

BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE
TUESDAY, JUNE 4, 2019
7700 MISSION ROAD
COUNCIL CHAMBERS
6:30 P.M.

I. ROLL CALL

II. PUBLIC HEARINGS

BZA2019-01 Variance and building line modification for construction of a
carport
7737 Chadwick St.
Zoning: R1-A

Installation of carport in front of existing garage, which will cause the property setback from the street to fall below the minimum required distance. the proposed addition would also require a building line modification if the variance is granted.

III. OTHER BUSINESS

IV. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: June 4, 2019

Application: BZA 2019-01

Request: Variance from front yard setback of 30' and a modification of a platted building line of 35', to permit a carport extending to a point 25.6 feet from the front lot line.

Action: *A variance request requires the Board of Zoning Appeals to evaluate facts and weigh evidence, and a majority of the Board must find that all 5 criteria for a variance have been met in order to approve the request.*

Property Address: 7737 Chadwick Street

Applicant: Milton H. Luce III

Current Zoning and Land Use: R-1A Single-Family Residential - Single-Family Dwelling

Surrounding Zoning and Land Use: **North:** R-1A Single-Family Residential - Single-Family Dwellings
East: R-1A Single-Family Residential - Single-Family Dwellings
South: R-1A Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential - Single-Family Dwellings

Legal Description: RIDGEWOOD S 21 FT OF LOT 6 & N 55 FT OF LOT 7 BLK 6 PVC-05930126

Property Area: 0.23 acres (9,814.18 s.f.)

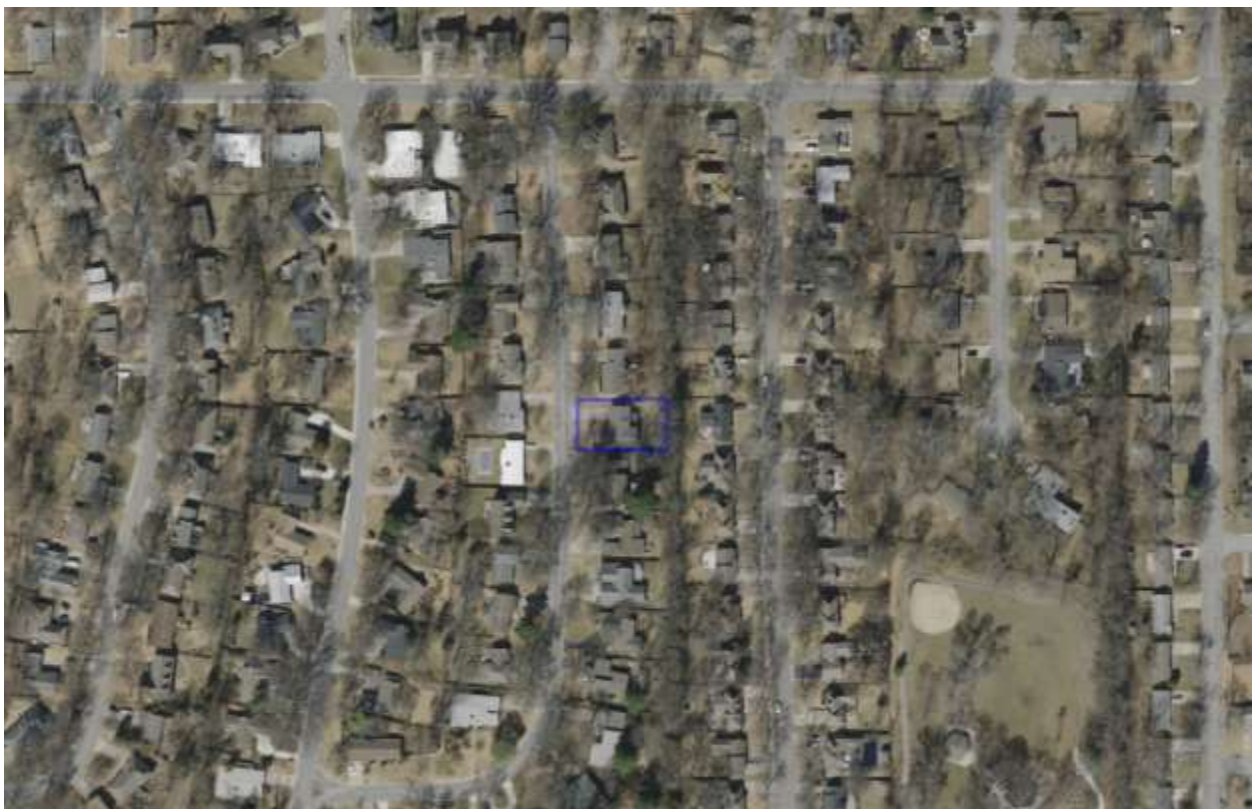
Related Case Files: None

Attachments: Application, site plan and building elevations, neighborhood meeting notes

General Location Map



Aerial Map



Aerial Site



Street Views



Street view – looking north on Chadwick Street; 7737 on right.



Street view - front of 7737 Chadwick Street.



Bird's eye view

COMMENTS:

The applicant is requesting a variance from Section 19.06.015 to allow the addition of a carport that would project to 25.6 feet from the front property line. The required front setback is 30 feet. In addition, this lot has a platted front building line of 35 feet. Section 18.18 of the Prairie Village Subdivision Regulations allow the Planning Commission to approve modifications to platted building lines, to the extent that they meet the zoning setbacks. Since the request for a variance to Section 19.06.015 needs to be approved by the Board of Zoning Appeals, and is the greater request in terms of stricter review criteria and deviation from the standards, the application is reviewed under the variance criteria.

The applicant is proposing the addition of a carport extending approximately 20 feet in front of the existing 2-car garage and over the paved driveway surface. The garage is set back from the forward most portion of the front elevation on the south side of the lot, so the carport would extend approximately 11.3 feet in front of the existing front building line. An arbor and court associated with the front entry is incorporated with the design and the existing front entry on the north elevation of the forward most projection of the living area.

The lot is zoned R-1A, on Chadwick Street between 77th Street and 79th Street. The lot is approximately 73 feet wide (along the street front) and 131 feet deep. The R-1A district requires lots to be at least 80 feet wide and 125 feet deep (10,000 s.f.), so this lot is a legal non-conforming lot – likely a result of it being platted prior to the zoning ordinance being adopted. This is similar to most other lots on the block, which range in width from 70 feet to 85 feet wide, with depths of 115 feet to 150 feet.

There are other carports on this block (2 located on lots to the north); however, all principal buildings, garages and car ports are located at or beyond the 30 feet zoning setback line, and most on the west side of the block appear to be beyond the 35 feet platted building line.

ANALYSIS:

Section 19.54.030 of the Zoning Ordinance requires the Board to find that **all five** of the following conditions are met in order to grant a variance. If the Board finds that even one of these conditions is not met, a variance should not be granted:

A. Uniqueness

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 zone or district; and is not created by an action or actions of the property owner or the applicant.

In order for the property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape, or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.

This lot does not meet the minimum width for R-1A zoning (73' rather than the required 80'), but does exceed the required depth (131' compared to the required 125'). The lot is a legal nonconforming lot and is a comparable size to other lots on the block.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

The proposed carport is nearest the home to the north. The existing garage is setback further than the zoning setback (30') and the platted building line (35'), and is approximately 45 feet from the front lot line on the north side. This corner is also approximately 8.5 feet from the side lot line and 17 feet from the nearest structure. The proposed building elevations show this side remaining unenclosed. The extension to the front would be closer to the street than other carports and front-loaded garages along the block (all of which appear to be setback at or beyond the required 30-foot setback line)

C. Hardship

That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

Although the lot does not meet the R-1A standards (slightly less width and slightly less area), the lot presents a substantial buildable area and currently accommodates a home and 2-car garage and driveway. Additionally, a projection in front of the current garage could extend 15 feet and meet the zoning setbacks.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The proposed carport is open and unenclosed, and is single-story with a front gable in keeping with the design and massing of the home, so it will not present a substantial massing element on the front of the house in terms of views along the streetscape and in terms of impact on adjacent property. However, it would project closer to the street than other accessory or secondary massing elements of other homes on the block.

E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The intent of the R-1A front setback standards is to create a consistent relationship of buildings along a block. Although the proposed carport would be open and unenclosed, and is single-story, it would project closer to the street than other similar structures in the neighborhood.

EFFECT OF DECISION:

After reviewing the information submitted and considering the testimony during the public hearing, if the Board finds that **all five conditions** can be met as required by state statutes and Section 19.54.030 of the Prairie Village Zoning Ordinance, then it may grant the variance. If the Board does approve the variance, it should be subject to the following conditions:

1. That the variance be granted only to the extent shown on the submitted site plans, and specifically only to allow a front setback of 25.6 feet. Further, the variance only be permitted subject to the entire carport remaining open and unenclosed.
2. The Board, in its dual capacity as the Planning Commission, also find that the application meets the lesser criteria for a building line modification from Section 18.18 of the Prairie Village Subdivision regulations. Specifically that:
 - a. There are special circumstances or conditions affecting the property;
 - b. That the building line modification is necessary for reasonable and acceptable development of the property in question; and
 - c. The modification is not detrimental to the public welfare or adversely affect adjacent property or property in the vicinity [18.18.D.]
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: _____

Filing Fee: _____

Deposit: _____

Date Advertised: _____

Public Hearing Date: _____

APPLICANT: Milton H. Luce III PHONE: 913 236 7426
ADDRESS: 7737 Chadwick St ZIP: 66208
OWNER: Milton H. Luce III PHONE: 913 636 7426
ADDRESS: 7737 Chadwick St. ZIP: 66208
LOCATION OF PROPERTY: 7737 Chadwick St. 66208
LEGAL DESCRIPTION: South 21 ft. of lot 6 and the North 55 ft. of lot 7,
Block 6, Ridgewood, a subdivision in City of Prairie Village,
Johnson County, Kansas

Variance Requested Building Line modification

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present use of Property: _____

Proposed Use of Property: _____

Utility lines or easements that would restrict proposed development:

Please complete both pages of the form and return to:

City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, Kansas 66208

Please indicate below the extent to which the following standards are met, in the applicant's opinion. *Provide an explanation on a separate sheet for each standard which is found to be met.*

1. **UNIQUENESS**

Yes ___ No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. **ADJACENT PROPERTY**

Yes ___ No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. **HARDSHIP**

Yes ___ No

The strict application of the provision of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be sufficient reason by itself to justify the variance.

4. **PUBLIC INTEREST**

Yes ___ No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. **SPIRIT AND INTENT**

Yes ___ No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. **MINIMUM VARIANCE**

Yes ___ No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE: _____

Milton H Luce

DATE _____

4/8/191

BY: _____

MILTON H LUCE

TITLE: _____

home owner

Response to Criteria #1 –

The property includes a basement entry by stairway at the rear of the garage, which is unique to the property and not ordinarily found with most of the properties in the zone. With two (2) vehicles parked in the space, the shape and condition of the garage is limiting for drivers and passengers to enter or exit the vehicles; or enter the side door from the garage to the kitchen.

Response to Criteria #2

Neither adjacent property owners panoramic view of the neighborhood would be impeded as both property's front doors and front room windows are at the opposite ends away from our adjoining property lines.

Response to Criteria #3

A strict application of these provisions will prevent property owners from sheltering vehicles from inclement weather as is otherwise afforded most of the property owners in the zone, and as a special circumstance, the existence of a car port and solar screen arbor will shelter and provide shade to the front entrance of the house during the summer months.

Response to Criteria #4

The variance will not promote a declaration in neighborhoods values as the property remains a single-family dwelling with no additional living space. The proposed improvement will not impair any supply of light nor shadow upon the adjacent properties.

The carport improvements will not diminish the property value nor other homes valuations in the zone. As the construction materials will be the same as the rest of the home construction. The curb appeal should not be impaired as other homes in the neighborhood include carports.

Response to Criteria #5

The design characteristics of the completed carport are contextual with both the design of the house as well as the neighborhood.

The variance requested is consistent with the spirit and intent of the zoning regulations as the project neither reduces green space nor increases the property footprint; will neither inhibit traffic safety nor limit light and air to the adjacent properties. The resulting curb appeal will be similar to many homes in the zone.

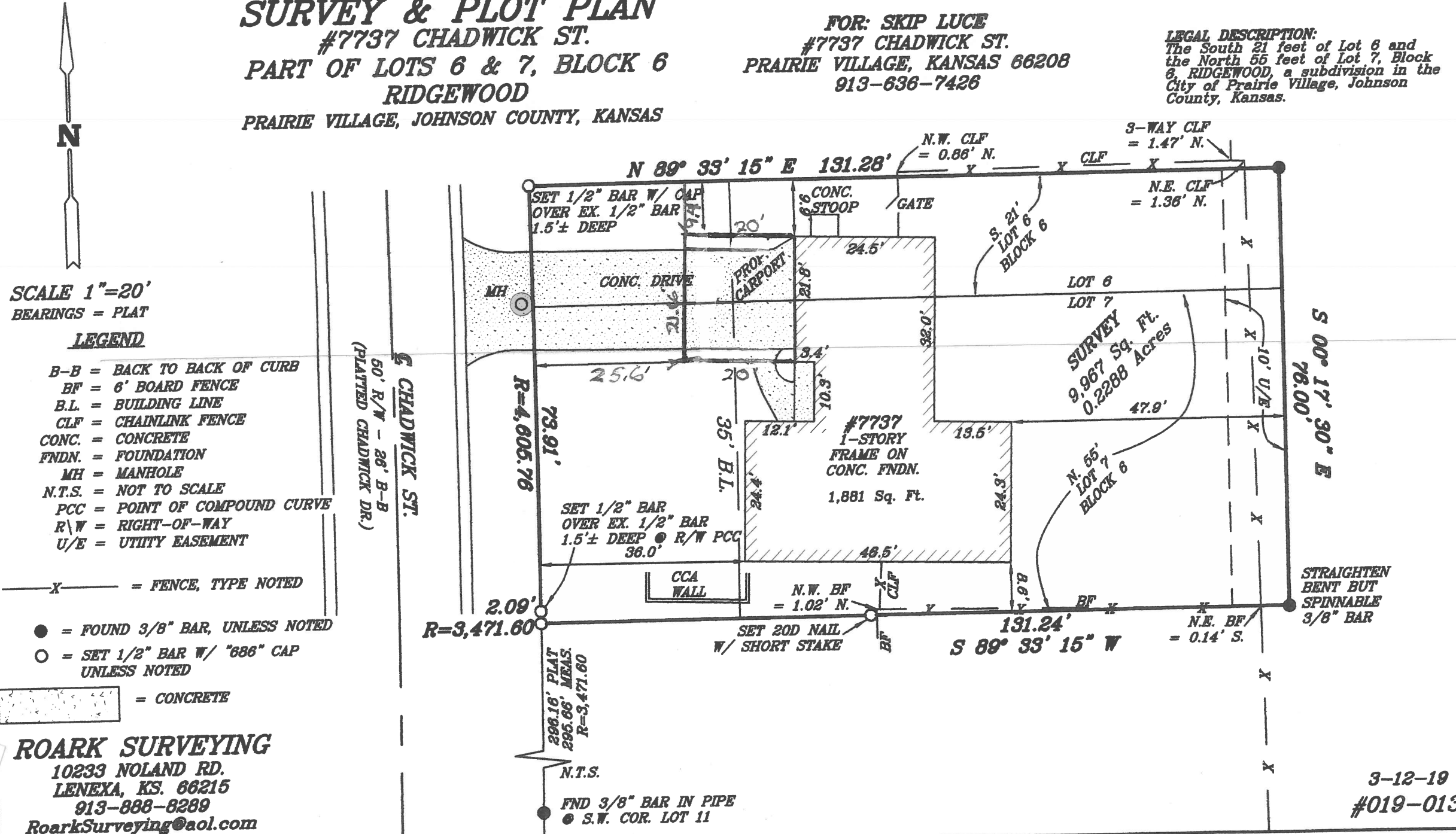
Response to Criteria #6

The permit requested includes the least variance to the street which allows vehicles to park completely under the shelter.

SURVEY & PLOT PLAN
#7737 CHADWICK ST.
PART OF LOTS 6 & 7, BLOCK 6
RIDGEWOOD
PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

FOR: SKIP LUCE
#7737 CHADWICK ST.
PRAIRIE VILLAGE, KANSAS 66208
913-636-7426

LEGAL DESCRIPTION:
 The South 21 feet of Lot 6 and
 the North 55 feet of Lot 7, Block
 6, RIDGEWOOD, a subdivision in the
 City of Prairie Village, Johnson
 County, Kansas.



SCALE 1"=20'
BEARINGS = PLAT

LEGEND

- B-B = BACK TO BACK OF CURB
- BF = 6' BOARD FENCE
- B.L. = BUILDING LINE
- CLF = CHAINLINK FENCE
- CONC. = CONCRETE
- FNDN. = FOUNDATION
- MH = MANHOLE
- N.T.S. = NOT TO SCALE
- PCC = POINT OF COMPOUND CURVE
- R\W = RIGHT-OF-WAY
- U/E = UTILITY EASEMENT

X ——— = FENCE, TYPE NOTED

● = FOUND 3/8" BAR, UNLESS NOTED

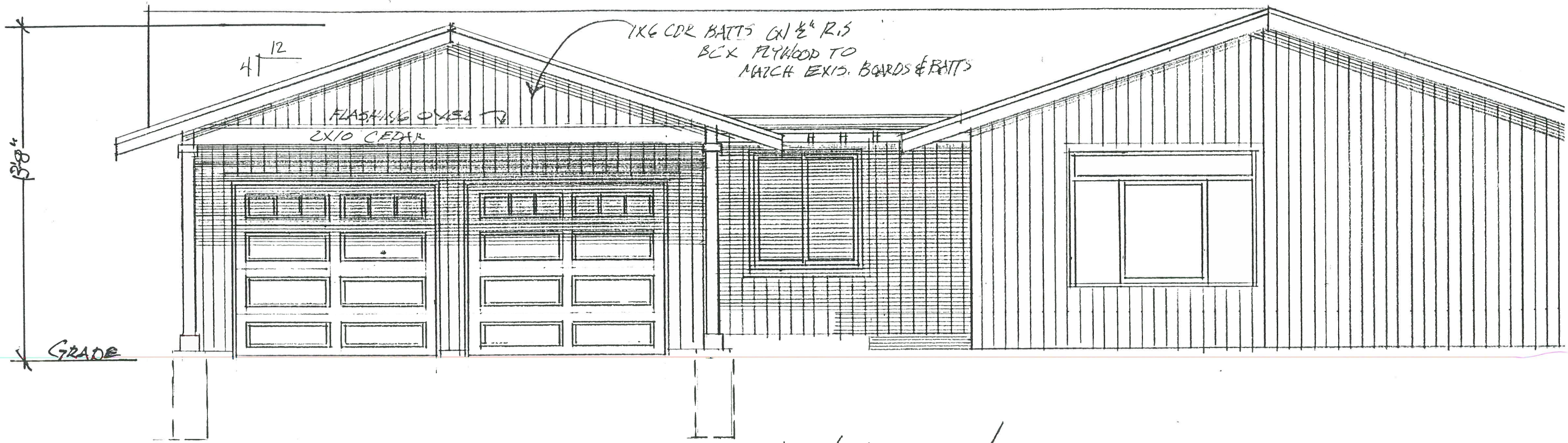
○ = SET 1/2" BAR W/ "686" CAP UNLESS NOTED

▨ = CONCRETE

ROARK SURVEYING

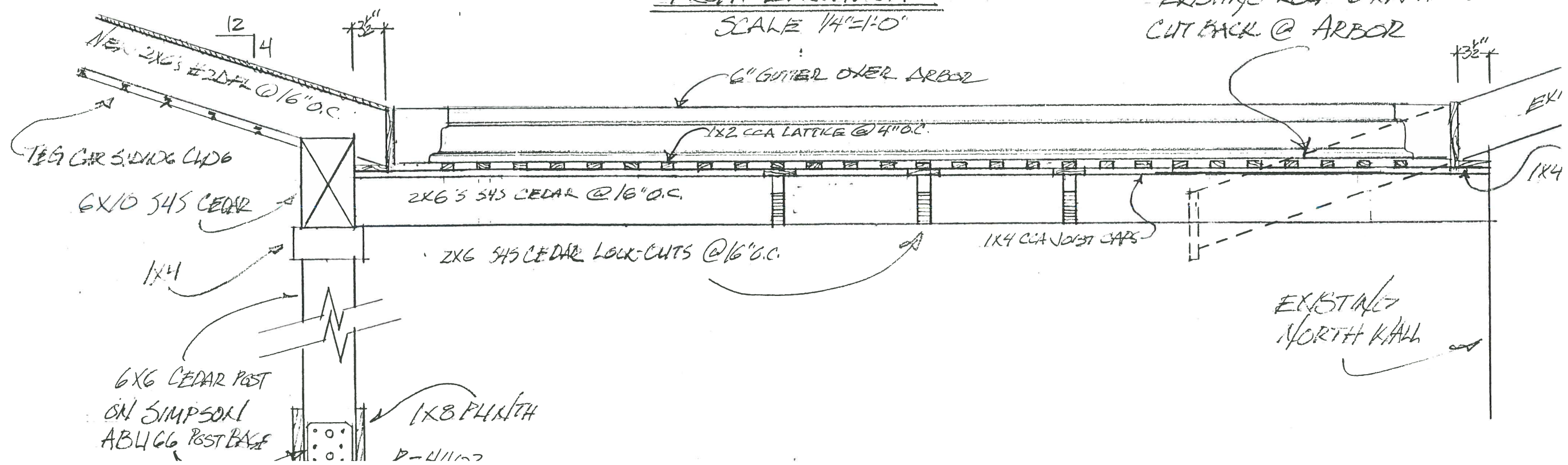
10233 NOLAND RD.
 LENEXA, KS. 66215
 913-888-8289
 RoarkSurveying@aol.com

3-12-19
 #019-013



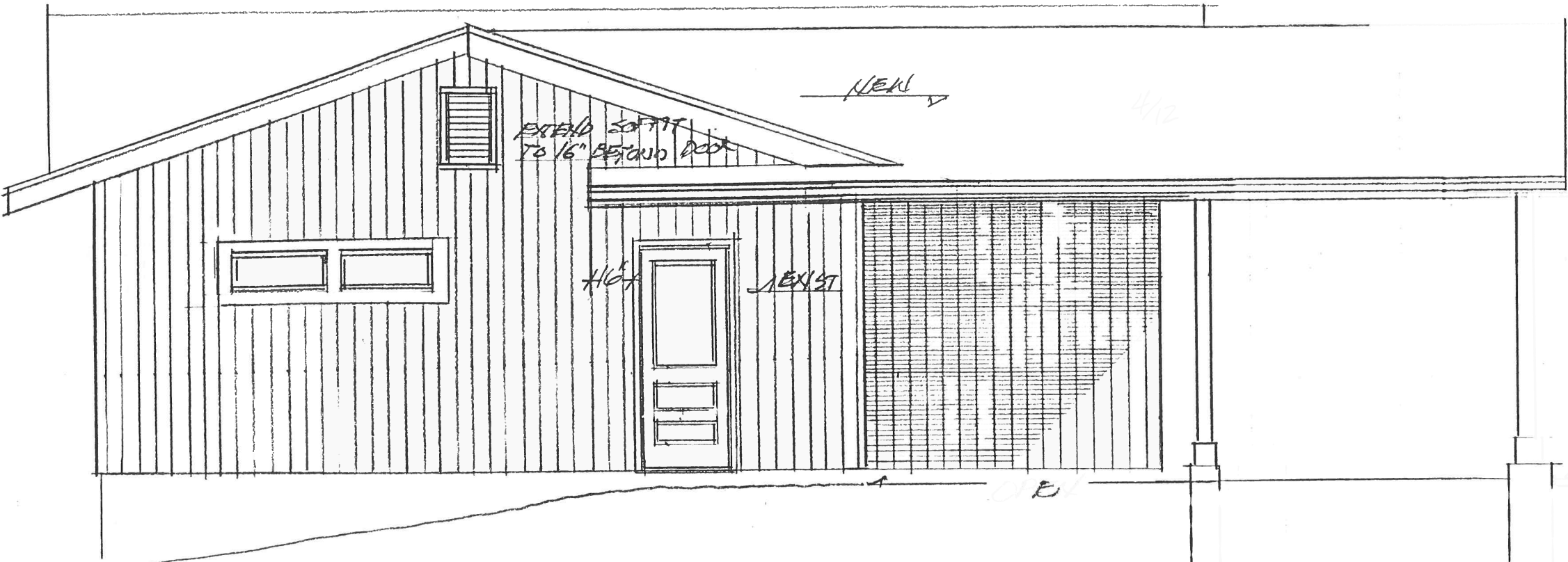
FRONT ELEVATION
SCALE 1/4"=1'-0"

EXISTING ROOF & RAFTERS
CUT BACK @ ARBOR

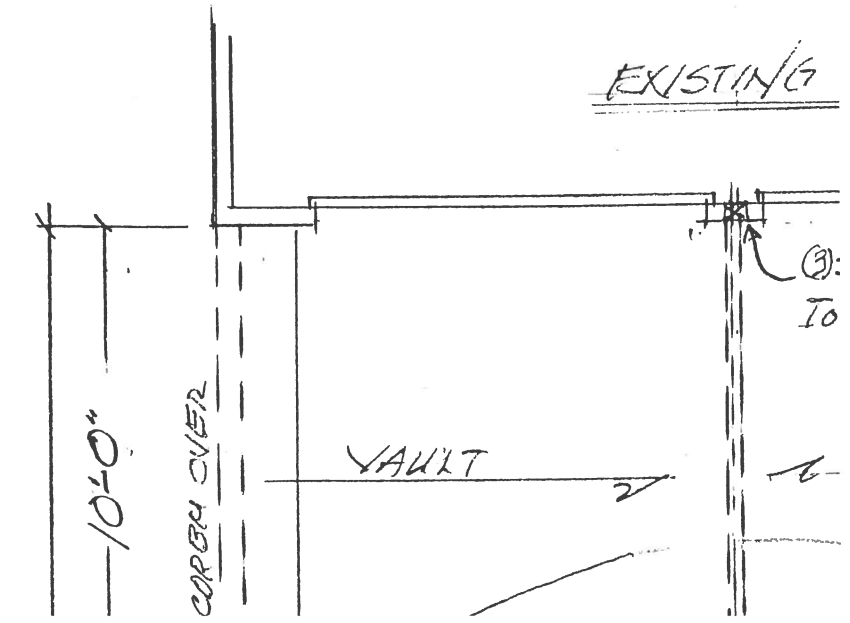
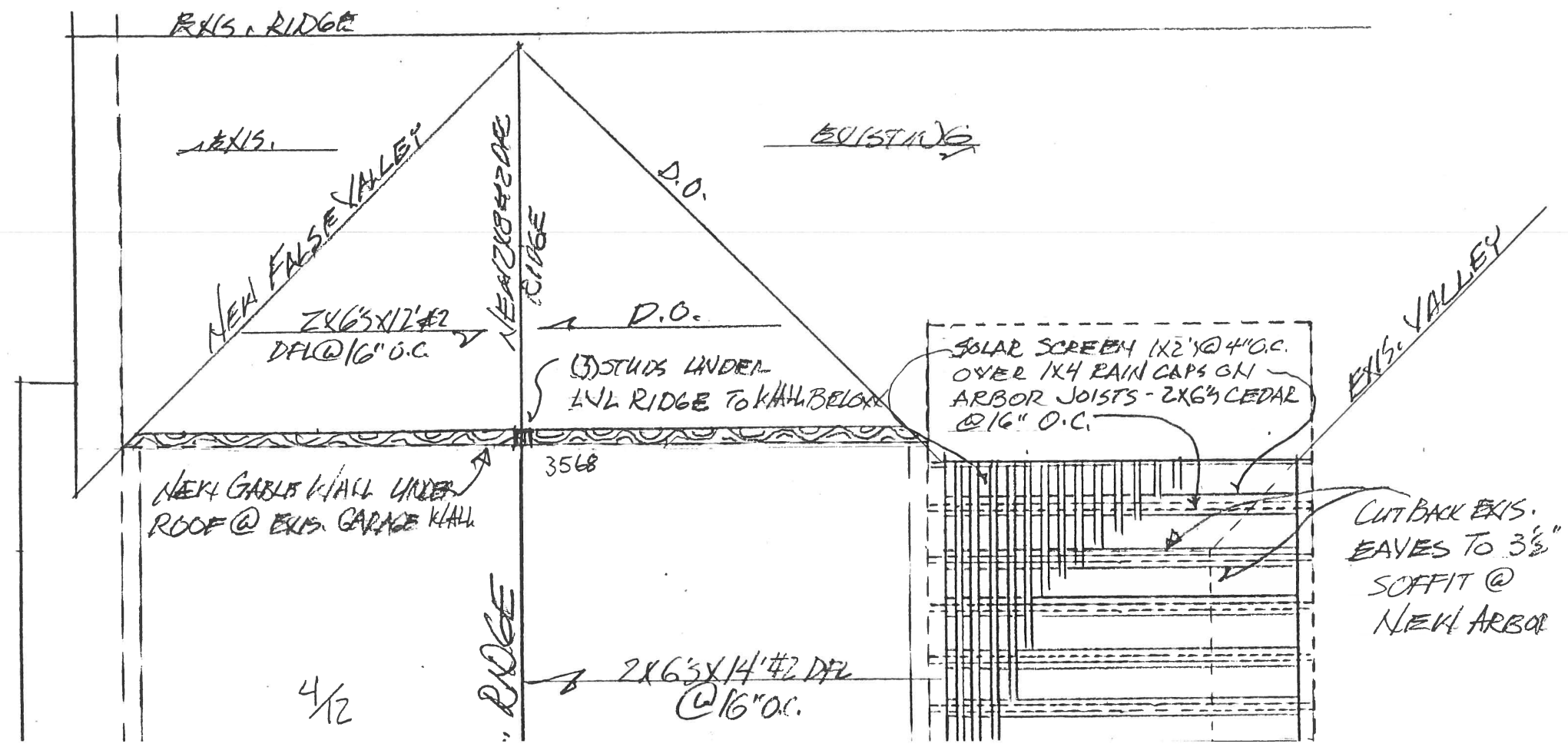
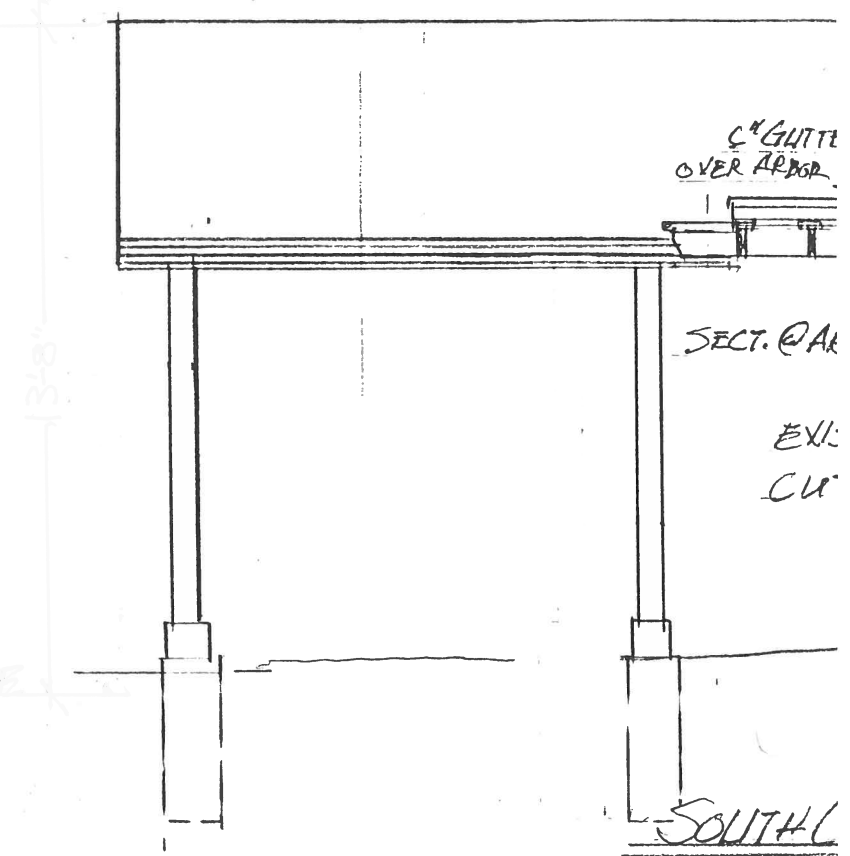


EXISTING
NORTH WALL

D-111107



NORTH (LEFT SIDE) ELEVATION
SCALE 1/4" = 1'-0"



April 17, 2019

Dear Neighbors:

An application has been filed with the Prairie Village Planning Commission for site plan approval for the property at: 7737 Chadwick St. The roof attached car port proposed will be added to the front of the street facing garage, with an increase of 9.4 feet from the building line to the street.

We will be hosting a neighborhood meeting at the property to answer questions regarding our application on Saturday, May 4th at 9am.

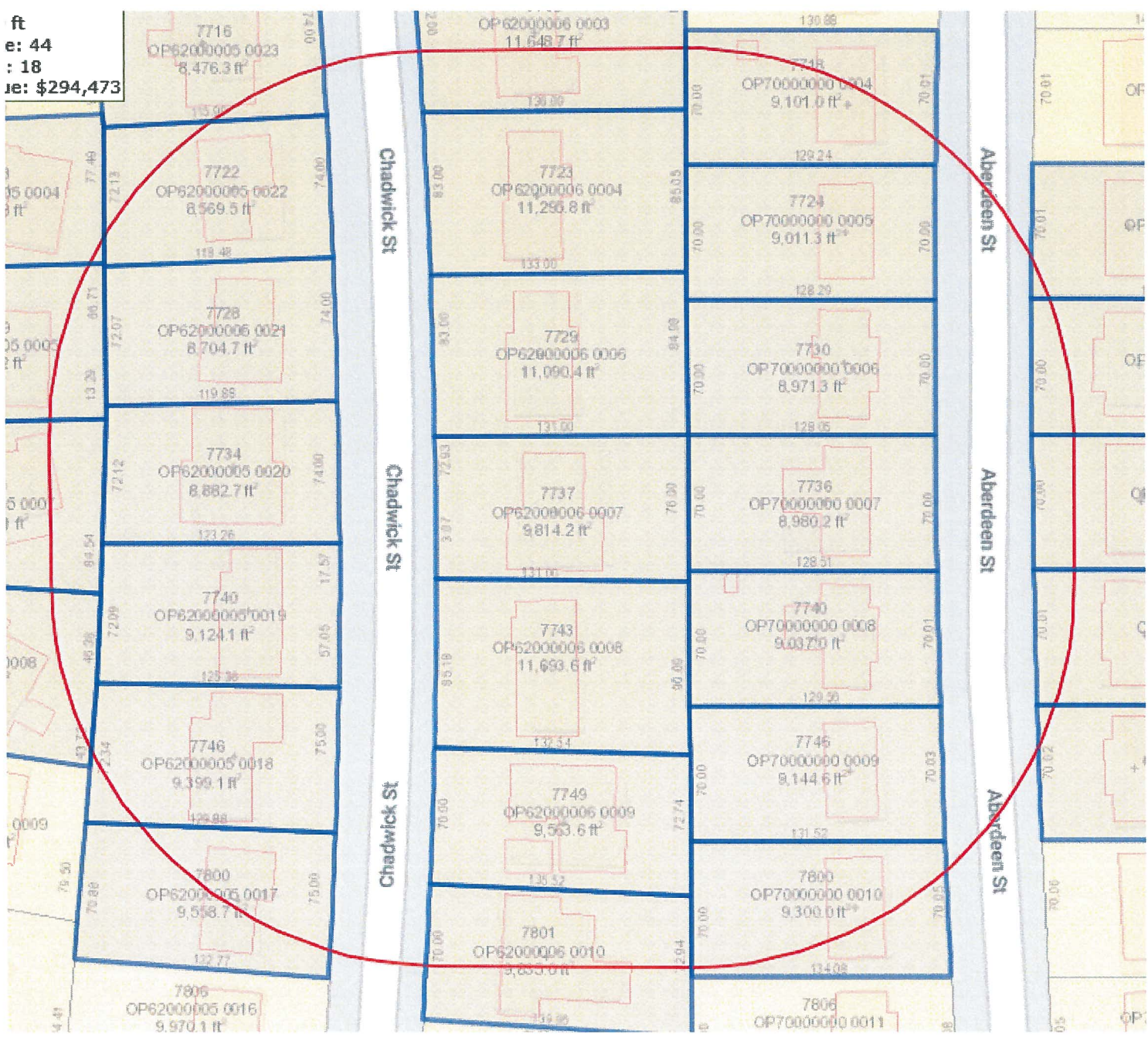
The planning commission will consider our application on June 4th at 7pm at their regular meeting at the Prairie Village Municipal Building at: 7700 Mission Road.

If you have any questions, please feel free to stop by or contact me at: 913/636-7426.

Sincerely,


Skip and Tess Luce

ft
e: 44
: 18
e: \$294,473





Buffer Results

[JoCo Home](#) > [AIMS Home](#) > [Internet Maps](#)

200 foot buffer (5.01 acres)
 Buffer search returned 30 properties
[Download as Mailing Labels](#)

No.	Property ID	Area (ft ²)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Billing Name	Billing Name2	Billing
1	OP62000005 0007	10,019	0.23	7739 CANTERBURY ST	COONEY, ROBERT J AND	COONEY, MARY L REV TRUST	7739 CANTERBURY ST	PRAIRIE VILLAGE, KS 66208			
2	OP62000005 0008	10,454	0.24	7745 CANTERBURY ST	PORTER, ELLEN K		7745 CANTERBURY ST	PRAIRIE VILLAGE, KS 66208			
3	OP70000000 0005	9,148	0.21	7724 ABERDEEN ST	DOMINGUEZ, SARAH B.	DOMINGUEZ, SAMUEL H.	7724 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
4	OP70000000 0006	9,148	0.21	7730 ABERDEEN ST	MILLARD, THOMAS G.	MILLARD, CAROLYN CYR	7730 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
5	OP70000000 0007	9,148	0.21	7736 ABERDEEN ST	WOLTKAMP, BRIAN FRANCIS	WOLTKAMP, ELLEN CATHARINE	7736 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
6	OP70000000 0008	9,148	0.21	7740 ABERDEEN ST	BAILER, RICHARD A	BAILER, DARICE R	7740 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
7	OP62000005 0005	9,583	0.22	7729 CANTERBURY ST	LIDGE, KENNETH G.		7729 CANTERBURY ST	PRAIRIE VILLAGE, KS 66208			
8	OP62000005 0020	8,712	0.20	7734 CHADWICK ST	MARSHALL, EILEEN MARIE TRUST		7734 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
9	OP62000005 0022	8,712	0.20	7722 CHADWICK ST	OLD, ALYSSA		7722 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
10	OP62000006 0003	11,761	0.27	7715 CHADWICK ST	CULP, BRIAN	CULP, JENNIFER	7715 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
11	OP62000006 0006	10,890	0.25	7729 CHADWICK ST	MOONEY, ELISE		7729 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
12	OP70000000 0010	9,148	0.21	7800 ABERDEEN ST	FUENTES, JENNIFER LYNN		7800 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
13	OP70000000 0028	10,454	0.24	7747 ABERDEEN ST	PANKO, AUSTIN	PANKO, RACHEL	7747 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
14	OP62000005 0004	9,148	0.21	7723 CANTERBURY ST	CARTER, JANICE ANN		7723 CANTERBURY ST	PRAIRIE VILLAGE, KS 66208			
15	OP62000005 0021	8,712	0.20	7728 CHADWICK ST	BERG, DAVID B	BERG, ERICA L	7728 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
16	OP62000005 0023	8,276	0.19	7716 CHADWICK ST	FREEMAN, DAVID F.	GRIECO, VIVIANA L.	7716 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
17	OP62000006 0004	11,326	0.26	7723 CHADWICK ST	WILSON, JAMES J.	WILSON, DALEEN	3648 W 132ND TER	LEAWOOD, KS 66209			
18	OP70000000 0004	9,148	0.21	7718 ABERDEEN ST	KENNEDY, JAMES A.	KENNEDY, LINDA I.	7718 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
19	OP70000000 0009	9,148	0.21	7746 ABERDEEN ST	MASEWICZ, ANNA	AUSTIN, PAULA	7746 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
20	OP70000000 0029	10,454	0.24	7741 ABERDEEN ST	HARRIS, RICHARD LOUIS	HARRIS, BROOKE ANN	7741 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
21	OP62000005 0017	9,583	0.22	7800 CHADWICK ST	WIENERS, MICHAEL	WIENERS, GINA	7800 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
22	OP62000005 0018	9,583	0.22	7746 CHADWICK ST	OTOOLE, KEVIN	OTOOLE, MAUREEN	7746 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
23	OP62000005 0019	9,148	0.21	7740 CHADWICK ST	PEREZ, LACEY	PEREZ, NATHAN	7740 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
24	OP62000006 0007	10,019	0.23	7737 CHADWICK ST	LUCE, MILTON HAYES III TRUST		7737 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
25	OP62000006 0008	11,761	0.27	7743 CHADWICK ST	HALL, JOSEPH E	HALL, SAMANTHA A	7743 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
26	OP62000006 0009	9,583	0.22	7749 CHADWICK ST	WARNECKE, DENNIS R.	WARNECKE, KAREN K.	7749 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
27	OP62000006 0010	10,019	0.23	7801 CHADWICK ST	DAVIDSON, RUSSELL B.	DAVIDSON, CHERYL C.	7801 CHADWICK ST	PRAIRIE VILLAGE, KS 66208			
28	OP70000000 0030	10,019	0.23	7737 ABERDEEN ST	EICHENBERG, BRYAN R	EICHENBERG, SARAH K	7737 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
29	OP70000000 0031	10,019	0.23	7731 ABERDEEN ST	BICKFORD TRUST		7731 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			
30	OP70000000 0032	10,019	0.23	7725 ABERDEEN ST	TIPSRSUKOND, NARIN		7725 ABERDEEN ST	PRAIRIE VILLAGE, KS 66208			

Total Area of Parcels: 6.71 acres (292,288 ft²)
 Selected Property

James D Marshall
7734 Chadwick

retired residential
architect directly
across the street

Dan & Erica Berg
7728 CHADWICK ST.

Joe and Samantha Hall
7743 Chadwick St

next door South

May 4th neighborhood meeting attendees

In addition: Karen & Dennis WARNEKEE (2 doors
down)
Left voice mail with positive
encouragement - they have a car
port

Spoke over the fence with adjacent North
neighbor.

Mr. Marshall was concerned over changing the
president to the neighborhood but not opposed to
our project or his view from his home

Mr. Berg was encouraged that our project seemed
contextual with our street

Mr. Hall voiced no objections

Shirley