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

To participate in the public hearing, residents can email their comments to City Clerk Adam Geffert at <a href="mailto:cityclerk@pvkansas.com">cityclerk@pvkansas.com</a>. All comments must be received by 5:00 p.m. on Tuesday, April 6. 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.

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

- I. ROLL CALL
- II. APPROVAL OF BZA MINUTES JANUARY 5, 2021
- III. PUBLIC HEARINGS

BZA2021-02 Variance of required side setback for garage addition

5209 W. 65th Place

Zoning: R-1A

Applicant: Stephanie Allen

- IV. OTHER BUSINESS
- V. 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.

## BOARD OF ZONING APPEALS CITY OF PRAIRIE VILLAGE, KANSAS MINUTES TUESDAY, JANUARY 5, 2021

## **ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, January 5, 2021, 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, Ron Nelson, Council Liaison, and Adam Geffert, City Clerk/Board Secretary.

## APPROVAL OF MINUTES

Mr. Wolf moved for the approval of the minutes of the May 5, 2020 Board of Zoning Appeals meeting as presented. Mrs. Wallerstein seconded the motion, which passed 5-0, with Ms. Brown and Mr. Breneman abstaining due to technical issues.

## **PUBLIC HEARINGS**

BZA2021-01 Side and rear yard variance for the purpose of building an addition

to home

2001 W. 71st Terrace

Zoning: R1-B

Mr. Brewster stated that the applicant was requesting a variance to allow for a two story addition on the east side of the house, which would include a kitchen on the first floor and a master bedroom on the second. The property is zoned R-1B, which requires a rear setback of 25 feet and a side setback of six feet, along with 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 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 would be met.

The existing home was built in 1925, and preceded the adoption of the zoning ordinance. It sits near the rear portion of the lot, and currently does not conform to the rear setback

requirements (approximately 8.75 feet from the rear; 25 feet is now required). Other homes in the vicinity were built between 1950 and 1960 and have a different position and orientation, with most built at or near the front setback line of 35 feet. This results in the subject home having a relationship to the neighboring property's 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. Mr. Brewster added that the zoning ordinance required the Board to find that all five of the following conditions be met to grant a variance:

- 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.

Dennis and Stacey Rice, applicants and owners of the property, appeared with their architect, Katie Trenkle, 4319 W. 69th Street.

Mr. Birkel asked whether consideration had been given to put the addition between the home and detached garage on the west side of the property. Ms. Trenkle stated that the layout of the home, including the placement of the existing sewer line, made it more suitable to put the addition on the east side.

Mr. Lenahan opened the public hearing at 6:52 p.m. With no one present to speak on the Zoom meeting, Mr. Lenahan closed the public hearing at 6:53 p.m.

Mrs. Wallerstein asked if the addition could be reduced in size to meet the side setback requirement. Ms. Trenkle said that the design would no longer be functional if it were made smaller.

After reviewing and finding favorably on the five factors required to grant a variance, 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.
- 2. The variance be recorded with the County Register of Deeds within one year of approval.
- 3. The requested variance includes a variance to the applicant's portion of the building separation requirement, resulting in the adjacent lot requiring a six foot setback, all of which can be allocated as their potion of the remainder of the building separation requirement.

Ms. Brown seconded the motion, which passed 4-2, with Mr. Valentino and Mr. Birkel in opposition, and Mr. Breneman in abstention due to technical issues.

## OTHER BUSINESS

Election of Officers

Mr. Wolf made a motion to reelect Mr. Lenahan as Board of Zoning Appeals Chair. The motion was seconded by Mr. Birkel, and passed 5-0, with Mr. Lenahan and Mr. Breneman in abstention.

Mr. Wolf made a motion to reelect Mr. Birkel as Vice-Chair. Mrs. Wallerstein seconded the motion, which passed 5-0, with Mr. Birkel and Mr. Breneman in abstention.

Mr. Wolf made a motion to reelect Mr. Geffert as BZA Secretary. Mr. Birkel seconded the motion, which passed 6-0, with Mr. Breneman in abstention.

## **ADJOURNMENT**

Chair Patrick Lenahan adjourned the meeting of the Board of Zoning Appeals at 7:12 p.m.

Patrick Lenahan Chair

# STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals

FROM: Chris Brewster, Gould Evans, Planning Consultant

**DATE:** April 6, 2021

Application: BZA 2021-02

Request: Variance from the side setback of approximately 1.75 feet for a

garage 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: 5209 W. 65<sup>th</sup> Place

Applicant: Stephanie Allen, Owner

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:** BREZY HEIGHTS LOT 12 PVC-0425 0012

**Property Area:** 0.69 acres (30,267.53 s.f.)

Related Case Files: None

Attachments: Application, photos, site plan and building elevations

April 6, 2021

# **General Location Map**



Aerial Map



April 6, 2021

## **Aerial Site**



Street Views



Street view – looking east, 5209 W. 65th Place on right.

April 6, 2021



Street view - looking east, 6509 W.  $65^{\text{th}}$  Place background right



Bird's eye view

April 6, 2021

## **COMMENTS:**

The applicant is requesting a variance from Section 19.06.015 to allow the addition of a 22-feet wide by 30-feet deep garage. The property is zoned R-1A. The required side setback is 7 feet, and at least 20% of the lot width between both sides. The proposed addition would be 1.75 feet from the north lot line. Due to the skew of the front building line (orienting to an internal corner) and the irregular-shaped lot, only a small corner of the proposed structure encroaches into the minimum side setback. The remainder of the addition meets the setback requirements. The structure is 14' from the opposite side lot line, and as proposed would be just under the 20% combined setback (approximately 19.25%). All other requirements of the R-1A district will be met.

The existing home was built in 1947 (according to Johnson County AIMS data), and it preceded the adoption of the zoning ordinance. It is situated on an interior corner lot with the front building line addressing the corner directly. This, combined with the irregular shape of the internal corner lot means the lot is narrowest at the front lot line (approximately 75 feet on the curve), slightly wider at the front setback line (approximately 100 feet) and substantially wider at the rear of the building (140 feet and more in the rear yard). The addition would place a front-loaded two-car garage, on the northeast side of the home. The proposed garage is 22 feet wide and is stepped back from the remainder of the front building line of the living space 12 feet. This work would accompany converting a current rear-entry two-car garage to living space.

## **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 an interior corner lot, which is not typical in the city. This means that the lot is narrowest at the street frontage and becomes substantially wider near the buildable area, and substantially wider in the rear of the lot as the two side lot lines diverge in a radial manner to the curve of the interior corner. In this case, the lot is approximately 75 feet wide at the front lot line, and approximately 100 feet wide at the required front setback line. Other lots in this area are typically 100 feet to 120 feet wide, with 100 feet being the most common lot width.

## 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 north side lot line. The proposed building would be located approximately 5.75 feet from this property line. The adjacent structure is approximately 18 feet from this property line, and approximately 20 feet from the property line at the location of the proposed structure. This means the proposed structure is approximately 26 feet from the adjacent structure at the nearest point, and due to the skew of both structures in relation to the lot line, this distance increases further from the northwest corner. The proposed addition is a one-story structure and it otherwise complies with all setbacks beyond this northwest corner.

## C. Hardship

STAFF REPORT

BZA 2021-02 April 6, 2021

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.

The shape of the lot and the application of setbacks to the lot yields a very large buildable area, but this area is a very irregular shape, with the bulk of it being in the rear yard, removed from the streetscape. The existing home addresses the public street in a similar manner to other homes in the neighborhood at a similar front building line, with the exception of the front building line of this home orienting to the corner. Therefore the buildable area is narrower than other lots in the vicinity at the front, but significantly wider further removed from the streetscape. Additions to the side of the existing house are constrained by this pattern, but substantial additions could be constructed to the rear. This buildable area may not accommodate typical floor plans or building patterns and massing prevalent on the block

## 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 resulting structure will still be very near the required cumulative side setback and the proposed design maintains the character of the existing house. Additionally, the step back of the garage from the livable space will reduce the prominence of the addition and the front loaded garages when viewed from the streetscape and adjacent property. The addition is compatible with the scale and massing of the existing structure, and reflects a similar pattern of front-loaded garages along 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 side setback standards is to manage the relationship of buildings to one another along the block. The proposed addition will place a one-story elevation closer to the north property line than is currently allowed, but it is only for a very small corner of the house and is lower-scale than structures that could be build compliant with the setback. The step back placement of the addition results in the majority of the addition complying with the standards and meets the design objectives of the Neighborhood Design Standards applicable in the R-1A zoning district.

### **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 (approximately 1.75 feet for the northwest corner of the building and approximately 19.25% cumulative side setbacks as measured at the front setback line).
- 2. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

Cust # 602518C

# VARIANCE APPLICATION BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS  For Office Use Only  Case No: BZA202(-02
Filing Fee: #75.00
Deposit:
Date Advertised:
Public Hearing Date: 04/06/2021
APPLICANT: STEPHANIE ALLEN PHONE: 8165888746
ADDRESS: 5209 W. GSTH PL ZIP: 66202 OWNER: STEPHANIF ALLEN PHONE: 8165888746
OWNER: STEPHANIE ALLEN PHONE: 816 5888 746  ADDRESS 5209 W. 65TH PL ZIP: 66267
LOCATION OF PROPERTY: 5 209 W, 650 PL PV KS 66202
LEGAL DESCRIPTION:
ELGAL BLOOKII HOIV.
Variance Requested VARIANCE DF 1'9" INTO REQUIRED SIDE  STERRE ADJACENT ZONING AND LAND USE:
ADJACENT ZONING AND LAND USE:
North $RFSINEVIIAL$ $R-1A$
North RESIDENTIAL R-1A South RESIDENTIAL R-1A
East RESIDENTIAL R-1A
West RESIDENTIAL R-1A
Present use of Property: RESIDENTIAL R-1A
Proposed Use of Property: RESIDENTIAL R-1A
Utility lines or easements that would restrict proposed development:
Please complete both pages of the form and return to:
riease complete both pages of the form and return to.
City Clerk
City of Prairie Village

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

## 1. UNIQUENESS

The property currently has a back-facing garage that is difficult to park in. Because of the unique way that 5201 and 5209 are situated, there is more space than usual between the dwellings.

## 2. ADJACENT PROPERTY

Exceeding the variance by 1.9 feet will not detrimentally affect the adjacent property, 5201 W 65th Place. I sent a letter to my neighbor at 5201 (the adjacent property), Gerald and Sheida Bates, and they support the addition and were thankful for being notified. (I will attach a copy of our correspondence)

## 3. HARDSHIP

The existing garage entrance in the back of the property is hard to navigate, especially during bad weather. We can't move the garage addition back further due to problematic grading issues. The 2' wider garage width gives more space to back the vehicles onto the single car driveway, as well as space to better open car doors when parked, and store trash bins inside the garage. We cannot make the existing garage front entry because of the 80+ year old oak tree in the front yard, and also the front yard is higher than the existing garage slab and it would require regrading the front yard to a steeper driveway.

## 4. PUBLIC INTEREST

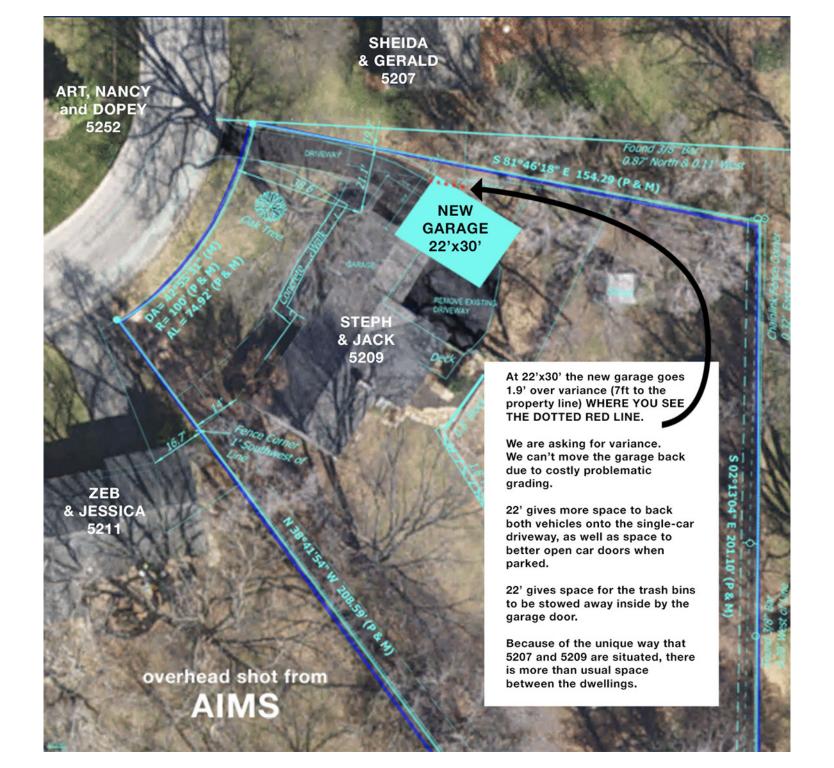
The garage addition will not adversely affect my neighbors' health, safety, morals, order, convenience, or general welfare. The addition will not block my neighbors' light or air supply. There will be no danger to the general public, or a depreciation of property values. Construction disruption will be kept to an absolute minimum. I am abiding by Prairie Village's requirements regarding licensing, approvals, hours of work, dumpster requirements, etc.

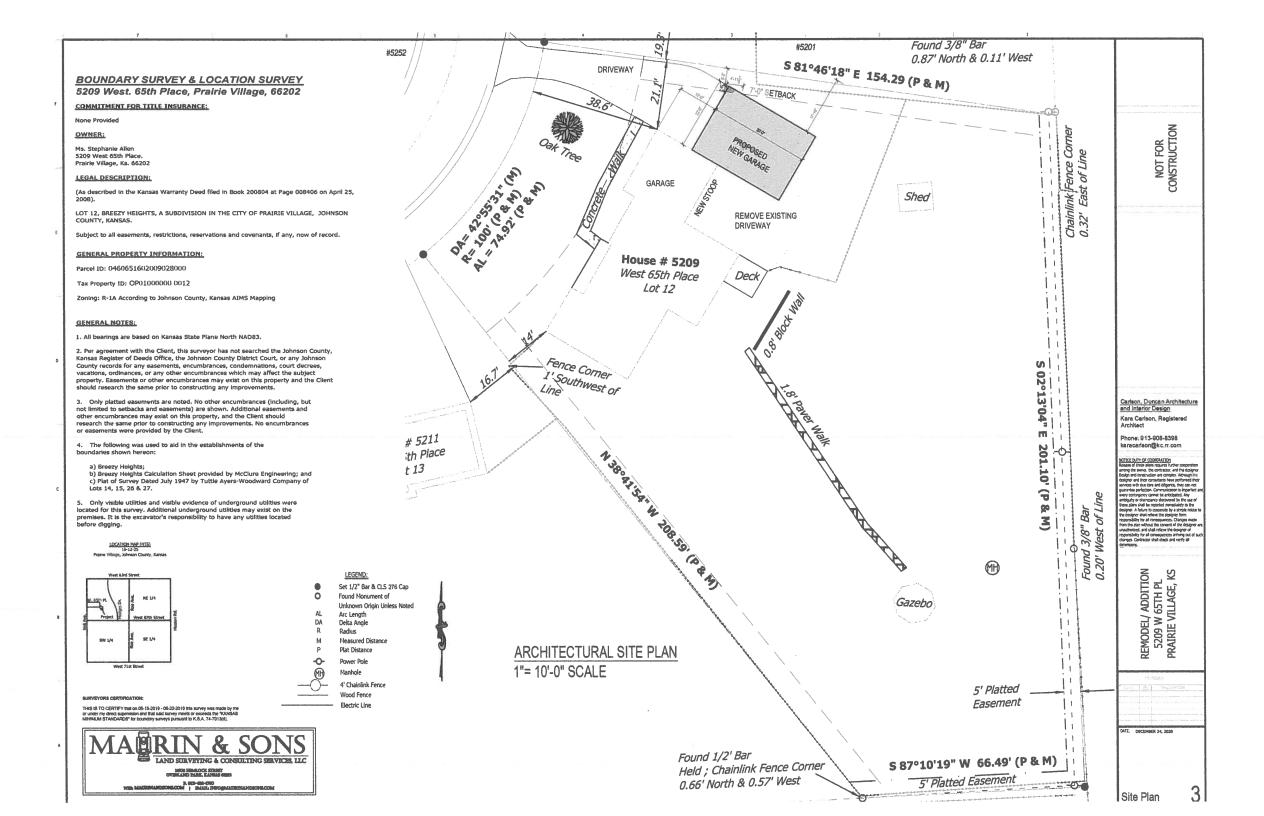
## 5. SPIRIT AND INTENT

The new addition will transition seamlessly to the original dwelling and maintain the look and style of the original structure. Some advantages to the new addition are that there will be less impermeable area (asphalt) so there will be less water runoff, and by not pushing the garage farther back we save some trees.

## 6. MINIMUM VARIANCE

The amount of variance requested (1.9' over variance, 7 feet to the property line, approximately 4 total square feet) is the minimum distance required to complete the desired construction.





WRICOWWITH SILITIES NONCOM WITH GALTIER NOT FOR CONSTRUCTION FLOOR PLAN 1/4" SCALE 34F NEXE BOOR proposed new garage Kara Carlson, Registered Architect Phone: 913-908-8398 keracarison@kc.rr.com ( 157 ( DESCRIPT) ECTICAL SINT OF INCOMENTABLE

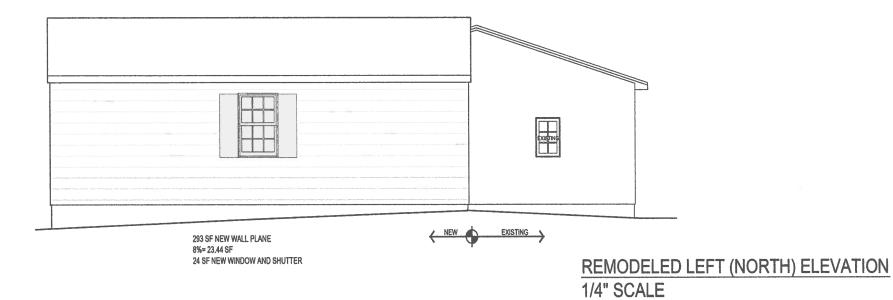
EXPLICATION OF INCOMENTABLE

DESIGN OF INCOMENTABLE

CONTROL OF INCOMENTABLE

DESIGN OF INCOMENT E TIP DISTRIB Coerries REMODEL/ ADDITION 5209 W 65TH PL PRAIRIE VILLAGE, KS REMODELED FRONT (WEST) ELEVATION 1/4" SCALE REVISIONS REMODELED REAR (EAST) ELEVATION 1/4" SCALE Plans Elevations

Stephanie Allen 5209 W. 65th Place Prairie Village, KS 66202



\*\* REMODELED RIGHT (SOUTH) ELEVATION 1/4" SCALE

# Carlson, Duncan Architecture and Interior Design

Kara Carlson, Registered Architect

Phone: 913-908-8398 karacarlson@kc.rr.com

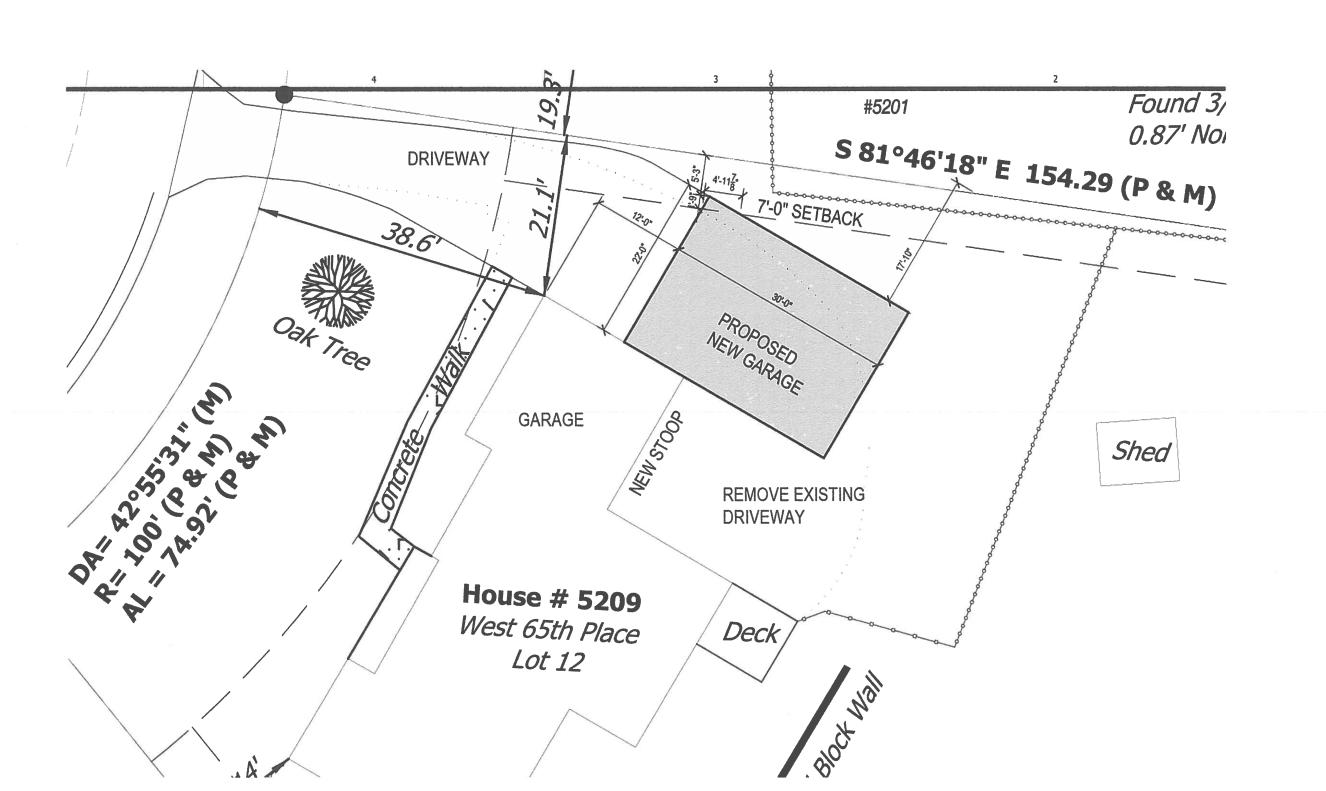
NOTICE DUTY OF COOPERATION
Release of these plans requires further cooperation among the owner, the contractor, and the designer.
Design and construction are complex. Although the
designer and their consultants have performed their
services with due care and diligence, they can not guarantee perfection. Communication is imperfect an every contingency cannot be anticipated. Any ambiguity or discrepancy discovered by the use of these plans shall be reported immediately to the designer. A failure to cooperate by a simple notice to the designer shall relieve the designer form responsibility for all consequences. Changes made responsionity for air consequences. Changes mode from the plan without the consent of the designer are unauthorized, and shall relieve the designer of responsibility for all consequences arriving out of such changes. Contractor shall check and verify all dimensions.

# REMODEL/ ADDITION 5209 W 65TH PL PRAIRIE VILLAGE, KS

REVISIONS			
DATE	A	DESCRIPTION	
			-
	+-+		-

DATE: DECEMBER 24, 2020

**Elevations** 



March 14, 2021

Dear Neighbors of 5209 W 65th Place:

An application has been filed with the Prairie Village Board of Zoning Appeals for site plan approval for the property at: 5209 W 65th Place. The front-facing garage addition proposed will be added next to the existing back-facing garage, exceeding the variance by approximately four square feet.

We will be hosting a neighborhood meeting in the property's driveway (due to Covid restrictions) to answer questions regarding our application on Saturday, March 20 at 9 am.

The Board of Zoning Appeals will consider our application at their regular meeting on April 6th at 6:30 pm at the Prairie Village Municipal Building at 7700 Mission Road.

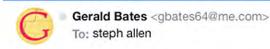
If you have any questions, please feel free to stop by or contact me at: 816-588-8746.

Sincerely,

Stephanie Allen

# Adjacent neighbor responses

# **NEXT DOOR To the new garage**







Hi Steph! Sheida and I truly appreciate you sharing detailed plans on the construction of your new garage - Congratulations! We have no issues with the variance you are seeking.

We, Gerald and Sheida Bates, homeowners at 5201 W 65th Place, Prairie Village, KS, 66202 acknowledge that we have been notified of impending construction of a garage addition at 5209 W 65 PI, Prairie Village KS, 66202, and we approve of the plans as they have been communicated to us in the attached document.

Gerald K Bates Sheida H Bates

## Sent from my iPad

> Show original message

# **ACROSS THE STREET**

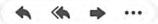


Art McDonnell <artiekkfi@gmail.com>

To: steph allen Cc: Gerald Bates

Yes, I approve.

> Show original message



## Good morning Adam,

I'm sending you an image of our roll sheet and attendees from the Saturday, March 20 meeting we conducted in our driveway to discuss the variance request. We had two attendees Mary Faish Moch and her husband Greg (the name on their home title is Mary Faish) both very supportive. I have a photo of us in the future location of the new garage.

Please let me know if there's anything else you need from me and verify that the next step is the meeting on April 6th. Thanks Adam!!

-Stephanie Allen