

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
January 7, 2014
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - August 6, 2013

III. ACTION ITEM

BZA2014-01 Request for a Variance from P.V.M.C. 19.44.015C
To increase the height of the steeple from 75 feet to 106 feet
6641 Mission Road
Zoning: R-1a Single Family Residential District
Applicant: Matt Schlicht, Engineering Solutions for
Village Presbyterian Church

IV. OTHER BUSINESS
Election of Officers

V. OLD BUSINESS

VI. ADJOURNMENT

If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, AUGUST 6, 2013**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, August 6, 2013 in the Fellowship Hall in Village Presbyterian Church. Chairman Randy Kronblad called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, Nancy Vennard, Nancy Wallerstein, Gregory Wolf and Ken Vaughn. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Dennis Enslinger, Assistant City Administrator; Keith Bredehoeft, Interim Public Works Director; Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved the minutes of the December 4, 2012 meeting of the Board of Zoning Appeals be approved as written. The motion was seconded by Bob Lindeblad and passed unanimously.

**BZA2013-01 Request for a Variance from P.V.M.C. 19.08.020
To allow a portion of the proposed home to extend
into the 30 foot front setback by five feet
4319 West 69th Street**

Chairman Randy Kronblad reviewed the procedures for the public hearing. The Secretary confirmed that the Notice of Public Hearing was published in the Johnson County Legal Record on Tuesday, July 16, 2013 and all property owners within 200' were mailed notices of the hearing.

Randy Kronblad called upon the applicant to present the application.

Brad & Katie Trenkle, 6748 El Monte, stated they recently purchased the property at 4319 West 69th Street. They plan to remove the existing home and rebuild on the site. They are seeking a five foot variance to the City setback requirement on the property's North side (69th Street) in order to align the new home with the adjacent house to the east. This house sits 24'6" from the front yard property line and the requested variance would allow their home to sit 25' from the property line on that side. Locating the home at 25' from the property line complies with the plat and is in compliance with the restrictions set forth by the homeowners association.

Dennis Enslinger noted that this property is located on a corner lot that is unique in that it has 25 foot platted setback along El Monte and along West 69th Street. By definition, the zoning code indicates that the front yard of a corner lot shall be “deemed as the least dimension adjacent to the street unless otherwise specified by the Building Official.” The front yard for this lot has been determined to be along 69th Street.

The adjacent parcels to the east along West 69th Street are setback approximately 25 feet. The house immediately adjacent along 69th Street is 24 feet and 5 and 9/16” from West 69th Street. The existing house is set back 27 feet from the property line along West 69th Street. The proposed house will be slightly larger and compatible with the surrounding properties.

With no one present to speak on this application, the public hearing was closed at 6:39.

Chairman Randy Kronblad led the Board in the following review of the findings required for the variance:

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.

The current dwelling does not conform to the required setback along West 69th Street. While it is 27 feet from the street, the properties to the east do conform to the platted setback of 25 feet. While the property owner could set the proposed structure 30 feet from West 69th Street the affect would be to deviate from the established neighborhood pattern along this section of West 69th Street.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residences.

The granting of this variance would not adversely affect the rights of the adjacent property owner to the east and southeast. The adjacent properties are setback 25 feet - the distance requested by the applicant. The property to the west is an island with a fountain contained with the existing rights-of-way.

C. 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.

This dwelling will be removed from the existing site so the owner could comply with the required setback. Given the existing topography of the site which slopes to the southwest, there would be some difficulty in getting adequate slope away from the residential structure to West 69th Street. The greater the setback distance from West 69th Street, the greater difficulty there will be in achieving a positive slope towards West 69th Street.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare

If the variance is granted, it would allow for the structure to follow existing development patterns in the immediate vicinity. Granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the community.

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.

It is the intent of the ordinance to establish a common front building line and ensure adequate greenspace. Given the current condition on the block, the proposed 25 foot setback is not opposed to the general and intent of these regulations.

Gregory Wolf moved that the Board having found all five of the conditions to have been met that BZA 2013-01 for the requested variance from PVMC 19.08.020 for a front yard variance of five (5) feet be granted. The motion was seconded by Bob Lindeblad and passed by a vote of 6 to 0.

OTHER BUSINESS

There was no other business to come before the Board.

ADJOURNMENT

Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 6:45 p.m.

Randy Kronblad
Chairman

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
APPLICATION: BZA 2014-01: Variance to Increase the Height of the Steeple
DATE: January 7, 2014, Board Zoning Appeals Project # 000005977

Application: BZA 2014-01

Request: Variance to increase the height of the steeple, as originally requested, from 75 ft. to 106 ft.
Applicant amended the application from 75 ft. to 99 ft.

Property Address: 6641 Mission Road – Village Presbyterian Church

Applicant: Village Presbyterian Church

Current Zoning and Land Use: R-1A Single-Family District - Church

Surrounding Zoning and Land Use: **North:** Single-Family - Mission Hills
East: Single-Family - Mission Hills
South: R-1A Single-Family – Church Parking Lot
West: R-1A Single-Family District – Elementary School & Single-Family Dwellings

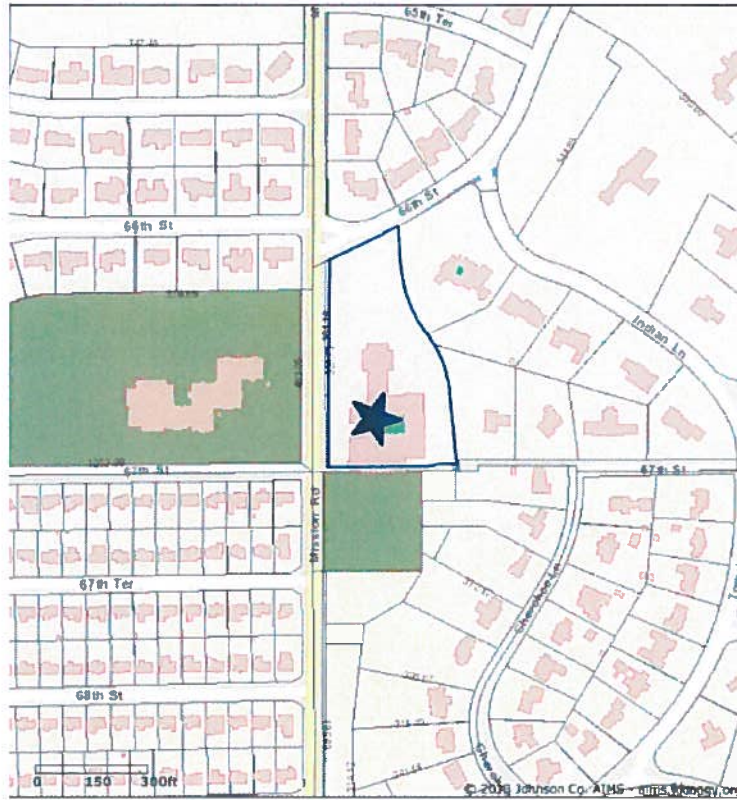
Legal Description: Lots 6 and 7 BLK 7 Indian Hills Subdivision

Property Area: 3.85 Acres

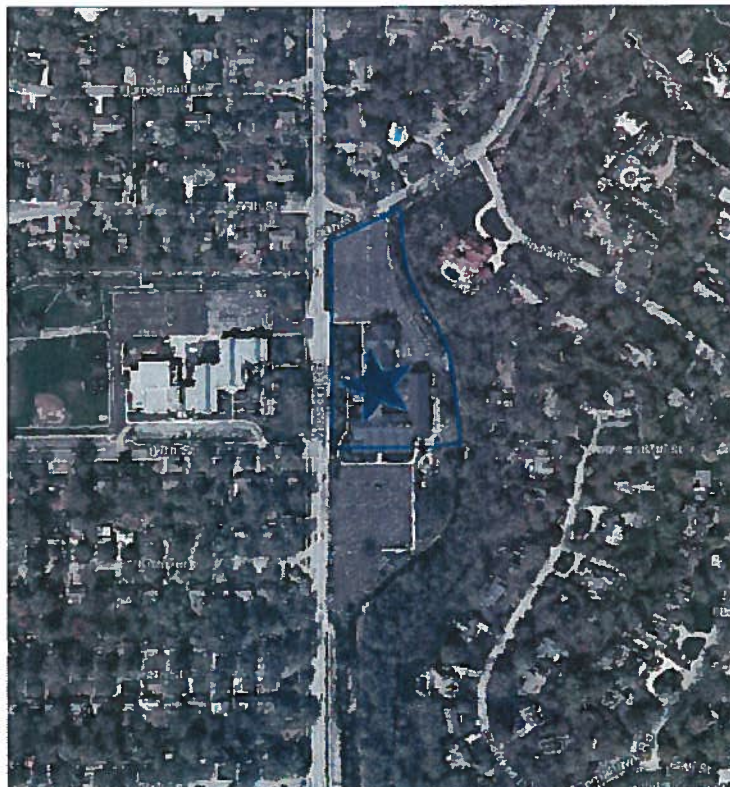
Related Case Files: PC 2014-104 Front Building Setback Modification
PC 2014-103 Request for Site Plan Approval for Proposed Expansion
PC 2001-104 Planning Commission Approval for Banners
PC 2001-103 Site Plan Approval for Expansion
PC 2001-05 Special Use Permit for Columbarium
PC 97-100 Signage Approval
PC 96-08 Special Use Permit for a Daycare Center
PC 80-100 Site Plan Approval for Addition

Attachments: Applications, Drawings, and Photos

General Location Map



Aerial Map



COMMENTS:

The Village Presbyterian Church is proposing to build an addition of the west side of the church. As part of the new addition the applicant proposes to remove the existing church steeple and replace it with a new steeple of the south end of the proposed addition. The maximum height permitted for a steeple is 75 feet. The height of the existing steeple is 99.81 feet and the applicant is requesting a height of 99 feet. The height of the ridgeline of the roof of the proposed addition in this area is approximately 32 ft. and the proposed steeple would extend 67 ft. taller.

Section 19.44.015.C allows cupolas, domes, spires, etc. not to exceed a maximum height of seventy-five feet. The proposed height is 99 ft. which would be a variance of 24 ft.

The applicant provided copies of the original plans which were prepared in 1947. At that time, the steeple was designed, and assumed built, to a height of about 87 ft. The brick tower base was 33.5 ft. in height, a mid-section was 5.5 ft., and the steeple portion was 48 ft. In 1952 an expansion was designed and the steeple was relocated. The top 48 ft. of the steeple was relocated. The mid-section was increased in height from 5.5 ft. to 16 ft. and the base tower was increased from 33.5 ft. to 36 ft. The total steeple was increased in height from 87 ft. to approximately 100 ft. in height. This height was verified by a survey that determined the height at 99.81 ft.

At the time the steeple was constructed in 1954, the zoning ordinance did not have a height limitation of steeples. In 1971, an ordinance was adopted, but it was very vague and in 1995 when the zoning ordinance was amended, and a height for steeples was set at 75 ft. Therefore, the existing steeple is a legal nonconforming structure and can be maintained and repaired but cannot be relocated unless it conforms to the required maximum height.

The applicant has amended its request from 106 ft. to 99 ft. to keep the same steeple height as currently exists. Because the current steeple is nonconforming and is being relocated, a variance must be granted in order for it to be built to the 99 ft. height.

The applicant held a neighborhood meeting on November 25, 2013 in accordance with the Citizen Participation Policy. Four neighbors attended and the questions primarily dealt with the noise of the cooling tower, parking, stormwater, and landscaping. There were no comments regarding the steeple height.

In considering a request for a variance, the Board may grant such a variance on the finding that all the five following conditions have been met:

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.

There is nothing unique about this property in terms of topography, grade, shape or size. The existing steeple is located approximately 91 ft. from Mission Road and is 99.81 ft. in height, while the proposed steeple will be 35 ft. from Mission Road and 99 ft. in height.

The only uniqueness for this site is that the church steeple has been approximately 100 ft. in height for nearly 60 years and is in scale with the rest of the church complex. The new addition will enlarge the church and the steeple will be in scale with the size of the building. It should also be noted that if the steeple remained in its current location, it could be maintained and left in that location forever.

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 church is the only use on the east side of Mission Road from 66th Street to Tomahawk Drive. The Prairie Elementary School is across the street to the west. There are single-family dwellings on the east side of the church, but they are far enough away that they should not be affected. The variance would not have an adverse effect on the rights of adjacent property owners or residents.

C. 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.

The condition of hardship must indicate that the utilization of the property would be affected significantly, not that it would be simply an inconvenience if the variance is not granted.

The steeple has been at approximately 100 ft. in height for nearly 60 years, and has been an aesthetic and defining feature of the church. The church is a large building and the steeple is in scale with the rest of the building. Based on the size of this church complex, the proposed steeple is in proportion to the size of the church and the reduction in its size would constitute an unnecessary hardship on the applicant.

D. Public Interest

That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The proposed steeple is still going to be a significant distance from any other dwelling and it is not going to adversely affect views or aesthetics and therefore, it will not adversely affect public health, common morals, common order, common convenience, common prosperity, or general welfare.

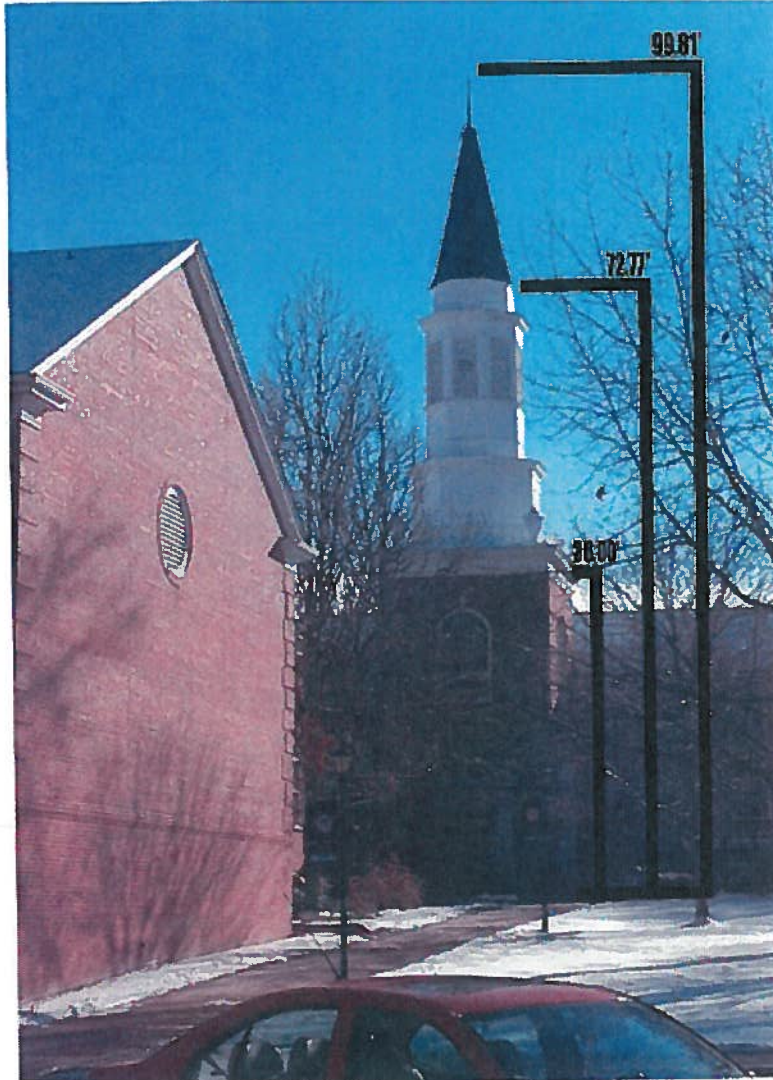
E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The applicant is requesting a 32% increase in the height of the steeple which is very significant. The intent of the ordinance is to keep building heights and appurtenances in scale with other development in the City. This is a large building and the steeple has been of this height for sixty years, and therefore, it is not opposed to the spirit and intent of the ordinance.

RECOMMENDATION:

If the Board finds that all five conditions have been met, then it can grant the variance from 75 feet to 99 feet in height for the proposed steeple.



Existing Steeple

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: BZA 2014-01
 Filing Fee: \$95
 Deposit: _____
 Date Advertised: 12/19/13
 Public Hearing Date: 1/7/14

APPLICANT: Engineering Solutions PHONE: 816-623-9888
 ADDRESS: 50 SE 30th St, Lees Summit, MO # ZIP: 64062
 OWNER: Village Presbyterian Church PHONE: 913-671-2300
 ADDRESS: 10411 Mission Rd ZIP: 64026
 LOCATION OF PROPERTY: 10411 Mission Road
 LEGAL DESCRIPTION: Attached

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>ROADWAY</u>	<u>Residential</u>
South	<u>CHURCH PARKING</u>	<u>?</u>
East	<u>Residential</u>	<u>}</u>
West	<u>ROADWAY</u>	<u>}</u>

Present Use of Property: Religious Facility

Proposed Use of Property: Religious Facility

Utility lines or easements that would restrict proposed development:
NONE

Please complete both pages of the form and return to:

Codes Administrator
 City of Prairie Village
 7700 Mission Road
 Prairie Village, Kansas 66208

Please indicate below the extent to which the following standards are met, in the applicant's opinion. Provide an explanation on a separate sheet for each standard which is found to be met.

1. **UNIQUENESS**

Yes No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. **ADJACENT PROPERTY**

Yes No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. **HARDSHIP**

Yes No

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. **PUBLIC INTEREST**

Yes No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. **SPIRIT AND INTENT**

Yes No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. **MINIMUM VARIANCE**

Yes No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE: Maria / Schuchman

DATE: 12/10/13

BY: Maria / Schuchman

TITLE: Agent for Village Presbytera

Please indicate below the extent to which the following standards are met, in the applicant's opinion. Provide an explanation on a separate sheet for each standard which is found to be met.

1. *UNIQUENESS*

Yes No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. *ADJACENT PROPERTY*

Yes No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP*

Yes No

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST*

Yes No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. *SPIRIT AND INTENT*

Yes No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE*

Yes No

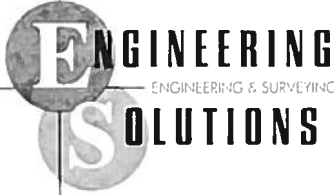
The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE: MARINA SCHUKINA

DATE: 12/10/13

BY: MARINA SCHUKINA

TITLE: AGENT FOR VILLAGE PRESBYTERIA



This letter is the request a height variance for the steeple element on the proposed building addition located at 6641 Mission Road. The current proposal is to install a steeple with a total height of 106'-0" adjacent to Mission Road.

Variance Request Criteria

-Uniqueness

This request is for the construction of the steeple element only and has no impact on the building portion of the expansion. The height allowance by code would not allow for a steeple height such that the architecture element would have the architectural impact desired by the church

-Adjacent Property

This site is located along a Mission Road with an education facility located directly to the west, creek channel to the east and church parking to the north and south. While this development is located within a residential zoning district the adjacent development area is not residential houses and the nearest residence is 250 +/- feet from this element

-Hardship

This request is solely for the construction of the steeple element and the height allowance by code does not allow this architectural element provide the architectural impact desired by the church

-Public Interest

This steeple element will not be out of character with the existing facility and the provided elevation views provide a good representation to the scale of the tower in relation to the building

-Spirit and Intent

The overall intent of the code is being met with the remainder of the building expansion as this is a single element of the building that is designed to provide an impact to identify this facility as a religious facility

-Minimum Variance

This request is related only to the steeple element and is exactly the height of the proposed element

Please accept this request for a height variance and direct any questions to Matt Schlicht

Sincerely

Matthew J. Schlicht

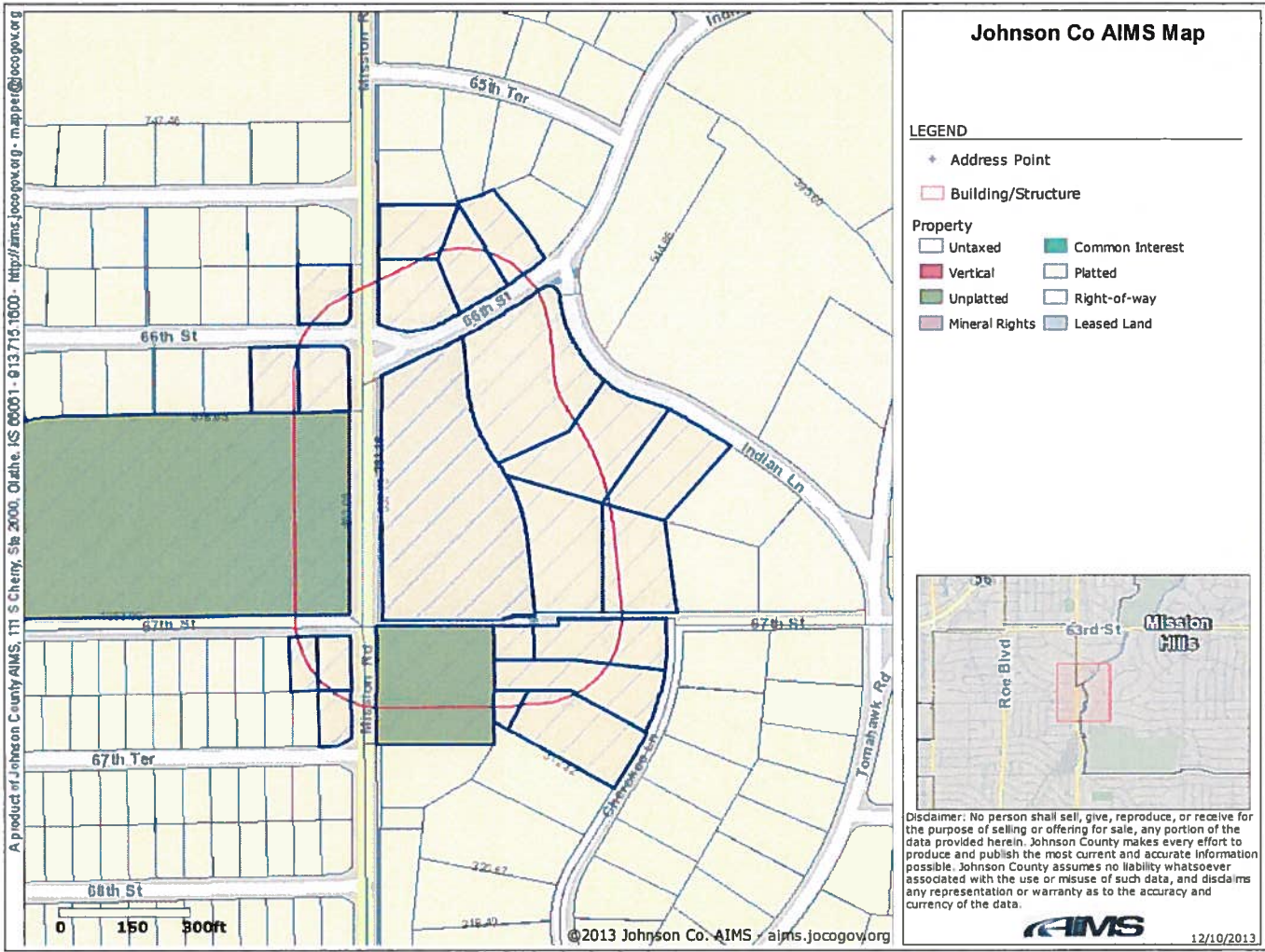
Matthew J. Schlicht, PE, PLS

Description:

Tract 1:

All of Lots 6 and 7, except the West 10 feet thereof, in Block 7, Indian Hills, a subdivision in the City of Prairie Village, Johnson County, Kansas, according to the recorded plat thereof.

Tracts 2-4 are not included as a part of this survey.



Johnson County Land Records (JCLR)

Johnson County, Kansas

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Name Property - Address - KUPN - QuickRef ID

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Property ID, Address, KUPN or QuickRef ID: 6641 MISSION RD

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Use % for wildcard searches - 23 records found

<< >>

select: all none selected: map buffer directions print labels remove

TaxPropertyID	MailAddLine	Owner1FullName	Owner2FullName
<input type="checkbox"/> OP15000007 0006B	<input type="checkbox"/> 6641 MISSION RD	UNITED PRESBYTERIAN VILLAGE	CHURCH TRUSTEES
<input type="checkbox"/> LP27000008 0003A	<input type="checkbox"/>	VILLAGE PRESBYTERIAN CHURCH	
<input type="checkbox"/> LP27000008 000D	<input type="checkbox"/>	UNITED PRESBYTERIAN VILLAGE	CHURCH
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<input type="checkbox"/> LP27000007 0001A	<input type="checkbox"/> 3700 W 67TH ST	SMITH, GREGORY ALLING TRUSTEE	SMITH, SANDRA JADE HILL TTEE
<input type="checkbox"/> LP27000007 0001B	<input type="checkbox"/> 3704 W 67TH ST	NEARING, ANN A. TRUSTEE	NEARING, HOWARD H. TRUSTEE
<input type="checkbox"/> LP27000016 0009A	<input type="checkbox"/> 3800 W 66TH ST	SMITH, MARY SUE TRUST	
<input type="checkbox"/> LP27000016 0008	<input type="checkbox"/> 3810 W 66TH ST	O'KEEFE, PATRICK W. &	FREIBERGER-O'KEEFE, CAROLE TR
<input type="checkbox"/> LP27000016 0007	<input type="checkbox"/> 3820 W 66TH ST	RESTOREMOREDESIGN LLC	
<input type="checkbox"/> OP13000012 0001	<input type="checkbox"/> 3900 W 66TH ST	HERNDON, CHRISTINA L.	
<input type="checkbox"/> OP13000001 0001	<input type="checkbox"/> 3901 W 66TH ST	FINCH, JOSEPH F. TRUST	
<input type="checkbox"/> OP55000001 0001	<input type="checkbox"/> 3901 W 67TH ST	HUGHES, KAREN A.	
<input type="checkbox"/> OP13000001 0002	<input type="checkbox"/> 3905 W 66TH ST	TAYLOR, RALPH E.	TAYLOR, NATALIE R.
<input type="checkbox"/> OP55000001 0002	<input type="checkbox"/> 3907 W 67TH ST	FIELDS, JAMILIA	
<input type="checkbox"/> LP27000016 0006	<input type="checkbox"/> 6529 MISSION RD	TREMONTI, PAUL J.	TREMONTI, SUSAN E.
<input type="checkbox"/> LP27000007 0005	<input type="checkbox"/> 6600 INDIAN LN	TUTERA, JOSEPH C.	TUTERA, MARIAN
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<input type="checkbox"/> OF251216-3015	<input type="checkbox"/> 6642 MISSION RD	PRAIRIE SCHOOL DISTRICT 44	
<input type="checkbox"/> LP27000008 0001	<input type="checkbox"/> 6700 CHEROKEE LN	HUANG, CHI M.	HUANG, ROSA H.
<input type="checkbox"/> LP27000008 0002	<input type="checkbox"/> 6708 CHEROKEE LN	AGNELLO, JOSEPH M.	AGNELLO, ELIZABETH A.
<input type="checkbox"/> OP55000001 0034	<input type="checkbox"/> 6712 MISSION RD	HUNT, JOHN T.	HUNT, LOIS J.
<input type="checkbox"/> LP27000008 0003	<input type="checkbox"/> 6716 CHEROKEE LN	PARRES, CYNTHIA D.	

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