

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, JULY 11, 2023**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 11, 2023, at 6:30 p.m. in the Council Chambers of the Municipal Building at 7700 Mission Road. Chair Patrick Lenahan called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, James Breneman, Gregory Wolf, Melissa Brown, Nancy Wallerstein, and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Board of Zoning Appeals: Graham Smith, Multistudio; Nickie Lee, Deputy City Administrator; Greg Shelton, Council Liaison; Adam Geffert, City Clerk/Board Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the May 2, 2023, Board of Zoning Appeals meeting as presented. Mr. Wolf seconded the motion, which passed unanimously.

PUBLIC HEARINGS

BZA2023-02 Variance of Required Front Setback for Garage Addition
 2216 W. 71st Terrace
 Zoning: R-1B
 Applicant: Gary and Cindy Wainscott

Mr. Smith stated that the applicant was requesting a variance of 6.58' to allow a garage to be built 23.42' from the front setback, rather than the required 30'. The lot also includes a platted front building line of 35'. The existing building is located at 23.42', and it is unclear whether there was any record of a variance or platted building line modification. AIMS records indicate the building was constructed in 1956, which predates the zoning ordinance.

Mr. Smith said the building is at its location due to a drainage culvert that crosses the property, entering the lot on the west side approximately 20' from the front lot line, going north for approximately 60' and then east across the lot near the midpoint of the property, 80' from the front line. This results in a small buildable area towards the front portion of the lot, and a rear yard section across the drainage culvert on the back 45' of the lot. The property is zoned R-1B, which requires a front setback that is at least 30' from the front lot line.

The applicant has placed a garage addition on the east side of the building along the existing front building line; however, this does not comply with the required front setback. The plat also includes a platted front building line of 35'. Typically, modification of the front building line is done through an exception granted by the Planning Commission. However, since this request would also be in excess of the zone district setback, a variance is required.

Mr. Smith noted that Section 19.54.030 of the zoning regulations 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.

He added that if the Board did approve the variance, it should be subject to the following conditions:

1. That the variance be granted only to the extent shown with the submitted application, sufficient improve the existing structure at its current location and not encroach further into the front setback.
2. The variance, if approved, be recorded with the County Register of Deeds within one year of approval.

Applicants and property owners Gary and Cindy Wainscott were present to discuss the variance. Mr. Wainscott stated that the new garage was in the same location as the previous garage, and that due to the drainage culvert, there was no available space to push the garage further back in the yard.

Ms. Brown asked if the garage had already been constructed. Mrs. Wainscott indicated that construction had begun but was currently stopped pending a decision from the Board

of Zoning Appeals. She added that surrounding neighbors were very supportive of the new construction.

Mr. Lenahan opened the public hearing at 6:45 p.m. With no one present to speak, Mr. Lenahan closed the hearing at 6:46 p.m.

Board members reviewed the golden factors and determined that the proposal met all requirements.

Mr. Wolf made a motion to approve the variance with the conditions recommended by staff. Ms. Brown seconded the motion, which passed unanimously.

OTHER BUSINESS

None

ADJOURNMENT

Chair Patrick Lenahan adjourned the meeting of the Board of Zoning Appeals at 6:47 p.m.

Adam Geffert
City Clerk/Board Secretary