

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE  
TUESDAY, JANUARY 5, 2021  
7700 MISSION ROAD  
COUNCIL CHAMBERS  
6:30 P.M.**

The Board of Zoning Appeals will be meeting remotely via Zoom. To watch the meeting, click the following link: <https://us02web.zoom.us/j/84884970197>. The meeting will also be live-streamed on the City of Prairie Village Facebook page at [www.facebook.com/CityofPrairieVillage](http://www.facebook.com/CityofPrairieVillage).

To participate in the public hearing, residents can email their comments to City Clerk Adam Geffert at [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com). All comments must be received by 5:00 p.m. on Tuesday, January 5. If you would like to speak live during the public hearing, you must notify the City Clerk with your name, address, and email address. The City will call on those who signed up to speak once the public hearing begins. Members of the public will not be able to participate in the meeting unless you sign up with the City Clerk ahead of time. Each individual that wishes to speak during the public hearing will be given 3 minutes.

**I. ROLL CALL**

**II. APPROVAL OF BZA MINUTES - MAY 5, 2020**

**III. PUBLIC HEARINGS**

BZA2021-01                      Side and Rear Yard Variance for the Purpose of  
Building an Addition to Home  
2001 W. 71<sup>st</sup> Terrace  
Zoning: R-1B

**IV. OTHER BUSINESS**

Election of Chair, Vice-Chair and Secretary

**V. ADJOURNMENT**

**\*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.**

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, MAY 5, 2020**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, May 5, 2020, at 6:30 p.m. Due to the COVID-19 pandemic, Board members attended a virtual meeting via the Zoom software platform. Chair Patrick Lenahan called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, James Breneman, Nancy Wallerstein, Greg Wolf, Melissa Brown and Jeffrey Valentino.

Also present via Zoom in their advisory capacity to the Board of Zoning Appeals were: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official, Ian Graves, Council Liaison, and Adam Geffert, City Clerk/Board Secretary.

**APPROVAL OF MINUTES**

Mr. Wolf moved for the approval of the minutes of the February 4, 2020 Board of Zoning Appeals meeting as presented. Mr. Breneman seconded the motion, which passed 6-0, with Mrs. Wallerstein in abstention.

**PUBLIC HEARINGS**

BZA2020-01            Side yard setback variance for garage addition  
7801 Rosewood Lane  
Zoning: R1-B

Mr. Brewster stated that the applicant was requesting a variance to allow for the addition of a second garage. The addition would meet all setback requirements with the exception of the 20% lot width frontage rule when considering both the north and south lot lines. He added that Zoning Ordinance required the Board to find that all five of the following conditions be met to grant a variance:

1. 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.
2. Adjacent Property - That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

3. 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.
4. Public Interest - That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. 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. Birkel asked if the driveway was being expanded as well, and if so, whether it would still meet lot coverage guidelines for previous and impervious surfaces. Mr. Dringman stated further review would be needed, unless the applicant could provide information.

Mrs. Wallerstein noted that there were no design features in the site plan which would break up the visual mass on the north side of the new garage. Mark McNeil, the homeowner and applicant, stated that there would be one or two windows added to the north side to provide light into the garage. Project architect Bob Dimond said that the driveway addition would meet lot coverage guidelines as well.

Mr. Lenahan opened the public hearing at 6:57 p.m. With no one present to speak on the Zoom meeting, Mr. Lenahan closed the public hearing at 6:58 p.m.

**Mr. Wolf made a motion to approve the variance, 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 side setback of 6.3' on the north side, and to the extent shown in plans (9' high and approximately 24' long).
2. A tree be planted in the frontage area meeting the location requirements for street and/or frontage trees.
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.
4. A window be added to the north side of the structure.

**Ms. Brown seconded the motion, which passed unanimously.**

## **OTHER BUSINESS**

There was no other business to come before the Board.

## **ADJOURNMENT**

Chair Patrick Lenahan adjourned the meeting of the Board of Zoning Appeals at 7:01 p.m.

# STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Chris Brewster, Gould Evans, Planning Consultant  
**DATE:** January 5, 2021

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**Application:** BZA 2021-01

**Request:** Variance from the side setback of approximately 2.2 to 2.7 feet and from rear setback of approximately 15 feet to build a home addition.

**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:** 2001 W. 71<sup>st</sup> Terrace

**Applicant:** Dennis and Stacey Rice, Owners

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

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

**Legal Description:** GRANTHURST ALL LOTS 94 & 95 & N 5 FT LOTS 146 & 147 PVC-3493

**Property Area:** 0.22 acres (10,801.48 s.f.)

**Related Case Files:** None

**Attachments:** Application, photos, site plan and building elevations

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**General Location Map**



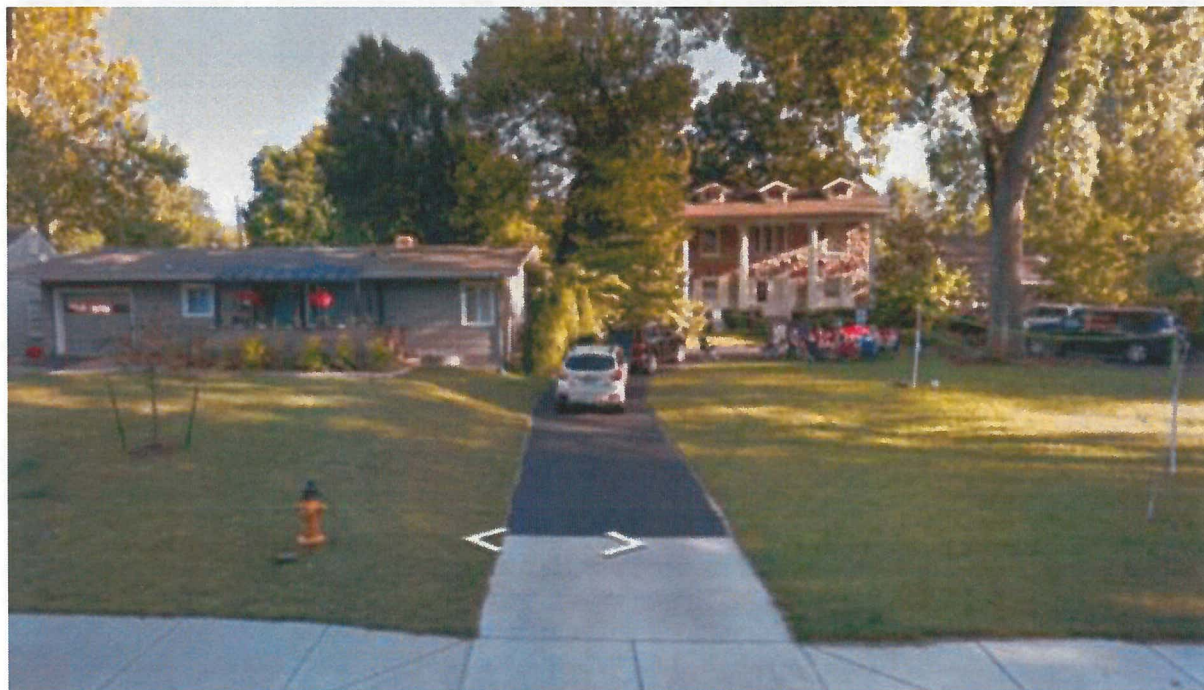
**Aerial Map**



**Aerial Site**



**Street Views**



*Street view – looking south, 2001 W. 71<sup>st</sup> Terrace on right.*



Street view - looking east, 2001 W. 71st Terrace background right



Bird's eye view

January 5, 2021

**COMMENTS:**

The applicant is requesting a variance from Section 19.08.015 to allow the addition a 2-story addition on the east side of the house. The property is zoned R-1B. The required rear setback is 25' and the required side setback is 6 feet, and at least 20% of the lot width between both sides. The proposed addition would be between 3.2 feet and 3.875 feet from the east lot line (closer dimensions towards the rear) and approximately 10 feet from the rear lot line. There is a large setback on the west side of the house and a detached garage, so the lot would still meet the cumulative side setback requirement. All other requirements of the R-1B district will be met.

The existing home was built in 1925 (according to Johnson County AIMS data), and it preceded the adoption of the zoning ordinance. It sits to the rear portion of the lot, and currently does not conform to the rear setback requirements (approximately 8.75' from the rear where 25' is required). Most of the other homes in the vicinity were built between 1950 and 1960, and have a different position and orientation – most built at or near the front setback line of 35 feet. This results in the subject home having a relationship to the neighboring properties rear yard, rather than the side of the house. Additionally, the home does not have room for a rear addition without increasing the existing non-conforming situation and easements and other logistics limit the capability of expanding to the rear.

**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.**

The lot is not necessarily unique, although there is a wide range of lot types in the vicinity. This lot is approximately 80 feet wide, and in the middle of the range of other lots, and is rectangular. However, the existing structure sits well beyond the front setback (101' setback, where 35' is required, while nearly all other homes in the area are built at or near the rear setback. There is an existing legal non-conforming situation with the rear setback, and a majority of the house sits in what would otherwise be the rear yard. Additionally the block face opposite of this block has several unique building and accessory building placements due to a creek and drainage interrupting development patterns on the block. This unique building placement is a factor of this house being built in 1925, prior to the adoption of the zoning ordinance, and most of the surrounding homes being built between 1950 and 1960.

**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 variance is being requested for the east side lot line and the rear. The proposed building would be located between 3.2 and 3.875 feet from the property to the east. The plan would place a 2-story elevation for approximately 23.25 feet near the side lot line with the property to the east. This elevation would be 24.33 feet at its highest point and approximately 450 square feet total, whereas an elevation built that meets the 6 feet side setback could be up to 35' tall and up to 800 square feet. This elevation also relates to the adjacent lots rear yard rather than the building, due to the location of the house. The rear yard variance is an extension of the non-conforming situation already existing between this lot and the lot to the rear. The proposed addition would be about 1.25 feet further back than the rest of the existing house, and would add approximately 13.8' – or a 40% increase in the



January 5, 2021

extent of the non-conformance (the existing house is approximately 33' and located 8.75 feet from the rear lot 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.**

Due to the location of the house, the non-conforming rear setback, and the location of easements, and addition to the rear of the house would be impractical. Most of the buildable area of the lot according to the zoning ordinance is in front of the existing home. However, in order to preserve the house and to maintain the character of the current front facade, the applicant has elected to build to the east side. This is the most practical solution due to the floor plan, the configuration of the existing garage and driveways, and the orientation of the house.

**D. Public Interest**

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

The proposed addition does not significantly alter the relationship of the building and lot to the public streetscape. The principle building will still meet the cumulative side setback and the proposed design is maintain the character of the existing house. This house has an unusual relationship to the streetscape being much further back than other houses in the area. Additionally the street and block have severally unusually building and accessory building placements due to a drainage creek through the block to the north, and there is not clearly defined pattern for the public streetscape. Other than the east side setback and the rear setback, all other standards of the R-1B district will be met.

**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-1B side and rear setback standards is to manage the relationship of buildings to one another along the block. The proposed addition will place a two-story elevation closer to the east property line than is currently allowed, and it will increase the extent of a current non-conforming situation. However in each case, and due to the location of the current house, the impact on adjacent properties could be comparable too or less than a structure built according to the regulations.

**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.
2. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

App# 0024598  
Cust # 001485

**VARIANCE APPLICATION  
BOARD OF ZONING APPEALS**

**CITY OF PRAIRIE VILLAGE, KANSAS**

For Office Use Only BZA 2021-01

Case No: ~~2021-01-000~~

Filing Fee: \$75.00

Deposit: \_\_\_\_\_

Date Advertised: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

APPLICANT: Dennis and Stacey Rice PHONE: 816-520-0765

ADDRESS: 2001 W 71 Terr, Prairie Village, KS ZIP: 66208

OWNER: Dennis and Stacey Rice PHONE: 816-520-4534

ADDRESS: 2001 W 71 Terr, Prairie Village, KS ZIP: 66208

LOCATION OF PROPERTY: 2001 W 71 Terr, Prairie Village, KS 66208

LEGAL DESCRIPTION: \_\_\_\_\_

Granthurcot, All Lots 94 and 95 and north 5 feet of  
lots 146 and 147

Variance Requested Requesting both a side and rear  
yard variance for the purpose of building an addition to home

**ADJACENT ZONING AND LAND USE:**

	<u>Land Use</u>	<u>Zoning</u>
North	<u>SINGLE FAMILY RESIDENTIAL</u>	<u>Residential</u> R1-B
South	<u>SINGLE FAMILY RESIDENTIAL</u>	<u>Residential</u> R1-B
East	<u>SINGLE FAMILY RESIDENTIAL</u>	<u>Residential</u> R1-B
West	<u>SINGLE FAMILY RESIDENTIAL</u>	<u>Residential</u> R1-B

Present use of Property: Single Family Residence

Proposed Use of Property: Single Family Residence

Utility lines or easements that would restrict proposed development:  
None

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: \_\_\_\_\_ DATE \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Minimum Required Information (to be shown on the site plan)**

The site plan shall be legibly and accurately drawn on paper suitable for reproduction. The plan shall be drawn to a scale of 1 inch to 50 feet or less. Architect's drawings will also be acceptable. The plan shall contain the following information:

1. The name and address of the person filing the application
2. The date, scale, and north arrow
3. Property lines, building lines and easements
4. Streets, sidewalks and alleys
5. Existing and/or proposed structures or improvements  
(i.e. trees, patios, driveways, etc.)
6. Existing structures within 20 feet of the property
7. Accurate dimensions of the property and all structures involved

**Elevations**

Elevations shall be submitted for all sign applications, new additions, alterations to existing structures, new accessory structures, and fences. They shall contain the following information:

1. Dimensions including height, width, length and area
2. In the case of sign, the elevation should also indicate the exact appearance of the sign, whether or not it is illuminated, and the type of illumination.

**Other**

Any other information deemed necessary by the code official or building official should be stipulated below:

\_\_\_\_\_

\_\_\_\_\_

Checked by: \_\_\_\_\_

Date: \_\_\_\_\_

OFFICE OF THE CITY CLERK  
CITY OF BURLINGAME, CA  
1000 BURLINGAME AVENUE  
BURLINGAME, CA 94010  
415.338.1400

Please indicate below the extent to which the following standards are met, in the applicant's opinion.

1. UNIQUENESS

Due to the age of our home (Constructed no later than 1925), and the location of the home on the property, we are seeking a variance based on the uniqueness of the current condition. The home was built in 1925, with surrounding homes being built in 1955. Due to the way the properties were platted around this home, it sits back 100' from the front property line, while the surrounding houses sit back 35' from the front property line. The current home sits so far back on the property, it is already approximately 16'-1" over the current rear setback, allowing no room for an addition on the back side of the home. In addition to the location of the house on the property, this house looks different than the surrounding homes. It is a stone, two story home, surrounded by small cape cod 1.5 story homes and ranches. We want to maintain the historic front elevation of this home.

Side variance: The best location for a much needed addition to update the functionality of this home, would be on the East side of the existing home. In order to add the amount of space needed for a functional kitchen with a master bedroom above, we are proposing the street side of the addition would overlap the existing side setback by 2'-7", and on the rear side, 2'-1". The total width of the existing house with the addition and the existing one car garage would still be 61'-2" which is 76.5% of the total width of the property. (<80%)

Rear variance: The rear side of the addition would be 10'-0" from the rear property line. The existing home sits 8.9' from the rear property line so the addition would sit further from the property line than the existing home.

2. ADJACENT PROPERTY

The granting of a side and rear setback will not adversely affect any rights of the adjacent property owners.

Side variance: Since the neighbor on the East side sits 35' from the front property line, and the current home sits 100' back from the front property line, the proposed addition will not sit next to the existing house and will not affect it at all. The North-east corner of the addition will sit 28'-8" behind the south west (rear) corner of the neighbor to the East.

Rear variance: Since the existing house already sits 8.9' from the rear property line, the addition will be further from the rear property line than the existing house so the addition will not affect the rear property either.

3. HARDSHIP

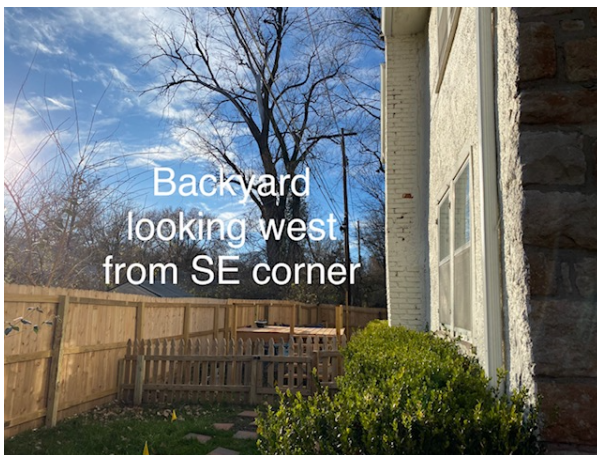
Due to the special circumstances of the property and existing home, the strict application of the existing setback criteria will present an unnecessary hardship. If the existing structure were not in the location it is, we would be able to add to the rear of the home, like all of our neighboring properties are able to. Additionally, the existing structure has not changed since it was built in the early 20<sup>th</sup> century. While we want to maintain the existing structure, time has put increased demands on the need for additional space and upgrades. This addition will allow the home to meet those needs of the 21<sup>st</sup> century family, which is surely a reasonable expectation of property owners throughout Prairie Village.

#### 4. PUBLIC INTEREST

The granting of this variance will not adversely affect the public interest. It will positively affect the prosperity of the neighborhood and improve one of the oldest homes in Prairie Village. Although the addition will encroach on the side and rear setbacks, there will still be more than 10' between the addition and the house to the East, and the rear of the addition and the house on the rear side, protecting both homes against the spread of fire. The addition will add 306 SF to the existing footprint which will make the total building coverage 16.1%, well below the maximum of 30%. The property is currently over the 40% impervious surface coverage at 45.8%, due to the long driveway necessary to approach the structure. The addition would reduce the impervious surface coverage to 43.37%, as the addition would replace an existing paver patio that extends to the side property line. Again, the bulk of the impervious surface is located away from surrounding structures. Additionally, we plan on replacing our existing landscaping with additional trees and shrubbery to improve the aesthetics for our neighbors and positively impact the environment.

#### 5. SPIRIT AND INTENT

This variance will not conflict with the intent and purpose of the existing zoning regulation. Our home predates our neighborhood, and was located prior to the neighboring properties being platted. The existing home already defies neighborhood conformity. It is the intent of the owner to add the necessary space while correctly adding to the size and style of historic home, and enhancing the surrounding neighborhood. While zoning regulations are created for multiple purposes, this variance will not conflict with any of those purposes.





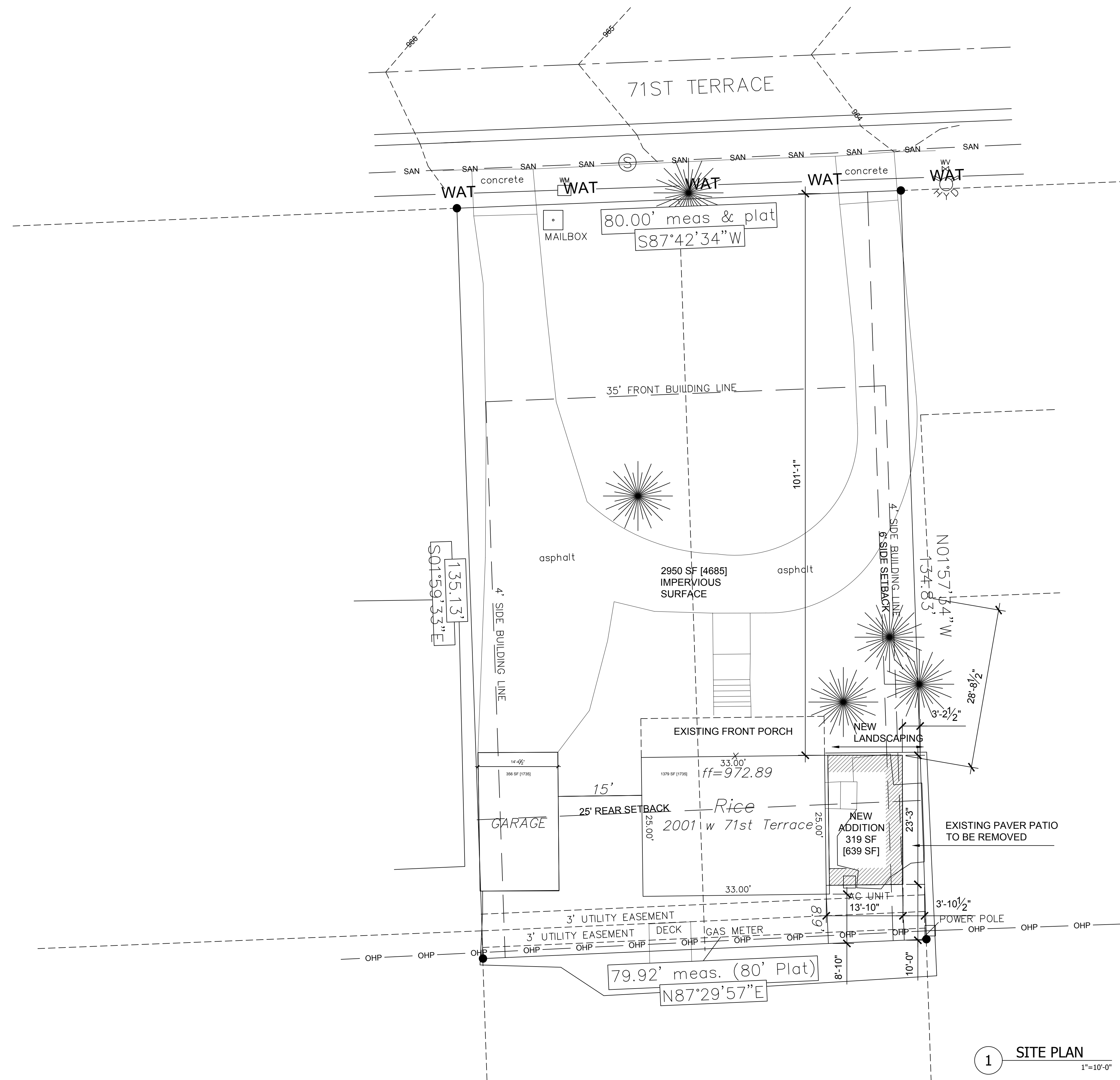
Looking SE from  
Front yard



Looking SW from  
Front yard



Looking S from street



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**NOTICE DUTY OF COOPERATION:**  
RELEASE OF THESE DRAWINGS REQUIRES FURTHER COOPERATION AMONG THE OWNER, THE CONTRACTOR AND THE OWNER. DESIGN AND CONSTRUCTION ARE COMPLEX. THE ARCHITECT HAS EXECUTED THESE PLANS WITH DUE DILIGENCE AND CARE BUT PERFECTION CAN NOT BE GUARANTEED. ANY DISCREPANCY TO THE PLANS DISCOVERED MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY. A FAILURE TO DO SO SHALL RELIEVE THE ARCHITECT FROM RESPONSIBILITY FOR ALL CONSEQUENCES. CHANGES TO THE PLAN MADE WITHOUT WRITTEN CONSENT FROM THE ARCHITECT ARE UNAUTHORIZED AND SHALL RELIEVE THE ARCHITECT FROM RESPONSIBILITY FOR ALL CONSEQUENCES ARISING OUT OF SUCH CHANGES. THE CONTRACTOR IS RESPONSIBLE FOR ALL DIMENSION VERIFICATION.

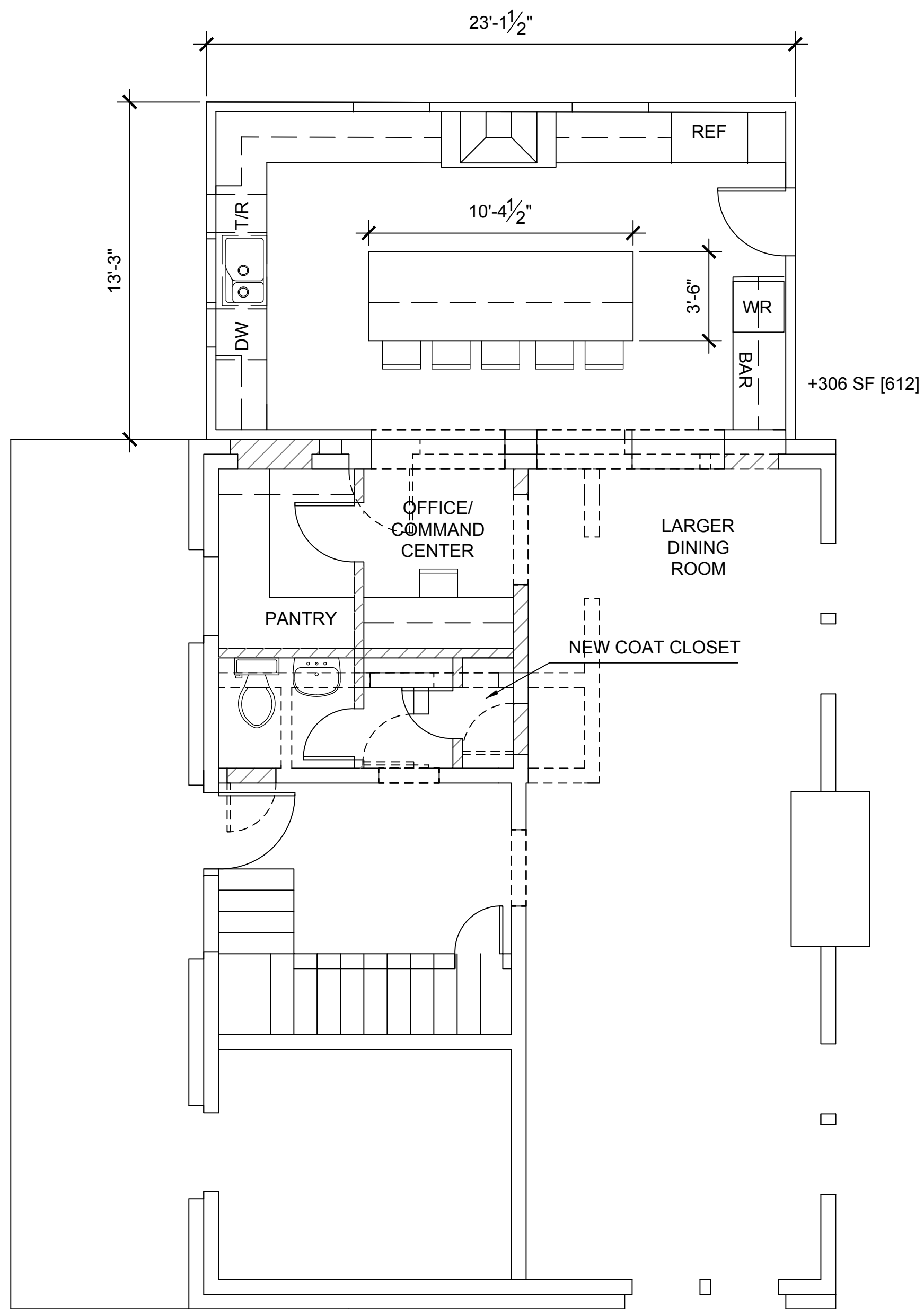
**RICE RESIDENCE**  
Dennis & Stacey Rice  
2001 W 71st Terrace  
Prairie Village, KS  
66208

**SITE PLAN**  
VARIANCE  
APPLICATION  
11/30/20

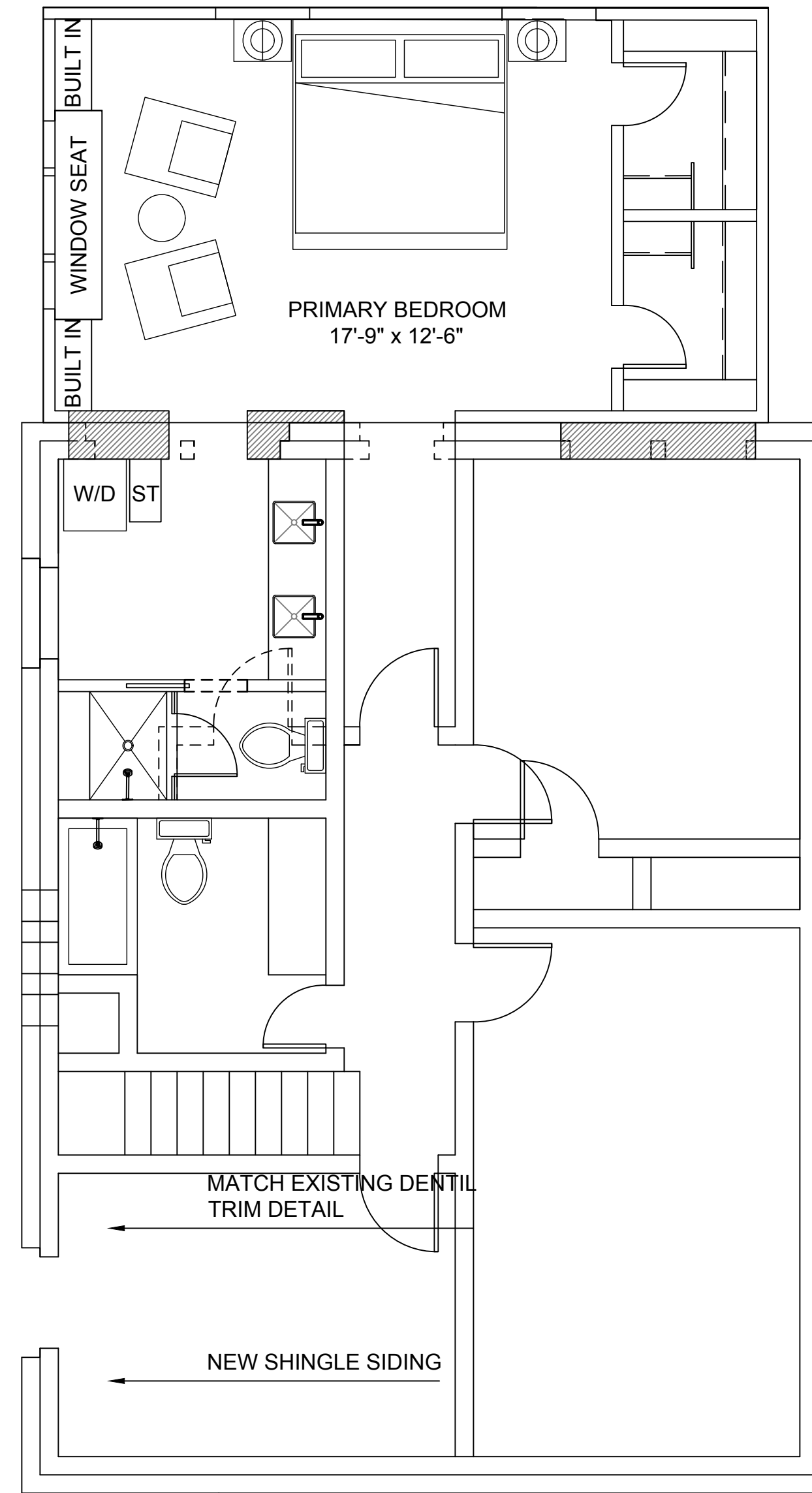
1 SITE PLAN  
1"=10'-0"

C1

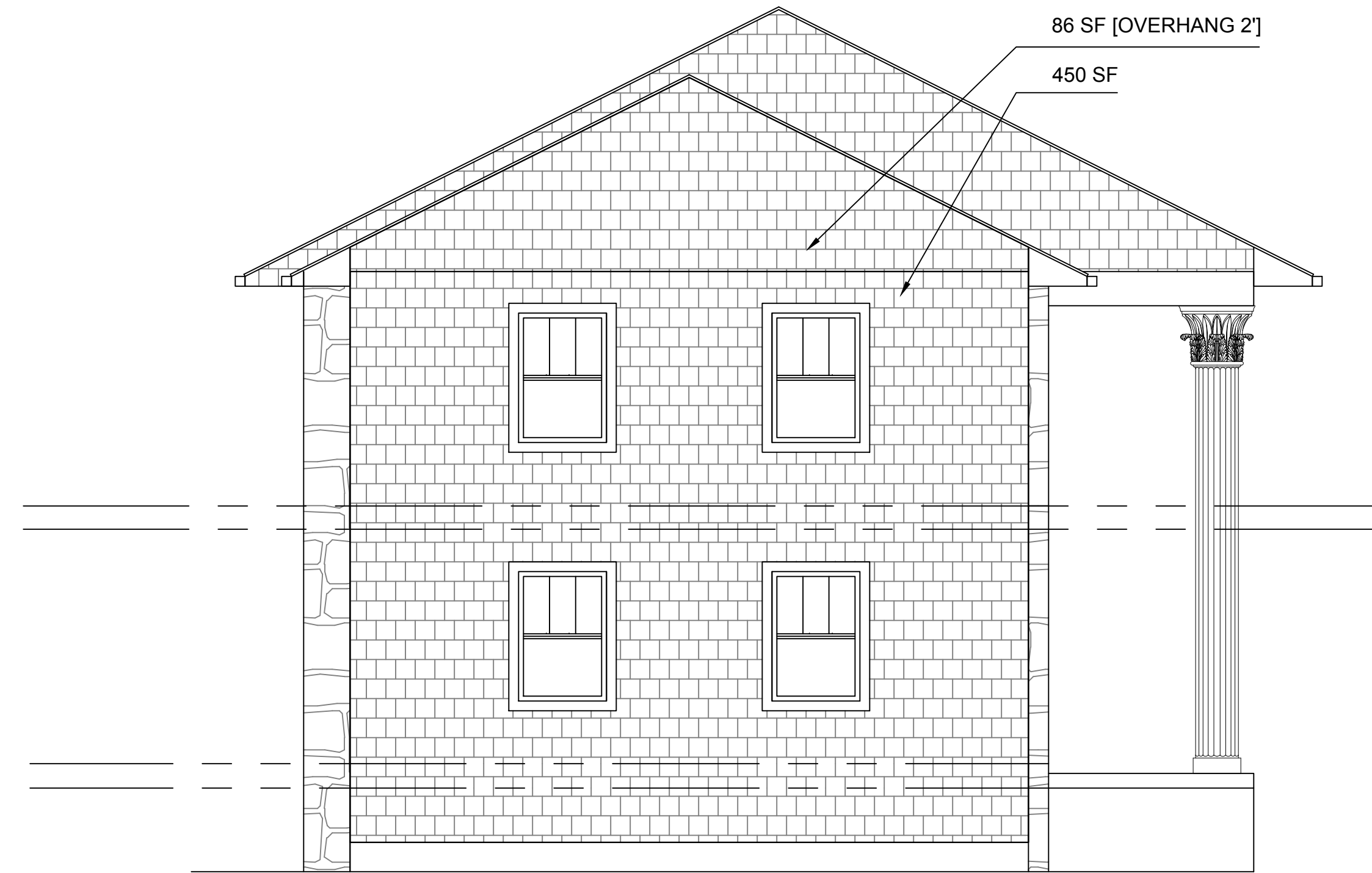




4 SECOND FLOOR PLAN  
1/4"=1'-0"



3 FIRST FLOOR PLAN  
1/4"=1'-0"



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**RICE RESIDENCE**  
Dennis & Stacey Rice  
2001 W 71st Terrace  
Prairie Village, KS  
66208

FLOOR PLANS &  
ELEVATIONS  
VARIANCE  
APPLICATION

11/30/20

**A2**

Adam,

Good afternoon. I wanted to let you know that we held our neighborhood meeting on Wednesday, 12/9 at 4:30 pm. In the end, nobody showed up. We stayed outside in our yard until 5 pm. We did speak with our neighbors to the west, the Tates, and they had no concerns and were excited for the project. My wife and I regularly speak with our neighbor to the east, Stephanie Patterson, and we spoke to her on Saturday and late Wednesday afternoon. The planned addition would be built next to her property. We told her what we hoped to do, showed her our plans and we asked if she had any concerns or questions. She did not. Like the Tates, she was very excited for our plans and could not wait to see the project get started.

Do you need any additional information?

Thanks.

Dennis and Stacey Rice