

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, SEPTEMBER 14, 2021**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, September 14, 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, Greg Wolf, Melissa Brown, Nancy Wallerstein 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**

Mrs. Wallerstein moved for the approval of the minutes of the April 6, 2021 Board of Zoning Appeals meeting as presented. Mr. Wolf seconded the motion, which passed 6-0, with Mr. Breneman in abstention.

**PUBLIC HEARINGS**

BZA2021-03            Building Coverage Variance for Installation of Shed  
                                 3913 W. 69<sup>th</sup> Street  
                                 Zoning: R1-B  
                                 Applicant: Matt Sayers

Mr. Brewster stated that the applicant was requesting a variance from Section 19.08.015 to allow an 80 square feet accessory structure in the rear yard. The R-1B district allows a maximum building coverage of 30% of the lot, and accessory buildings and structures over 30" high count toward the building coverage standards. The existing home was built in 2016; the lot is 8,125.78 square feet, and the building footprint is 2,398.39 square feet. The existing lot coverage of all structures over 30 inches high is 29.51%. The proposal to locate an 80 square feet shed in the rear yard would exceed the 30% lot coverage maximum by 40.66 square feet. All other requirements of the R-1B district and accessory building standards would be met.

Mr. Brewster added that the zoning ordinance required the Board to find that all five of the following Golden 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 / resident Matt Sayers was present to discuss the variance. He noted that the proposed shed would be 8' x 10', and stand 8' tall.

Mr. Lenahan opened the public hearing at 6:38 p.m. With no one present to speak, Mr. Lenahan closed the public hearing at 6:39 p.m.

Mr. Valentino asked if there was a tolerance percentage within the coverage requirement that would allow the shed to be installed. Mr. Brewster said there was no margin of error included in the coverage standard.

Board members considered the Golden Factors, noting that the proposal likely did not meet the uniqueness factor. Mr. Breneman asked if Mr. Sayers built the house to its current specifications, or bought the house after it had already been constructed. Mr. Sayers stated that he had the house designed and built. He added that the house backed up to Brenizer Park, and felt the shed was necessary to keep items in the backyard safe. Mr. Wolf and Mr. Valentino said that they believed the uniqueness factor had been met based on the home's proximity to the park. A vote was taken with board members voting 5-2 against the uniqueness factor being met.

**After further discussion, Mr. Birkel made a motion to deny the variance. Mrs. Wallerstein seconded the motion, which passed 5-1, with Mr. Wolf in opposition and Mr. Valentino absent due to technical issues.**

## **OTHER BUSINESS**

## **ADJOURNMENT**

Chair Patrick Lenahan adjourned the meeting of the Board of Zoning Appeals at 7:07 p.m.

Adam Geffert  
City Clerk/Board Secretary