

CITY OF DE SOTO
BOARD OF ZONING APPEALS
City Hall, 32905 West 84th Street
Monday, March 24, 2008, 7:00 P.M.

MINUTES

1. The meeting was called to order by Chairman of the Board, Bill Sedgwick.
2. Roll Call: Brazukas Present
 Sedgwick Present
 Winslow Present

City staff present: Patrick Reavey, City Attorney, and Mike Brungardt, City Engineer. The applicant, David Timmons, is present.

3. Agenda Items: Mr. Sedgwick outlined the events of the City's presentation for the requested application. Mr. Timmons is requesting to replace an existing shed in the established front yard of the residence. Engineer Brungardt reviewed the staff report dated March 19, 2008, and provided comments regarding the findings of this request. The proposed garage will measure 24'x32' and will be constructed to match the wood siding and cedar trim of the residence. Photographs and a site map of the area were included in staff's report.
 - A. Consider a variance to Section 3 of Article 5 of the Zoning Regulations stating that no accessory structure shall be erected in any required or established front yard. The variance is requested for a 1.94 acre parcel located at 8508 Waverly Road, De Soto.

Staff has reviewed the six criteria for this requested permit.

1. Uniqueness:

The property is topographically unique due to dense tree cover, steep slopes, narrowness, and drainage. There is ample area in front of the house to place a structure. The uniqueness criteria is met and staff is in favor of the request.

2. Adjacent Property:

No tangible adverse impact anticipated upon neighboring properties. Engineer Brungardt stated with the topography of this property, the house is set back quite a ways. The property is densely vegetated and trees provide effective screening. The criteria have been met and staff approves this criteria.

3. Hardship:

Staff stated a garage addition could be added to the home, but the applicant believes this would be more expensive and would create an ungainly structure

which could be more detrimental to the neighborhood than replacing the existing structure with a new garage. There may be an unnecessary hardship in the additional expense of building an addition onto the home as opposed to a separate structure.

4. Public Interest:

Staff has determined there is no perceived effect upon the public good.

5. Spirit and Intent:

Engineer Brungardt stated staff has looked at this area and discussed the intent of the regulation. This property is narrow and relatively deep and there is more room to be separated from the traveling public on the roadway. In this instance – where the ‘general spirit and intent’ is interpreted to be to protect property values and enhance the appearance of the community – the condition is adequately met with natural buffering of the site, the dense vegetative cover on all sides, and the high level of craftsmanship and design of the proposed building.

6. Minimum Variance:

Staff stated the proposed location may not be the “minimum” necessary for reasonable use. Discussion by board members and staff regarding the minimum setbacks for this property and the effect of the proposed new structure.

Mr. Timmons said there is a little bit of extra room to move back; however, he would like to save as many trees as possible. He could move back about ten (10) feet. Discussion by board members, staff and the applicant that six feet may be the limit due to the topography and vegetation.

Engineer Brungardt said the zoning of the property is R-1. The general underlying setback for R-1 is 35 feet from the front property line. He further discussed the setback regulations for a collector street.

Mr. Timmons said his intent is to keep the roof line as low as possible so that the building will not be clearly visible from the road.

Chairman Sedgwick explained the six criteria that will be discussed by the Board. Discussion by Mr. Brazukas and Mr. Timmons on the construction of the building and the flat slab that the garage will be erected on.

Mr. Winslow discussed the siding for the proposed building with Mr. Timmons. Mr. Timmons said he will use lap siding and rough cedar for the trim. The building will have a residential finish. There will be gutters and downspouts on the building. Mr. Winslow said he would encourage Mr. Timmons to move the building as far to the west as possible. Mr. Timmons said he agrees. Chairman Sedgwick asked if there would be any concerns for the sideyard requirements. Engineer Brungardt and Mr. Winslow discussed the sideyard setback.

Continued discussion by Mr. Winslow and Mr. Timmons regarding any lighting. Chairman Sedgwick discussed with Engineer Brungardt the front yard location for

the proposed structure. Mr. Winslow said he would like to condition the Minimum Variance to state the Mr. Timmons move the garage back to the west a maximum of six feet, as far as possible without getting into the tree area. Attorney Reavey stated the six feet requirement will need to be determined as this will be recorded with the Johnson County Recorder of Deeds. Discussion by staff and Mr. Timmons on the number of feet for the setback. Conclusion is six feet would be the minimum amount of setback.

Chairman Sedgwick called for the vote for each criteria:

1. Uniqueness: Brazukas Yes
Sedgwick Yes
Winslow Yes
2. Adjacent Property: Brazukas Yes
Sedgwick Yes
Winslow Yes
3. Hardship: Brazukas Yes
Sedgwick Yes
Winslow Yes
4. Public Interest: Brazukas Yes
Sedgwick Yes
Winslow Yes
5. Spirit and Intent: Brazukas Yes
Sedgwick Yes
Winslow Yes
6. Minimum Variance: This will be changed to six feet.

Brazukas: Yes
Sedgwick Yes
Winslow Yes

The Chairman and Board granted the requested variance for Mr. Timmons.

Motion by Winslow to adjourn at 7:39 p.m.; second by Brazukas.

All board members approved by "ayes".

Respectfully submitted:

Lana R. McPherson, MMC
City Clerk