

**City of Leawood  
Board of Zoning Appeals Minutes  
May 22, 2019 – 5:30 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211**

**CALL TO ORDER/ROLL CALL:**

Chairman Clawson: I'd like to call to order the May 22, 2019 Board of Zoning Appeals Meeting. Could I have roll call, please?

**MEMBERS PRESENT:** Munson, Dr. Peppes, Clawson, Hawk, and Bussing

**MEMBERS ABSENT:** Dunn and Farrington

**STAFF PRESENT:** Thompson, Knight

**APPROVAL OF MINUTES:** Approval of the minutes from the April 24, 2019 Board of Zoning Appeals meeting

**A motion to approve the minutes from the Board of Zoning April 24, 2019 Board of Zoning Appeals meeting was made by Hawk; seconded by Munson. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: We have one case tonight in Old Business that has been withdrawn.

Mr. Thompson: Yes, sir.

**OLD BUSINESS:** Case 09-2019 Philip Jobe & Joe Woods; Crimson Homes/Owner - \*CONTINUED\*\* Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 9646 Belinder Road - **WITHDRAWN**

**NEW BUSINESS:**

Case 21-2019 Kirk Wulff Building LLC/Owner - Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 8900 Mohawk Lane.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The applicant would like to enclose the rear yard with a 6' tall privacy fence. The applicant feels the fence is needed to get the home to sell, due to the condition of the home to the rear.

Chairman Clawson: Are there any questions for staff?

Mr. Munson: Are you talking about the rear of this home or the home behind this home?

Mr. Thompson: The home directly behind this home.

Mr. Hawk: It would be the home on the corner, wouldn't it?

Mr. Thompson: Yes, they're both on a corner.

Mr. Hawk: Does staff have a feeling if this is something we normally would address?

Mr. Thompson: We did send code enforcement by to see if there was anything that they could find to send notice on. The only thing they could find was a ladder stored on the outside. The paint looks good, and everything else looks good from the city's perspective.

Chairman Clawson: Is the applicant here?

**Applicant Presentation:**

Kirk Wulff, 8837 Linden Drive, Prairie Village, KS, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Wulff: I am the builder of this project. Conditions have changed since the application. I have a contract on this house. I'm so happy about that because it's been on the market for a year. This is all about privacy, primarily from 89<sup>th</sup> Street. As a part of the real estate contract, I offered to put in a new fence to replace the existing chain-link fence. The buyers would appreciate some privacy from 89<sup>th</sup> Street. The old fence was set back 30 feet from 89<sup>th</sup> Street. The new fence that I'm proposing will be set back approximately 50 feet from 89<sup>th</sup> Street so as not to be in the face of those driving by and also to provide privacy for a future hot tub on the deck because it is a bit elevated. We'll do whatever we need to do based on your approval or not. They would appreciate a 6' fence. It is as much about that hot tub as it is about anything. We close on June 21<sup>st</sup>, so that's my deadline for getting a fence in, whether it's a 4' fence or a 6' fence. What I don't want to do is put in a 4' fence and then find out that the hot tub could require a 6' fence.

Mr. Thompson: They don't need a 6' fence; they could have a 4' fence. They can enclose the rear back yard with a 4' fence and put the 6' fence within 3 feet of the patio with a hot tub.

Chairman Clawson: Your application is for a 6' fence in the location shown in our packet.

Mr. Thompson: Yes, sir.

Mr. Wulff: Any other questions for me?

Dr. Peppes: You said the fence is all within the setbacks?

Mr. Wulff: Yes.

Mr. Hawk: There isn't much depth in the back of the yard from the hot tub to the existing fence.

Mr. Wulff: You are correct. We've built the home based on the required setbacks, but because of some existing cedar trees, it appears that there is less room in the back yard than there actually is. My back-door neighbor is here to support either the 6' fence or the 4' fence.

Mr. Munson: It appears that there is landscaping along that line where they're going to put the fence. Is this fence going to affect the landscaping?

Mr. Wulff: It will not. That landscaping will stay. We will obviously have to access the property from the back-door neighbor's house to get the fence in, but I don't think that will be a problem based on what we've discussed.

Chairman Clawson: Other questions for the applicant? Thank you. Is there anyone here who wishes to speak for or against this application?

William Copeland, 8901 Mohawk Road, Leawood, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Copeland: I'm right behind that house. I support a high fence. Right now, my security cameras look right into where they want the pool. That will definitely block them because all the cameras are on my eaves. That is fine with me. Right now, that storm fence is my fence, but from previous owners way back, they wanted the fence to be on their property because we used to have evergreens along there. They preferred to have access to trim them. She didn't have any problem putting a storm fence there; plus, they had a dog. It was totally all fenced in with the storm fence. Over time, the dog passed away, and I took a lot of the fencing down. The next owners of the house asked me to leave that storm fence because they had a dog, and they just had to run two fences to the house to enclose it. It's been there ever since. Really, the storm fence is on his property. When they put the new one in, I'd definitely like them to change that and put it on the property line because I no longer had the trees there. That would be just fine with me.

Mr. Munson: What is a storm fence?

Mr. Copeland: The chain-link fence.

Mr. Wulff: It has about a 1' high piece of plexiglass along the bottom because of the drainage from the south end of Mohawk Lane and Mohawk Road. There's quite a bit of

water that flows between the two properties, so at the bottom of the fence, it's got about a 1' high piece of plexiglass to control some of the stormwater.

Chairman Clawson: The fence will be on the back property line?

Mr. Wulff: Yes.

Chairman Clawson: Other questions of the applicant or his neighbor? Thank you. Do we have a motion?

**A motion to approve Case 21-2019 Kirk Wulff Building LLC/Owner - Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 8900 Mohawk Lane – was made by Dr. Peppes; seconded by Hawk. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Case 22-2019 Larson Building Company/Owner - Request for a Variance to the Landscaping Requirements in accordance with the LDO, Section 16-4-7.3 in a BP District for property commonly known as 10346 State Line Road.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The applicant is asking for relief from the landscaping requirements for this commercial property. The Leawood Development Ordinance (LDO) prescribes the number of trees, shrubs, and other plantings on all commercial property.

Chairman Clawson: Do they base the landscaping requirements on the amount of area of the property?

Mr. Thompson: Yes, and you can see from the pictures they have very little green space in which to plant all of that.

Mr. Munson: Does the picture we have show what is proposed by requirements or what?

Mr. Thompson: That is the proposal from the applicant. That is what they want to build and what they got the bid to place.

Chairman Clawson: I take it that is less than what would be prescribed by the ordinance.

Mr. Thompson: Yes, sir.

Mr. Hawk: How much less?

Mr. Thompson: It is a considerable amount.

Chairman Clawson: The bid was included in the packet?

Mr. Thompson: Correct, and this picture (*displays on monitor*) is what the city wanted them to install.

Mr. Munson: Is this the property that was previously a chiropractor? Okay.

Chairman Clawson: What is required by the LDO is pretty crowded.

Mr. Thompson: Yes, sir.

Chairman Clawson: Any other questions for staff? Is the applicant here?

**Applicant Presentation:**

Lance Larson, Larson Building Company, 10346 State Line Road, Leawood, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Larson: Ultimately, you are probably familiar with this property. It was formerly the chiropractic and dentist office. We went through a substantial renovation bringing it up to code, making it essentially a flood-proof building. We endured a lot of cost, time, energy, and effort doing that. We wanted to do it right. Since we've had four flooding events in the area in the past 24 months and we narrowly escaped two more last week, we would rather not put \$60,000 of landscaping in. We'd much rather prefer putting in \$20,000 worth of landscaping, which is still a significant amount of landscaping. If you look at the proposed amount from the city, you'll see it is an amazing amount of landscaping. I think it's because of the continuous frontage. Any other building in that area has very little frontage. All the others have postage-stamp frontage, but ours turns the corner and runs the length of that road. As a result, it has become significant. I think it's a rare, unique case, and we'd love to have you consider allowing us to put in a lesser landscaping package, which is still a significant amount. We're not trying to put in simply grasses and a bush or two; we're putting in 100 plants versus 300.

Mr. Hawk: The applicant has talked about considerably less landscaping. Is there any possibility that we could make it less than considerably less?

Mr. Thompson: They tried doing that going through the Planning Department, and Richard gave them as much relief as he administratively could. It's totally up to you what you want to do as far as what you want to approve.

Mr. Bussing: I know this area well, and it's prone to flooding. Will the landscaping be safe? Are you planning on planting landscaping that is flood resistant if there is such a thing?

Mr. Larson: It will be tolerant. There is no landscaping that will survive significant floods like we have. My concern is we put in this significant amount of landscaping either way. It was 18 inches from the top yesterday, and we experienced water 3 feet up

on our walls in 2017. That is our concern. With fast-moving, heavy water with debris, it's going to haul it all out of there or damage it to the point where it won't live. We're trying to minimize that liability, which we believe is a significant liability. This is a flood zone. It's known well enough that KCTV5 goes and checks it out every time significant rains occur. Ours is the second or third location. When I bought the building, it hadn't flooded in more than 15 years. The year I bought it, it flooded twice, and it almost flooded twice in the last two weeks. Maybe we're in a cycle.

Chairman Clawson: This is a variance, so we have to look at the five factors. Uniqueness of the Property is the first one. Could you speak to that?

Mr. Larson: A unique aspect of the property would be that it is in a flood zone. It has a history of flooding. Another unique aspect is that it is a continuous frontage along a continuous frontage which is also in a flood zone, so I think those two factors are things that make it extremely rare. Probably less than one in 100 of all commercial properties in Leawood had this situation.

Chairman Clawson: Do they measure your frontage around the corner?

Mr. Larson: Wade would be the expert on that, but I would argue that they do, based on what I'm seeing in the city requirements.

Chairman Clawson: They're both 104<sup>th</sup> Street.

Mr. Thompson: Correct. I don't know how they came to that figure.

Chairman Clawson: Other questions for the applicant?

Mr. Larson: I might also mention that there's no other property in this area that has anywhere near the amount of landscaping that we're proposing. This would be the most beautiful landscaping package that this area has ever seen, even with our minimized amount.

Mr. Munson: Does the property to the south where the dealership stores cars have any landscaping at all?

Mr. Larson: None.

Chairman Clawson: Who owns that land where they park the cars?

Mr. Thompson: I don't remember. I know the car dealership came before the board and was granted a variance to build that small fence and secure the cars there in about 2010.

Dr. Peppes: I remember that, and we asked him to place some trees in the islands. They did place some trees, but since then, a bunch of them have died, and they're gone. There's really not anything there anymore. I don't know what was going on at the time

and why we weren't thinking about placing a lot more trees in that area to maybe block some of the view of all the cars that were there. There's really not much there right now.

Mr. Hawk: The cars are only there on a temporary basis, aren't they?

Mr. Thompson: They move them out with the threat of a flood. They're there all the time unless it starts to rain.

Chairman Clawson: Will you put in irrigation?

Mr. Larson: We will put in irrigation as part of our plan. It seems like we don't need a whole lot of it, but there is irrigation to make sure the plants we do plant survive.

Mr. Munson: This landscaping seems like overkill for that particular area. It's not the prettiest place in the city. I think what they are trying to do here makes a lot of sense.

Mr. Hawk: I'm still bothered that they have to do the amount of landscaping that they are proposing. I think if we have the authority, we should allow them to have less landscaping.

Mr. Thompson: The Director of Planning has some authority to give some relief but not as much as they're asking for. They've granted as much as they can.

Chairman Clawson: This seems like a reasonable compromise. Other questions for the applicant? Thank you. Is there anyone here who wishes to speak for or against this application? In that case, this is a variance. We have to evaluate the five factors. As a board, we will vote on each factor to determine if we think the proposal meets that certain criterion. We have to vote in the affirmative for all five factors before we can support a motion for approval. The first is Uniqueness of the Property.

Mr. Hawk: This property is in a flood zone and has a large amount of road frontage that we don't normally see. That, in itself, makes it unique.

**Uniqueness criterion satisfied with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: Rights of Adjacent Property Owners. Letters have been mailed out, I presume?

Mr. Thompson: Correct. We've received no phone calls or complaints.

**Rights of Adjacent Property Owners criterion satisfied with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: Hardship.

Dr. Peppes: This is one I like to weigh in on. It is very difficult to actually satisfy. I think at this time, there are only certain occasions where it can be satisfied. We usually find it with easements and pipelines. In this situation, where it is, being in a floodplain, makes it a hardship that he can't overcome. I think it is satisfied.

**Hardship criterion satisfied with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: Public Safety and General Welfare.

Mr. Munson: Staff comments that it would cause a problem if it is not granted because of blocking the sight triangle. We definitely don't want to cause that problem.

**Public Safety and General Welfare criterion satisfied with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: Spirit and Intent.

Mr. Munson: I think they satisfy that one.

Dr. Peppes: I do, too, because the compromise they have presented does nothing but add to the landscaping that is there. I think that corner is starting to look pretty good.

**Spirit and Intent criterion satisfied with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: We have voted in the affirmative on all five factors; therefore, we can support a motion for approval.

**A motion to approve Case 22-2019 Larson Building Company/Owner - Request for a Variance to the Landscaping Requirements in accordance with the LDO, Section 16-4-7.3 in a BP District for property commonly known as 10346 State Line Road – was made by Hawk; seconded by Munson. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Case 23-2019 Dan Brown; Eric Floyd/Owner - Request for a Variance 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 8201 Belinder Rd.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The property owner would like to construct a garage addition on the north side of the home. The home was originally placed 11.5 feet from the property line to accommodate the homeowners' association (HOA) design standard. They would like to bump out the wall and break up the long run that would increase the encroachment and

place the new addition at 10 feet, 3.5 inches from the north property line. A variance of 4.85 inches is being requested.

Chairman Clawson: Questions for staff?

Dr. Peppes: In other words, the HOA wants to break up that line of sight so that it's not straight up and down, but if that was the case, this would be an exception rather than a variance.

Mr. Thompson: Correct; it would meet the criteria for an exception, but since they want to bump it out, it becomes a variance.

Dr. Peppes: Or if it was straight.

Mr. Thompson: Correct; if it went straight back, it would be an exception.

Dr. Peppes: If we deny the variance, the only way he can do this is either go straight with it or not do it at all.

Chairman Clawson: He'd have to come to us for an exception.

Mr. Thompson: That is correct.

Dr. Peppes: But there would be an HOA issue.

Mr. Thompson: There is only an HOA issue if they decide to go straight back. If they bump it in, it would be an exception, and you could approve it tonight.

Chairman Clawson: Which is not a concern of ours.

Mr. Munson: The HOA requirements are just a recommendation.

Ms. Knight: It may be binding on the applicant, but it's not binding with this body.

Chairman Clawson: Other questions for staff?

Mr. Bussing: When this home was built, the setbacks were different than they are today, or was this house originally built in nonconformance?

Mr. Thompson: I would say they were different.

Mr. Bussing: We're asking for a variance and holding him to a new standard on an existing structure.

Mr. Thompson: Correct; the house was built in 1955.

Mr. Bussing: Why isn't the variance 1.2 inches rather than 4 feet? It's because you're applying the new setback.

Mr. Thompson: Correct.

Mr. Bussing: Why wouldn't you apply the old setback?

Mr. Thompson: The LDO requires 15 feet currently.

Chairman Clawson: Other questions for staff? Is the applicant here?

**Applicant Presentation:**

Dan Brown, 331 E. 69<sup>th</sup> Terrace, Kansas City, MO, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Brown: To piggyback on what Wade was saying, the home was built about 11 feet, 3 inches from the property line. The current setback is 15 feet. Our request is to achieve the requirements of the HOA that the façade have some architectural relief in it by bumping out 15 inches. Our request is to bump out 15 inches from the existing façade of the wall to achieve that architectural relief for a couple reasons. One is that it is more in keeping with the neighborhood to bump in on that side, following the letter of the law. The second thing is that garage storage we're adding on for the third car becomes functionally obsolete at that point. It becomes about 10 feet wide and is not really a usable space for what we're trying to use it for.

Chairman Clawson: If you bumped it in?

Mr. Brown: It wouldn't be usable at all unfortunately. Our request is to stay inside the 10' easement but to go back to the original 10' easement of the property line. We've gone through two rounds of letters to the neighbors, both through the HOA process and this process. There were no concerns from any of the neighbors to bump this out 15 inches.

Chairman Clawson: This is a variance, and we have to evaluate the five factors. Uniqueness and Hardship are the most difficult.

Mr. Brown: Uniqueness, we think is that the home was built so close to the property line in the first place. We think there is an original property line.

Chairman Clawson: The problem is there are a lot of houses built like that.

Mr. Brown: As far as Hardship, it is just a matter of meeting both the HOA requirements and these requirements. It kind of puts a burden on the homeowner to not be able to do anything on that side of the house because they're kind of pinned up against an arbitrary setback at this point.

Chairman Clawson: Are there other questions for the applicant?

Mr. Bussing: If I'm reading the schematics, this addition is 12 feet, 9 ½ inches on the interior walls?

Mr. Brown: Yes.

Mr. Bussing: You knock 15 inches off that, you're down to 11 feet, 6 inches?

Mr. Brown: Correct, and you have to come in another foot or so to get the full 1' relief on the exterior that the HOA requires. This leaves about 10 feet on the inside, which isn't big enough for a modern car.

Chairman Clawson: Other questions? Thank you. Is there anyone here who wishes to speak for or against this application? We have to evaluate the five factors. The first is Uniqueness.

Mr. Munson: Staff remarks state that they don't feel this meets the threshold for that. We're here to give relief of that staff finding. Is that correct?

Chairman Clawson: If we feel it's justified.

Mr. Munson: What do we have on the table that would make us not agree with the staff suggestion?

Chairman Clawson: One of the gauges we've typically used is if this property is different than any other property in the area. Is it unique to the area? That's a factor we have to look at.

Dr. Peppes: I'd like to comment on it. I don't think it is. In this area, these are all legal, nonconforming. Back then, this is how they were built. Nowadays, I think the relief that we usually give these is as long as they stay within the same line or less. When they want to encroach further on the setback than what it is now, even being legally nonconforming is where it is violated. They're not the only one. Time after time after time, we deal with this. I believe it has not been met.

**Uniqueness criterion not satisfied with a unanimous vote of 0-4. Opposed: Munson, Dr. Peppes, Hawk, and Bussing.**

Chairman Clawson: Can I say something off the record?

Mr. Thompson: Off the record?

Chairman Clawson: Well, not off the record. At this juncture, since we have voted against this criterion, we cannot support a motion for approval. Could the applicant change his request to an exception?

Ms. Knight: I suppose, and then you would have to know whether or not it was going to be flush with the existing house. You don't really have a plan other than oral statements. That might make it more difficult, but you could.

Dr. Peppes: Could he come back?

Chairman Clawson: If we deny it, he's going to have to do something if he wants to build his garage, unless he brings it back to 15 feet.

Mr. Thompson: Correct, whether he wants to go to the HOA to see if they would approve a continuous wall, or if they want to redesign and move it in 1 foot rather than out. That would be up to him.

Mr. Brown: We have talked to the HOA, and they won't approve the continuous wall.

Ms. Knight: To avoid a reapplication for an exception, if the applicant could modify it to a bump in for an exception.

Mr. Brown: But the bump in would not be an exception, right?

Ms. Knight: Unless it's 15 feet back.

Chairman Clawson: If you meet the 15' setback, you wouldn't have to come before the board, but you're probably not inclined to do that.

Mr. Brown: We'd have to tear the existing garage down and then have a one-car garage. Even if we bump in inside the existing wall, it's still an exception?

Mr. Thompson: Correct.

Chairman Clawson: What they don't want is a continuous wall with the same line. Have they told you how much difference they want?

Mr. Brown: Typically, it's 12 inches.

Chairman Clawson: In general, to meet their requirements and our exception, you have to bump it in 1 foot.

Mr. Brown: Correct.

Ms. Knight: If the current house is at 11 feet something, to avoid an exception, it would have to be bumped in 15 feet, which you don't want, so you would need an exception to bump it in 12 inches.

Chairman Clawson: That would be an exception. So, the applicant has to make a decision, I guess. We can continue on and deny the variance, and then the ball is back in

your court. You can either meet the requirements of the LDO or come back to the BZA for an exception.

Mr. Brown: Okay.

Eric Floyd, owner, 8201 Belinder Road, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Floyd: I appreciate you calling an audible here. Dan and I had casually had a conversation about this being a possibility. I think the only tweak we would want to sound out with you is that the bump in could occur, and then at some point, it could bump out and become back in line with the original plane of that north side of the house. Meeting the HOA requirement, which is an interruption of the architecture, would achieve that. Going back to that original building line would also help me in the sense that I get a garage that is just a little bit more comfortable to use. If it's 1 foot and stays that way all the way back, the project is probably dead. Dan and I have had that very frank conversation. He's done quite a bit of work to get us to where we are today. I would appreciate that consideration that you presented, Mr. Chairman, with that small tweak if that makes sense.

Chairman Clawson: I think they would have to agree to modify this application to an exception.

Mr. Thompson: Correct, and from what I hear, you'll bump it in 12 inches for how far?

Mr. Brown: The minimum distance that is required by the HOA is 4 feet, and then we can bump back out. Each continuous run would have to be less than 27 feet to meet the HOA requirements.

Mr. Thompson: As long as you didn't build it any closer than the 11 feet 5 inches, you would be okay. It would still remain an exception.

Mr. Brown: So, what we really need to do is apply for an exception to build an addition no further than the existing wall. Then, if we meet the HOA requirements, we'll be okay.

Chairman Clawson: Can we do that tonight?

Mr. Thompson: Yes, we can amend it to an exception, and you can approve the exception not to be closer than 11 feet, 5 inches to the property line.

Chairman Clawson: Can one of us make a motion that we're making that change?

Ms. Knight: The applicant has amended his application to an exception. Now, you're moving to approve?

**A motion to approve Case 23-2019 Dan Brown; Eric Floyd/Owner - Request for an exception (as amended by the applicant) 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 8201 Belinder Rd to not exceed the current setback – was made by Bussing; seconded by Hawk. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Case 24-2019 Jason Norris/Owner - Request for a Variance to the front build line for the placement of a fence on a corner lot in accordance with the LDO, Section 16-4-9.3(A) in an R-1 District for property commonly known as 2601 Somerset Dr.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The applicant would like to replace an existing 24-plus-year-old, 5' tall wooden privacy fence with a 6' tall wooden privacy fence. The fence is considered legal, nonconforming and surrounds an in-ground pool. He would like to extend the fence 10 feet to the southwest, which would place the fence 7 feet past the 30' build line and 23 feet from Manor Road.

Chairman Clawson: Is the green line what makes it a variance?

Mr. Thompson: Close; it actually extends halfway down the pool. About half of the pool was built beyond the build line. It starts to get close toward the end. The green is the new addition. The red is what's currently there.

Chairman Clawson: What's causing this to be a variance?

Mr. Thompson: Well, he's on a corner lot, so he basically has two front yards.

Chairman Clawson: So, the long portion of the red is probably within the build line.

Mr. Thompson: The black line is the build line, so about halfway down, it starts to get close. Then, toward the end, it touches the water.

Chairman Clawson: Questions for staff? The existing is how big of a fence?

Mr. Thompson: It is currently a 5' fence; he wants to build a 6' fence.

Mr. Munson: What material?

Mr. Thompson: It will be a wooden privacy fence.

Chairman Clawson: Other questions for staff? Is the applicant here?

Mr. Thompson: The applicant is not here. We'll have to continue it.

**A motion to continue Case 24-2019 Jason Norris/Owner - Request for a Variance to the front build line for the placement of a fence on a corner lot in accordance with the LDO, Section 16-4-9.3(A) in an R-1 District for property commonly known as 2601 Somerset Dr – was made by Dr. Peppes; seconded by Hawk. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

Adoption of the Leawood Board of Zoning Appeals By-Laws

Chairman Clawson: This has to be done on an annual basis. Is that correct?

Mr. Thompson: Yes, sir.

Mr. Munson: Are there any changes?

Mr. Thompson: No, just the dates.

**A motion to adopt the Leawood Board of Zoning Appeals By-Laws was made by Munson; seconded by Hawk. Motion carried with a unanimous vote of 4-0. For: Munson, Dr. Peppes, Hawk, and Bussing.**

*MEETING ADJOURNED.*