

**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 81st Street**

Gerald Mancuso, 5115 West 81st 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 81st 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 wants 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 51st 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 81st Street, spoke in support of the application and views the proposed improvements as a benefit to the neighborhood.

Darin Heyen, 5208 West 81st 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 81st Street, supports the variance and views the proposed improvements as an asset to the neighborhood.

Barbara Wheeler, 5204 West 81st 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 81st 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 81st Street, resides across the street from the property and spoke in support of the requested variance.

Mike Clay, 5300 West 81st 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 81st 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 27th, 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 81st 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 4th 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 (Levy, Wolf, Wallerstein, Kronblad) to 3 (Lindeblad, Breneman, Vennard).

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