

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, APRIL 6, 2021**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, April 6, 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, Nancy Wallerstein, Greg Wolf and Melissa Brown.

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 January 5, 2021 Board of Zoning Appeals meeting as presented. Ms. Brown seconded the motion, which passed 5-0.

PUBLIC HEARINGS

BZA2021-02 Variance of required side setback for garage addition
 5209 W. 65th Place
 Zoning: R1-A

Mr. Brewster stated that the applicant was requesting a variance from Section 19.06.015 to allow for the addition of a 22' wide by 30' deep garage. The required side setback for an R-1A property totals seven feet, with at least 20% of the lot width between both sides. The proposed addition would be 5' 8" 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 portion of the proposed structure would encroach into the minimum side setback. The remainder of the addition would meet the setback requirements. The existing structure sits 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 would be met.

The home was built in 1947, and preceded the adoption of the zoning ordinance. The addition would place a front-oriented two-car garage on the northeast side of the home. The proposed garage would sit back from the remainder of the front building line of the living space by 12 feet.

Mr. Brewster added that the zoning ordinance required the Board to find that all five of the following factors 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.

Property owner Stephanie Allen, 5209 W. 65th Place, and Jack Cullen were present at the meeting. She noted that her surrounding neighbors were supportive of the project.

Mr. Birkel asked what would be done with the existing garage in the rear. Ms. Allen stated that eventually it would be converted to living space, but would be used for storage initially. Mr. Birkel noted that the depth of the proposed garage was very large, and suggested that storage space could be built underneath it, thereby reducing its depth and eliminating the need for a variance. Ms. Allen said that she did not wish to build space under the garage due to the additional cost, and preferred having the garage pushed as far forward as possible.

Mr. Lenahan opened the public hearing at 6:46 p.m. With no one present to speak, Mr. Lenahan closed the public hearing at 6:47 p.m.

Board members reviewed each of the factors required to grant a variance approval, and the majority felt that all were met. Mr. Birkel said that he did not believe the “hardship” factor was met, and therefore would not be voting in favor of granting the 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 (approximately 1' 4" 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 one year of approval.

Ms. Brown seconded the motion, which passed 4-1, with Mr. Birkel in opposition.

OTHER BUSINESS

ADJOURNMENT

Chair Patrick Lenahan adjourned the meeting of the Board of Zoning Appeals at 6:57 p.m.

Adam Geffert
City Clerk/Board Secretary