



# City of Bonner Springs

KANSAS

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**Tuesday, April 16, 2024**

200 East Third Street, Bonner Springs, KS 66012

**The meeting is open to the public. Online or phone observation is available but does not enable participation in the meeting.**

**We will follow safety precautions recommended by the Centers for Disease Control and Prevention, the Kansas Department of Health and Environment, and local health officers. Attendees are required to wear masks and observe proper social distancing. If you are exhibiting symptoms of illness, think you may have been exposed to illness or would prefer to listen online please use the instructions below.**

## **BOARD OF ZONING APPEALS MEETING - 6:00 PM**

### **CALL TO ORDER**

### **CONSENT AGENDA**

#### **1. Approval of minutes from the March 19, 2024 Board of Zoning Appeal Meeting.**

Action Approve, Amend or Deny the minutes as presented.

Recommendation Staff recommends approval of the minutes as presented.

Documents:

1. BZA Minutes 3.19.24 draft

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### **1. PUBLIC HEARING – VARIANCE REQUEST – BZA-03-24 - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of a detached garage within the required yard setback.**

Action Approve, Amend or Deny the request - with or without Staff stipulations

Recommendation Staff recommends approval with the stipulations listed within their report.

Documents:

1. Staff Report - BZA-03-24 - 401 Lake Forest Dr - Setback
2. Applicant supplied info
3. Miller Plan - Lake of the Forest

### **ADJOURNMENT**

## Memorandum

Date: April 16, 2024  
To: Mayor and City Council  
From: Mark Lee

**Subject: Approval of minutes from the March 19, 2024 Board of Zoning Appeal Meeting.**

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**Recommendation:** Staff recommends approval of the minutes as presented.

**Action:** Approve, Amend or Deny the minutes as presented.

**Background:** Minutes are attached

**Discussion:** NA

**Financial Impact:** NA

**MINUTES – 3.19.24 – DRAFT**  
**BONNER SPRINGS BOARD OF ZONING APPEALS MEETING**  
Tuesday, March 19, 2024 – Regular Meeting – 6:00 p.m.

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1. **CALL TO ORDER** meeting called to order by Chair Mesmer at 6:00 p.m.

**ROLL CALL**

Board of Zoning Appeals Members Present: Lloyd Mesmer - Chair; Larry Clark - Vice-chair; Nick Perica, Sherri Neff, Paul Zeps

Absent – none

Quorum Established

Staff Present: Mark Lee, Community Development Director

2. **CONSENT AGENDA**

**Item #2 – Approval of Minutes of March 19, 2024 Board of Zoning Appeals meeting**

Chair Mesmer introduced the Consent Agenda Item #2. Board Members were awarded time to comment or ask questions.

Motion to **APPROVE** the Consent Agenda was made by Vice-Chair Clark and seconded by Board Member Zeps.

Chair Mesmer called for a vote.

AYE – Mesmer, Clark, Perica, Zeps, Neff

NAY – None

**MOTION PASSED 5 – 0**

3. **UNFINISHED BUSINESS –**

None at this time

**NEW BUSINESS**

4. **PUBLIC HEARING – VARIANCE REQUEST – BZA-01-24 - Consider a request** for variances from the Unified Development Ordinance, within the CC; Central Commercial District –The requested variances consist of reductions in parking lot landscape requirements, landscape buffers along thoroughfares, required dumpster screening landscape reduction for 112-120 Oak Street (The 120 on Oak).

Chair Mesmer called for a motion to OPEN the Public Hearing – Board Member Zeps made a motion to **OPEN**, Vice-Chair Clark **SECONDED**. Public Hearing was opened at 6:07pm.

Staff introduced the item, explained the location of the project, and the background behind the request. Staff explained that this variance was being requested due to the recent changes made to the Unified Development Ordinance and the landscape requirements within.

Chair Mesmer asked if there were any individuals that would like to speak in favor of the request. Being none, Chair Mesmer asked if there were any individuals that would like to speak against the request. Being none Chair Mesmer asked if there were any questions of the staff or the applicant.

Board Member Zeps asked staff if these requested variances had to do with the recent updates to our UDO. Staff stated that some of them were directly related to that, staff further stated that while there have always been requirements for landscaping we had increased some of those requirements.

Staff further explained that in granting these variances we are attempting to provide the maximum amount of on-site parking as possible in an effort to avoid off-site parking conflicts.

Staff and Board hit on a few of the variance requests including the reduction in landscaping around the dumpster enclosure. The UDO requires not only for the dumpster to be screened by walls of some type; it also requires all four sides to be landscape in order to appear more natural. With this dumpster location being in the back corner, surrounded by 2 very tall retaining walls and not visible there is no need for landscaping along all four sides, they will provide it on two sides.

Chair Mesmer asked why there was a requirement for parking island size, staff stated the intent of that specific regulation was to separate large expanses of parking into smaller organized groups and to provide for landscaping within them.

Chair Mesmer called for a motion to **CLOSE** the Public Hearing – Board Member Zeps made a motion to **CLOSE**, Vice-Chair Clark **SECONDED**. Public Hearing was closed at 6:09pm.

Vice-Chair Clark made a motion to **APPROVE** the variance request with staff stipulations, Board Member Zeps **SECONDED**.

Chair Mesmer called for a vote.

AYE – Mesmer, Clark, Perica, Zeps, Neff

NAY – None

**MOTION PASSED 5 – 0**

## **5. ADJOURNMENT –**

Meeting was adjourned at 6:15pm

## Memorandum

Date: April 16, 2024  
To: Mayor and City Council  
From: Mark Lee

**Subject: PUBLIC HEARING – VARIANCE REQUEST – BZA-03-24 - Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of a detached garage within the required yard setback.**

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**Recommendation:** Staff recommends approval with the stipulations listed within their report.

**Action:** Approve, Amend or Deny the request - with or without Staff stipulations

**Background:** The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being, an encroachment into the required yard setback to allow for the construction of a 620 square foot accessory structure.

The uniqueness of the lot layouts, the existing street network and changes in topography in Lake of the Forest is such that most parcels do not meet current setback requirements as is. This makes it difficult, if not impossible, for residents to have detached structures that are useable as garage space(s) or other similar means. In this particular instance, the current driveway is a safety issue for the homeowner and other vehicular traffic due to the lack in line-of-sight, or visibility around tight curves that are present.

**Discussion:** Staff's report is attached

**Financial Impact:** NA

City of  
Bonner Springs  
Board of Zoning Appeals

Agenda Item Cover Sheet

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Agenda Item No. 4

BZA-03-24

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**Topic:** Consider a request for variances from requirements of the Unified Development Ordinance of Bonner Springs. The requested variance is to allow for the construction of detached garage within the required side yard setback.

**Narrative:** The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being encroachment into the required side yard setback in order to construct a 620 square foot accessory structure.

The uniqueness of the lot layout and changes in topography in Lake of the Forest is such that most parcels do not meet current setback requirements as is. This makes it difficult, if not impossible, for residents to have detached structures that are useable as garage space(s) or other similar means.

**Presented by:** Mark Lee – Community Development Director

**Staff Recommendation:** Staff recommends the variance be approved with the stated stipulations.

**Attachments:**

Staff Report (6pgs)

Aerial image (included in report)

Response by applicant to BZA questions (7pgs)

Applicants site plan 11x17 (1pg)

**STAFF REPORT**

**Meeting Date:** November 21, 2023  
**Report Date:** November 6, 2023

**Subject:** The applicant is requesting a variance from the requirements as written in the Unified Development Ordinance; that variance being encroachment into the required side yard setback in order to construct a 620 square foot accessory structure.

The uniqueness of the lot layout in Lake of the Forest is such that most parcels do not meet current setback requirements as is. This makes it difficult, if not impossible, for residents to have detached structures that are useable as garage space(s) or other similar means.

**File Number: BZA-03-24**

**GENERAL INFORMATION**

**Applicant:** Tom Miller  
**Address:** 401 Lake Forest Drive  
Bonner Springs KS 66012

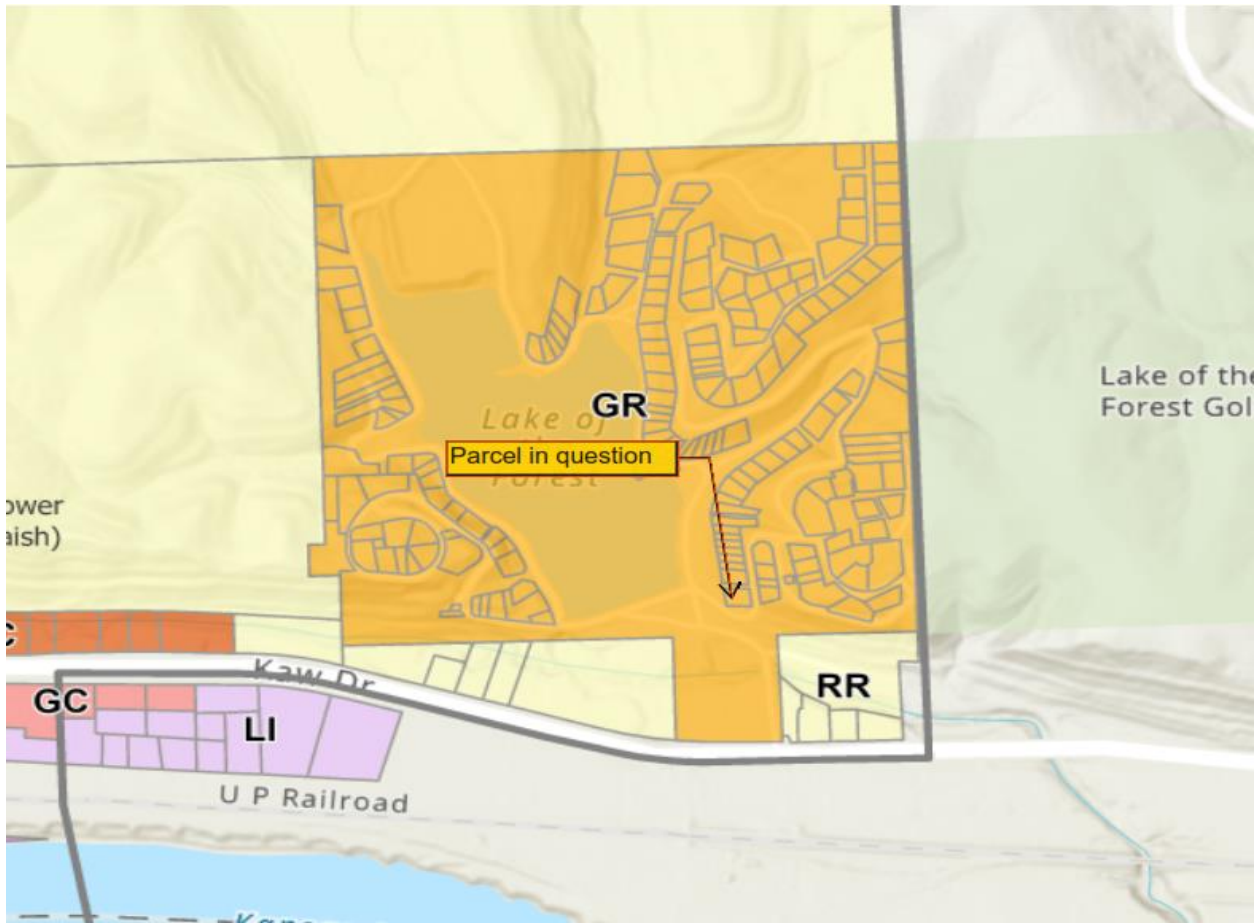
**STAFF ANALYSIS**

**Site Characteristics**

Location: 401 Lake Forest Dr.  
Area of Property: 11,103sqft; 0.255 acres  
Zoning: GR; General Residential District  
Future Land Use Map: Low-Density Residential

**Adjacent Property:**

All zoning within the immediate area is GR; General Residential



## **Narrative/Background**

The uniqueness of the lot layout and the changes in topography throughout Lake of the Forest is such that most parcels do not meet current setback requirements as is. This makes it difficult, if not impossible, for residents to have detached structures that are useable as garage space(s) or other similar means.

## **Conformance with the Zoning Ordinance**

Section 2.03.D.2.b states: *The purpose of this Section 2.03.D is to provide a process for reviewing and approving zoning relief applications from the requirements of this Chapter 2 Zoning Regulations.*

(2) *The purpose of a zoning relief application is to:*

- (a) *Provide a process for property owners to seek relief from the minimum Lot Area, setbacks, and other dimensional and Building requirements of this chapter;*
- (b) *Offer the City a method of considering alternative compliance metrics for unique or encumbered lots where strict compliance with this Chapter 2 Zoning Regulations would result in undue hardship to a property owner; and*
- (c) *Ensure the granting of relief from the zoning standards will not adversely affect surrounding property owners, and will not jeopardize further compliance with the subdivision and Development Standards outlined in these regulations.*

*The questions listed below are required by K.S.A. 12-759; this Statute goes on to state: A request for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met.*

The questions below, in bold type, are required by State Statute when hearing variance requests; the applicant's responses are below them in italics, with any Staff comments following.

**1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant.**

*The Lake of the Forest Club is a unique and historic community in Bonner Springs. The Club itself incorporated in 1910, but the lake around which the neighborhood is developed was created in or around 1888:*

*"Henry Harrison ... built a dam creating a 40-acre artificial lake to harvest ice for Swift & Co. and the Union Pacific Railroad. The ice harvesting continued until approximately 1909.*

*Newspaper articles indicate the plans were to ship 100 rail car loads of ice per day in season." (Lake of the Forest Website, About Us Page: <https://lakeoftheforestkansas.com/about-us>)*

*In the years following 1910, the parcels of land surrounding the dam basin were developed as single-family residences. Every lot in the community is unique in shape and size, set on private roads that wind up into the hills surrounding the lake. The grades are often too sheer for traditional home building, and cut-and-fill techniques are employed.*

*The Property, Lot 225 (also known as 401 Lake Forest Drive), is one of the very first homes one sees upon entering the community. It is set on the first rise of the East hill, approximately 30 feet above the grade of the lakeside road (see Land Survey and Architectural Drawings included herewith).*

*Despite its proximity to the entrance of the community, to access the property by vehicle, one must pass by it on the lake-front road and travel 0.75 miles up the hill along the winding one-way road which returns to the property. As a result of the extreme slope of the landscape, other homes, especially those near Lot 225 have garages that front the road directly and are situated at unique grades and locations relative to their main structures. The design of the garage in this request for variance imitates those neighboring garages (see Exhibit B).*

*Lot 225 is also surrounded on three sides by a switchback in the one-way road as it winds its way back down to the lakeside elevation -a drop of approximately 40 feet. The existing driveway for Lot 225 is situated on the South side of the house and connects with the roadway in the middle of the switchback. The drive itself is cut into the hill and terraced by multiple retaining walls. Even then, it is not a level pad. Additionally, the South lot line for this parcel falls in very close proximity to the house, the drive being situated almost entirely on community corporation owned land prohibiting the siting of the garage at this location.*

*This switchback around Lot 225 is also reinforced by a considerable stone retaining wall, and a convex mirror is placed at the bend to alert vehicular traffic descending the roadway of cars pulling out of the existing drive, which is blocked by the extreme curve and retaining wall. Photographs of the hairpin turn and visibility blockages enclosed (Photo Exhibit A).*

*We are providing this background to illustrate that Lot 225 is set upon a unique geological site. There are no alternative locations viable to site the accessory garage structure that have access to the road. A considerable parcel of land ( owned by the community corporation) separates the Lot 225 parcel from the road to the South and West, and the severe change in elevation to the West also precludes placement of the garage in this area.*

*Therefore, the siting of an accessory garage structure can only be located to the North and East of the house. This would allow the garage to front the road where the approach is safe, allowing for the best visibility for oncoming traffic and a relatively flat grade on which to egress the garage.*

*This optimal (and indeed only viable site) will encroach into the side setback.*

This condition is unique to the property in question. The lot layout and challenges in topography make the addition of a garage, detached or otherwise, difficult to impossible. These, along with several other factors including age of the development create the necessity for this variance.

**2. The granting of the variance request will or will not adversely affect the rights of the adjacent property owners or residents.**

*The placement of the garage will have no adverse effects on adjacent property owners for three main reasons: (1) consent of the neighbors; (2) intervention of the historic staircase; and (3) commonality of garage design and access relative to neighboring homes.*

**1. Consent of the Neighbors**

*The Owner to the North (Lot 224), being the adjoiner whose side yard would face the accessory garage structure, has consented to this construction. Enclosed with this application, please find an affidavit of Mick Hilleary in support of these facts and appeals. Also enclosed, please find a certificate of the Lake of the Forest, Inc. Board of Insurance and Real Estate who have also resolved to approve the planned structure.*

**2. Historic Staircase**

*Stone Staircase 6, a historic District Property of the Lake of the Forest Historic District, lies at the boundary of Lots 224 and 225. See Kansas Historical Society, National and State Registers of Historic Places:*

- [https://www.kshs.org/natreg/natreg\\_listings/search/page:2/county:WY/records:all](https://www.kshs.org/natreg/natreg_listings/search/page:2/county:WY/records:all)
- [https://www.kshs.org/resource/national\\_register/districtsNRDB/LakeoftheorestHistoricDistrict.pdf](https://www.kshs.org/resource/national_register/districtsNRDB/LakeoftheorestHistoricDistrict.pdf)

*The plans and drawings for the accessory garage structure show that the historic Stone Staircase 6 will not be disturbed by the proposed construction. Additionally, because the Stone Staircase 6 divides the boundary between Lots 224 & 225, encroachment within the side setback will not adversely affect the Lot 224 owner by virtue of this additional buffer zone between the parcels.*

**3. Common Garage/Private Drive Access**

*Enclosed herewith, please find photographs of the roadway approach toward the subject property Lot 225 (Photo Exhibit B). These photographs show that this straight and relatively flat stretch of road is the most suitable location for a garage structure, evidenced by the multiple other neighbors' garages in the immediate vicinity, placed in similar fashion to the proposed garage structure.*

*Contrast the increased sightlines for oncoming vehicular traffic for a garage sited here with the existing driveway configuration for Lot 225 shown in Photo Exhibit A. Entry and exit from the proposed garage structure will be the safest and most practical, especially in inclement weather, for all members of the community who use the road.*

*Siting the garage in this location will reduce points of traffic conflict and align the configuration of vehicle storage for Lot 225 within the standard among neighboring properties in the area.*

With the information supplied by the applicant and the consent of the neighboring property, staff concludes that this will not adversely affect the rights of adjacent property owners. It will in fact make this particular area safer from a vehicular traffic standpoint by removing the “blind corner” scenario currently happening.

**3. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.**

*Three elements of unnecessary hardship have been touched upon so far: (1) extreme geological/topographical conditions at Lot 225; (2) low visibility/ dangerous traffic flow effects of the existing driveway; and (3) lack of roadway access at any alternative garage structure site.*

**1. Topographical Conditions.**

*The hillside upon which Lot 225 is situated has an extreme grade for homebuilding, and a unique parcel shape surrounded on three sides by a switchback roadway traversed by other residents in the community, descending from 830 feet ASL above the home to 792 feet ASL at lakeside grade. Access to this road is only practical at limited locations by virtue of the sheer slopes and retaining walls.*

**2. Traffic Visibility.**

*To exit the existing driveway, vehicle operators at Lot 225 must currently reverse in a downhill-uphill motion, cutting to a near 120-degree angle, into the switchback that approaches the bend several feet higher than the grade of the driveway. This approach is obscured from roadway and driveway-users alike by high retaining walls and visibility is only marginally improved by a small convex mirror at the hairpin turn. These factors together make safely exiting the existing driveway for Lot 225 users and oncoming traffic alike.*

**3. Lack of Alternate Access**

*The plans and drawings enclosed with this application demonstrate that the subject Property is not contiguous with other stretches of the road viable for siting the garage structure.*

Staff agrees that there would be unnecessary hardship placed upon the property owner in this instance. The applicant has done well in preparing a response to this question. There are multiple factors that would constitute hardships.

**4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, the general welfare or the harmonious development of the city.**

*As has now been discussed at length, visibility for traffic in the existing driveway configuration is less than desirable from a safety perspective, especially in inclement weather conditions.*

*Modifying Lot 225's vehicular access points would decrease the frequency of use of high conflict points for passers-by and residents/guests of Lot 225.*

*Furthermore, the proposed location for the accessory garage structure would be more harmonious with the existing order of the roadway and neighbors' garage access thereto. Aligning the configuration of Lot 225 would balance the expectations of those traveling in vehicles along the roadway upgrade of Lot 225 and foster a safer traffic flow.*

The requested variance will have no adverse effect on the public health, safety, morals, order, etc.

**5. That granting of the variance desired will not be opposed to the general spirit and intent of the Unified Development Ordinance.**

*The intent of the ordinance is to promote the general health, safety, and welfare of the citizens of Bonner Springs by implementing certain standards for construction that protect the property rights of adjoining landowners and foster an aesthetically harmonious community.*

*The site of the proposed garage structure is a marked improvement on these values from the existing configuration. The immediate neighbors who would be affected resoundingly support this project, as does the community at large. The plans and drawings respect the historic features of the community and do not disturb the Lot 224 owners' property rights. The proposed site is more harmonious with the existing order in the vicinity of*

*Lot 225, and provides a safer point of ingress and egress to Lot 225 that reduces traffic conflict points that could result in collisions between Lot 225 users and passers-by.*

*A variance, if granted, will not only have no adverse effect on the health, safety, and welfare of Lake of the Forest residents, but it will be dramatically enhanced. For these reasons, applicant Tom Miller, owner of Lot 225, appeals that the Board approve the variance applied for.*

The requested variance is not opposed to the general spirit and intent of the Unified Development Ordinance. The regulations in place are there to ensure development is harmonious with its surroundings and throughout the subdivision. In this case they would lend themselves to the safety of vehicular and pedestrian travel alike.

**Conformance with the Future Land Use Plan:**

The Future Land Use Plan identifies this area as “low density residential”. The Future Land Use Plan does not address accessory buildings but instead addresses the use of the property and those surrounding it. The majority of immediate area is indicated as developing in a residential manner.

**Traffic Impact:**

The proposed variance request, whether approved or denied, will have no impact on the current street network.

**Drainage Impact:**

The proposed variance request, whether approved or denied, will have no impact on drainage.

**STAFF RECOMMENDATION**

Staff recommends the requested variance be approved with the stated staff stipulations.

The structure shall be no larger than 650 square feet

The encroachment into the required setback shall be no more than that indicated on the attached exhibit.

A building permit shall be required

Any and all driveways extended to said structure shall meet the requirements of a hard surface drive.

**BOARD OPTIONS**

- 1. Approve the variance request, with or without conditions/changes.**
- 2. Deny the variance request**
- 3. Continue the Public Hearing to another date, date, time, and/or place**

**STATEMENT IN SUPPORT OF VARIANCE**  
(Lot 225, Lake of the Forest, Bonner Springs, KS)

I, Thomas Miller, undersigned (“**Owner**”), being the applicant for a variance (“**Variance**”) relating to my home located at Lot 225, Lake of the Forest Club, a subdivision of land in the City of Bonner Springs, County of Wyandotte, State of Kansas (the “**Property**”), submit this statement in support of the aforesaid Variance.

**I. Conditions Unique to the Property**

The Lake of the Forest Club is a unique and historic community in Bonner Springs. The Club itself incorporated in 1910, but the lake around which the neighborhood is developed was created in or around 1888:

“Henry Harrison ... built a dam creating a 40-acre artificial lake to harvest ice for Swift & Co. and the Union Pacific Railroad. The ice harvesting continued until approximately 1909. Newspaper articles indicate the plans were to ship 100 rail car loads of ice per day in season.”

(Lake of the Forest Website, About Us Page: <https://lakeoftheforestkansas.com/about-us/>)

In the years following 1910, the parcels of land surrounding the dam basin were developed as single-family residences. Every lot in the community is unique in shape and size, set on private roads that wind up into the hills surrounding the lake. The grades are often too sheer for traditional home building, and cut-and-fill techniques are employed.

The Property, Lot 225 (also known as 401 Lake Forest Drive), is one of the very first homes one sees upon entering the community. It is set on the first rise of the East hill, approximately 30 feet above the grade of the lakeside road (see Land Survey and Architectural Drawings included herewith).

Despite its proximity to the entrance of the community, to access the property by vehicle, one must pass by it on the lake-front road and travel 0.75 miles up the hill along the winding one-way road which returns to the property. As a result of the extreme slope of the landscape, other homes, especially those near Lot 225 have garages that front the road directly and are situated at unique grades and locations relative to their main structures. The design of the garage in this request for variance imitates those neighboring garages (see Exhibit B).

Lot 225 is also surrounded on three sides by a switchback in the one-way road as it winds its way back down to the lakeside elevation – a drop of approximately 40 feet. The existing driveway for Lot 225 is situated on the South side of the house and connects with the roadway in the middle of the switchback. The drive itself is cut into the hill and terraced by multiple retaining walls. Even then, it is not a level pad. Additionally, the South lot line for this parcel falls in very close proximity to the house, the drive being situated almost entirely on community corporation owned land prohibiting the siting of the garage at this location.

This switchback around Lot 225 is also reinforced by a considerable stone retaining wall, and a convex mirror is placed at the bend to alert vehicular traffic descending the roadway of cars pulling out of the existing drive, which is blocked by the extreme curve and retaining wall. Photographs of the hairpin turn and visibility blockages enclosed (Photo Exhibit A).

We are providing this background to illustrate that Lot 225 is set upon a unique geological site. There are no alternative locations viable to site the accessory garage structure that have access to the road. A considerable parcel of land (owned by the community corporation) separates the Lot 225 parcel from the road to the South and West, and the severe change in elevation to the West also precludes placement of the garage in this area.

Therefore, the siting of an accessory garage structure can only be located to the North and East of the house. This would allow the garage to front the road where the approach is safe, allowing for the best visibility for oncoming traffic and a relatively flat grade on which to egress the garage. This optimal (and indeed only viable site) will encroach into the side setback.

## **II. No Adverse Effects**

The placement of the garage will have no adverse effects on adjacent property owners for three main reasons: (1) consent of the neighbors; (2) intervention of the historic staircase; and (3) commonality of garage design and access relative to neighboring homes.

### 1. Consent of the Neighbors

The Owner to the North (Lot 224), being the adjoiner whose side yard would face the accessory garage structure, has consented to this construction. Enclosed with this application, please find an affidavit of Mick Hilleary in support of these facts and appeals.

Also enclosed, please find a certificate of the Lake of the Forest, Inc. Board of Insurance and Real Estate who have also resolved to approve the planned structure.

### 2. Historic Staircase

Stone Staircase 6, a historic District Property of the Lake of the Forest Historic District, lies at the boundary of Lots 224 and 225. See Kansas Historical Society, National and State Registers of Historic Places:

- [https://www.kshs.org/natreg/natreg\\_listings/search/page:2/county:WY/records:all](https://www.kshs.org/natreg/natreg_listings/search/page:2/county:WY/records:all)
- [https://www.kshs.org/resource/national\\_register/districtsNRDB/LakeoftheForestHistoricDistrict.pdf](https://www.kshs.org/resource/national_register/districtsNRDB/LakeoftheForestHistoricDistrict.pdf)

The plans and drawings for the accessory garage structure show that the historic Stone Staircase 6 will not be disturbed by the proposed construction. Additionally, because the Stone Staircase 6 divides the boundary between Lots 224 & 225, encroachment within the side setback will not adversely affect the Lot 224 owner by virtue of this additional buffer zone between the parcels.

### 3. Common Garage/Private Drive Access

Enclosed herewith, please find photographs of the roadway approach toward the subject property Lot 225 (Photo Exhibit B). These photographs show that this straight and relatively flat stretch of road is the most suitable location for a garage structure, evidenced

by the multiple other neighbors' garages in the immediate vicinity, placed in similar fashion to the proposed garage structure.

Contrast the increased sightlines for oncoming vehicular traffic for a garage sited here with the existing driveway configuration for Lot 225 shown in Photo Exhibit A. Entry and exit from the proposed garage structure will be the safest and most practical, especially in inclement weather, for all members of the community who use the road.

Siting the garage in this location will reduce points of traffic conflict and align the configuration of vehicle storage for Lot 225 within the standard among neighboring properties in the area.

### **III. Unnecessary Hardship**

Three elements of unnecessary hardship have been touched upon so far: (1) extreme geological/topographical conditions at Lot 225; (2) low visibility / dangerous traffic flow effects of the existing driveway; and (3) lack of roadway access at any alternative garage structure site.

#### 1. Topographical Conditions.

The hillside upon which Lot 225 is situated has an extreme grade for homebuilding, and a unique parcel shape surrounded on three sides by a switchback roadway traversed by other residents in the community, descending from 830 feet ASL above the home to 792 feet ASL at lakeside grade. Access to this road is only practical at limited locations by virtue of the sheer slopes and retaining walls.

#### 2. Traffic Visibility.

To exit the existing driveway, vehicle operators at Lot 225 must currently reverse in a downhill-uphill motion, cutting to a near 120-degree angle, into the switchback that approaches the bend several feet higher than the grade of the driveway. This approach is obscured from roadway and driveway-users alike by high retaining walls and visibility is only marginally improved by a small convex mirror at the hairpin turn. These factors together make safely exiting the existing driveway for Lot 225 users and oncoming traffic alike.

#### 3. Lack of Alternate Access

The plans and drawings enclosed with this application demonstrate that the subject Property is not contiguous with other stretches of the road viable for siting the garage structure.

### **IV. Public Health, Safety, and Welfare**

As has now been discussed at length, visibility for traffic in the existing driveway configuration is less than desirable from a safety perspective, especially in inclement weather conditions. Modifying Lot 225's vehicular access points would decrease the frequency of use of high conflict points for passers-by and residents/guests of Lot 225.

Furthermore, the proposed location for the accessory garage structure would be more harmonious with the existing order of the roadway and neighbors' garage access thereto. Aligning the configuration of Lot 225 would balance the expectations of those traveling in vehicles along the roadway upgrade of Lot 225 and foster a safer traffic flow.

## **V. Ordinance Intent**

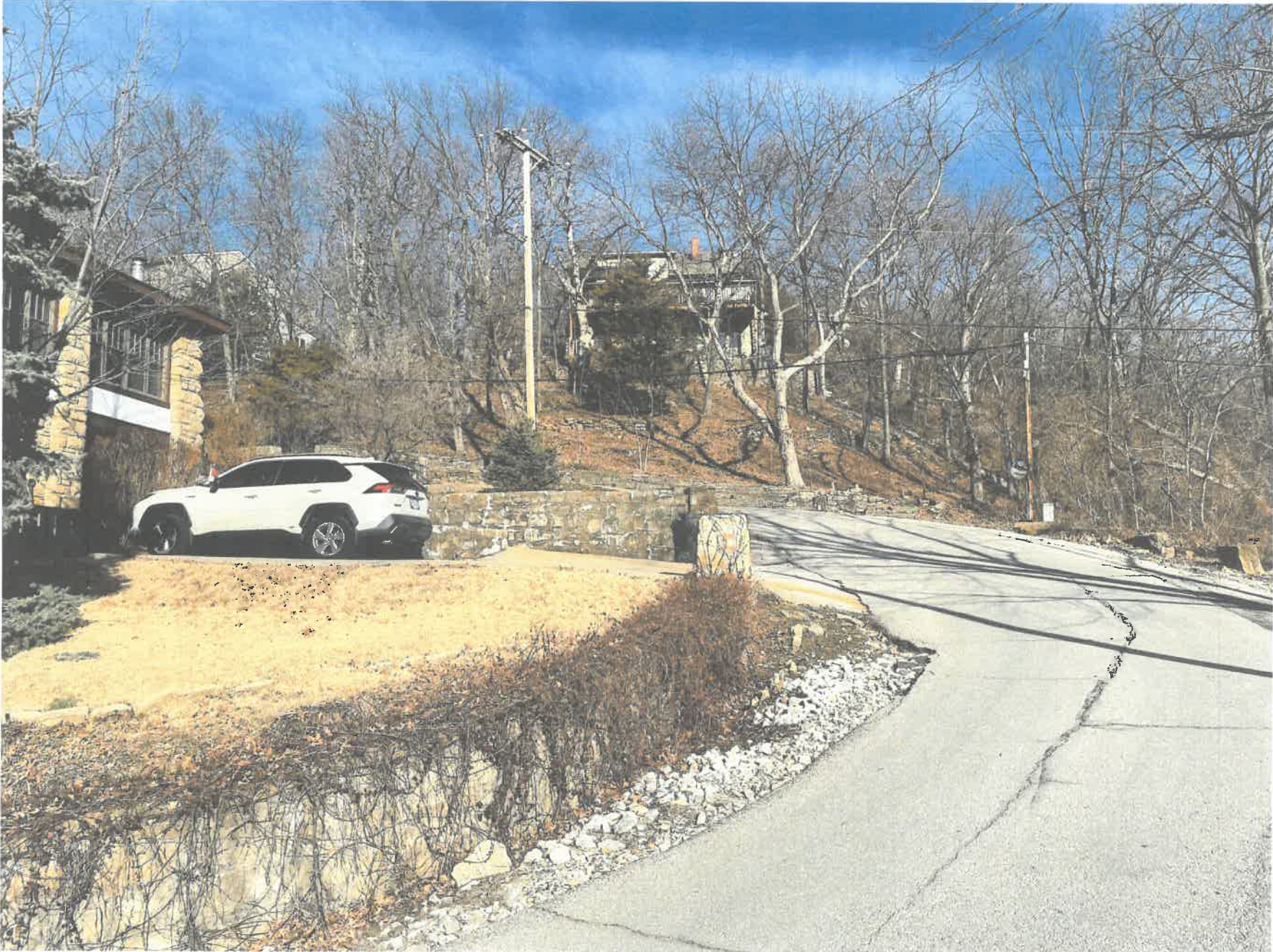
The intent of the ordinance is to promote the general health, safety, and welfare of the citizens of Bonner Springs by implementing certain standards for construction that protect the property rights of adjoining landowners and foster an aesthetically harmonious community.

The site of the proposed garage structure is a marked improvement on these values from the existing configuration. The immediate neighbors who would be affected resoundingly support this project, as does the community at large. The plans and drawings respect the historic features of the community and do not disturb the Lot 224 owners' property rights. The proposed site is more harmonious with the existing order in the vicinity of Lot 225, and provides a safer point of ingress and egress to Lot 225 that reduces traffic conflict points that could result in collisions between Lot 225 users and passers-by.

A variance, if granted, will not only have no adverse effect on the health, safety, and welfare of Lake of the Forest residents, but it will be dramatically enhanced. For these reasons, applicant Tom Miller, owner of Lot 225, appeals that the Board approve the variance applied for.



Exhibit A



# Exhibit B



408  
407  
406



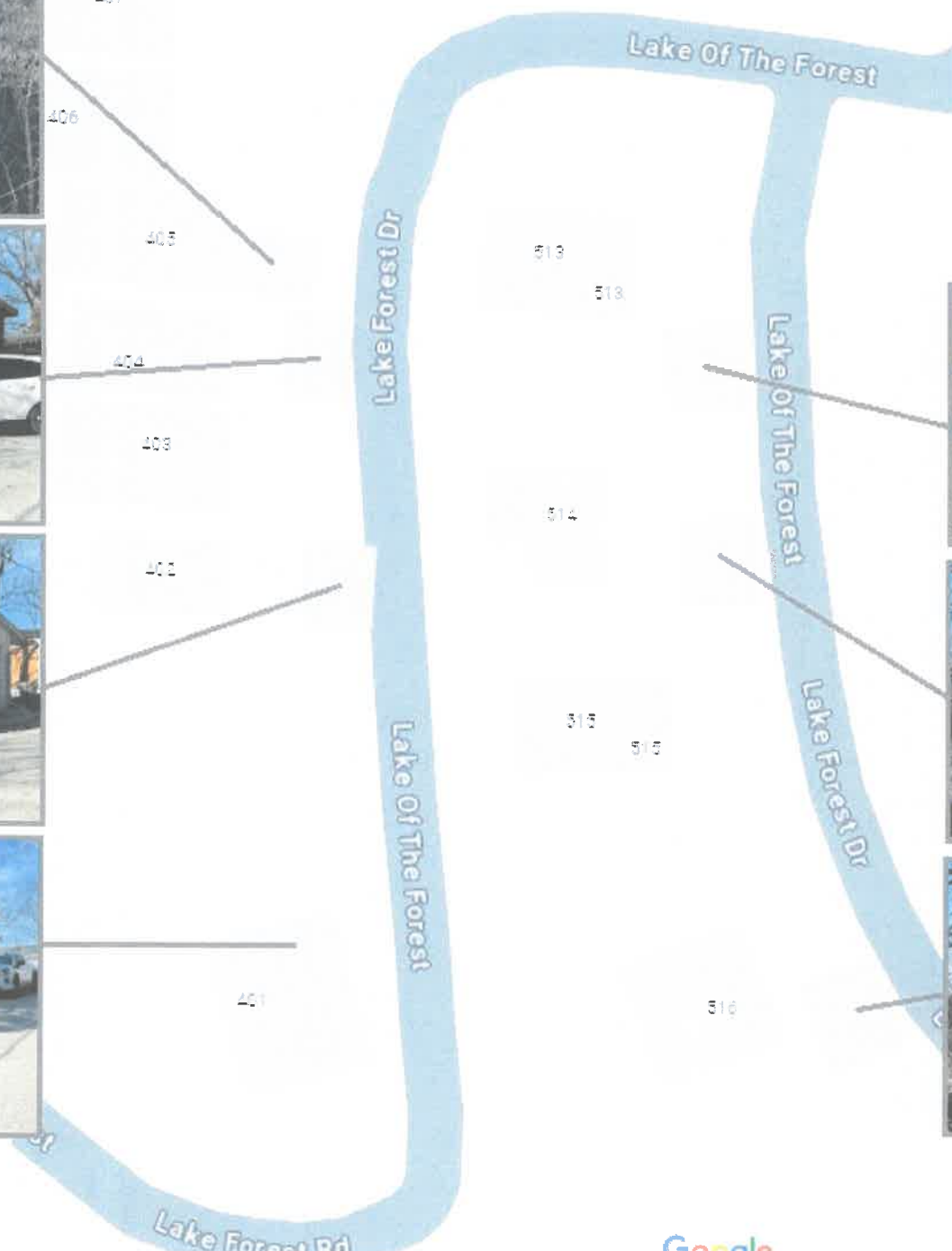
405  
404  
403



402



401



Lot 225 (subject property)

