

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
AGENDA  
November 4, 2014  
6:30 P.M.**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES - October 7, 2014**

**III. ACTION ITEM**

**BZA2014-04 Request for a Variance from P.V.M.C. 19.44.020(C4)  
"Yard Exceptions" to increase the projection of the porta cochere  
5115 West 81<sup>st</sup> Street  
Zoning: R-1a Single Family Residential District  
Applicant: Gerald Mancuso & Dr. Jana Goldsich**

**BZA2014-05 Appeal from Section 19.48H of the Zoning Ordinances  
prohibiting signs from extending above the height of the wall on  
which it is mounted & Section 19.48.012(I) "Roof sign"  
2310 West 75<sup>th</sup> Street  
Zoning: C-O Office Building District  
Applicant: Mike Kress, Generator Studio**

**BZA2014-06 Request for a Variance from Section 19.14.030 "Rear Yard" for a  
reduction from the 25' setback of 6'4" for an enclosed deck  
7919 Pawnee Street  
Zoning: RP-4 Condominium or Common Wall Dwelling District  
Applicant: M. Christian Lewis**

**IV. OTHER BUSINESS**

**V. OLD BUSINESS**

**VI. ADJOURNMENT**

If you cannot be present, comments can be made by e-mail to  
[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, OCTOBER 7, 2014**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, October 7, 2014 in the Council Chambers of the Municipal Building at 7700 Mission Road. 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, Larry Levy (arrived late) and Jim Breneman. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant, Kate Gunja, Assistant City Administrator and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Nancy Wallerstein moved the minutes of the March 4, 2014 meeting of the Board of Zoning Appeals be approved as written. The motion was seconded by Nancy Vennard and passed by a vote of 5 to 0 with Jim Breneman abstaining.

Chairman Randy Kronblad reviewed the procedures for the public hearings. The Secretary confirmed that the Notices of Public Hearing were published in the Johnson County Legal Record on Tuesday, September 16, 2014 and all property owners within 200' were mailed notices of the hearing.

Randy Kronblad called upon the applicant to present the application.

**BZA2014-04 Request for a Variance from P.V.M.C. 19.44.020(C4) "Yard  
Exceptions" to increase the projection of the porta cochere  
5115 West 81<sup>st</sup> Street**

Gerald Mancuso, 5115 West 81<sup>st</sup> Street, stated he is requesting a six foot variance at the front of his home. He noted his architect was unable to be present due to illness, but his neighbor and architect would be presenting his application.

Mike Clay, 5300 West 81<sup>st</sup> Street, stated he has resided in the neighborhood since 1976. The north side of the street is the Corinth Hills subdivision with house built in the 50's and having a standard front setback. The homes on the south side of the street, although unplatted, have homes that a setback significantly from the street. Mr. Mancuso is asking for a six to seven foot variance into the setback as determined by the code.

Bob Lindeblad asked Mr. Clay if he was aware of the criteria required by state statute to grant a variance. He responded he was not. A copy of the staff report and review of the criteria was given to Mr. Clay.

Mr. Mancuso in his submittal stated the property was unique in that it is approximately 1.3 acres. There is only one other property that exists on the block of that size, which is immediately adjacent to the west. Because of the size, the property could afford to support the variance requested of seven feet to accommodate a future porte cochère which would protect the Northern exposed front entry. Mr. Mancuso in addressing the Board also expressed concern because of his handicap for his safety in entering the home in the winter without the porte cochère. He added his 92 year old mother-in-law who owns the home want to return to the home and would also need the proposed porte cochère for her safety in entering the home. Mr. Mancuso stated the code allows him to extend out 15 feet, which lands four feet into the driveway, He noted the house is setback 80 feet from the street with the porte cochère setback 62.5 feet while the homes on the other side of the street are only setback 45 feet. He does not see any disadvantage to anyone on the street and feels his improvements will increase the values of other homes in the neighborhood. Mr. Mancuso stated he is spending over \$400,000 on the renovation of this home. The additional footage would provide the necessary space for a ramp to be added for his mother-in-law.

Mike Clay, stated the 1950 split level has been redesigned as a ranch requiring additional depth to the home and thus the canopy extension requires additional footage into the front setback.

Joe Elder, 2705 West 51<sup>st</sup> Street, Westwood, addressed the need for the elderly accommodation from Mrs. Mancuso noting the distance needed for a van drop chair needs to drop onto a ramp. Mr. Elder referenced the First Suburb Coalition, of which the City is a member, which strongly supports the retrofitting of existing homes to meet the needs of the elderly.

Sergei Snapkovsky, 5401 West 81<sup>st</sup> Street, spoke in support of the application and views the proposed improvements as a benefit to the neighborhood.

Darin Heyen, 5208 West 81<sup>st</sup> Street, resides directly across the street and noted there is a slight elevation to Mr. Mancusco's property and stated he supports the proposed variance.

Eric Kirchhofer, 5215 West 81<sup>st</sup> Street, supports the variance and views the proposed improvements as an asset to the neighborhood.

Barbara Wheeler, 5204 West 81<sup>st</sup> Street, stated that she had cared for Mrs. Goldsich when she lived in the home and knows that it is very important to Mrs. Goldsich that she be able to return to her home. She noted her only concern with Mr. Mancuso's renovation was the possible loss of trees and no trees are being removed.

Paul Gatzoulis, 5101 West 81<sup>st</sup> Street, spoke in support of the variance and stressed the need to provide the desired accommodation for both Mr. and Mrs. Mancuso.

Jim Wheeler, 5204 West 81<sup>st</sup> Street, resides across the street from the property and spoke in support of the requested variance.

Mike Clay, 5300 West 81<sup>st</sup> Street, addressed the Board as a neighbor and noted that he purchased his home because of the uniqueness of this neighborhood and supports the requested variance.

Chairman Randy Kronblad closed the public hearing at 7:01.

Ron Williamson stated according to the plans, the existing home sets back 74 feet from 81<sup>st</sup> Street. Therefore, the porte cochère would project into the front yard setback 20 feet. In checking the dimensions in the field, the existing circular driveway is 4.5 feet from the porch and the asphalt driveway is 15 feet in width. Therefore, the width of the porte cochère should be reduced from 17' 4" to 15 feet. The distance from the porch to the outside column of the porte cochère would be 4.5 feet plus 15 feet (driveway width) plus 18" (width of the column) for a total of 21 feet, less 2 feet for the setback, or 19 feet. If the travel way under the porte cochère were reduced another two feet the projection could be reduced to 17 feet. The distance between the columns is 17' 4" which appears to be greater than needed. A typical car width is six feet with doors fully open at 42" each for a total width of 13 feet. Typically a porte cochère is only as wide as the driveway and a single-lane driveway is typically nine or ten feet; however, this one is much wider at 15 feet. The porte cochère could be reduced to 13 feet in width.

The applicant held a neighborhood meeting on Saturday, September 27<sup>th</sup>, and one person attended the meeting. No concerns were expressed.

Mr. Williamson noted the hearing was advertised for an extension of less than what was requested; however, because of the notice referenced that the plans being on file, the City Attorney believes that the hearing can be held.

Chairman Randy Kronblad led the Board in the following review of the conditions required for the granting of a 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 lot is rectangular in shape, 150-foot wide by 358-foot deep, and is not unique in shape or form. The house was built in 1959 and sets back much further from the street than many other homes in the neighborhood, but is typical of homes on the south side of 81<sup>st</sup> Street. The existing circular driveway is 15 feet in width and is 4.5 feet from the front porch.

Nancy Wallerstein moved the Board find that the variance does arise from a condition unique to this property. The motion was seconded by Larry Levy.

Bob Lindeblad stated he does not see any uniqueness for this property noting the properties on the south side of the street are all large lots with larger than average front setbacks. Nancy Vennard does not view the width of the driveway as a unique factor.

Randy Kronblad noted the setback on the north side of the street is considerably less than on the south side but this property is not unique.

The motion passed by a vote of 4 to 3 with Vennard, Breneman and Lindeblad voting in opposition

**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 proposed porte cochère will be an open, unenclosed structure and although it will project into the front yard further than adjacent properties, the lot is very large and should not adversely affect the rights of adjacent property owners. The porte cochère will be approximately 80 feet from the west property line and 50 feet from the east property line.

Nancy Wallerstein moved the Board find that the variance does not adversely affect the rights of adjacent property owners or residences. The motion was seconded by Gregory Wolf and passed by a vote of 7 to 0.

**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 applicant has pointed out in his statement that he has a disability and the porte cochère would provide protected access for him to enter the house during inclement weather. It should be noted that a garage bay is being added on the west side of the house that would provide protection during inclement weather. The driveway is already in place and the granting of the variance would eliminate the need to remove and rebuild it.

Nancy Vennard stated the drawings submitted do not reflect a hardship. She noted the other garage on the west side of the house would be accessible.

Bob Lindeblad noted the question is does the accessibility need to be covered access. Nancy Vennard questioned the need for the porte cochère to accommodate every type of vehicle. A regular passenger van could be accommodated within the code requirements. The rendering of the porte cochère looks like that of a country club in size.

Jim Breneman noted the plans do not reflect it was designed to accommodate accessibility.

Nancy Wallerstein noted that without the architect present the original intent of the design cannot be verified.

Joe Elder referenced the letter submitted by Christopher Castrop where he stated "it was requested by Mr. Mancuso that he would like to have a porte cochère or covered

drive-thru at the entry due to future possibility of inclement weather and his and wife's accessibility into their house from the front entry."

Nancy Vennard confirmed the accessibility was not being constructed to ADA requirements as it was for private use.

Randy Kronblad would like to have the drawing show the actual elevation changes from the driveway to the front door and include a medical van.

Joe Elder noted there are multiple styles of ramps and that access can be provided with the wideness of the driveway.

Gregory Wolf expressed concern with the ability to find in favor of the hardship factor without the clearer drawings referenced by Mr. Kronblad and moved to continue the application to the November 4<sup>th</sup> meeting to allow the applicant to present additional information. The motion was seconded by Jim Breneman.

Nancy Wallerstein noted that the applicant is in the middle of a renovation project and a one month delay may not be acceptable.

The motion was voted on and passed by a vote of 4 to 3.

Nancy Wallerstein confirmed that if the size was reduced the porte cochère could be built. Mr. Mancuso responded that with a reduced size a vehicle door would hit to post upon opening.

#### **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 7:40 p.m.

Randy Kronblad  
Chairman

# LOCHNER

## STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** October 7, 2014

Project # 000009686

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**Application:** BZA 2014-04

**Request:** A variance to increase the projection into the front yard setback from 12' to 19' to construct a porte cochère

**Property Address:** 5115 W. 81<sup>st</sup> Street

**Applicant:** Drs. Jana Goldsich and Gerald Mancuso

**Current Zoning and Land Use:** R-1A Single-Family District – Single-Family Dwelling

**Surrounding Zoning and Land Use:** **North:** R-1A Single-Family District – Single-Family Dwellings  
**East:** R-1A Single-Family District – Single-Family Dwelling  
**South:** R-1A Single-Family District – Single-Family Dwellings  
**West:** R-1A Single-Family District – Single-Family Dwelling

**Legal Description:** Metes and Bounds

**Property Area:** 53,746 sq. ft. or 1.23 acres

**Related Case Files:** None

**Attachments:** Photos, application, site plan

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LOCHNER

903 East 104<sup>th</sup> Street | Suite 800 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027  
engineering | planning | architecture

**General Location Map**



**Aerial Map**





**STAFF COMMENTS:**

The applicant is requesting a variance in order to construct a porte cochère at the front entrance to the house. This lot is located in an area of unplatted lots and the dwellings set back much further than the normal 30-foot setback. The front yard setback is calculated as follows:

**19.44.020 Yard Exceptions**

*In districts R-1a through R-4 inclusive, where lots comprising forty (40) percent or more of the frontage, on the same side of a street between two intersecting streets (excluding reverse corner lots), are developed with buildings having front yards with a variation of not more than ten feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire depth frontage; except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this title, yet is less than the established setback for the block as provided above, such setback line shall apply.*

The provision is rarely used in Prairie Village because most lots have platted setback lines. Forty percent of the setbacks of the existing homes on this block do not vary more than 10 feet and there are no platted setbacks. The calculation for the average to determine the front setback was based on the Johnson County AIMS maps rather than a field measurement. The setback for the existing residences vary from 60 feet to 75 feet and the average setback for the block based on AIMS maps is 72 feet for the six lots.

Section 19.44.020 C.4. reads as follows:

4. Unenclosed porches, porte cochères, marquees and canopies may project into required front or rear yards not to exceed twelve (12) feet, and on corner lots may project into required side yards on the side streets not to exceed ten (10) feet;

The applicant is proposing to project the porte cochère 21 feet from the front of the house. According to the plans, the existing home sets back 72 feet from 81<sup>st</sup> Street. Therefore, the porte cochère would project into the front yard setback 20 feet. In checking the dimensions in the field, the existing circular driveway is 4.5 feet from the porch and the asphalt driveway is 15 feet in width. Therefore, the width of the porte cochère should be reduced from 17' 4" to 15 feet. The distance from the porch to the outside column of the porte cochère would be 4.5 feet plus 15 feet (driveway width) plus 18" (width of the column) for a total of 21 feet, less 2 feet for the setback, or 19 feet. If the travel way under the porte cochère were reduced another two feet the projection could be reduced to 17 feet. The distance between the columns is 17' 4" which appears to be greater than needed. A typical car width is six feet with doors fully open at 42" each for a total width of 13 feet. Typically a porte cochère is only as wide as the driveway and a single-lane driveway is typically nine or ten feet; however, this one is much wider at 15 feet. The porte cochère could be reduced to 13 feet in width.

The applicant held a neighborhood meeting on Saturday, September 27<sup>th</sup>, and one person attended the meeting. No concerns were expressed.

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.**

The lot is rectangular in shape, 150-foot wide by 358-foot deep, and is not unique in shape or form. The house was built in 1959 and sets back much further from the street than many other homes in the neighborhood, but is typical of homes on the south side of 81<sup>st</sup> Street. The existing circular driveway is 15 feet in width and is 4.5 feet from the front porch.

**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 proposed porte cochère will be an open, unenclosed structure and although it will project into the front yard further than adjacent properties, the lot is very large and should not adversely affect the rights of adjacent property owners. The porte cochère will be approximately 80 feet from the west property line and 50 feet from the east property line.

**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 applicant has pointed out in his statement that he has a disability and the porte cochère would provide protected access for him to enter the house during inclement weather. It should be noted that a garage bay is being added on the west side of the house that would provide protection during inclement weather. The driveway is already in place and the granting of the variance would eliminate the need to remove and rebuild it.

**D. Public Interest**

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

The variance is only being requested for the porte cochère and it would setback approximately 55 feet from the street and therefore it will not adversely affect the public health, safety, morals, order, convenience, 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 intent of this section of the ordinance is to preserve the character of an area that has been developed with a greater setback than normal. The setback in this instance is 72 feet and the projection of the porte cochère, 17 feet into the setback, will not be opposed to the general spirit and intent of the zoning ordinance. Lot coverage for the existing house is 4.3% and with the proposed addition will be 6.7%, which is well within the 30% maximum lot coverage allowed by ordinance.

**RECOMMENDATION:**

After reviewing the information submitted and consideration of the testimony during the public hearing, if the Board finds that all the five conditions can be met as required by state statutes, then it can grant the variance. If the Board does approve the variance, it should be subject to the following condition:

1. That the variance be approved for the minimal distance necessary for the porte cochère which is a driveway width of 13 feet and a projection of 17 feet.



VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: B2A 2014-03

Filing Fee: \$95

Deposit: \_\_\_\_\_

Date Advertised: \_\_\_\_\_

Public Hearing Date: 10/17/14

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APPLICANT: Jerry MANCUSO Dr JANA Goldsich PHONE: 913-832-8738  
ADDRESS: 7901 EL MONTE St P.V. Ks. ZIP: 66208  
OWNER: JANA Goldsich MPO Jerry MANCUSO PHONE: 913-766-1269  
ADDRESS: 7901 EL MONTE St. P.V. Ks. ZIP: 66208  
LOCATION OF PROPERTY: 5115 W 91st St. P.V. Ks 66208  
LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	<u>Residence</u>	_____
South	<u>" "</u>	_____
East	<u>" "</u>	_____
West	<u>" "</u>	_____

Present Use of Property: Residence

Proposed Use of Property: Residence

Utility lines or easements that would restrict proposed development:  
N/A

Please complete both pages of the form and return to:

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

August 26, 2014

Re: Application for Variance  
Jana Goldsich, MD and Jerry Mancuso  
5115 West 81 St  
Prairie Village, Ks

A. Uniqueness

The property in question is unique in that it is approximately 1.3 acres. There is only one other property that exists on the block of that size, which is immediately adjacent to the west. Because of the size, the property could afford to support the variance requested of seven feet to accommodate a future Porte Cochere which would protect the Northern exposed front entry.

B. Adjacent Property

The property to the west and east will not be affected by the granting of the variance. It will not adversely affect the rights, views or value of adjacent property owners in any direction.

C. Hardship

One of the owners of the property is permanently disabled and would benefit from protected access to front entry during inclement weather, especially during winter conditions. The requested variance is needed to accommodate the safe passage of car and entrance/exit from vehicle.

D. Public Interest

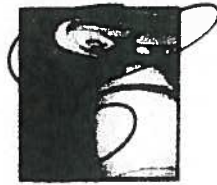
The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

E. Spirit and Intent

The granting of the variance desired would not be opposed to the general spirit and intent of the zoning regulations. The owners intent to maintain the original spirit of the structure is made evident by their decision to renovate rather than raise and rebuild.

F. Minimum Variance

The variance requested is the minimum variance that would make possible a reasonable use of the land and structure.



## Castrop Design Group

### Description of the Proposed Porte Cochere *for the* Mancuso Residence

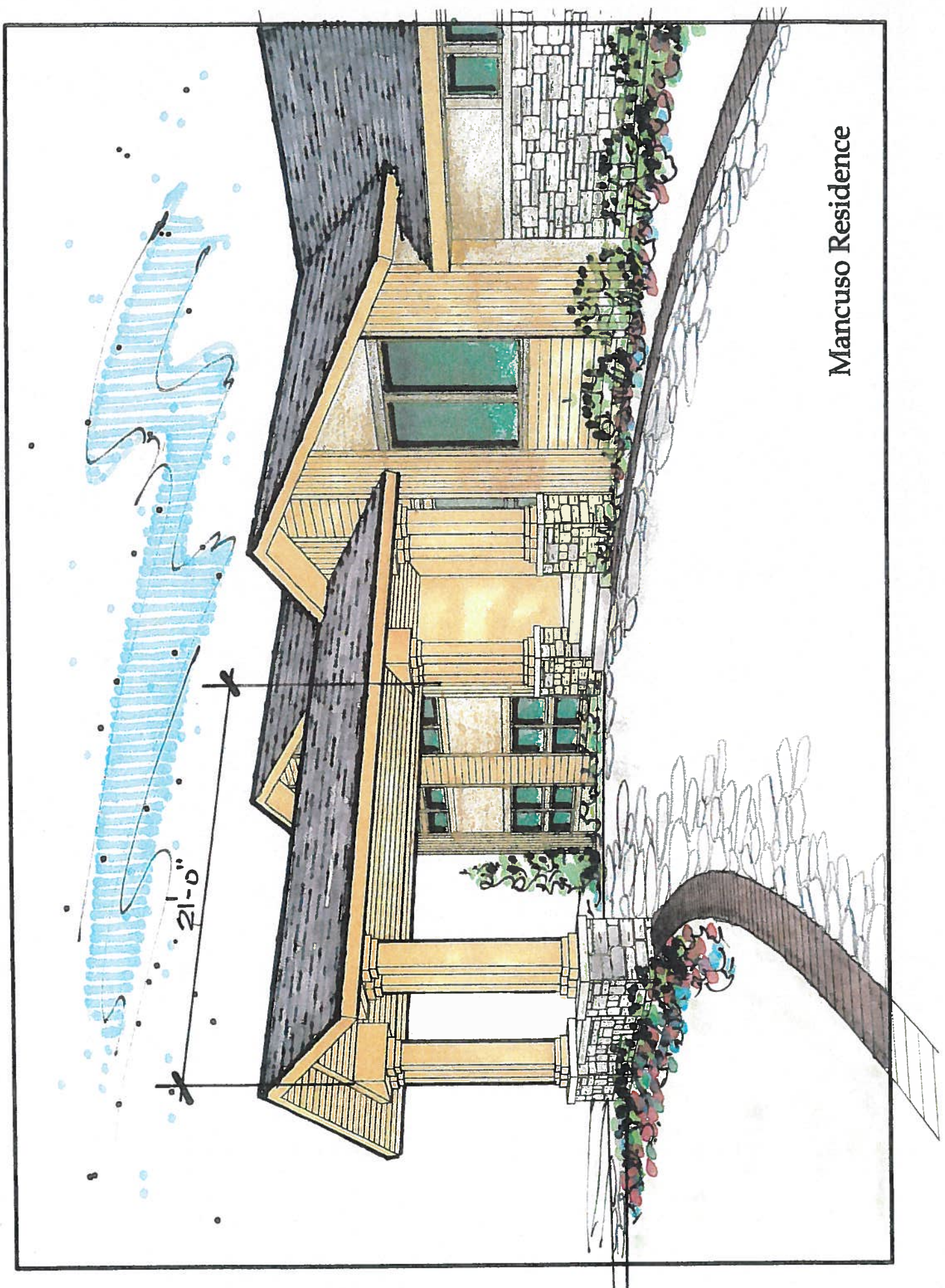
To Whom It May Concern:

I as the architectural designer for Jerry Mancuso and Jana Goldsich have enjoyed the opportunity to assist in the design the addition and renovation of their residence. In the process of generating a overall concept and master plan for their home it was requested by Mr. Mancuso that he would like to have a Porte Cochere, or Covered Drive-Thru at the entry due to future possibility of inclement weather and his and wife's accessibility into their house from the Front Entry. It was also discussed that the design of a Porte Cochere with the large front yard and existing circular drive would be in keeping with the character of the house. As I began to design I realized the existing measurement out to the northern, (street side), edge was approximately 19'-0", so it was my hope to allow the existing drive to be the datum and then allow for approximately 2'-0" of column structure beyond the drive for our distance of 21'-0". I determined that the depth that we had to bring out the Porte Cochere towards the road was suitable for the existing conditions and most importantly the proportions of the overall front of the house.

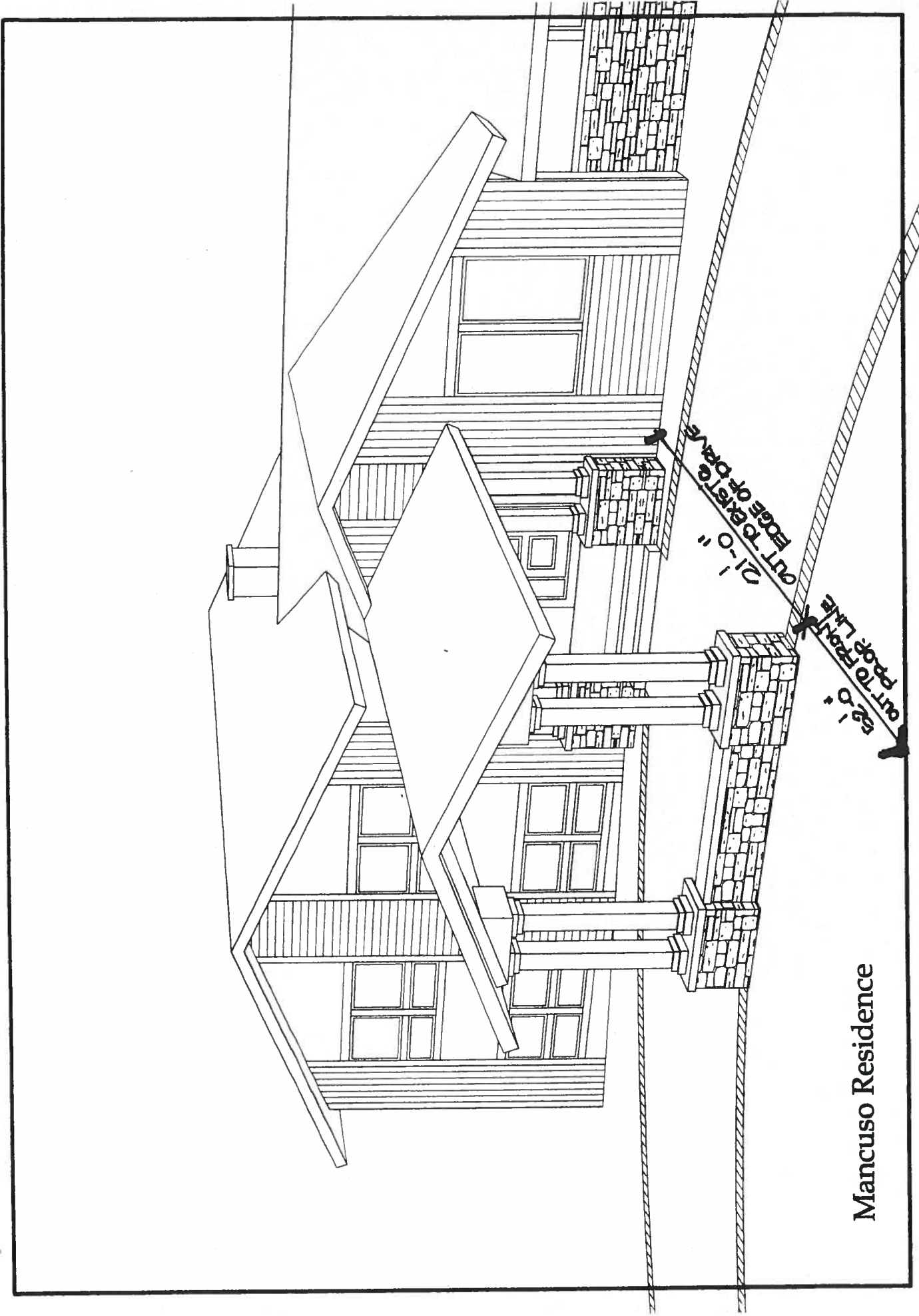
It is my goal as an architectural designer to make whatever I design feel like it has been there and is part of the original home. I feel that in this process of our design due-diligence and looking at other homes throughout Prairie Village with Porte Cocheres, we have accomplished this. With the overall goal of function and form working together I feel that the addition of the proposed Porte Cochere will be a nice addition for the accessibility of Mr. Mancuso and Ms. Goldsich and more importantly it will fit the overall aesthetics of the beautiful neighborhood that has been established.

I thank you for your time and consideration of my narrative of the design that has been proposed.

Sincerely,  
Christopher Castrop  
President, CDG



Mancuso Residence



Mancuso Residence



# LOCHNER

## STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** November 4, 2014

Project # 000009686

**Application:** BZA 2014-05

**Request:** Appeal of the Building Official for a proposed sign

**Property Address:** 2310 W. 76<sup>th</sup> Street

**Applicant:** Luminous Signs

**Current Zoning and Land Use:**

**Surrounding Zoning and Land Use:** North: R-1b Single-Family Residential – Single Family Dwellings  
East: C-O Office Building District – Office Building  
South: R-1b Single-Family Residential – Single Family Dwellings  
West: C-O Office Building District – Office Building

**Legal Description:** Lots 456 – 459 Granthurst and vacated High Drive

**Property Area:** 0.59 acres

**Related Case Files:** None

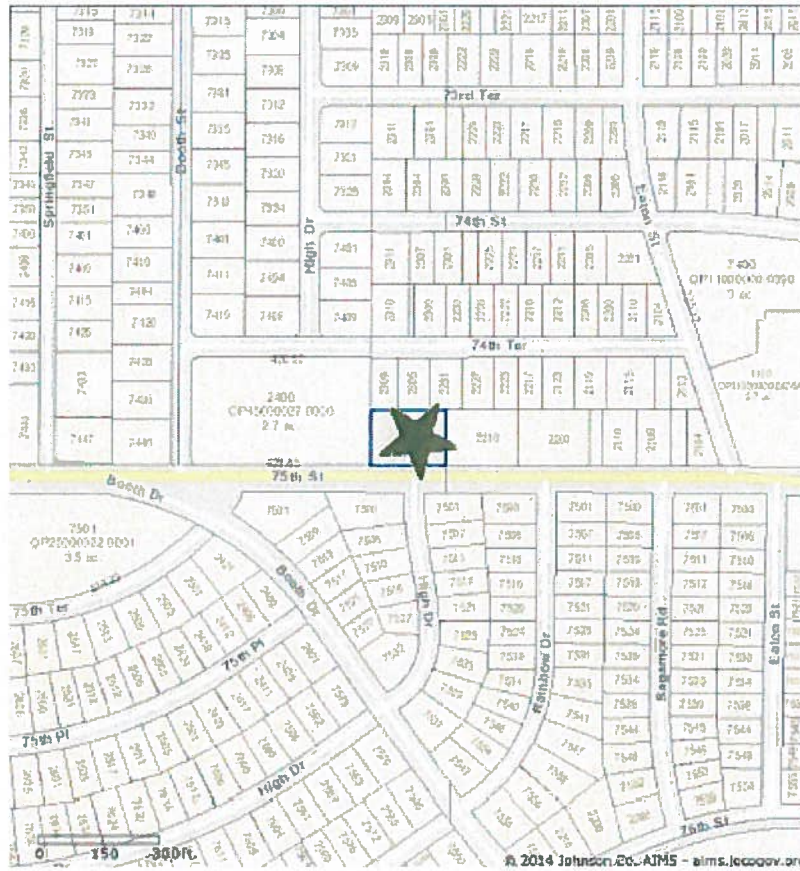
**Attachments:** Photos, Plans

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LOCHNER

903 East 104<sup>th</sup> Street | Suite 800 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027  
engineering | planning | architecture

General Location Map



Aerial Map



**STAFF COMMENTS:**

The building owner has made a substantial investment in renovating the building as shown in the attached before and after pictures.

The applicant requested a sign permit for a sign that would be mounted on the top of the new entrance cover as shown on the attached drawing. The Building Official denied the permit on the basis that the sign is a roof sign which is prohibited by the Sign Ordinance. It also violates Section 19.48.25.H. which prohibits signs from extending above the height of the wall on which it is mounted.

Although the appeal was made for a sign at a specific location, it needs to be emphasized that if this appeal is approved it affects the Sign Ordinance as a whole, not just this specific location. Therefore, if approved, this type of sign could be located on any business building in the City. The specific location for this appeal is merely an example of the decision being appealed.

The applicant is appealing the ruling of the Building Official that the sign is not a roof sign. The Sign Ordinance does not include a definition for roof signs.

The Leawood Ordinance defines roof signs as follows:

**Roof Sign** – Any sign erected and constructed wholly on the roof of a building, supported by the roof structure.

The Leawood Ordinance also prohibits roof signs.

The applicant has suggested that it is a marquee sign and the Prairie Village Ordinance is silent on marquee signs. However, the Leawood Ordinance defines marquee signs as:

**Marquee Sign** – Any sign attached flat against or under the canopy of a building, but not on the upper surface of a canopy.

Based on that definition the proposed sign would not be permitted.

The Overland Park definitions are virtually the same as Leawood and are as follows:

**“Roof sign”** means any sign erected, constructed and maintained wholly upon or over the roof of the building and having the roof as a principal means of support.

**“Marquee sign”** means any sign attached flat against or under the marquee or permanent sidewalk canopy of a building, but not on the upper surface of a marquee or canopy.

In addition to the above, when the Planning Commission approved Sign Standards for 3520 W. 75<sup>th</sup> Street, it was determined that the sign above the entrance canopy (Continental) was a roof sign and it was required to be removed as a condition of approval of the Sign Standards.

**RECOMMENDATION:**

It is the opinion of Staff, based upon the information presented above, that the Building Official was correct in her interpretation of the Ordinance and that the appeal be denied.



**Before Renovation**



**After Renovation**



**3520 W. 75<sup>th</sup> Street**



THE CITY OF PRAIRIE VILLAGE  
STAR OF KANSAS

October 2, 2014

Scott Schultz  
Luminous Neon Inc  
1255 N Winchester St  
Olathe, KS 66061

RE: Flatiron Building, 2310 W 75<sup>th</sup> St

Dear Scott,

I have reviewed the sign permit for the Flatiron Building and denied it. The basis for the denial is the proposed sign is considered to be a roof sign, which is prohibited by the sign ordinance. Also, Section 19.48.25.H prohibits signs from extending above the height of the wall on which it is mounted.

You have the right to appeal this decision to the Board of Zoning Appeals. Please contact Joyce Hagen-Mundy, City Clerk for an application and filing dates.

Sincerely,



Kate Gunja  
Assistant City Administrator  
City of Prairie Village, KS

VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: BZP 2014-05

Filing Fee: 75

Deposit: \_\_\_\_\_

Date Advertised: 10/14/14

Public Hearing Date: 11/4/05

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APPLICANT: Flat Iron PHONE: 913 302 4289  
ADDRESS: 2310 W 75<sup>th</sup> St. ZIP: 66208  
OWNER: Ryan Sullivan PHONE: 913 302 4289  
ADDRESS: 2310 W. 75<sup>th</sup> St ZIP: 66208  
LOCATION OF PROPERTY: 2310 W 75<sup>th</sup> St  
LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: Office

Proposed Use of Property: \_\_\_\_\_

Utility lines or easements that would restrict proposed development:  
\_\_\_\_\_  
\_\_\_\_\_

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

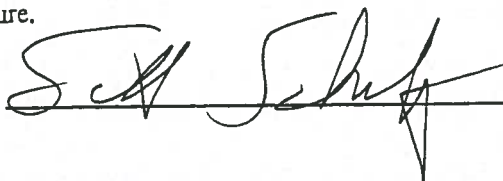
Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

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: \_\_\_\_\_

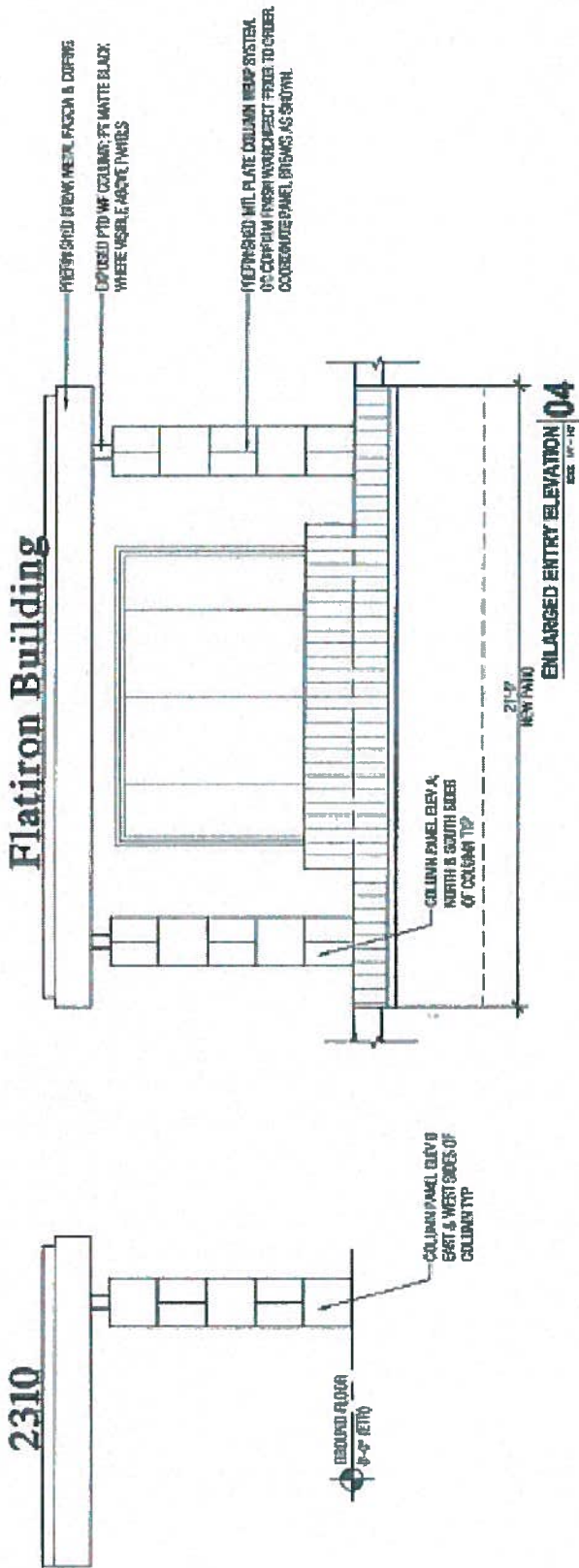


DATE: 10-3-14

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**RECEIVED**  
 SEP 18 2014  
 By: *[Signature]*



All noted dimensions are approximate and may vary by modified slightly during manufacturing to allow proper component usage.

**RECOMMENDATIONS:**

- FABRICATE AND INSTALL (1) SET OF NEW ENLARGED 1/2" THICK FLAT CUT OUT ALUMINUM LETTERS AND (2) SETS OF 1/2" THICK FLAT CUT OUT ALUMINUM ACCESS PANELS FOR EAST AND WEST CANOPY ELEVATION
- FLAT CUT OUT LETTERS NUMBERED PINKED BLACK. BOTTOM LETTERS NUMBERED TO CANOPY

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CUSTOMER:	FLAT IRON CARTOON ENGINES	DATE:	9/9/14
NAME:	1330 W TIBBETT	DRAWING NO.:	DS-10510824-2
LOCATION:	FRANCO VILLAGE, KS 66207	APPROVED:	JM
		SCALE:	1/8" = 1'
APPROVED:		DATE:	



**LUMINANCE SYSTEMS**  
 A LUMINANCE SYSTEMS COMPANY



October 30th , 2014

**Subject: Flatiron Building, 2310 W 75<sup>th</sup> Street**

Dear Kate:

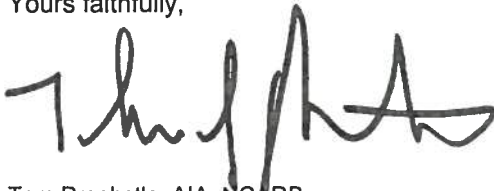
In response to your denial of the proposed signage at 2310 W. 75<sup>th</sup> Street documented in your letter dated October 2, 2014 to Scott Schultz of Luminous Neon, Inc. my office would like to appeal this decision based on the following:

The proposed signage is not a roof sign on the building; it is aesthetically pleasing, not garish or flashy; and it fits the integrity of the architecture of the building. Additionally, the provisions cited as non-permissible (Section 19.48.25.H) we believe are intended for true roof signs, or signage occurring at the top of a structure, which is not the case for our proposed sign.

We completely understand and agree with the requirement for signage to not project above a building's roof; in the case of our proposed design we feel we have met the spirit and intent of this requirement.

For these reasons we feel the appeal should be granted to this signage package.

Yours faithfully,



Tom Proebstle, AIA, NCARB  
Founder + Design Director, Generator Studio



Mike Kress, NCARB  
Founder + Chief Architect, Generator Studio





# LOCHNER

## STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** November 4, 2014

Project # 000009686

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**Application:** BZA 2014-06

**Request:** Variance of Rear Yard Setback

**Property Address:** 7919 Pawnee Street

**Applicant:** M. Christian Lewis

**Current Zoning and Land Use:** RP-4 Planned Condominium or Common Wall District – Single Family Attached

**Surrounding Zoning and Land Use:** **North:** RP-4 Planned Condominium or Common Wall District – Single Family Dwelling  
**East:** R1-A Single-Family District – Single Family Dwellings  
**South:** RP-4 Planned Condominium or Common Wall District – Single Family Dwelling  
**West:** RP-4 Planned Condominium or Common Wall District – Single Family Dwelling

**Legal Description:** Lot 2, BLK5 Paddock Court

**Property Area:** 2,413 sq. ft.

**Related Case Files:** None

**Attachments:** Photos, Drawings

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LOCHNER

903 East 104<sup>th</sup> Street | Suite 800 | Kansas City, Missouri 64131-3451 | P 816.363.2696 | F 816.363.0027  
engineering | planning | architecture

**General Location Map**



**Aerial Map**



**STAFF COMMENTS:**

The applicant has an existing deck that they would like to enclose. The deck is approximately 12' 4" by 15' 8". The deck extends approximately 6' 4" into the rear yard. An unenclosed deck, which may have a roof, can extend into the rear yard 12 feet. Since the enclosed deck will extend into the rear yard 6' 4", the applicant needs a variance in order to enclose the deck.

This is an RP-4 Planned District which permits common wall single-family residences. This is the north unit of a two-family attached dwelling. The south unit has enclosed its deck. The rear yard requirement is 35 feet in the R-4 District. However, in the RP-4 Planned District the rear yard can be reduced to 60% of the requirement which would be 21 feet. Based on a field measurement of the existing dwelling it appears that it is 25 feet from the property line so the variance would be approximately 6' 4". This dwelling was built in 1983 and unfortunately the Development Plan is not as detailed as required now. Pawnee Street is a private street and there are no standard setback lines. Each building location was approved on the plan and there are several stand-alone single-family dwellings, as well as, two-family attached dwellings in the development.

The existing deck is set on wood columns with concrete footings. It is critical that the proposed screened-in deck does not become an all-season room. Therefore, if the variance is approved, a condition should be attached limiting the foundation to the existing columns and footings and that it is only a screened porch.

Since the variance request was very minor a neighborhood meeting was not required.

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.**

This lot is located in a development that is unusual. The development was planned around the commercial transmission tower which has a 420 foot radius from the center point. This has created an unusual layout for this development which is not found in other parts of the City.

**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 south unit has already enclosed their deck and the unit to the north will not be affected. A private drive is located to the west. The houses to the east back into this property and the rear wall of those houses is approximately 65' from the property line. Also the property line is heavily landscaped and provides screening. Adjacent property should not be adversely affected.

**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 deck already exists and there is no other location to build a new one and enclose it. If the enclosure would line up with the existing rear building line it would only be six feet deep, which would not be useful.

**D. Public Interest**

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

The proposed variance is only for the existing deck which is 15' 8" in length, not the entire building. It is a minor improvement and will not adversely affect the public health, safety, morals, order, convenience, 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.**

This is a planned development that was built in 1983 which has non-standard setbacks and building locations. The approval of this variance would accommodate an improvement that was not anticipated in 1983 and would not be opposed to the general spirit and intent of these regulations.

**RECOMMENDATION:**

After reviewing the information submitted and consideration of the testimony during the public hearing, if the Board finds that all five conditions can be met as required by state statutes, then it can grant the variance. If the Board does approve the variance, it should be subject to the following conditions:

1. That the variance be approved for only the enclosure of the existing deck as shown on the plans submitted with the application.
2. That no additional foundation or footings be constructed and the enclosure be screened only.







VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: BZA 2014-06

Filing Fee: \_\_\_\_\_

Deposit: \_\_\_\_\_

Date Advertised: 10/14/14

Public Hearing Date: 11/4/14

APPLICANT: M. Christian Lewis PHONE: 913-649-8258  
 ADDRESS: 7919 Pawnee St. PV, KS ZIP: 66208  
 OWNER: M. Christian Lewis PHONE: 913-649-8258  
 ADDRESS: 7919 Pawnee St. PV, KS ZIP: 66208  
 LOCATION OF PROPERTY: 7919 Pawnee St, Prairie Village, KS 66208  
 LEGAL DESCRIPTION: PADDEN COURT LT 2 BLK 5  
PRC 614 4A i 19 5 2

Variance Requested To screen in rear deck which may be closer to east property line than P.V. Zoning permits. No change in existing deck's footprint requested.

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>RD-4</u>
South	<u>Residential</u>	<u>RP-4</u>
East	<u>Residential</u>	<u>R-1A</u>
West	<u>Residential</u>	<u>RP-4</u>

Present use of Property: Residence

Proposed Use of Property: Residence

Utility lines or easements that would restrict proposed development:  
None

Please complete both pages of the form and return to:

City Clerk  
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 of adversely affect the rights of adjacent property owners or residents.

3. **HARDSHIP**  Yes \_\_\_ No

The strict application of the provision 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 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: M. Christian Lewis DATE Oct. 9, 2014

BY: \_\_\_\_\_  
TITLE: Owner / Applicant

### **Criterion #1**

The variance requested is to screen in the existing rear deck which may be closer to the east property line than is allowable by Prairie Village Codes. This deck was most likely built at the same time as the residence (1983). The residence is a duplex, and the attached unit to the south also has a deck that is the same distance from the east property line. This owner/applicant has done nothing to the property which caused this condition.

### **Criterion #2**

Screening in the existing rear deck will not in any way adversely affect the rights of adjacent property owners. Alterations have already been made to the duplex's attached unit to the south by its previous owner some years ago. This owner/applicant does not believe his rights are adversely affected by those alterations.

### **Criterion #3**

A strict application of the provisions of this title would result in unnecessary hardship because the owner/applicant and his wife would be denied the opportunity to enjoy the rear deck for more days during the year. Screening in the deck would also offer some protection from various biting insects, in particular the mosquitoes which transmit the West Nile virus.

### **Criterion #4**

Owner/applicant cannot imagine circumstances under which the screening in of the rear deck would have an adverse impact on the public health, safety, morals, order convenience, prosperity, or general welfare. In fact, screening in the rear deck would increase the property value of the residence, and, in turn, the community.

### **Criterion #5**

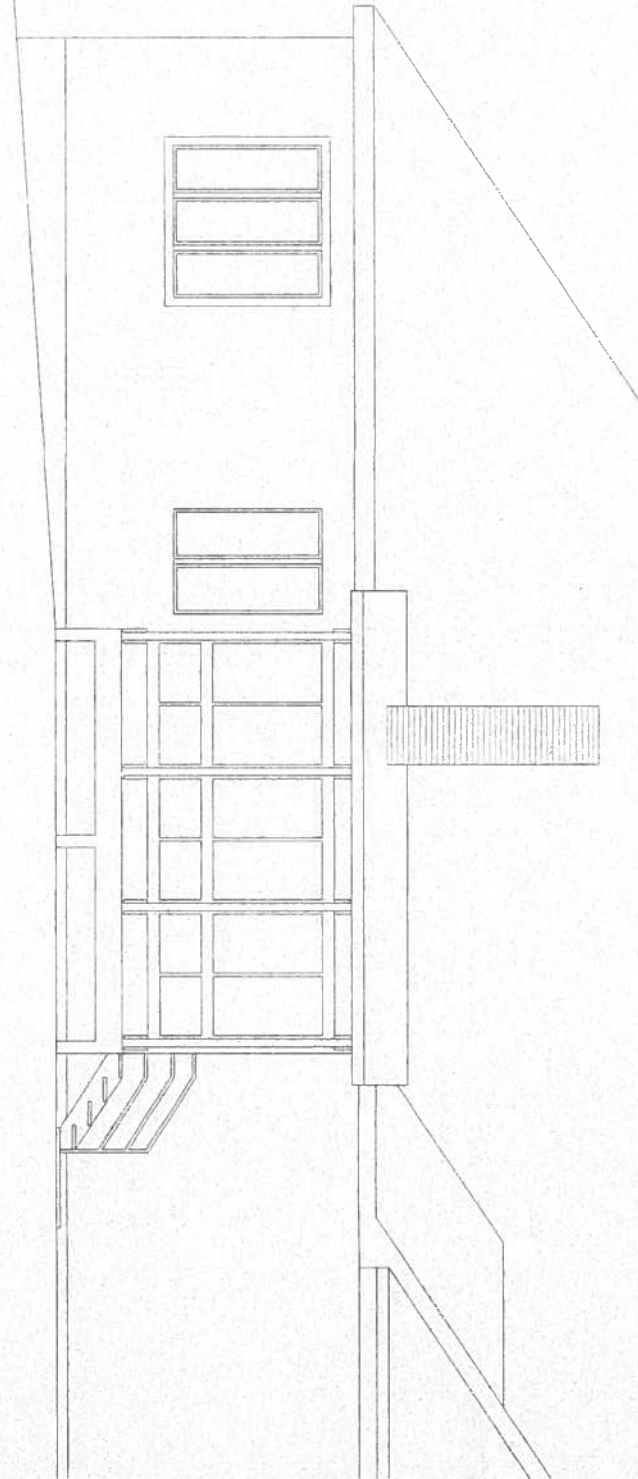
The deck has been in existence in its present location and configuration since 1983 without adverse affect on the community. Allowing the deck as situated to be screened in would not conflict with the purpose of the zoning regulation.

All owners of property located within 200 feet of 7919 Pawnee St., Prairie Village, KS \*

7912 Pawnee St.	→	ELIZABETH HARTLEY WINETROUB TRUST 7912 Pawnee St. Prairie Village, KS 66208
7913 Pawnee St.	→	Alexander W. Hamilton 7913 Pawnee St. Prairie Village, KS 66208
7925 Pawnee St.	→	Mary Ann Grieser 7925 Pawnee St. Prairie Village, KS 66208
7931 Pawnee St.	→	Kirsten Taylor et al 1 Kavey Ln Armonk, NY 10504-1430
3600 W. 79th Ter.	→	Kathryn H. Vratil and John Hamilton 500 State Ave. Kansas City, KS 66101
3606 W. 79th Ter.	→	Donald K. Peck Co-Trustee 3606 W. 79th Ter. Prairie Village, KS 66208
7912 Reinhardt Ln.	→	Sharon Barlow 7912 Reinhardt Ln. Prairie Village, KS 66208
7918 Reinhardt Ln.	→	Monty E. Hintz 7918 Reinhardt Ln. Prairie Village, KS 66208
7924 Reinhardt Ln.	→	Mary P. O'Malley Living Trust 7924 Reinhardt Ln. Prairie Village, KS 66208
7936 Reinhardt Ln.	→	Laura M. Schmidt 7936 Reinhardt Ln. Prairie Village, KS 66208

\* Obtained from Johnson County, Kansas Online Land Records Website

↑ EAST ELEVATION



SCREEN PORCH



HEDEEN DESIGNS

PROJECT

LEWIS RESIDENCE

7919 PAWNEE STREET, PRAIRIE VILLAGE, KANSAS

DATE 7/14/14

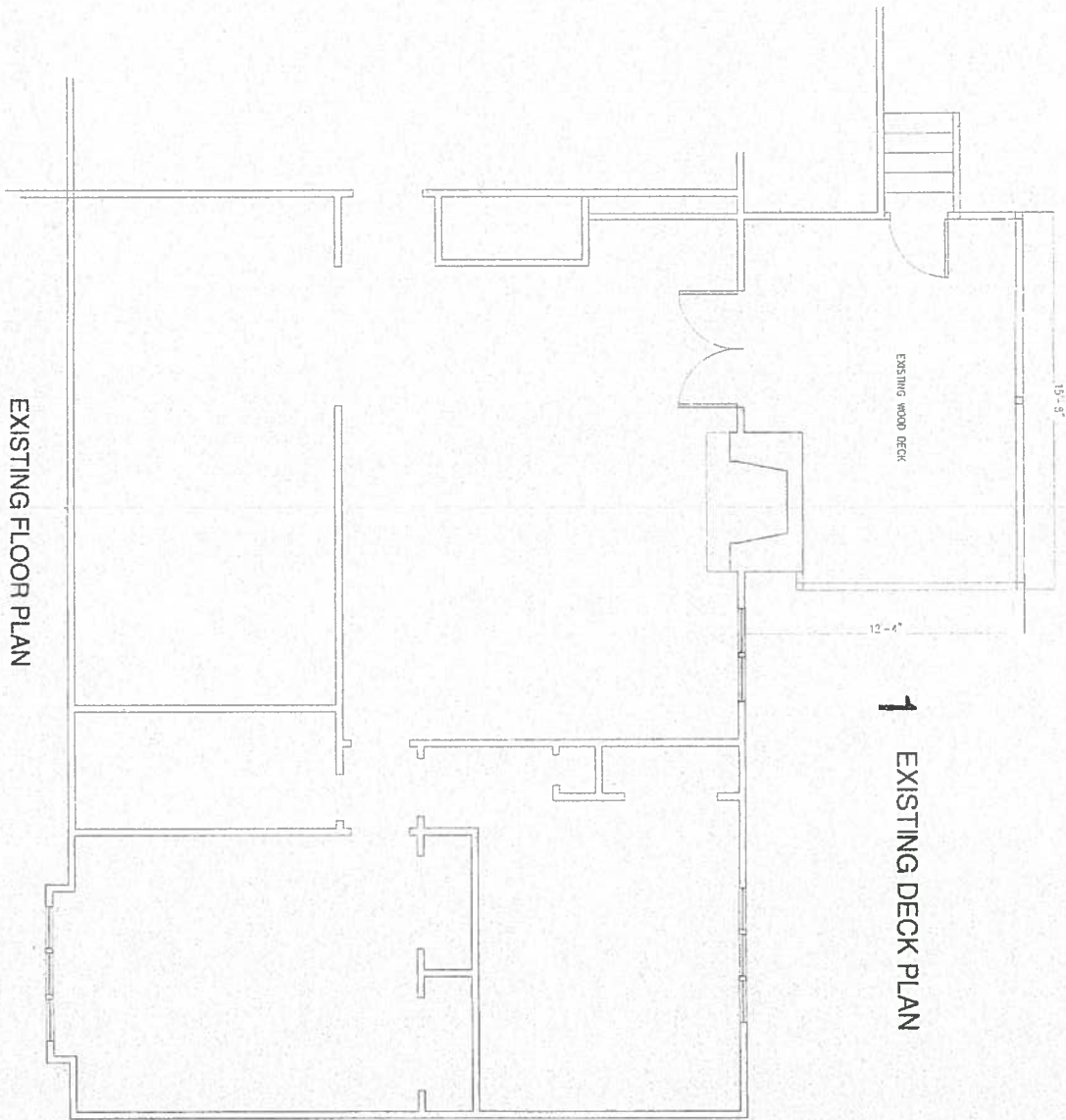
JOB NO 1406

DRAWN ENH

CHECKED

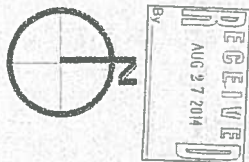
SHEET A2

8501 RILEY STREET OVERLAND PARK, KANSAS PHONE 913/894/9455 EMAIL ehedeendesigns@vernet.net



EXISTING FLOOR PLAN

EXISTING DECK PLAN



DECK - BEDROOM REMODEL PROJECT

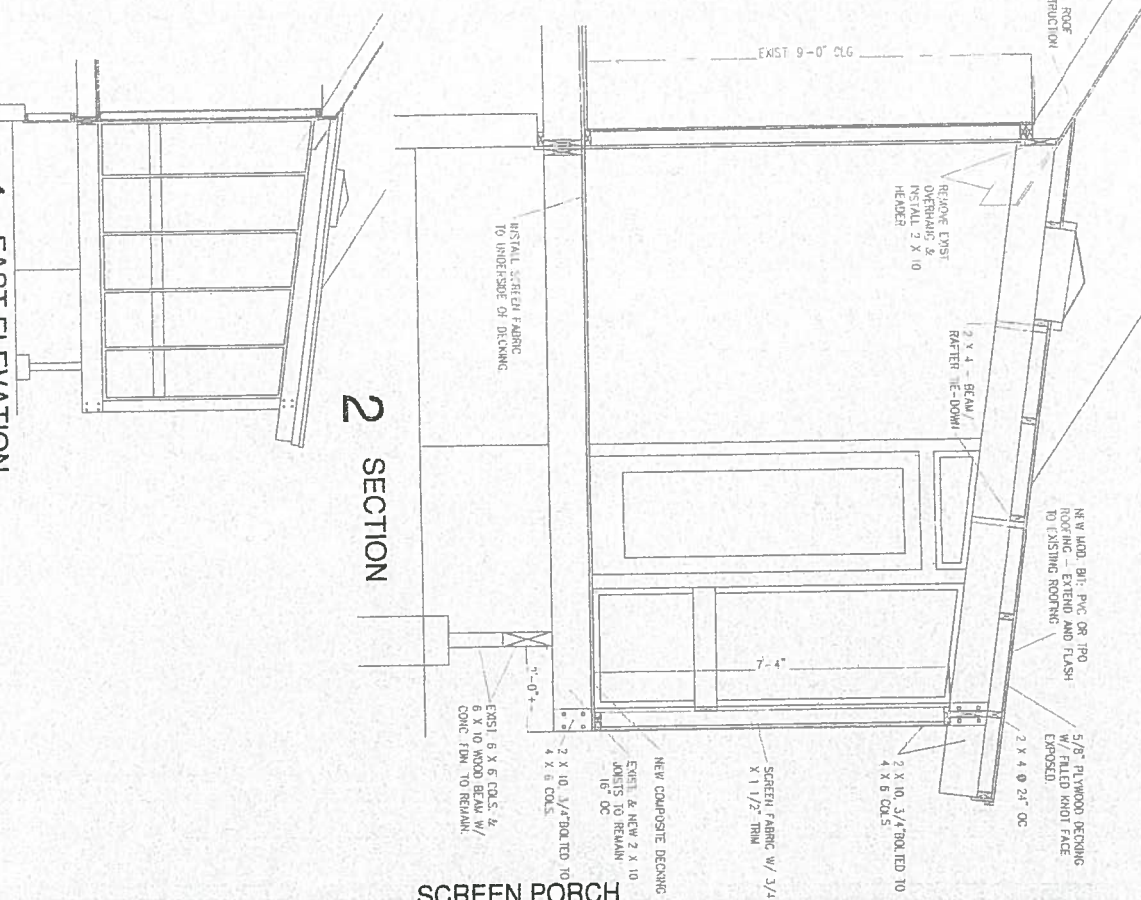
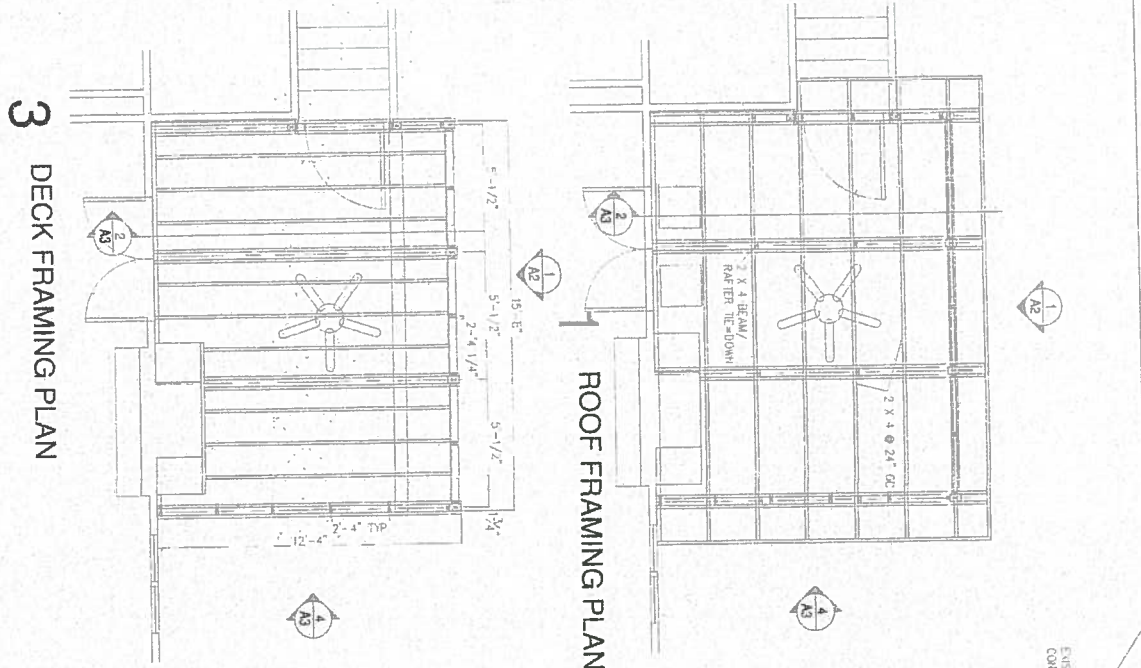


HEDEEN DESIGNS

PROJECT  
**LEWIS RESIDENCE**  
 7919 pAWNEE STREET, PRAIRIE VILLAGE, KANSAS

8501 RILEY STREET OVERLAND PARK, KANSAS PHONE 913/294/6455 EMAIL: ahedeen@everestkc.net

DATE 7/14/14  
 JOB NO 1406  
 DRAWN ENH  
 CHECKED \_\_\_\_\_  
 SHEET A1



**SCREEN PORCH**

PROJECT  
**LEWIS RESIDENCE**  
7919 PAWNEE STREET, PRAIRIE VILLAGE, KANSAS

DATE: 7/14/14  
JOB NO. 1406  
DRAWN: ENH  
CHECKED:  
SHEET **A3**

HEDEEN DESIGNS 8501 RILEY STREET OVERLAND PARK, KANSAS PHONE 913/894/9455 EMAIL eheden@everestkic.net