



LEE'S SUMMIT

MISSOURI

April 26, 2021

Kurt Pycior
kurt@pyciorco.com

Re: Detached garage with accessory dwelling unit at 302 NE Douglas St

Mr. Pycior:

You recently met with City staff on April 11, 2021, to discuss a detached garage currently under construction (Building Permit #PRRES20204857) to which you intend to also construct an accessory dwelling unit within said detached garage. At this meeting, you were asked to provide drawings of the detached garage and a floor plan of the ground level and second floor so staff can make a zoning determination as to compliance with the requirements of the Unified Development Ordinance (UDO). You provided the requested drawings to the City on April 19, 2021.

History

- September 8, 2020 – Mr. Pycior had a pre-application meeting with City staff to discuss potential improvements and replatting of 302 and 304 NE Douglas St. Discussion of potential improvements included the requirements for a detached garage with studio (loft) dwelling above.
- December 18, 2021 – Mr. Pycior submitted a building permit application and supporting documents to the Development Services Department for construction of a detached garage at 302 NE Douglas St.
 - The Scope of Work Statement and plot plan submitted by Mr. Pycior in support of the building permit application only indicated the proposed construction of a 24'x24' (576 sq. ft.) detached garage. None of the supporting documentation indicated the inclusion of any accessory dwelling unit within the detached garage.
 - It should be noted that building plans (including floor plans showing the detailed intended use of the structure) were not required to be submitted in support of the building permit application because the detached garage

did not exceed 600 sq. ft. Therefore, staff could only rely on the information provided on the Scope of Work Statement as to the structure's use.

- December 22, 2021 – The Development Services Department issued a building permit (#PRRES20204857) for construction of only a detached garage at 302 NE Douglas St.
 - It recently came to the City's attention that living space is intended to be constructed on both a portion of the detached garage's ground floor and second floor. The inclusion of living space in the detached garage triggers different UDO standards from that of a standalone detached garage.
- April 11, 2021 – A meeting was held between Mr. Pycior and City staff to discuss the detached garage and proposed accessory dwelling unit.

Living Area Location

The floor plan provided to the City by Mr. Pycior on April 19, 2021, shows the accessory dwelling unit having living area on both the ground floor and second floor of the detached garage.

The UDO makes allowances for accessory dwelling units in residential zoning districts, but only allows for said accessory dwelling units to be located above the ground floor as a loft dwelling unit above a detached garage (UDO Section 6.1350.M); the UDO does not make allowance for a ground level accessory dwelling unit. Staff's interpretation that an accessory dwelling unit is only allowed above the ground floor is based on reading the plain language of the UDO. The UDO identifies a "loft dwelling unit above detached garage" as an accessory use type and further states that "a single loft dwelling unit above a detached garage is permitted as an accessory use to a permitted single-family residential in all "R" (residential) districts...." Staff's interpretation that an accessory loft dwelling unit is not intended to be located in whole or in part on the ground floor is further supported by a related definition for a "loft dwelling", which is a permitted primary use in certain non-residential zoning districts. A "loft dwelling" is a dwelling located above the first floor of a non-residential use such as a store or office (UDO Section 15.110.C)."

Based on the information above, it is staff's interpretation that living area for an accessory dwelling unit is not allowed on the ground floor of a detached garage. Therefore, the proposed detached garage with ground floor living area does not comply with the UDO requirement that the location of the loft dwelling unit is limited to a second (or higher) floor above a detached garage.

Setbacks

The approved plot plan associated with the building permit issued for the “detached garage” shows a 13’ side yard setback and 25’ rear yard setback. Both setbacks satisfy the minimum required 10’ side yard and 10’ rear yard setbacks for a detached garage with no living space (UDO Article 6, Table 6.IV-1 Accessory Structures).

However, a “loft dwelling unit above a detached garage” requires a minimum 10’ side yard setback and a minimum 30’ rear yard setback on the subject RP-2 (Planned Two-family Residential) zoned property (UDO Article 6, Table 6.IV-1 Accessory Structures).

The previously approved plot plan satisfies the minimum side yard setback for a loft dwelling unit above a detached garage, but does not satisfy the minimum rear yard setback for a loft dwelling unit above a detached garage.

Size (in sq. ft.)

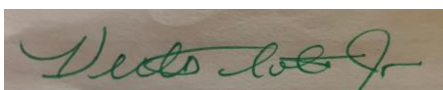
Detached garages on lots less than 5 acres in size are limited to no more than 250 sq. ft. for each 5,000 sq. ft. of lot area. The subject property is approximately 17,742 sq. ft. in size, yielding a maximum allowable detached garage size of 887 sq. ft.

To calculate the detached garage’s combined square footage (ground floor + second floor), staff agreed at the April 19th meeting with Mr. Pycior to count the second floor square footage as only the area with the minimum 7’ ceiling height required for habitable rooms under the building code. Based on the information provided to the City by Mr. Pycior, the second level square footage is 288 sq. ft. Combined with the 576 sq. ft. ground floor, the detached garage with loft dwelling is determined to have a gross floor area of 864 sq. ft. **The calculated 864 sq. ft. gross floor area is under the 887 sq. ft. maximum allowance for a detached garage on the subject property and therefore complies with the UDO.**

Staff’s interpretation of the UDO on this matter may be appealed to the Board of Zoning Adjustments (BZA) under the provisions of UDO Section 2.500. The right to appeal staff’s interpretation of the UDO in this matter expires 30 days after the date of this letter, as stated under UDO Section 2.500.

This determination is based upon staff’s reliance on information submitted by Mr. Pycior. Any incomplete or incorrect information may or may not impact staff’s interpretation of the UDO on this matter.

Sincerely,

A handwritten signature in green ink, appearing to read "Hector Soto, Jr.", is written over a light brown rectangular background.

Hector Soto, Jr., Planning Manager