

**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. 71<sup>st</sup> 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:

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.

Dennis and Stacey Rice, applicants and owners of the property, appeared with their architect, Katie Trenkle, 4319 W. 69<sup>th</sup> 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 portion 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**