

City of Leawood
Board of Zoning Appeals Agenda
June 26, 2013 – 5:30 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive

CALL TO ORDER:

ROLL CALL: Munson, Best, Dr. Peppes, Clawson, Hawk, Taylor, Robinett.

APPROVAL OF MINUTES: May 22, 2013.

OLD BUSINESS:

Case 18-2013 Rebecca & Mark Andrews/Owners **Exception**
Request for an exception to the prescribed fence height in accordance with the LDO, Section 16-4-9 in an R-1 District for property commonly known as 9427 Wenonga Road.

NEW BUSINESS:

Election of Officers – Continued to 7-24-2013

Case 22-2013 Dr. Paramjeet Sabharwal/Owner **Variance**
Request for a variance to the front build line in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 12000 Mission Road.

Case 23-2013 Matt Turk/Owner **Variance**
Request for a variance to the required side yard setback in accordance with the LDO, Section 16-2-5.3(D) in an R-1 District for property commonly known as 9911 Lee Boulevard.

Case 24-2013 Samuel Beckman/ACI Boland Architects; KCOI. **Variance**
Request for variance to the required rear yard setback in accordance with the LDO, Section 16-2-6.1(D) in an SD-O District for property commonly known as 3651 College Boulevard.

Case 25-2013 Harlaw Burkhead/Owner **Exception**
Request for a fence height exception in accordance with the LDO, Section 16-4-9.3 in an R-1 District for property commonly known as 7909 Sagamore Road.

Case 26-2013 Broc Hankins/Owner **Exception**
Request for a fence height exception in accordance with the LDO, Section 16-4-9.3 in an R-1 District for property commonly known as 8720 Fairway Street.

Case 27-2013 Mythili Kambhampati/Owner **Exception**
Request for a fence height exception in accordance with the LDO, Section 16-4-9.3 in an R-1 District for property commonly known as 2004 W. 86th Terrace.

Case 28-2013 ALH Home Renovations; Dan & Mary Schulte/Owners **Exception**
Request for an exception to the side yard setback in accordance with the LDO, Section 16-2-5.3(D) in an R-1 District for property commonly known as 8912 Mohawk Lane.

Case 29-2012 Donald & Kathleen Clement/Owners **Variance**
Request for a variance to the maximum noise level of a permanently installed generator in accordance with the LDO, Section 16-4-1.3 7)(g) in an R-1 District for property commonly known as 12609 Meadow Lane.

Adjourn

City of Leawood
Board of Zoning Appeals Staff Report

MEETING DATE: 06-26-2013
REPORT WRITTEN: 06-20-2013

Case 24-2013 3651 College Boulevard – Request for variance to the required rear yard setback in accordance with the LDO, Section 16-2-6.1(D) in an SD-O District.

APPLICANT:

- Samuel Beckman/ACI Boland Architects.
- Kansas City Orthopaedic Institute MOB/Owners.

REQUESTED ACTION:

- The applicants wish to construct an enclosure around a generator for sound reduction. The enclosure would be placed 28 feet from the rear property line resulting in a 12 foot encroachment.

EXISTING ZONING:

- The property is zoned SD-O with a 40 foot rear yard setback.

SITE PLAN:

- The property was developed in 1998 on a large 4 plus acre lot. It is home to the Kansas City Orthopaedic Institute and is required to have a generator. The noise produced by the generator exceeds the maximum limit allowed per the LDO.
- The residential area was developed in 2003 and noise complaints started due to the required testing periods of the generator.
- The site has ample vegetation that separates the residential properties but due to the placement of the generator the sound is being reflected off the back of the structure and directed toward the residential neighborhood.

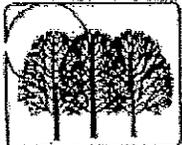
ANALYSIS:

- Staff has reviewed the application for variance to the rear yard setback in light of the five criteria outlined in KSA 12-759 and LDO 16-5-4.3 and offer the following comments:
 - a. **Uniqueness of Property:** Other than the structure being a Licensed Hospital there is nothing that makes the property unique.
 - b. **Rights of Adjacent Property Owners:** While several complaints have been made over the years due to the noise; no calls, complaints or emails have been received due to the variance request.
 - c. **Hardship:** If the LDO is enforced the structure would have to meet the required 40 foot setback.
 - d. **Public Safety and General Welfare:** Approval or denial of the request should not affect the public safety or general welfare.

- e. **Spirit and Intent:** The spirit and intent of the ordinance is to maintain a safe and aesthetically pleasing distance between commercial and residential structures. Approval of the request would place the structures 12 feet closer but could deflect the noise from the generator.

STAF COMMENTS:

- If the request is approved the plan will still have to go before the Planning Commission and Governing Body for an amended site plan and final approval.



City of Leawood

APPLICATION FOR BOARD OF ZONING APPEALS REQUEST FOR VARIANCE

Case No: 24-2013
Filing Fee: 150.00
Date Advertised: 6-4-13
Hearing Date: 6-26-13

Please read the application fully before completing. This application cannot be processed unless complete with all the required documents attached. If you need any assistance in completing the form, please call the Planning and Development Department at (913) 339-6700 x 160. Fax: (913) 339-6736.

APPLICANT INFORMATION

Applicant: Samuel Beckman/ACI Boland Architects Phone: 816-763-9600
Address: 1421 E. 104th St., Suite 100 KC MO 64131 Fax: 816-763-9757
Owner: Kansas City Orthopaedic Institute MOB LLC Phone: 913-253-1745
Address: 3651 College Blvd Fax: _____
Location of Property/Zoning: 3651 College Blvd
Legal Description: Tomahawk Creek Office Park, Fourth Plat, Lt 1, LWC 385C 2 1

PROPERTY INFORMATION

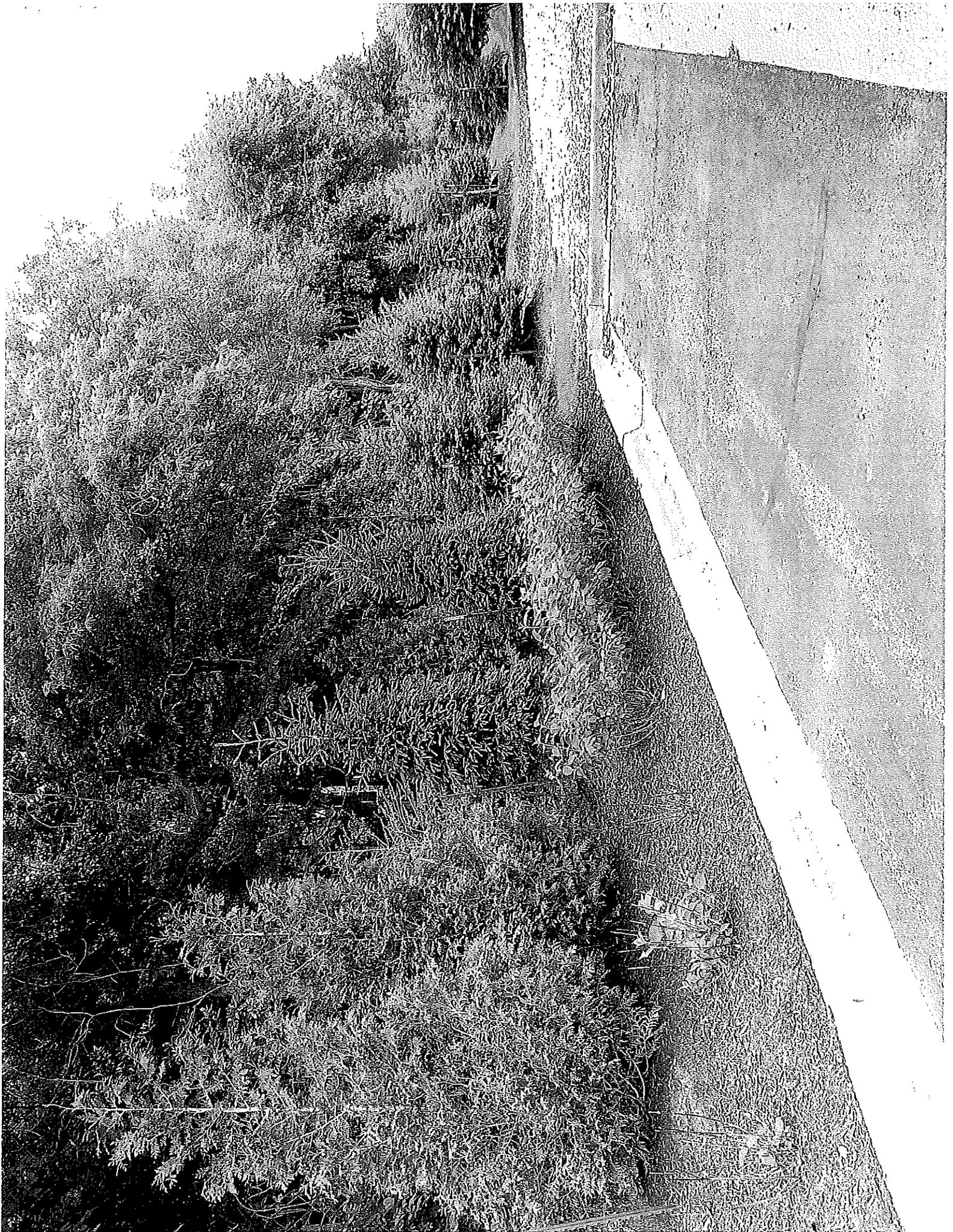
ADJACENT PROPERTY AND LAND USE:		ZONING:
North:	<u>College Blvd/Longview Forest Estates</u>	<u>Public Right of Way</u>
South:	<u>Tomahawk Creek Office Park</u>	<u>SD-0</u>
East:	<u>Commercial Building</u>	<u>SD-0</u>
West:	<u>Residential</u>	<u>RP-1</u>

Present Use of Property: Hospital + Medical Offices
Proposed Use of Property: Hospital + Medical Offices

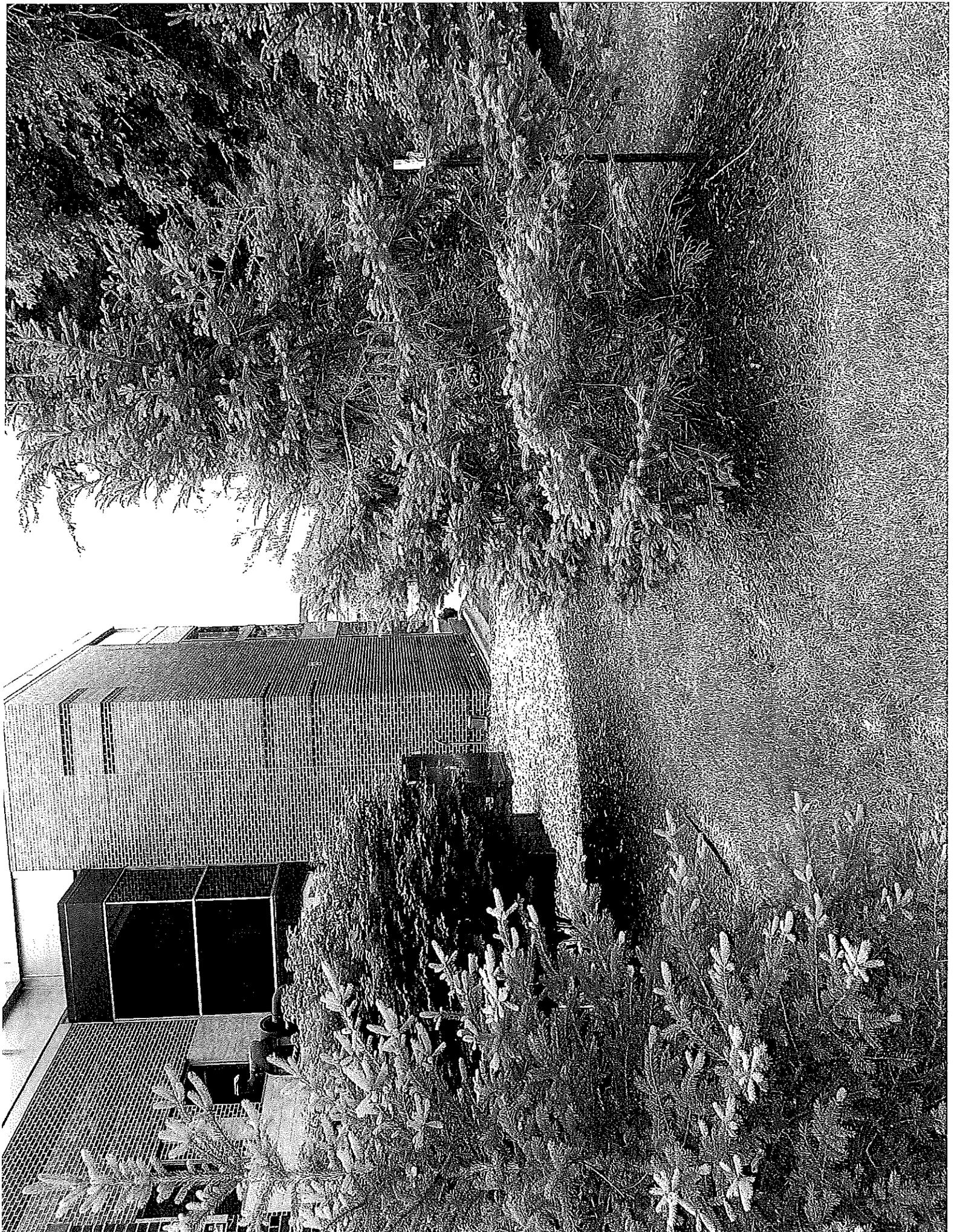
Specific Section of the Ordinance from which a Variance is being requested: 16-2-6.1 (D)
Variance to rear setback, Structures: 40': We are requesting a 12' setback variance to this requirement, ALLOWING CONSTRUCTION OF A GENERATOR SOUND ENCLOSURE 28' FROM THE WEST PROPERTY LINE.
Reason for Request: To install generator sound enclosure

Application Continues in the Back.....Please Turn Over

RECEIVED
MAY 22 2013
CITY OF LEAWOOD
PLANNING









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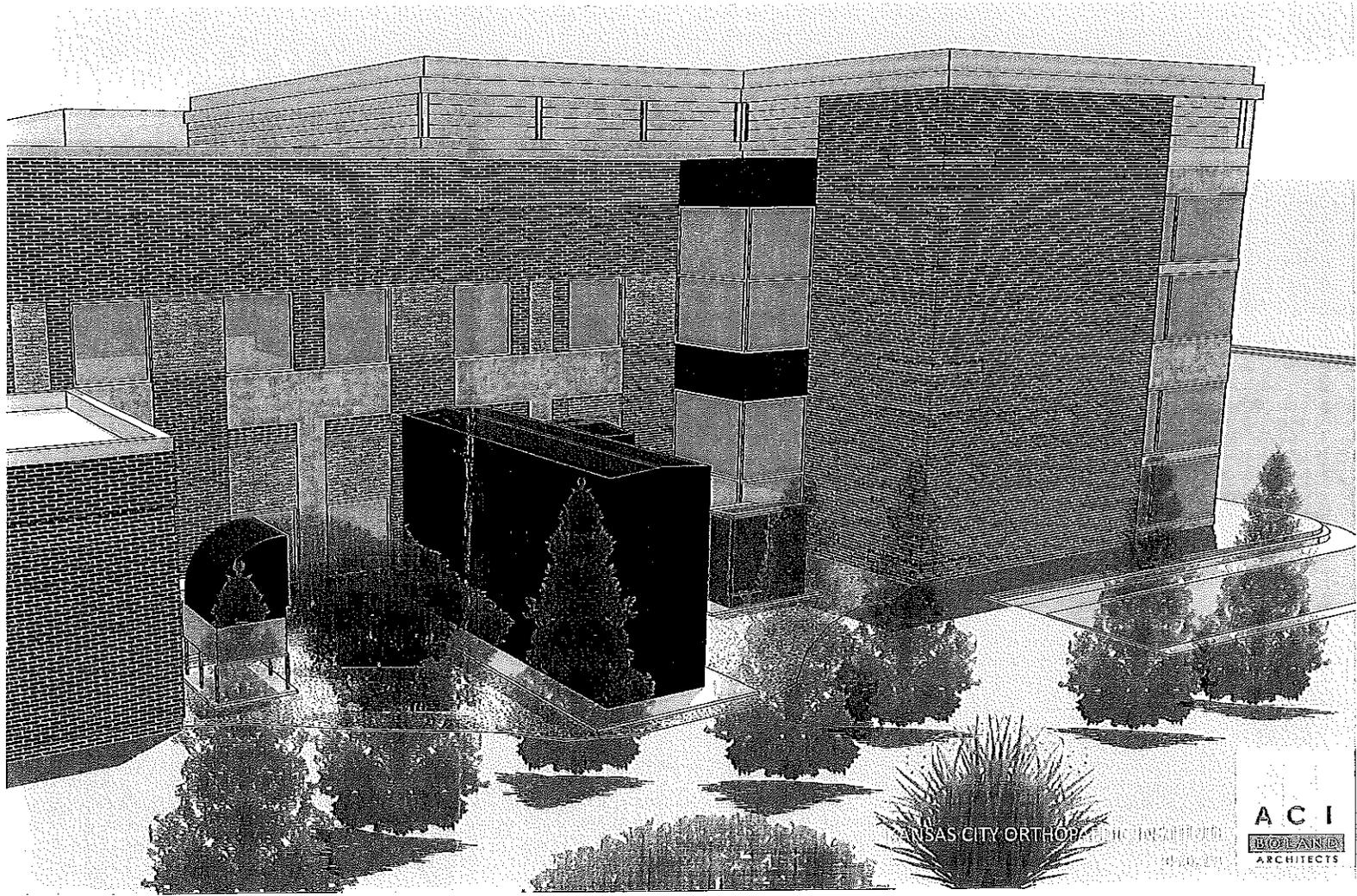
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KANSAS CITY ORTHOPEDIC HOSPITAL

ACI
HOLLAND
ARCHITECTS

C) **Accessory Uses:** Accessory Uses in this district are governed by 16-4-1 of this Ordinance.

D) **Bulk Regulations:**

<i>Requirement</i>	<i>Minimum Distance/Area</i>
Front Setback:	Structures: 40 feet plus 10 feet/story over 2 stories Surface Parking (Loading and Service Areas prohibited): 25 feet
Side Setback:	Structures: 40 feet Surface Parking, Loading, and Service Areas: 25 feet
Interior Property Line Setback:	Structures: 40 feet. Surface Parking, Loading, and Service Areas: 10 feet
Rear Setback:	Structures: 40 feet Surface Parking, Loading, and Service Areas: 25 feet
Building Setback from residential	Greater of 75 feet or applicable yard requirement from property zoned, used, or master-planned for residential use
Open Space	30% minimum
Minimum Acres	10 acres per development, provided however that an applicant may seek a deviation as set forth in Section 16-3-9 of the Leawood Development Ordinance
Floor Area Ratio	.25 maximum
Height Limit:	6 stories (maximum 90 feet)

E) **Performance Standards:** Section 16-2-9 sets forth the applicable performance standards. In addition, in the SD-O district, not more than 20% of the maximum building area shall be devoted to retail sales or use.

(Ord. 2365, 11-3-08)

16-2-6.2 SD-NCR (Planned Neighborhood Commercial Retail)

A) **General Purpose and Description:** Property zoned and developed, as SD-NCR Planned Neighborhood Retail shall provide for selected neighborhood retail business uses within the City. This district is limited to retail activities that are conducted wholly within the facility with noted exceptions. The intended purpose is to provide for neighborhood shopping