

CALL TO ORDER

Chairman Poss called the regular meeting of the Board of Zoning Appeals to order at 7:00 p.m. on Monday, January 8, 2024. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

ROLL CALL

COMMISSIONERS PRESENT

Chairman Chris Poss
Vice-Chairman Mike Burson
Commissioner Ben Harber
Commissioner Brenda Macke
Commissioner David Woolf
Commissioner John Handley
Commissioner Cara Wagner
Commissioner Curt Katterhenry

COMMISSIONERS ABSENT

Commissioner Don Horine

STAFF PRESENT

Scott McCullough, Director of Community Development
Stephanie Kisler, Planning Manager
Tim Collins, Engineering Construction Services Administrator
Andrew Diekemper, Assistant Chief – Fire Prevention
Steven Shrout, Assistant City Attorney II
Kim Portillo, Planner III
Dave Dalecky, Planner II
Logan Strasburger, Planner I
Will Sharp, Planning Intern
Gloria Lambert, Senior Administrative Assistant

APPROVAL OF MINUTES

The minutes of the November 6, 2023 meeting were presented for approval.

Chairman Poss entertained a motion to **APPROVE** the minutes as drafted. Moved by Commissioner Burson, seconded by Commissioner Katterhenry, and **APPROVED** by a majority voice vote.

REGULAR AGENDA

1. **Wheatley Point Lot 8 - Consideration of a variance from the rear yard setback requirement on property located at 24109 West 95th Street within the RP-2, Residential Planned (Intermediate Density) District. BZ24-01**

APPLICANT PRESENTATION

Dan Foster, Schlagel Engineering, presented on behalf of the applicant and provided the location and said that the lots back up to Prairie Star Parkway. Mr. Foster said that the final plan was previously approved, and they were now refining the plans because adjustments were needed on the rear yard setback to meet stormwater requirements. The applicant was also requesting a deviation because Staff discovered an issue with an encroachment of the covered deck. He noted that the landscaping surrounding Lots 8, 9, 10 and 11 had plenty of buffer and screening.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report and gave the site location and showed an aerial map of the property. Ms. Strasburger explained that the property was rezoned, a final plan was approved in December 2020, and the final plat was approved March 2021. The final structure was not identified at final plan and final plat stage, and it was not realized that the deck would be enclosed within the main roofline. She explained that because the deck is enclosed in the main roofline, it becomes part of the primary structure, and the primary structure is required to meet the 20-foot rear yard setback. She pointed out the six Variance Review Criteria to review the application. She stated Staff recommends approval of the variance request.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Handley, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

BOARD OF ZONING APPEALS DISCUSSION

Commissioner Katterhenry asked if 18.71 square feet is being too precise. Stephanie Kisler responded that when the hearing notice was advertised in the Legal Record it was noticed for 2-feet instead of the 18.71 feet. Ms. Kisler said Staff is comfortable with an approximately 2-foot variance.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a 2-foot variance from the rear yard setback requirement on property located at 24109 West 95th Street within the RP-2, Residential Planned (Intermediate Density) District.

Moved by Commissioner Burson, seconded by Commissioner Wagner, and carried by a unanimous voice vote.

2. Wheatley Point Lot 9 - Consideration of two variances from the rear yard setback requirement on property located at 24110 & 24112 West 95th Street within the RP-2, Residential Planned (Intermediate Density) District. BZ24-02

APPLICANT PRESENTATION

Dan Foster, Schlagel Engineering, stated that Lot 9 was a similar situation to Lot 8, a requested variance to avoid the easement and stormwater detention, but on both sides of the units. Mr. Foster said the applicant is requesting to encroach 4-feet within the rear yard setback.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report and stated that the applicant was requesting to encroach 4-feet into the rear yard setback. Ms. Strasburger displayed an aerial map of the location of both properties and explained that Lot 9 was west adjacent to Lot 8. She said the rezoning of the property was approved in December 2020 and the final plat was approved in March 2021. She displayed an image of both decks and stated that they were both encroaching 4-feet into the required setback. She talked about the Variance Review Criteria required to review the variance application. She stated Staff recommended approval of the variance request.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Burson, seconded by Commissioner Macke, and carried by a unanimous voice vote.

BOARD OF ZONING APPEALS DISCUSSION

Commissioner Horine suggested both decks request a setback amount that is rounded up as the previous application was. Chairman Poss agreed and said the west desk can be rounded to 4.5 and the east deck, 4.25.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a 4.5-foot and a 4.25- foot variance from the rear yard setback requirement on property located at 24110 & 24112 West 95th Street within the RP-2, Residential Planned (Intermediate Density) District.

Moved by Commissioner Harber, seconded by Commissioner Woolf and carried by a unanimous voice vote.

ADJOURNMENT

Chairman Poss ended the regular meeting of the Lenexa Board of Zoning Appeals at 7:16 p.m. on Monday, January 8, 2024.