

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, JUNE 4, 2019**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, June 4th, 2019 in the Council Chambers of the Municipal Building at 7700 Mission Road. Chairman Gregory Wolf called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, Patrick Lenahan, Nancy Wallerstein, Melissa Brown and Jeffrey Valentino.

Also present in their advisory capacity to the Board of Zoning Appeals were: Chris Brewster, City Planning Consultant; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official, Ron Nelson, Council Liaison, and Adam Geffert, Board Secretary.

PUBLIC HEARINGS

BZA2019-01 Variance from front yard setback of 30 feet and a modification of a platted building line of 35 feet, to permit a carport extending to a point 25.6 feet from the front lot line.

Chris Brewster provided background of the variance request at 7737 Chadwick. The existing garage is set back 45 feet from the front building line of the home. The proposed carport would extend approximately 20 feet from the garage, reducing the setback to 25.6 feet. Mr. Brewster reminded the Board that the project must meet all five of the criteria set in Section 19.54.030 of the Zoning Ordinance in order to grant a variance.

The applicant, Milton H. Luce, stated that the carport would be constructed with the same materials as those used when the house was built in the 1950s. He added that he believed the addition would be contextually similar with the rest of the neighborhood, and that other houses on the street also had carports. Mr. Luce noted that the primary reason for the addition was due to the limited space in the existing garage. The access stairwell to the basement is located in the garage, making it difficult to walk around parked vehicles to enter the home.

Ms. Brown asked how far back the posts of the carport would be from the front property line. Mr. Brewster stated that the variance would actually be 26.6 feet, because it would be the roof overhang that is 25.6 feet from the property line, not the posts.

Mr. Lenahan asked about the layout of the garage interior, and stated that it was difficult to ensure that the variance request met the “uniqueness” criteria because the garage was a typical size for houses built during the era. He added that drawings of the interior of the garage would be helpful in making a decision.

Mrs. Wallerstein asked about the solar arbor included in the plans. Mr. Luce stated that one would be added between the carport and the house to reduce heat buildup at the front entrance to the home.

Chairman Gregory Wolf opened the public hearing for the application. With no one present to address the Board, the public hearing was closed at 6:50 p.m.

Mr. Wolf led the Board through discussion of the following criteria required for approval of a variance:

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.

Mr. Birkel stated that, although carports were part of the neighborhood, the houses that had them did not also have garages. He added that he did not believe the design would match the architectural style of surrounding homes. Mr. Lenahan agreed, suggesting that an expansion of the garage within the building line would be a better solution to address the existing inconvenience factors in the garage.

No Board members believed that the uniqueness criteria had been met.

B. Adjacent Property

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

Board members agreed that the plan met the requirements of this criteria.

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.

Mr. Birkel, Mr. Lenahan and Mrs. Wallerstein did not feel that the hardship factor had been met.

D. Public Interest

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

Board members agreed that the plan met the requirements of this criteria.

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.

Mr. Lenahan did not believe that the spirit and intent factor had been met.

Mr. Wolf told the applicant that the Board would need additional information about the interior of the garage before a final decision could be made. He suggested that the applicant provide that information at a follow-up meeting for further review. Mr. Valentino added that both specific measurements and photos would be helpful for the Board to make a decision.

Mr. Wolf recommended tabling the application and giving the applicant an opportunity to return at a later date. Mrs. Wallerstein made a motion to continue the item to the July meeting, and Ms. Brown seconded. The motion passed unanimously.

OLD BUSINESS

There was no Old Business to come before the Board.

ADJOURNMENT

Chairman Gregory Wolf adjourned the meeting of the Board of Zoning Appeals at 7:03 p.m.

Gregory Wolf
Chairman