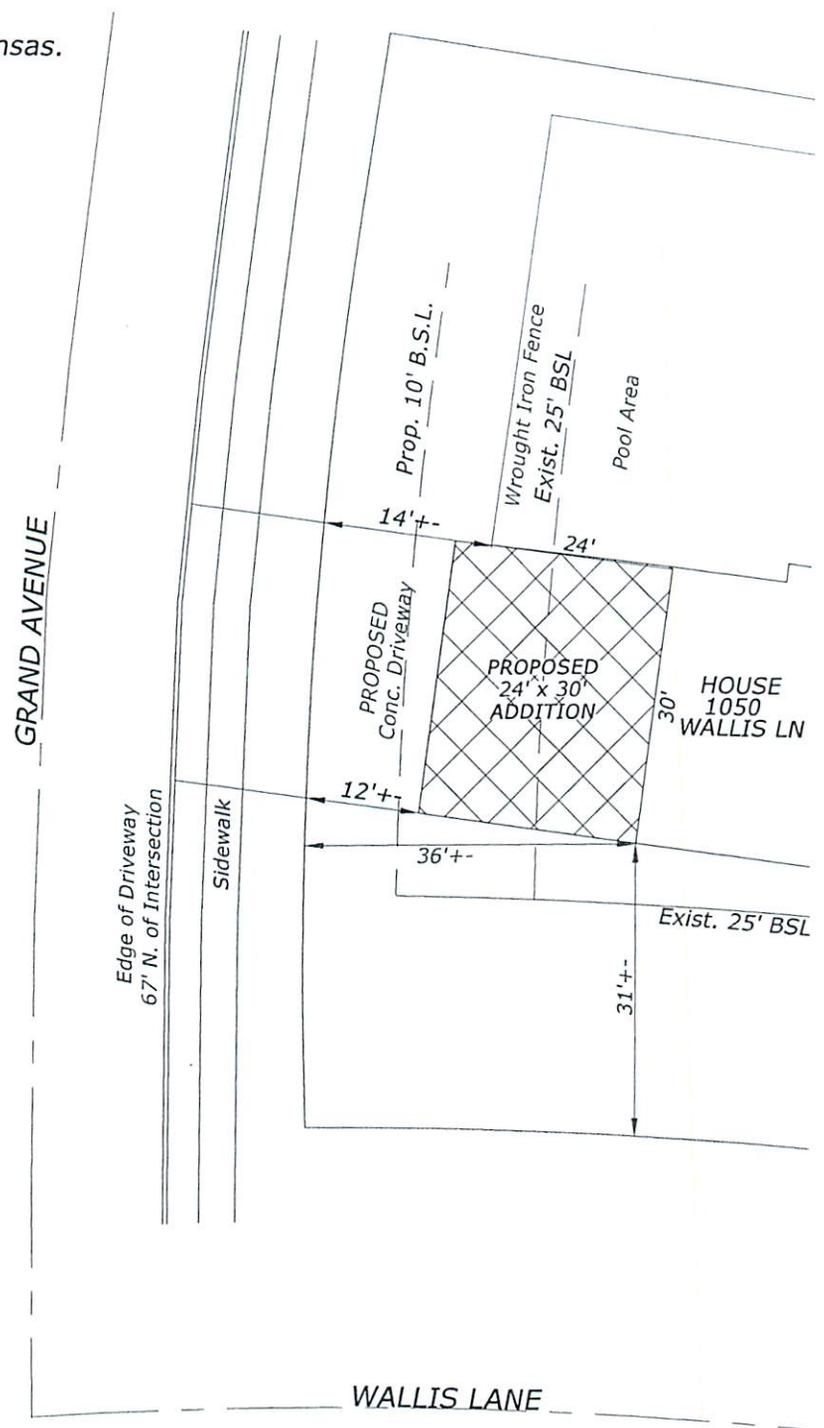
PROPOSED SITE PLAN

Lot 50, WELLING PARK II, City of
Leavenworth, Leavenworth County, Kansas.

PREPARED FOR:

Kyle Whelpley
1050 Wallis Lane
Leavenworth, KS 66048

10' setback



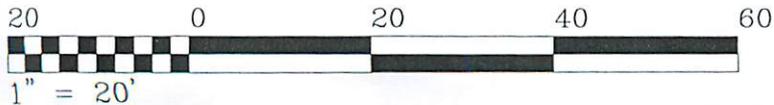
Scale 1" = 20'

K-17-1150

November 24, 2017

J. Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

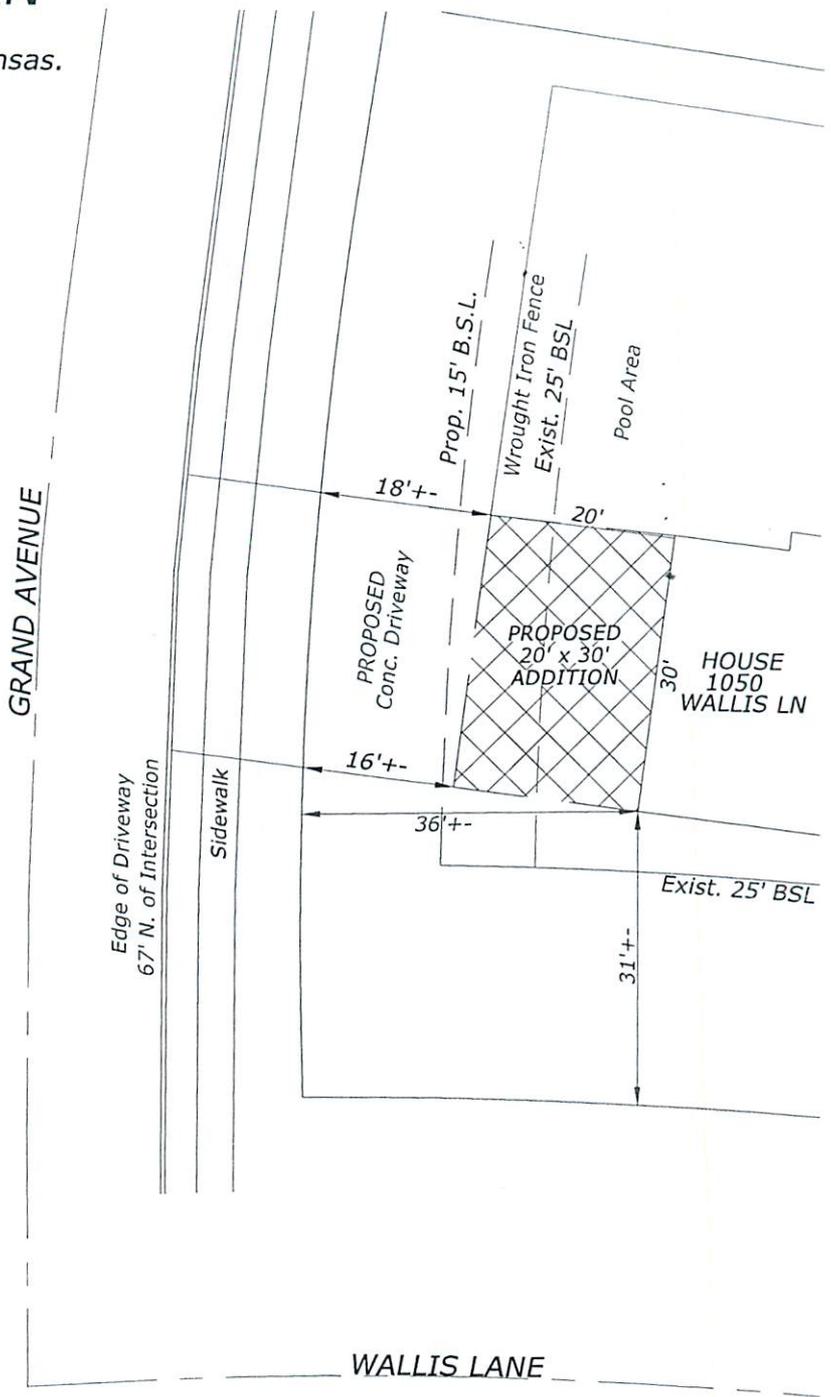
15' Setback

PROPOSED SITE PLAN

Lot 50, WELLING PARK II, City of
Leavenworth, Leavenworth County, Kansas.

PREPARED FOR:

Kyle Whelpley
1050 Wallis Lane
Leavenworth, KS 66048



Scale 1" = 20'

K-17-1150

November 24, 2017

J. Herring, Inc. (dba)
HERRING
 SURVEYING
 COMPANY

315 North 5th Street, Leav., KS 66048
 Ph. 913.651.3858 Fax 913.674.5381
 Email - survey@tearncash.com



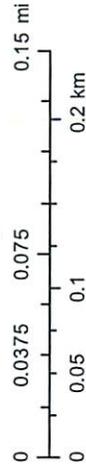
THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

2018-01-BZA



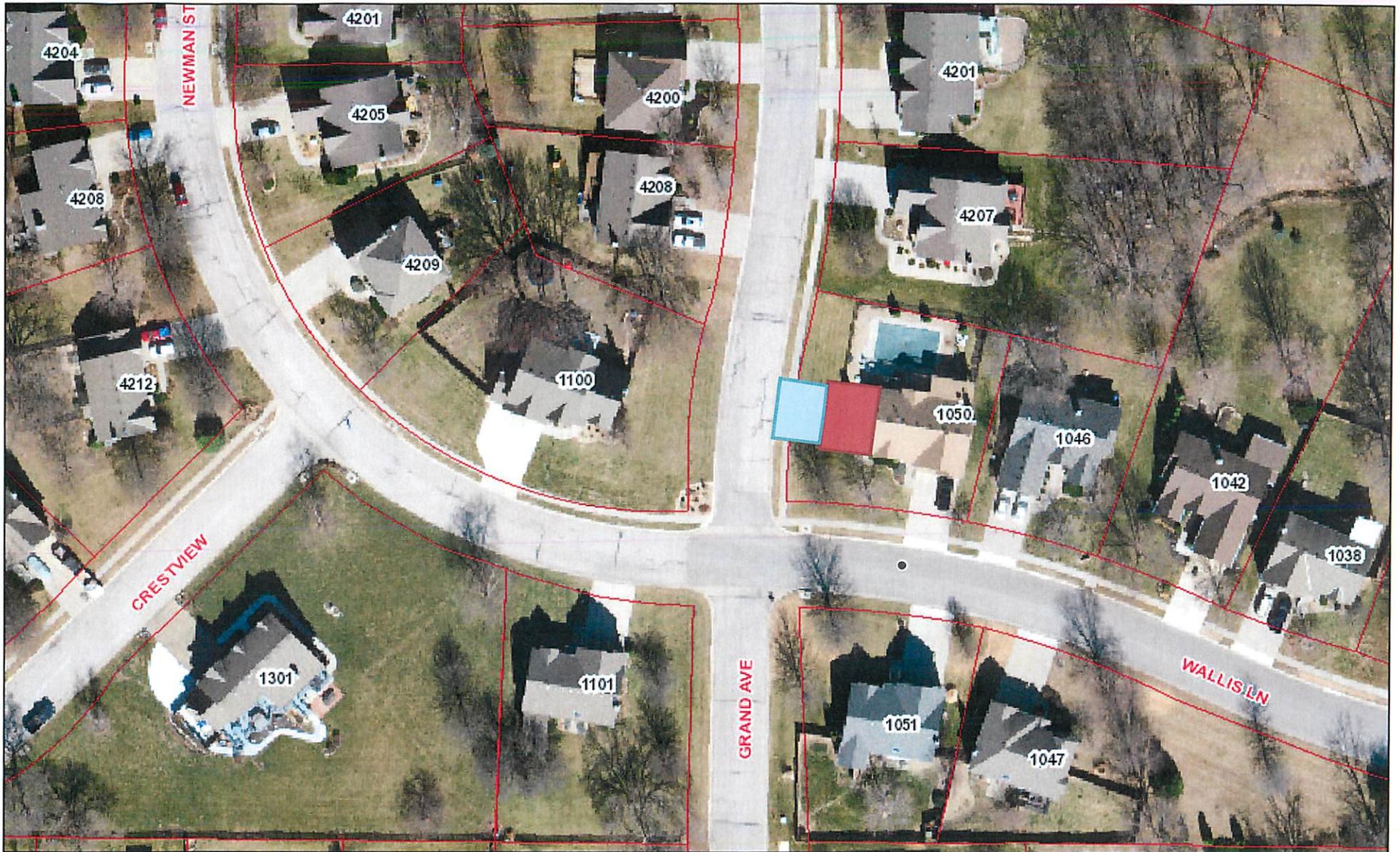
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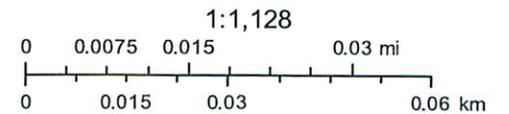


City of LV GIS, 2017
LV GIS Dept 09/23/2016
City of LV GIS
Dave Griffith, 2013
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the

Approximate location of proposed addition (red) and driveway (blue)



1/16/2018, 3:29:00 PM



City of LV GIS, 2017
LV GIS Dept 09/23/2016

Christopher M. Foster
1100 Wallis Lane
Leavenworth, KS 66048

December 8, 2017

Michelle Baragary
City of Leavenworth Planning and Zoning
100 N. 5th Street
Leavenworth, KS 66048

RE: 1050 Wallis Lane Addition

Dear Ms. Baragary,

I am writing this letter to approve the home addition immediately east of my property for owners Kyle and Ashley Whelpley of 1050 Wallis Lane. We've discussed the project plan with said owners and its effect on the current site lines in place at the corner of Wallis and Grand. My wife and I have no concerns that would warrant the addition to cease nor feel the project must stop. The request for a second driveway access point to Grand Avenue will not bring any repercussions to our current home, property, or living lifestyle. Finally, we believe the addition will add value to the Whelpleys' home and concurrently add value to our subdivision.

If you need anything further, please contact me at (913) 526-1884. You may also inquire or respond to the email utilized to deliver this letter.

Respectfully,

A handwritten signature in black ink, appearing to read "Christopher Foster", with a long horizontal line extending to the right.

Christopher M. Foster
Adjacent Home Owner

Michelle Baragary

From: Robert LaPreze <robertlapreze2@gmail.com>
Sent: Wednesday, December 13, 2017 7:28 AM
To: Michelle Baragary
Subject: Kyle Welpley Residential construction

Michele,

I am the homeowner at 4207 Grand Ave Leavenworth, KS 66048. I have no issue with Kyle's proposed addition to his residential structure adjacent to my home. Please feel free to contact me further if required.

V/R

Robert laPreze

Michelle Baragary

From: ebulldogs86 <ebulldogs86@gmail.com>
Sent: Thursday, December 21, 2017 5:46 PM
To: Michelle Baragary
Subject: Request for variance to Article 4.03 of the Department Regulations

To whom it may concern,

I recommend approval for the proposed construction (garage addition) for my neighbor, Kyle Whelpley, at 1050 Wallis Lane, Leavenworth, Kansas.

I have no issue with the proposed construction and I am pleased that Kyle has initiated all the requisite requests to ensure the proposed addition to his residence is properly designed, permitted, and within the appropriate codes.

Sincerely
Edward D. Jennings
1051 Wallis Lane
Leavenworth, KS
9132505087

Sent via the Samsung Galaxy S8, an AT&T 4G LTE smartphone

January 9, 2018

Leavenworth Board of Zoning Appeals
City of Leavenworth
100 North 5th Street
Leavenworth, KS 66048

On December 19, 2017, you issued a "Notice to Neighboring Property Owners" in response to a petition from Kyle Whelpley, 1050 Wallis Lane, Leavenworth. A copy of your notice is attached.

In that petition, Mr. Whelpley seeks a variance to Article 4, Section 4.03 of the Development Regulations in order to construct a second driveway and garage on his property. The proposed driveway and garage would face Grand Avenue north of Wallis Lane. His existing driveway and garage face Wallis Lane.

As a property owner within the 200-foot radius of the proposed action, I wish to formally inform you of my opposition to the variance petition. The reasons for my opposition are:

1. Safety - the proposed garage will further reduce visibility for drivers westbound on Wallis Lane (looking for traffic from their right) and southbound on Grand Avenue (watching for traffic from their left). That intersection is already somewhat hazardous due to sloping on Grand Avenue for vehicles traveling south on Grand to the stop sign. Many neighbors walk to and across that intersection to get their mail; some are physically challenged and would be unable to dodge hazards. Small children constantly cross the street there, on foot and on mini-ATVs, with no obvious adult supervision. This also potentially impacts residents on Grand Avenue (extended) to our south, who access their neighborhood via that intersection using Wallis Lane inbound and outbound. Finally, as Mr. Whelpley warned his neighbors on 8 January, very dangerous ice conditions occur at that intersection due to water drainage and freezing in cold weather.

2. Commercialism - the purpose for the new garage is almost certainly to house Mr. Whelpley's business van. I am concerned that the proposed modifications would contribute to the transition of our location from a residential neighborhood to a commercial neighborhood. If that were to happen, I would seriously consider whether I can better preserve my family's financial investment, peace and quiet by relocating now, before property values plummet. I have a family to support, too. I have no way to calculate whether the community as a whole would benefit or suffer, e.g., to the tax base, from such a neighborhood transition. So my decision would necessarily be based on my family's financial gain or loss, and not on any implied "threat" to the community.

Thank you for providing the opportunity to respond to this petition.

Sincerely,



JOHN M. HAMMELL

4201 Grand Avenue
Leavenworth, KS 66048-5576

Telephone (913) 682-7377

10 January 2018

City Planning Commission
ATTN Julie Hurley
100 North 5th Street
Leavenworth, KS 66048

RE: Lot 50, Wellington Park, Phase II, more commonly known as 1050 Wallis Lane, Leavenworth, KS

Dear Ms. Hurley:

We received the letter regarding a variance request from Mr. Kyle Whelpley giving us notice of a hearing to be held on 22 January 2018.

This is to inform you that we are not in favor of approving this variance. We believe that if approved, it will adversely affect the property values of the neighborhood in general. Once a garage is built on this property so close to the sidewalk, there will virtually be no yard left, and it will definitely reduce visibility for drivers from Grand Avenue to Wallis Lane. As it is, there are often small children playing in the street at that corner on Wallis Lane.

We originally moved to this neighborhood 23 years ago mainly because there was a homeowner association with covenants. We felt that our investment in our home would be more secure because of these and believe our covenants should be upheld unless there are very unusual circumstances involved. If there are very unusual circumstances involved, they were not outlined in the letter.

Thank you,


James & Ardith Bequette
1301 Crestview
Leavenworth, KS 66048

January 15, 2018

Leavenworth Board of Zoning Appeals
City of Leavenworth
100 North 5th Street
Leavenworth, KS 66048

Dear Leavenworth Zoning Appeals Board,

Just before Christmas 2017, we received a "Notice to Neighboring Property Owners" issued by the Zoning Board (dtd. 19 December 2017) in response to a petition from Kyle Whelpley, 1050 Wallis Lane, Leavenworth.

Mr. Whelpley is seeking a variance to Article 4, Section 4.03 of the Development Regulations in order to construct a second garage with driveway on his property. Access to this proposed additional garage would be off from Grand Avenue just north of Wallis Lane. Mr. Whelpley's current garage access and driveway are off Wallis Lane.

As property owners within the 200-foot radius of the proposed action, we wish to inform you in writing of our opposition to the variance petition for the following three reasons listed below.

1. Traffic and Pedestrian Safety – Visibility at the intersection of Wallis Lane and Grand Avenue will be significantly reduced even further by the construction of this proposed garage. The architectural firm that designed the layout of Wellington for the Reilly Group in the 1990s did an excellent aesthetic job in positioning all of the lots where homes were built. However, the execution of construction on the section of Grand Avenue that is in Wellington resulted in a slight slope where it intersects Wallis Lane on which ice can form during any run-off / melt conditions. Additionally, there has been an increase in speeding through our neighborhood in the past few years, some from permanent residents, but a larger share from renters, service provider vehicles, and neighborhoods that abut Wellington, but are not part of the Wellington Home Owners Association (HOA). The Wellington HOA Board of Directors (BOD) is working with the Leavenworth City Police department to address the speeding problem, but the issue remains that a structure built near that corner would serve as an additional impediment to visibility and would pose a safety problem for motorists and pedestrians alike.

2. Legal Covenant Gray Areas – We appreciate the timely contact by the Zoning Appeals Board in order to respond to this variance request. However, the 200 foot radius that the City of Leavenworth code apparently has as a standard for contacting homeowners, while fair and prudent for a majority of the situations in the city, might be subject to interpretation and not accurately representative for citizens in a Home Owners Association (HOA). The legal justification to form a HOA is reflected in State of Kansas law. HOAs exist because like-minded homeowners willingly join together and agree to follow a specific set of rules and guidelines in order to maintain a pleasant neighborhood and ensure favorable property values. Sections of the covenants of the Wellington HOA prohibit additions such as the one being petitioned for in this case, unless certain steps are followed. However, the Wellington HOA Board of Directors (BOD) cannot act detrimentally to Mr. Whelpley's petition in advance of his appearing before the BOD by informing all of his neighbors outside a 200 foot radius of his request, and the City of Leavenworth only requests public input within that same radius. Theoretically, you as the City Zoning Appeals Board, could grant Mr. Whelpley approval based on a limited input from his immediate neighbors, yet miss input from many more HOA neighbors who have a legal interest in the outcome of this variance petition. Attached are the Wellington HOA covenants that address this Catch-22 situation.

3. Failure to Comply in Good Faith w/ Previous Permits – (Pertinent documents attached) In September 2017, Mr. Whelpley applied for a permit to construct a porch on the front side of his house just off Wallis Lane. He submitted all of the appropriate documents and was approved by the city. He then appeared before the duly-elected Wellington HOA Board of Directors architectural committee for approval. The committee's purpose is to represent all of the Wellington homeowners in order to maintain the standards prescribed in our covenants. The architectural committee, based on Mr. Whelpley's paperwork that included drawings, a modified photo, and a description of the porch; approved his construction from a legally binding HOA standpoint. However, Mr. Whelpley did not construct his porch in the manner portrayed in his submission. The attached photo makes it appear that column supports will be flush with the decking, when in fact they are beneath the porch giving it a 'floating' appearance of which no other like porch exists within the Wellington HOA. Additionally, the porch is supposed to have a wrought iron (or aluminum) railing which is not present, and it is supposed to be painted to match the architecture of his home, again, which it is not. This does not set a good precedent for the approval of a permit variance for a much larger structure with even greater safety and potential legal ramifications.

Thank you for your community service on this board and the consideration of our position. We will be in attendance at the Zoning Board meeting considering this variance request on 22 January.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan & Melissa Boyce". The signature is written in a cursive style with a large initial "A" and "M".

Allan & Melissa Boyce

4107 Grand Avenue
Leavenworth, KS 66048-5575
Telephone (913) 651-2147

Charles R. Hill Jr.
Karen A. Hill
4116 Grand Ave
Leavenworth, Kansas 66048

January 18, 2018

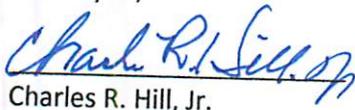
Julie Hurley
Secretary
Leavenworth City Planning Commission
100 N. 5th Street
Leavenworth, Kansas 66048

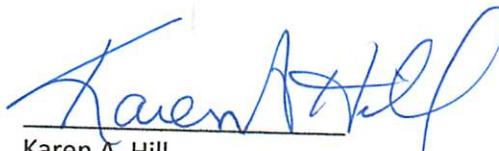
Re: Kyle Whelpley, seeking variance to Article 4, Section 4.03 of the Development Regulations and Wellington Park Regulations, per your letter dated December 19, 2017.

As property owners at 4116 Grand Ave., Leavenworth, Kansas, we oppose the approval of the variance being requested.

Our concerns being the safety of the home owners and children in Wellington Park and our property values. By approving this request, we would be setting a precedent for future requests that will not be in the best interest of the property owners.

Thank you,


Charles R. Hill, Jr.
4116 Grand Ave.
Leavenworth, Kansas 66048


Karen A. Hill
4116 Grand Ave.
Leavenworth, Kansas 66048

and improvements thereon for a period of time ending on the 31st day of December 2022; provided, however, that each of said restrictions shall be renewable in the manner herein set forth.

These covenants are to run with the land and shall be binding on all owners within this subdivision and their heirs and assigns and all persons claiming under them for a term of twenty (20) years from the date this declaration is recorded and shall be automatically continued thereafter for successive periods of twenty (20) years each, unless the owners of the fee title to the majority of said Lots shall be resolution at a special meeting at least two (2) years prior to said expiration called for that purpose upon mailed notice to all such owners, release, change or alter any or all of the said restrictions at the end of any such twenty (20) year period. The restrictions or protective covenants herein shall be kept by all persons owning, occupying or using said land and may be enforced by injunction, mandatory or otherwise.

If the party herewith, or any of its assigns, shall violate or attempt to violate any covenant herein, it shall be lawful for any other person or persons owning any real estate in Wellington Park to prosecute any proceedings of law or equity against the person or persons violating or attempting to violate any such covenant and either prevent him, her or it from so doing or to recover damages or other dues for such violation.

ARTICLE VII RESTRICTIONS

Section 1. No Lot in Wellington Park shall be used except for residential one-family residences. No building shall be erected, altered, placed or permitted to remain on any Lot, other than one detached single family dwelling not to exceed three (3) stories in height and an attached private garage for not less than two (2) cars.

Section 2. No Lot shall be in any way subdivided. No building, fence, wall or other structure shall be commenced, erected, placed, altered or maintained on any Lot, nor shall any exterior addition to or change or alteration therein be made, until construction plans and specifications and a plan showing the location of the structure have been submitted to and approved in writing by the Architectural Control Committee as to quality or workmanship and materials, harmony of external design with existing structures and landscape and as to location with respect to topography and finished grade elevation. Approval shall be as provided in Paragraphs 2(a) and 2(b) herein. In the event said committee or the Board of Directors fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

The Architectural Control Committee will be composed of the Board of Directors, then current, of the Association. In the event of death or resignation of any member of the

committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant.

It is expressly agreed that the Architectural Control Committee referred to in a) above shall have control over completed homes whose owners are members of the Association at or after the recording of this declaration; exclusive control of new homes to be constructed after the date of filing of this declaration shall be vested with the Board of Directors of the Association until such time as the owners therefore become subject to these declarations and homeowners' declarations, at which time said homes will then become subject to the Architectural Control Committee.

Section 3. No building shall be located nearer than twenty-five (25) feet to the existing street Lot line as shown in the recorded plat of Wellington Park.

Section 4. No building shall be located nearer than six (6) feet to any interior Lot line.

Section 5. For the purpose of this covenant, eaves, steps and open porches shall not be considered a part of a building; provided, however, that this shall not be construed to permit any portion of a building on a Lot to encroach upon another Lot.

Section 6. All constructed houses shall have external driveways consisting exclusively of properly constructed concrete surfaces. All Lots, regardless of house location thereon, shall be fully sodded; provided, however, no sodding shall be required where, in the opinion of the Architectural Control Committee, soil, lighting or topographical conditions would make sodding impractical or unreasonably expensive; and provided further that no duty to clear any tract of trees, bushes, shrubs or natural growths which are kept reasonably attractive shall be implied.

Section 7. All Lots are to be used for one family residence only and, in no case, can any Lot be used for the purpose of an ongoing business concern, including but not limited to any day school or nursery.

Section 8. The above Lots may be improved, used or occupied for private residence and no flat, duplex or apartment house, though intended for residential purposes, may be erected thereon.

Section 9. No residence shall be more than three stories in front, except that split-level construction shall be permitted.

Section 10. No trailer, basement, tent, shack, garage, barn or other outbuilding shall at any time be used as a residence, temporarily or permanently, nor shall any residence of temporary character be permitted.

Section 11. No dwelling or residence shall be occupied until fully completed, except for exterior painting and minor trim details, and such dwelling or residence must be fully



City of Leavenworth

100 N. 5th St.
Leavenworth, KS 66048
(913)684-0378

PERMIT NUMBER

3258

Issue Date: 09/19/2017

Permit Type: SINGLE FAMILY DECK/PORCH

Parcel Number	Street Address
1011103001001630	1050 WALLIS LANE
Zone Code	Jurisdiction
R16	LEAVENWORTH

Owner Information		Applicant Information	
Name: WHELPLEY, KYLE K & ASHLEY D Phone: 913-290-0506		Name: Phone:	
Contractor Information			
Name: WHELPLEY, KYLE K & ASHLEY D Address: 1050 WALLIS LANE Phone:		License Number: License Exp. Date: Insurance Exp. Date:	
Building Information			
Proposed Use: R-3 Construction Type: V-B Occupancy Group: RESIDENTIAL Estimated Cost of Construction: \$ 1,920		Finished Sq. Ft: 1,649 Unfinished Sq. Ft: Garage Sq. Ft: Number of Stories:	

Project Description: SINGLE FAMILY DECK/PORCH

Scope of Work:

CONSTRUCT 8'X16' UNCOVERED PORCH

I, the undersigned, hereby agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. Separate permits are required for electrical, plumbing, heating, ventilating or air conditioning. It is the responsibility of the owner/applicant to identify and abide by all easements, covenants and other regulations related to land use that may be affected by the construction work for which this permit is issued.

Signature of Owner/Contractor

Signature of Approving Official

Date: 09/19/2017

**ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.
ANY PERMIT ISSUED SHALL EXPIRE SIX (6) MONTHS AFTER ISSUANCE IF THE WORK IS DISCONTINUED.**

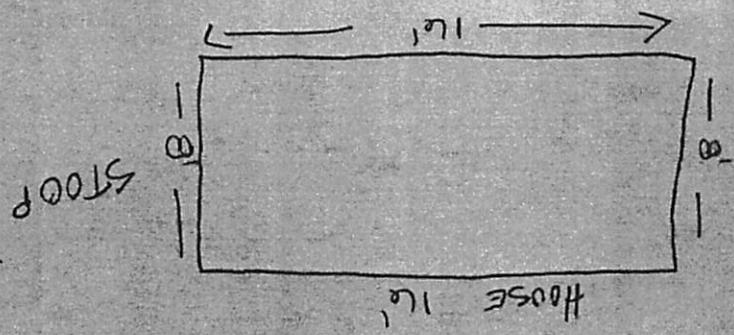
Application Number 2813

TOTAL FEES: \$ 69.00

S

WALLS LN

GREATER THAN 15' FROM RIGHT OF WAY/ASSESSMENT



M

E

N

GREY IN COLOR TO MATCH HOUSE
POSSIBLE GREY TREN FLOORING

Deck to be constructed of Cedar Pressure Treated Lumber from Home Depot
Deck to sit roughly 16" off the ground
Deck will span 8' off the house and 16' from stoop to the west end of the house

Header Board will be 2x10x16 and will be weatherproofed per city code
Joists will be 2x8x8 the tops of those will also be weatherproofed per city code
Front Facia board will be a 1x10x16 Grey Trex/Composite type board
Floor will be 5/4x16 also Grey in color Trex/Composite type board
Railing will be constructed per city code and will be aluminum rods similar to the existing rod iron hand rails, these will be black in color



PROTECTED BY
Protection 1
800.738.9111

WHELPLEY

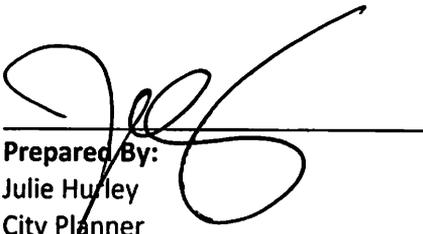
K9
byals

Porch at 1050 Wallis Lane – No Railing / Not Gray

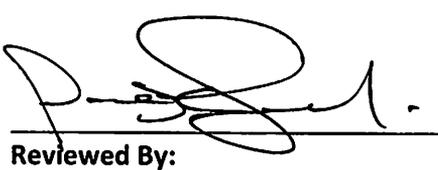


**Board of Zoning Appeals Agenda Item
Variance Request
2018-02-BZA
1000 Delaware**

JANUARY 22, 2018



Prepared By:
Julie Hurley
City Planner



Reviewed By:
Paul Kramer
City Manager

SUMMARY:

The applicant, Sharon Jones, is requesting a variance from section 4.03 of the adopted Development Regulations to allow a maximum lot coverage of over 50%, and from section 5.05B to allow a driveway separation of less than 50'.

DISCUSSION:

The subject property is a vacant lot at the northwest corner of 10th and Delaware Streets, with single-family residential structures to the north, west and south, and a City of Leavenworth fire station to the east. The property is zoned R1-6, High Density Single Family Residential district. The applicant intends to develop the property with a structure and associated parking for the Faith Mission Church. Churches are an allowed use within the R1-6 zoning district.

The R1-6 zoning district requires a maximum lot coverage (total impervious area) of 50%. The applicant is proposing a lot coverage of 59.9% in order to accommodate the building, required parking, and associated walkways.

Section 5.05B of the Development regulations requires that any driveway for a non-residential use be located a minimum of 50' from any other access driveway. Due to the nature and size of the lot, the only reasonable location for the parking area requires that the driveway be at the northern end of the lot, putting it a distance of 10' from the existing residential driveway on the property immediately adjacent to the north.

The Development Review Committee reviewed the proposal at their November 30, 2017 meeting. No other significant issues were identified.

Staff has received no contact from property owners within the required 200' notification area.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations

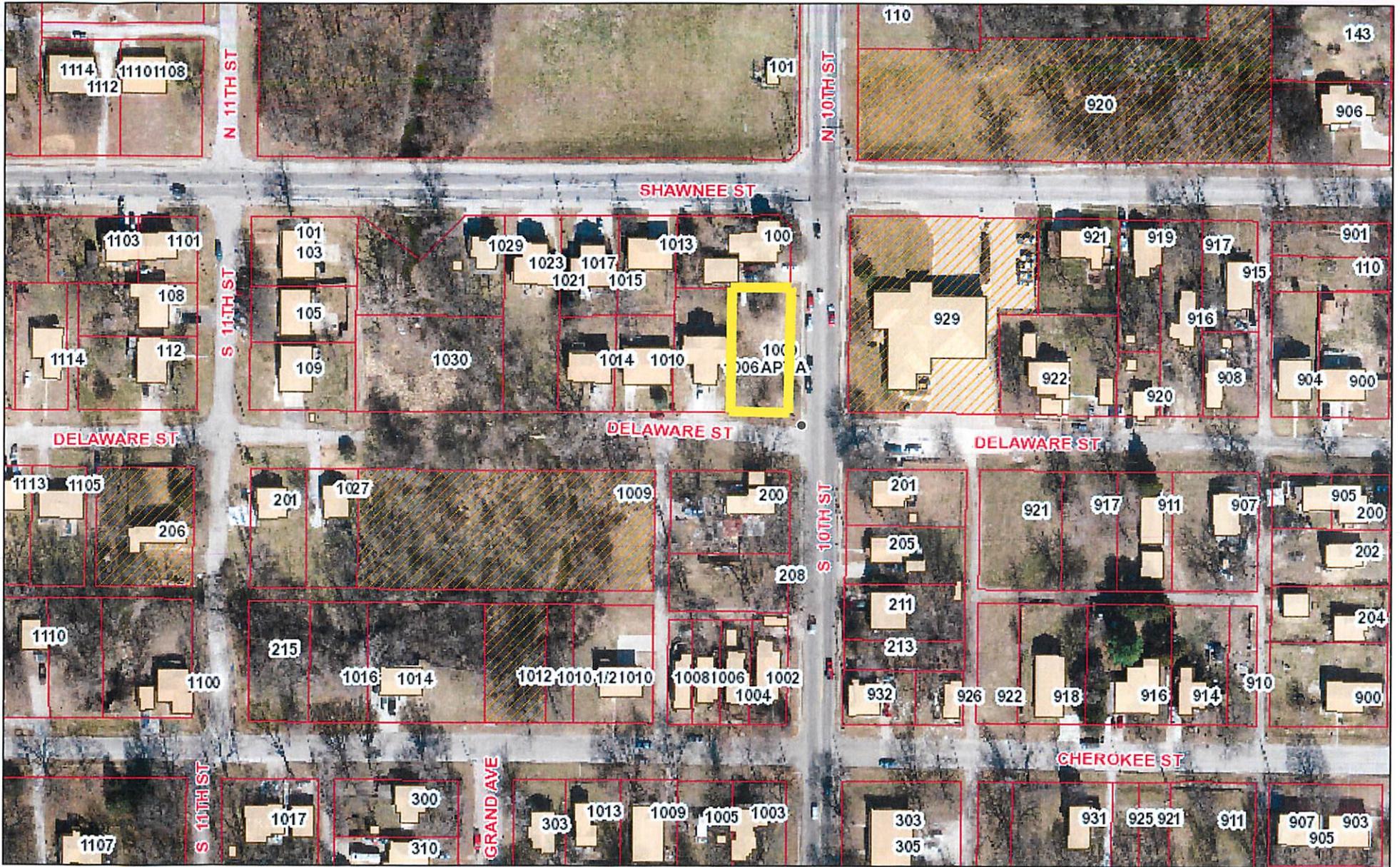
of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *That the variance requested arises from such condition which is unique to the property in question and 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 Development Regulations from which the 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, or general welfare;*
 - e) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

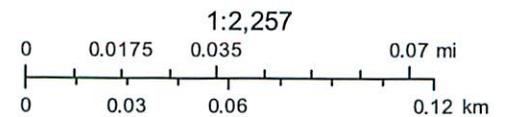
ACTION:

Approve or deny the request for a variance from section 4.03 of the Development Regulations to allow a maximum lot coverage of over 50%, and from section 5.05B to allow a driveway separation of less than 50' at 1000 Delaware Street.

2018-02-BZA

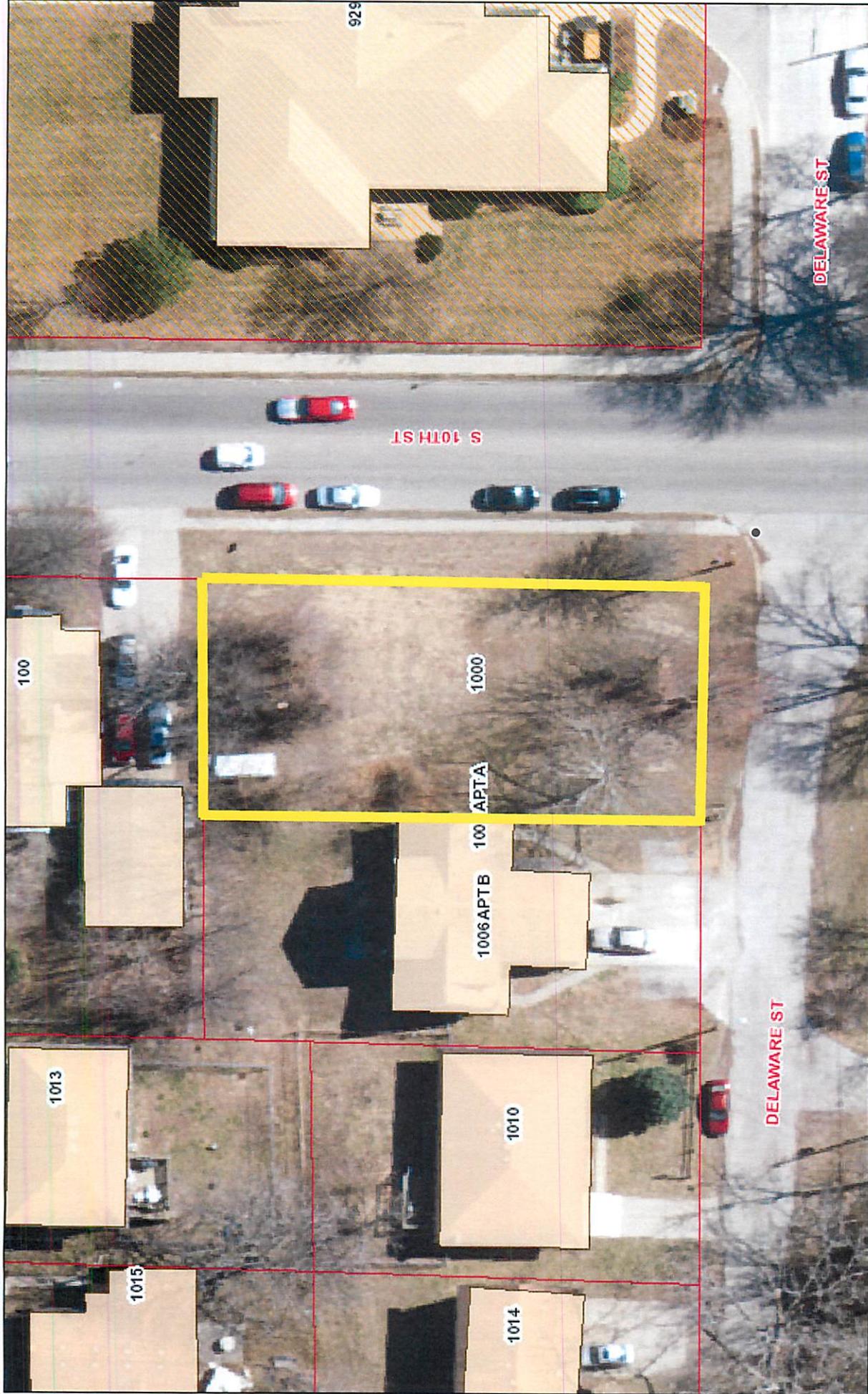


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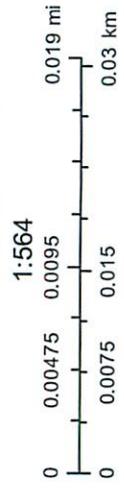


City of LV GIS, 2017
LV GIS Dept 09/23/2016

2018-02-BZA



1/16/2018, 4:25:18 PM



City of LV GIS, 2017
LV GIS Dept 09/23/2016



Case No. 2018-02 BZA

BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

Application No. 3279 3349
Fee (non-refundable) \$350.00
Filing Date 12/8/17
Fee Paid 12/8/17

Property Zoning R1-6

PETITION

Petitioner: Sharon Jones
(name typed or printed)

Petitioner Address: 100 S. 10th. St. Leavenworth, KS 66048

Email: sjones43@yahoo.com Telephone: (913) 240-9049

Location of Property Involved: Northwest corner of Delaware St. and S. 10th St. 1000 Delaware St.

Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE or a TITLE COMPANY)

Petitioner's Interest in Property: Property Owner

Purpose of Petition: 50' entrance drive separation requirement on S. 10th Street, 50% max. lot coverage
Variance to sections 4.03 and 5.05(B)

- Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance:
Section 11.03.B
- Exception:
Section 11.03.C

Site Plan or drawing attached: Yes No

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name: Sharon Jones

Signature: Sharon Jones (print name) Date: 12/07/2017

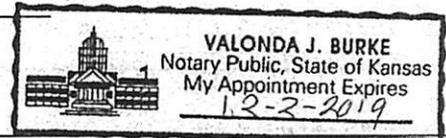
State of Kansas

County of Johnson

Signed or attested before me on 12.7.2017 by Sharon Jones

Valonda J. Burke
(Signature of Notary Public)

My commission expires: 12.2.2019 (Seal)



FOR OFFICE USE ONLY:	
Date of Publication	<u>12-19-17</u> Date of Hearing: <u>1-22-18</u>
Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data	
Current list of names and addresses of the owners and the tax identification number of all properties within 200'	
A filing fee of Three Hundred- fifty dollars (\$350)	

BHC RHODES

Civil Engineering ° Surveying ° Utilities

Board of Zoning Appeals
City of Leavenworth, Kansas
12/07/2017

To Whom It May Concern,

The attached documents are being submitted to the Board of Zoning Appeals to support an application for a variance to the City of Leavenworth Development Regulations. If you have any questions or comments, please do not hesitate to contact me.

Thank you,



Patrick Joyce, P.E.
Senior Project Engineer
785-550-8994

Board of Zoning Appeals
City of Leavenworth, Kansas
12/07/2017

To Whom It May Concern,

In reference to the Faith Mission Church Project at 10th St. and Delaware, the applicant would like to request a variance to Article 4.03 (Property Development Standards) Table 4-01: Zoning District Dimension Standards as outlined in the City of Leavenworth Development Regulations. The language of the regulations is as follows per Table 4-01. The requested variance is from a maximum lot coverage of 50% to 59.9%.

Zoning R1-6. Maximum Lot Coverage: 50%

a. The Board shall make a determination on each condition, and the finding shall be entered in the record.

-Noted.

b. That the variance requested arises from such condition which is unique to the property in question and 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;

The current lot area is 7800 SF (130' x 60'). The proposed coverage of the property includes a 1396 SF building and the minimum number of parking spots allowed by code. Considering the parking area inside the lot needed to serve the property use, there is no practical way of reducing the coverage area to 50%. The building footprint and the needed parking account for 52% lot coverage. The sidewalks that provide access from the parking lot to the building as well as access to the public sidewalk account for the rest of the lot coverage.

c. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

The proposed site plan does not affect the required setbacks on the lot adjacent to neighboring property owners. The site will be landscaped and maintained per city requirements. Storm drainage runoff rates and drainage patterns will be maintained in the proposed condition. Access to adjacent properties will not be impeded we do not believe granting of the permit would adversely affect the rights of adjacent property owners.

d. That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

The proposed building is 1396 SF and the minimum number of parking spots allowed by code including the drive aisle accounts for an additional 2660 SF. The combined building footprint and parking combine to 52% of the lot area without accounting for access sidewalks to the building. Reducing the size of the parking lot would not comply with development standards and would result in increased street parking. Reducing the building area would adversely affect the intended use of the property thereby creating a hardship on the property owner.

e. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

We do not believe that public health, safety, morals, order, convenience, prosperity or general welfare be adversely affected by granting the requested variance. The site will be tastefully landscaped and considering the extra green space on site outside of the property line the site will not appear to have an excess of cover. The development of an otherwise vacant lot is a positive for the neighborhood, improving the overall aesthetics.

f. That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.

The intent of the requirement is to maintain green and open space on lots and to not increase site rainfall runoff rates. The existing site rainfall runoff rate is maintained in the proposed site as is the current drainage pattern. The right of way off S. 10th St. is setback 20 ft. off the road. The additional green space between the property line and the existing sidewalk on S 10th St. and the green space between the property line and the edge of pavement on Delaware St. combine for an extra 2100 SF. If the site area was considered to extend to the sidewalk on S 10th St. the coverage on the site would be 47%.

The included drawing outlines the area on the proposed site plan pertaining to the requested variance. Please let me know if you have any questions or need any further information.

Thank you,

A handwritten signature in black ink, appearing to read "Patrick Joyce".

Patrick Joyce, P.E.

Board of Zoning Appeals
City of Leavenworth, Kansas
12/07/2017

To Whom It May Concern,

In reference to the Faith Mission Church Project at 10th St. and Delaware, the applicant would like to request a variance to Article 5.05 B. (Access Spacing) as outlined in the City of Leavenworth Development Regulations from a distance of 50 ft. to 10 ft. The language of the regulations is as follows:

Spacing. Unless no other practical alternative is available, all driveways and access points shall be spaced as follows:

1. Residential. 50 feet from a street intersection, 12 feet from another access driveway, and 2 feet from an interior property line.

2. Non-residential. 75 feet from a street intersection, 50 feet from another access driveway, and 10 feet from an interior property line.

a. The Board shall make a determination on each condition, and the finding shall be entered in the record.

-Noted.

b. That the variance requested arises from such condition which is unique to the property in question and 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;

The property in question is a narrow corner lot. The minimum setback requirements restrict the building footprint to the proposed location. Considering the building use, a minimum number of parking stalls of defined dimensions as well as a drive aisle are required. The location of the parking lot is proposed the minimum practical distance away from the building with the access drive positioned to be aligned with parking drive aisle.

c. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

In the current zoning district R1-6, the residential access drive spacing requirement is only 12 ft. Considering the use of the adjacent lots, we do not believe granting of the permit would adversely affect the rights of adjacent property owners. Access to adjacent properties will not be impeded and it should be noted that the applicant is also the owner of the property to the north and the access drive in conflict.

d. That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

The corner lot dimensions and minimum setback requirements create a confined area for which the building and parking lot to be placed. To meet the development standard the building size would have to be reduced to such an extent that it would not meet the requirement for the intended users which would create undue hardship on the owner of the property. We believe there is no other practical alternative for the placement of the access drive.

e. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

The requested separation distance of the access drives is very nearly the accepted distance for residential use. Considering the use of the property we do not believe that safety will be an issue nor will the health, morals, order, convenience, prosperity or general welfare be adversely affected. On the contrary, the development of an otherwise vacant lot is a positive for the neighborhood, improving the overall aesthetics.

f. That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.

Considering the current zoning and the proposed use of the property. The general intent of the development regulation to maintain safe distances for vehicular turning movements based on property usage will be maintained. The parking lot contains the minimum number of parking stalls allowed by the development regulations and should not be impacted by the expected limited use of the parking lot access drive.

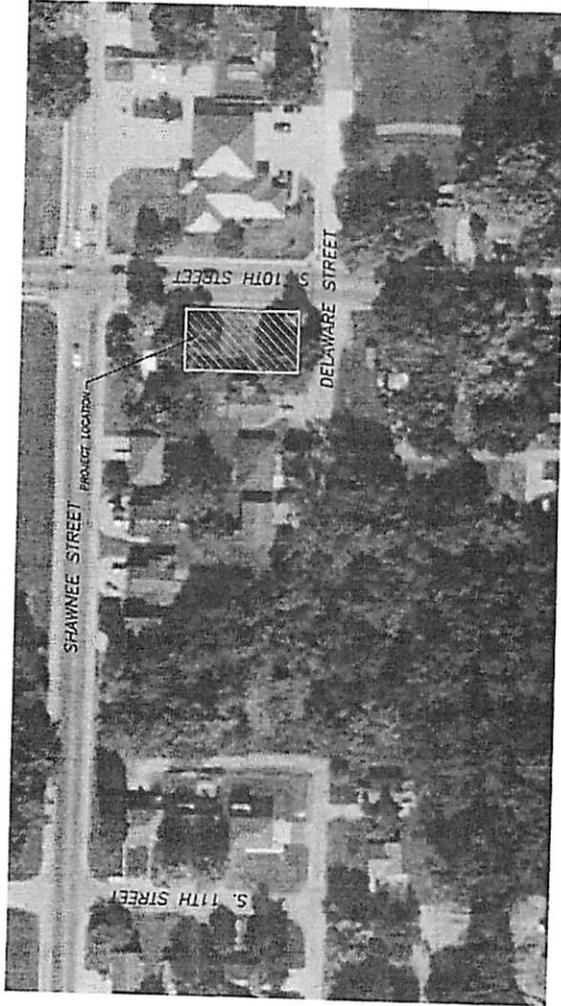
The included drawing outlines the area on the proposed site plan pertaining to the requested variance. Please let me know if you have any questions or need any further information.

Thank you,

A handwritten signature in black ink, appearing to read "Patrick Joyce".

Patrick Joyce, P.E.

FAITH MISSION CHURCH SITE CIVIL CONSTRUCTION PLANS LEAVENWORTH, KANSAS



SHEET INDEX

GENERAL	COVER SHEET
CVR	SITE AND DIMENSION PLAN
C1.0	UTILITY PLAN
C2.0	GRADING PLAN
C3.0	
C4.0	DRAINAGE MAP

PREPARED & SUBMITTED BY:
 BHC RHODES
 Overland Park, Kansas

APPROVED BY:
 Patrick Joyce, P.E. - Project Engineer
 Kansas P.E. No. 20352

APPROVED BY:
 Governing Body

Authorizing Position _____ Date _____

No.	Date	Revision

BHC RHODES
 Civil Engineering - Surveying - Utilities
 7101 Clapp Blvd., Suite 400
 Overland Park, Kansas 66210
 P (913) 661-1900 F (913) 661-1933
 www.bhcrhodes.com

Project: Faith Mission Church
 Leavenworth, KS

**FAITH MISSION CHURCH
COVER SHEET**

**S 10TH ST. AND DELAWARE ST.
LEAVENWORTH, KANSAS**

66048

CVR

ONE CALL
 1-800-ONE-CALL
 (1-800-344-7231)

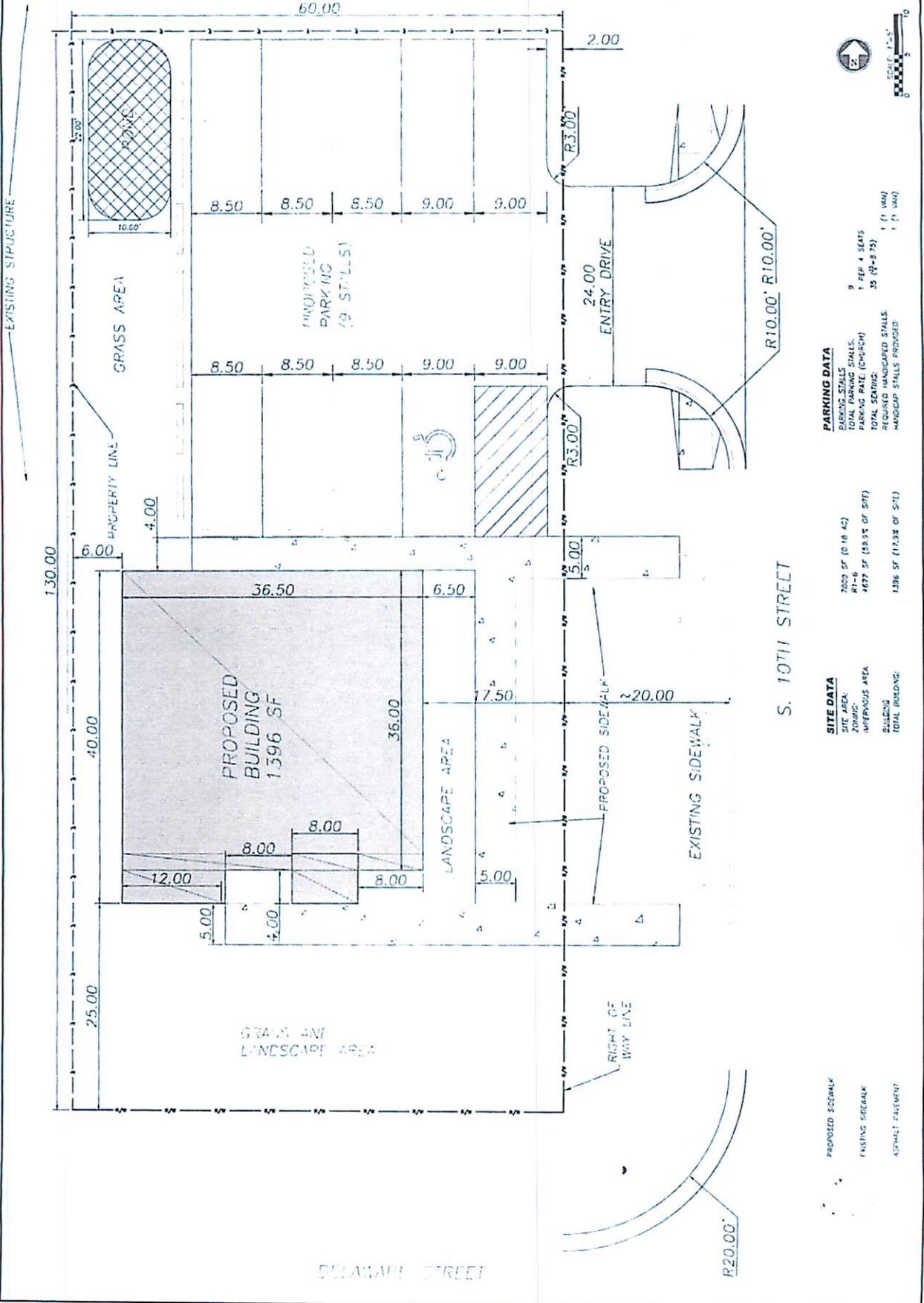
Rev	Date	Description	By	App

BTC RHODES
 Civil Engineering & Surveying
 7101 Clark Blvd. Suite 400
 Overland Park, Kansas 66203
 P: 913.241.1800 F: 913.241.1811

Architect
 Faith Mission Church
 Leavenworth, KS

**FAITH MISSION CHURCH
 PROPOSED SITE AND
 DIMENSION PLAN**
 S 10TH ST. AND DELAWARE ST.
 LEAVENWORTH, KANSAS
 66048

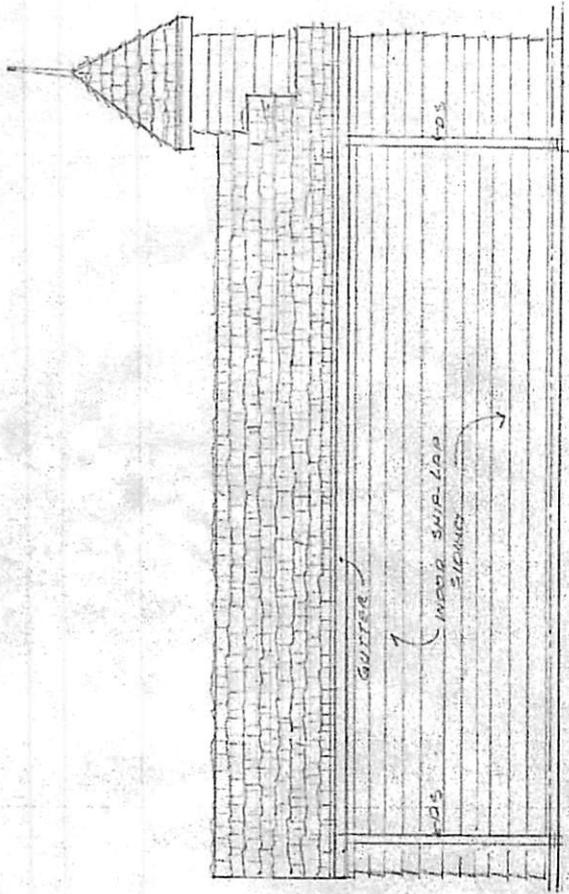
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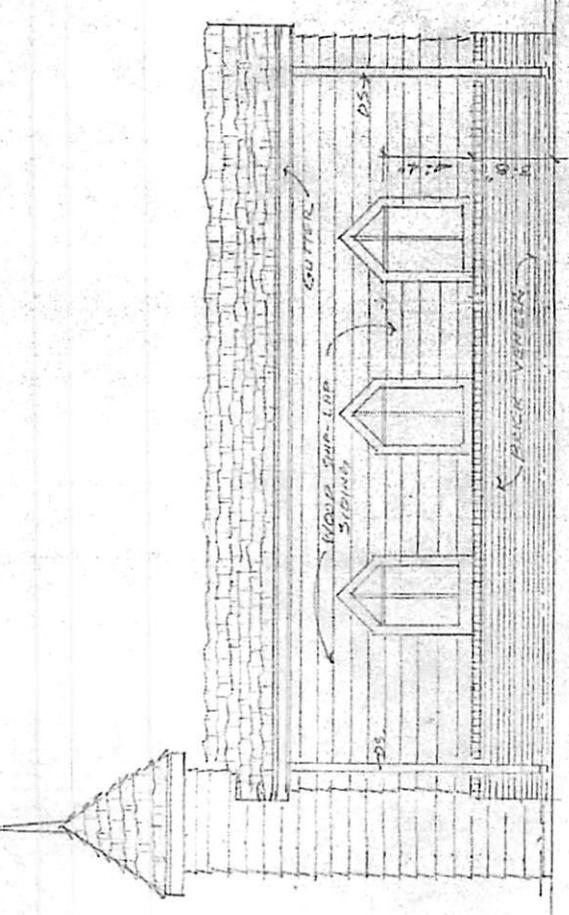
PARKING DATA
 PARKING STALLS: 9
 TOTAL PARKING STALLS: 9
 PARKING RATE (CHURCH): 1 PER 4 SEATS
 TOTAL SEATING: 35 (24-8-3)
 REQUIRED HANDICAPPED STALLS: 1 (1.0%)
 HANDICAPPED STALLS PROVIDED: 1 (1.1%)

SITE DATA
 SITE AREA: 7620 SF (0.18 AC)
 ZONING: RT-6
 IMPERVIOUS AREA: 4677 SF (59.9% OF SITE)
 BUILDING: 1396 SF (17.3% OF SITE)
 TOTAL BUILDING: 1396 SF (17.3% OF SITE)

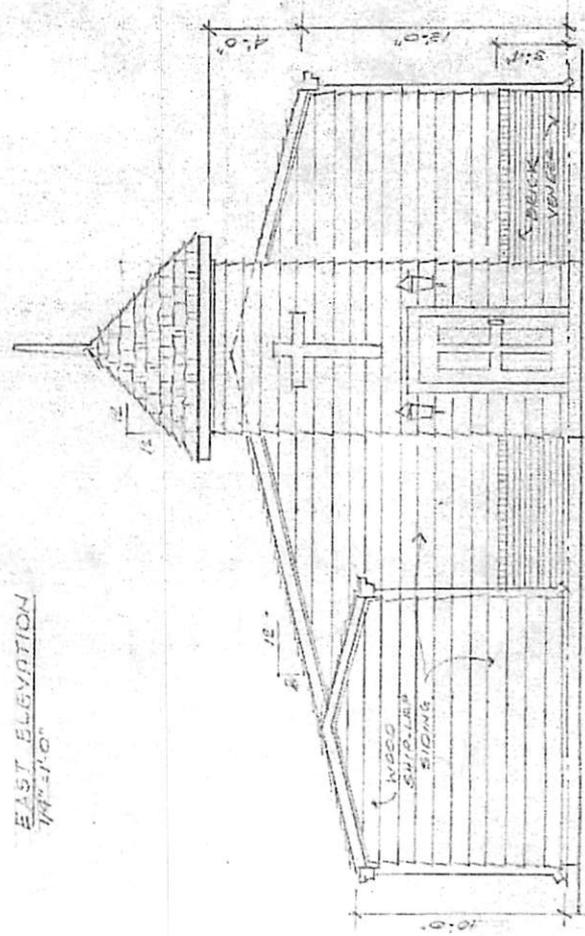
PROPOSED SIDEWALK
 EXISTING SIDEWALK
 ASPHALT PAVEMENT



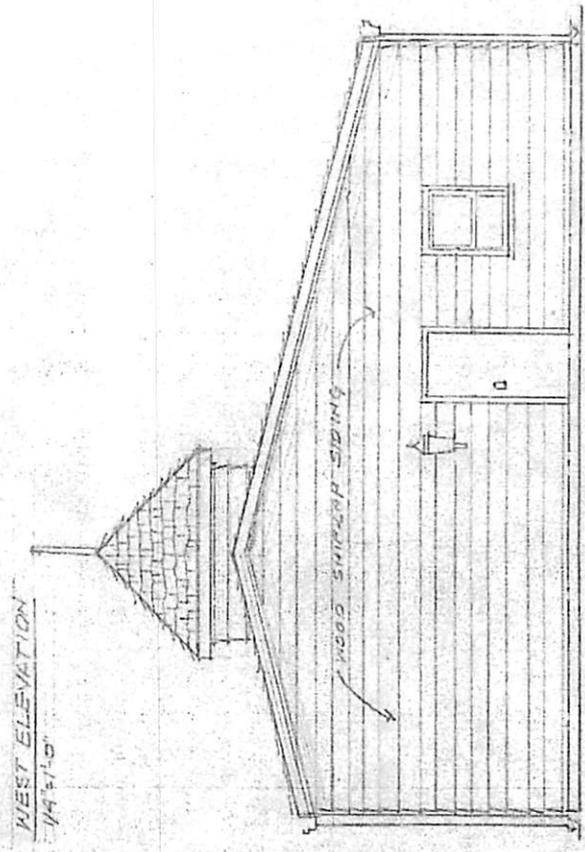
WEST ELEVATION
14'5 1/2"



EAST ELEVATION
14'5 1/2"



SOUTH ELEVATION
14'5 1/2"



NORTH ELEVATION
14'5 1/2"

40
 23
 ARCHITECTURAL
 H. W. B.
 1100
 CITY OF
 MISSOURI
 Nov. 2014



Development Review Committee Meeting Thursday, November 30, 2017

Committee members present: City Manager Paul Kramer, City Planner Julie Hurley, City Clerk, Carla Williamson, Public Works Director Mike McDonald, Deputy Public Works Director Mike Hooper, Chief of Police Pat Kitchens, Health/Safety Officer Mark DeMaranville and Administrative Assistant Michelle Baragary

AGENDA ITEM(S):

1. 1000 Delaware – Faith Mission Church – construction of building and parking lot

- Attendees: Sharon Jones (representative of Faith Mission Church), Patrick Joyce (engineer) and Trevor Klotz
- Raise site and building to force water to 10th Street
- Add notes on plans for water drainage
- On the plans, address how water quality/quantity is to be maintained. Have document signed by owner and submitted with the permit so that future owners/occupants of the site will understand their responsibilities
- Use APWA guidelines for storm water (on city website)
- Delaware Street: in lieu of a sidewalk there needs to be shoulder improvements. Adding approx. 30" of gravel on Delaware is suggested. This letter goes to the City Manager.
- Variance request through BZA:
 - Impervious area can only be 50% - the church will be at 60%
 - Non- residential drive must be at least 50' from another driveway (from edge to edge)
- Setback on 10th Street – according to the Development Regulations (Section 4.03(C), your allowed to consider the existing setback so they do not need to meet the required 25' setback
- Submit revised plans when applying for building permit
- Must use licensed contractors (this has been explained to Ron)
- Must maintain property while under construction
- Admin. Assistant to email BZA application to Sharon Jones
- See DRC minutes from April 13, 2017 (attached)

OTHER:

None

Meeting adjourned at 1:55 p.m.