

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, JULY 2 2019**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 2nd, 2019 in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice-Chairman James Breneman called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, Patrick Lenahan, Nancy Wallerstein and Jeffrey Valentino.

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

APPROVAL OF MINUTES

Patrick Lenahan moved for the approval of the minutes of the December 4, 2018 Board of Zoning Appeals meeting as presented. Jonathan Birkel seconded the motion, which passed 4-0, with James Breneman in abstention.

Patrick Lenahan moved for the approval of the minutes of the June 4, 2019 Board of Zoning Appeals meeting as presented. Nancy Wallerstein seconded the motion, which passed 4-0, with James Breneman in abstention.

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.**

Graham Smith provided background of the variance request at 7737 Chadwick, which was previously presented to the BZA on June 4, 2019. The existing garage is currently set back 45 feet from the front lot line of the home. The proposed carport addition would extend approximately 20 feet from the garage, reducing the setback from 45 feet to 25.6 feet. The variance would exceed the minimum front yard setback requirement of 30 feet, and the platted building line requirement of 35 feet. Mr. Smith reminded the Board that the project had to meet all five of the criteria set in Section 19.54.030 of the Zoning Ordinance in order to grant a variance.

Milton Luce, applicant and owner of the property, shared several photos of the interior of the garage, as the Board had requested at its June 4th meeting. Mr. Luce noted that there was very little room to move around in the garage when a vehicle was parked within it, due to the protrusion of the chimney as well as steps entering the kitchen and basement.

Vice-Chairman James Breneman opened the public hearing for the application. With no one present to address the Board, the public hearing was closed at 6:52 p.m.

Mr. Breneman 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. Lenahan stated that he did not believe the home was unique among houses in the neighborhood or of the era during which it was built. Mr. Valentino noted that the interior stairwell in the garage was somewhat unique for homes in Prairie Village.

B. Adjacent Property

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

Mrs. Wallerstein said that the applicant did speak with his surrounding neighbors, and none objected to the proposed carport.

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. Lenahan stated that hardship was not evident based on the information provided. Mr. Birkel and Mrs. Wallerstein agreed. Mr. Valentino said that he had concerns in regard to residents who wanted to age within their homes, which was difficult based on the housing stock in the area.

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.

Mrs. Wallerstein asked Mr. Luce what he would use the garage for if the carport were approved. Mr. Luce stated that it would be used for storage, and remain unfinished.

Mrs. Wallerstein made a motion to approve the variance, based on the hardship the current design caused the residents. Mr. Valentino seconded. The motion failed 3-2, with Mr. Birkel, Mr. Breneman and Mr. Lenahan in opposition.

OLD BUSINESS

There was no old business to come before the Board.

ADJOURNMENT

Vice-Chairman James Breneman adjourned the meeting of the Board of Zoning Appeals at 7:01 p.m.

James Breneman
Vice-Chairman