

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
AGENDA  
January 6, 2015  
6:30 P.M.**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES - December 2, 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**

**BZA2014-07 Request for a Variance from Section 19.06.035 "Rear Yard" for a  
reduction from the 25' setback to 17'  
3905 Delmar Drive  
Zoning: R-1a Single Family Residential District  
Applicant: Gregory Shondell**

**BZA2015-01 Request for a Variance from Section 19.06.035 "Rear Yard" for a  
reduction from the 25' setback to 11'  
5107 West 66<sup>th</sup> Terrace  
Zoning: R-1a Single Family Residential District  
Applicant: Gary Mayerle; Boyle & Mayerle Architect for Cybele  
Kanin**

**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  
AGENDA  
December 2, 2014  
6:30 P.M.**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES - November 4, 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**

**BZA2014-07 Request for a Variance from Section 19.06.035 "Rear Yard" for a  
reduction from the 25' setback to 6'  
3905 Delmar Drive  
Zoning: R-1a Single Family Residential District  
Applicant: Gregory Shondell**

**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, DECEMBER 2, 2014**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, December 2, 2014 in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice-Chairman Nancy Vennard called the meeting to order at 6:30 p.m. with the following members present: Bob Lindeblad, James Breneman, Gregory Wolf, Nancy Wallerstein and Larry Levy. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant; Kate Gunja, Assistant City Administrator; Keith Bredehoeft, Public Works Director and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Nancy Wallerstein noted the first “not” should be removed from the first sentence on page 4 with the corrected sentence reading: “Bob Lindeblad noted that if the lettering was adjacent to a fascia location it would be called a wall sign, not a roof sign.” Nancy Wallerstein moved the minutes of the November 4, 2014 meeting of the Board of Zoning Appeals be approved as corrected. The motion was seconded by Bob Lindeblad and passed by a vote of 4 to 0 with James Breneman and Gregory Wolf abstaining.

**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**

Vice-Chairman Nancy Vennard called upon the applicant for BZA2014-04. Mr. Mancuso requested the Board continue this application for 30 days as his builder was preparing revised plans for consideration. The continuance was granted, Mr. Mancuso will submit revised plans to the staff for review by December 15<sup>th</sup>.

**BZA2014-07 Request for a Variance from Section 19.06.035 “Rear Yard” for a reduction from the 25’ setback to 6’ 3905 Delmar Drive**

Gregory Shondell, 3905 Delmar Drive, stated he is requesting a rear yard variance in order to convert the existing garage to a bedroom/office and a closet/storage room. The house was built in 1955 and is on a slab foundation. The applicant desires to maintain a ranch style home in order to accommodate the family in preparation for aging. The proposed addition is for a three-car garage. One of the bays would tandem stack two vehicles.

The lot has a 40-foot platted setback, but the house was built approximately 50 feet from the front property line. The house is also positioned at an angle on the lot which makes it more difficult to expand.

Mr. Shondell noted they had considered expansion with a second floor, but that would defeat the purpose of the ranch style home. Another option was to build a stand-alone structure in the rear yard. The city code does permit a stand-alone garage. A stand-alone garage must be 60 feet from the front property line and 3 feet from the rear or side property line, but cannot exceed 576 sq. ft. That is a 24' x 24' building, which would be a two-car garage rather than three. It would be difficult to put that size garage in the southeast corner of the lot.

The proposed addition would extend 19 feet into the rear yard setback. It was noted the existing home already encroaches the rear yard setback by 17 feet. The proposed garage would be located within the footprint of an existing shed that is currently on the property. Mr. Shondell noted that the shed would be unnecessary and removed if he was allowed to construct the three-car garage.

Larry Levy noted he visited this site and stated he would like to see a fence constructed or some landscape buffering planted. Mr. Shondell stated he was not comfortable with a fence but would be supportive of a landscape buffer.

Bob Lindeblad asked what was unique about this lot. Mr. Shondell responded the lot is elevated and house sets at an angle with the driveway in the shape of an "S" going around to the back making it very difficult to get cars out. He also added the house is built on a slab.

Larry Levy stated he felt the elevation of the lot and the placement of the existing house make this property unique. Nancy Vennard agreed that this lot had an unusually high elevation.

Mr. Lindeblad asked how big his existing garage was. Mr. Shondell responded it was a two car garage. The third garage would be located tandem to minimize the size of the footprint. Mr. Levy noted there is substantial yard on the east side of the house.

Bob Lindeblad confirmed the current rear yard setback was 17.4 feet. He asked if the construction could be moved more to the east. Mr. Williamson replied that doing so would also require a variance.

However, Mr. Williamson noted that because of the way the house is positioned on the lot, another option would be to add on to the front of the garage which is now the driveway. It appears there is adequate room to build this addition and still meet the setbacks.

Nancy Vennard led the Board in consideration of the essential criteria for the approval 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.**

**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 not irregular in shape, but the house was located an additional 10 feet back from the street which limits the expansion area. It should also be noted that the house is on a slab foundation so an office/bedroom cannot be put in the basement.

Larry Levy noted the elevation of this lot is unusually high and moved that the Board find that the variance does arise from a condition unique to this property. The motion was seconded by Nancy Wallerstein and passed by a vote of 5 to 1 with Bob 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 existing house sets back approximately 17.5 feet from the rear property line, which is in violation of the 25-foot rear yard setback required by the Zoning Ordinance. It is a non-conforming building, and should not be enlarged. It was pointed out that this portion of the Homestead Country Club is being proposed for single-family lots which would abut this lot. Therefore, this proposed expansion could adversely affect the rights of adjacent property. The property to the east would not be affected because the garage is located on that side and the house sets at an angle. The lot to the west would not be affected.

Bob Lindeblad stated the variance would leave a 5' rear yard. The zoning required rear yard setback is 25'. Mr. Lindeblad noted the house currently has a 17.5' setback and that a two-car garage could be constructed without further violating the established setback.

Nancy Wallerstein moved that the Board find the variance would adversely affect the rights of the adjacent property owners. The motion was seconded by Gregory Wolf and passed by a vote of 4 to 2 with Larry Levy and James Breneman voting in opposition.

**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 way the house is laid out on the site, and the fact that it is built on a slab foundation, makes it difficult to expand. The house also has an unusual configuration; however, it appears that expansion to the front of the garage may be an opportunity.

Nancy Vennard stated it appeared that the hardship would be having a two car garage rather than a three car garage. Mr. Shondell noted that he needs accommodations for three cars. Gregory Wolf confirmed the location of the existing shed on the property.

Gregory Wolf moved that the condition of unnecessary hardship upon the property owner cannot be found to exist. The motion was seconded by Bob Lindeblad and passed by a vote of 5 to 1 with Larry Levy voting in opposition.

#### **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 would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Gregory Wolf moved the Board find favorably on the criteria for Public Interest. The motion was seconded by Nancy Wallerstein and passed unanimously.

#### **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 variance of the rear yard setback to reduce it from 25 feet to 5 feet, which is significant. Unless there is some major topographical feature that restricts development a variance should be minor.

Bob Lindeblad stated the intent of the rear yard setback is to maintain consistent yard setbacks throughout the City. He noted this setback on this property has already been reduced to 17' and moved that the Board find that the granting of the variance would be opposed to the general spirit and intent of these regulations. The motion was seconded by Gregory Wolf and passed unanimously.

Bob Lindeblad asked the applicant if he would be willing to accept a 17' variance and not build beyond the current setback.

David Waters advised the Board that in order to grant a 17' variance they would need to reconsider each criteria on that basis. Nancy Wallerstein stated she would like to see the actual plans prior to voting on the variance.

Gregory Wolf moved that application BZA 2014-07 be continued to the January 6th meeting of the Board of Zoning Appeals at which time the Board will consider a revised request for a variance of 17 feet. The motion was seconded by Bob Lindeblad and passed unanimously.

Mr. Shondell was advised to resubmit plans to staff for review by December 15<sup>th</sup>.

**OTHER BUSINESS**

It was noted that the Board will meet on January 6, 2015 to reconsider BZA2014-04 and BZA2014-07 which have been continued and will hear a new application for a rear yard setback variance at 5107 West 66<sup>th</sup> Terrace.

**ADJOURNMENT**

Vice Chairman Nancy Vennard adjourned the meeting of the Board of Zoning Appeals at 7:05 p.m.

Nancy Vennard  
Vice-Chairman

## MEMORANDUM

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**SUBJECT:** BZA 2014-04  
**DATE:** December 2, 2014

Project # 000009686

### COMMENTS:

The applicant submitted additional drawings which are included for your review. In comparing Sheet 2 to the previous Sheet 2, the depth of the porch increased from 6.5 feet to 8 feet. The distance from the house to the outside of the column on the north side of the driveway decreased from 21 feet to 17 feet when scaled on the drawing. The proposed driveway is now 11 feet in width between the columns compared to 17' 4" on the initial submission.

To summarize the requested variance: According to the Plot Plan submitted by the applicant, the house sets back 73 feet from 81<sup>st</sup> Street. The calculated setback for this house is 72 feet. The dimension from the house to the outside of the column base is 17 feet. Since the house sets back one foot further than the required setback, the porte cochère can extend 13 feet from the front of the house according to the ordinance. Based on the information submitted, the requested variance to extend into the front yard is 4 feet.

The dimensions of Sheet 3 Partial Right Elevation do not agree with those on Sheet 2. The distance between the column bases on Sheet 2 is approximately 11 feet, while the distance on Sheet 3 is 15' 6". It is recommended that Sheet 2 be used by the Board in making its decision.

The City Staff measured the height of the porch and it is approximately 21", which is three steps. A photo is below.





## 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

**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 2014-08

Filing Fee: #93

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 MONDAY ST P.V. KS. ZIP: 66208  
 OWNER: JANA Goldsich M/D 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

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: \_\_\_\_\_

*Jerry Mancuso*

DATE: \_\_\_\_\_

*8-21-14*

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

*Jerry Mancuso*

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

*OWNER*

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 Chochere 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

**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.

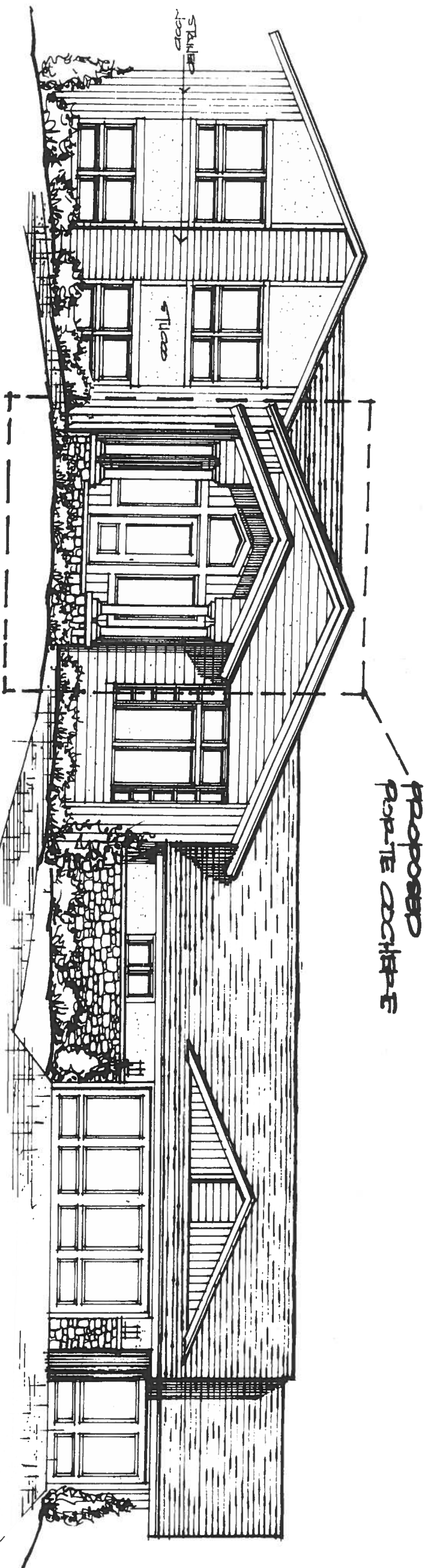
#### **OTHER BUSINESS**

There was no other business to come before the Board.

#### **ADJOURNMENT**

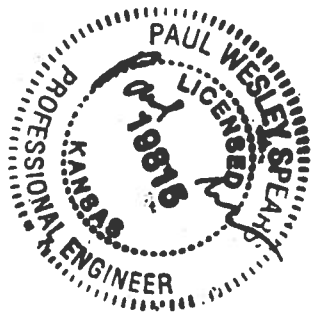
Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 7:40 p.m.

Randy Kronblad  
Chairman



# Front Elevation

scale: 1/8"=1'-0"



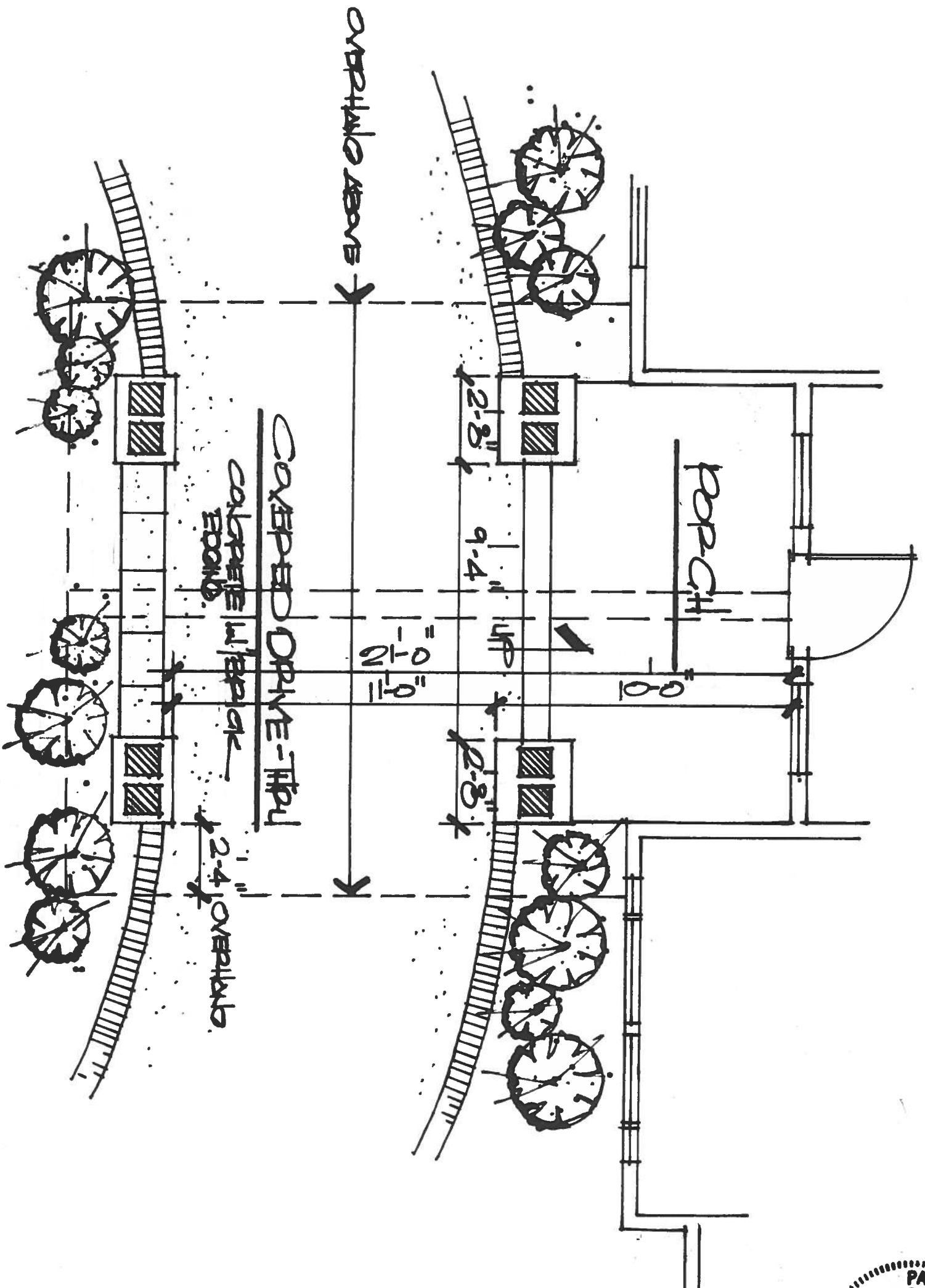
Porte Cochere Addition  
 for the  
 Jerry Mancuso & Jana Goldasich  
 Residence  
 5115 W. 81st Street Prairie Village, Kansas



**CDG**  
 Creative Design Group  
 Architects, Interior Designers and Construction  
 1115 West 24th Street  
 Prairie Village, Kansas 66202  
 913-931-7924

No	Description	Date

November 7, 2014



# Partial Floor Plan @ Entry

Scale: 1/4" = 1'-0"

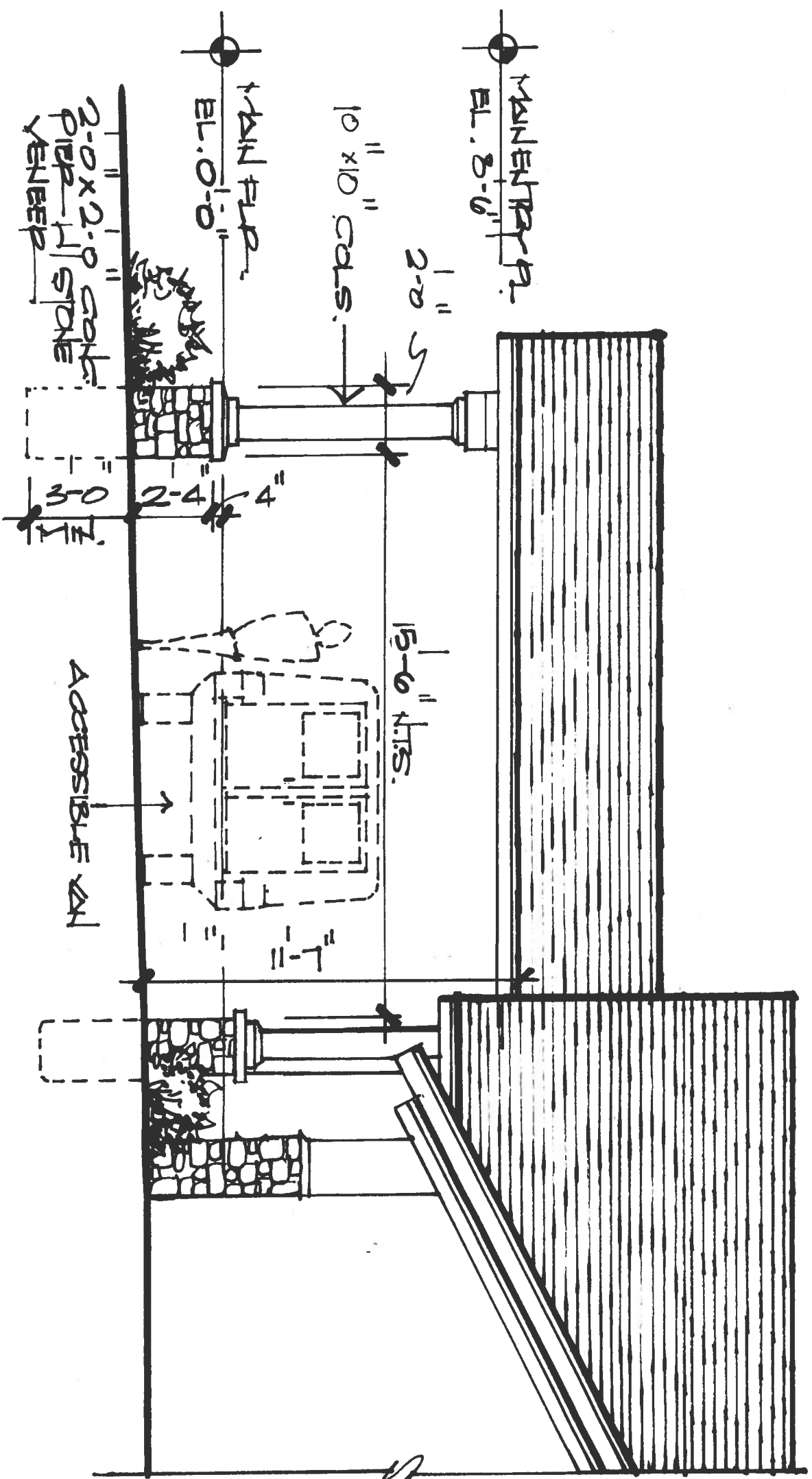
November 7, 2014

Porte Cochere Addition  
 for the  
 Jerry Mancuso & Jana Goldasich  
 Residence  
 5115 W. 81st Street Prairie Village, Kansas

**CDG**  
 Camp Design Group  
 Christopher C. Camp  
 Architectural Design and Consulting  
 4114 West 51st Street  
 R. Falls Park, Kansas MO 64111  
 913.515.7244  
 ccampdesigngroup@outlook.com

No.	Description	Date





# Partial Right Elevaton

Scale: 1/4" = 1'-0"

Porte Cochere Addition  
 for the  
 Jerry Mancuso & Jana Goldasich  
 Residence

5115 W. 81st Street Prairie Village, Kansas



CDG  
 Concept Design Group  
 Christopher C. Casper  
 Architectural Design and Consulting  
 1118 West 11th Street  
 9th Floor, Kansas City, MO 64105  
 816.234.7242  
 casper@cdgdesigngroup.com

No.	Description	Date

November 7, 2014

# PLOT PLAN

DATE 8/5/14

ORDERED BY: Chris Castrop

FOR Front Entry Porte Cochere



7133 West 80th Street, Suite 210

Overland Park, KS 66204

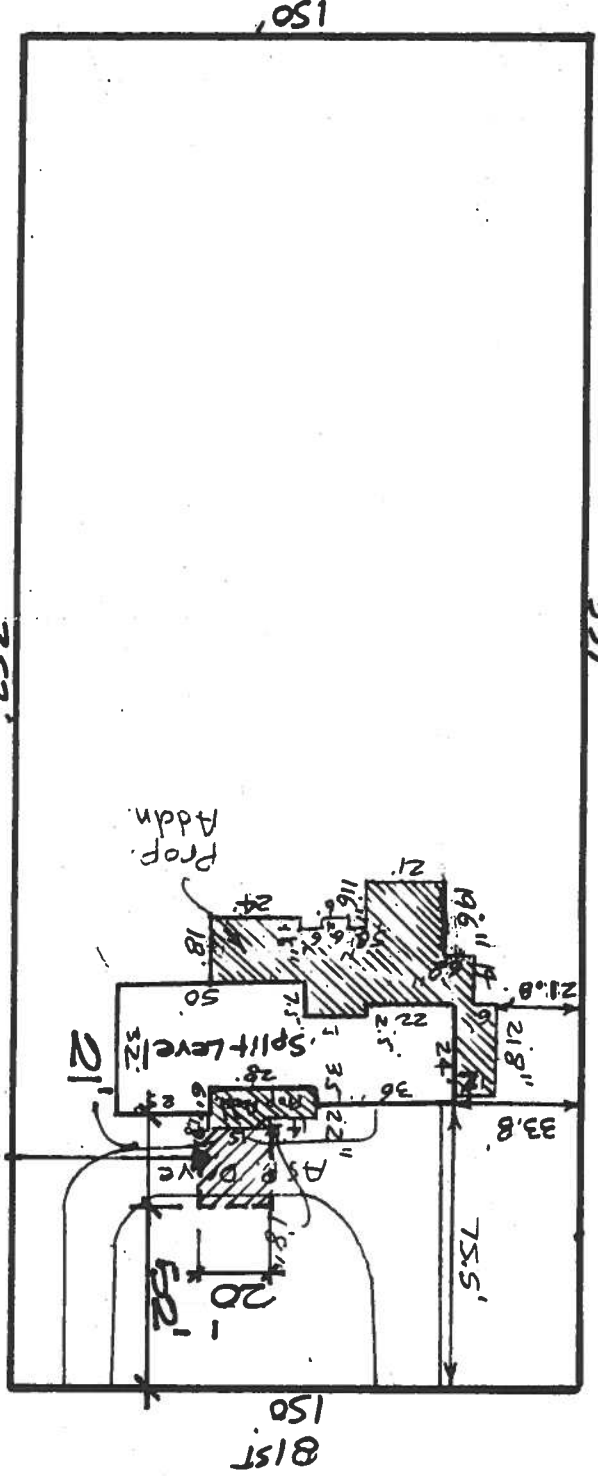
Phone: (913) 381-4488

Fax: (913) 381-3048

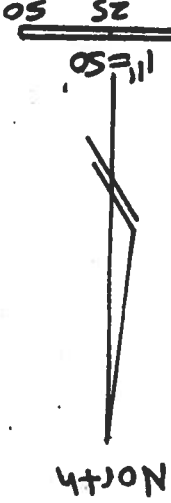
JOB NO. 2907.59

## DESCRIPTION:

The East 150 feet of the West 1145 feet of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 28, Township 12, Range 25, except the South 252 feet and except the North 51 feet.



Note: This drawing is for construction and permit purposes only. It represents the location of the proposed addition as furnished by our client. THIS IS NOT A PROPERTY BOUNDARY SURVEY and is not to be used to establish property lines. Contractor to check and verify all dimensions at the project site. Additionally contractor is responsible for establishing Grades at the site and to verify that this drawing meets all city and or county zoning regulations.



## STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** December 2, 2014

Project # 000009686

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**Application:** BZA 2014-07

**Request:** Variance of the rear yard setback

**Property Address:** 3905 Delmar Drive

**Applicant:** Gregory Shondell

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

**Surrounding Zoning and Land Use:** North: R-1A Single-Family District – Indian Hills Middle School  
East: R-1A Single-Family District – Single Family Dwelling  
South: R-1A Single-Family District – Homestead Country Club  
West: R-1A Single-Family District – Single Family Dwelling

**Legal Description:** Lot 47 Indian Fields

**Property Area:** 16,489 sq. ft.

**Related Case Files:** None

**Attachments:** Photos, Plans

### General Location Map



### Aerial Map



**STAFF COMMENTS:**

The applicant is requesting a rear yard variance in order to convert the existing garage to a bedroom/office and a closet/storage room. The house was built in 1955 and is on a slab foundation. The applicant desires to maintain a ranch style home in order to accommodate the family in preparation for aging. The proposed addition is for a three-car garage. One of the bays would tandem stack two vehicles.

The lot has a 40-foot platted setback, but the house was built approximately 50 feet from the front property line. The house is also positioned at an angle on the lot which makes it more difficult to expand.

The applicant pointed out that one option would be a second floor, but that would defeat the purpose of the ranch style home. A second option was to build a stand-alone structure in the rear yard, and the ordinance does permit a stand-alone garage. A stand-alone garage must be 60 feet from the front property line and 3 feet from the rear or side property line, but cannot exceed 576 sq. ft. That is a 24' x 24' building, which would be a two-car garage rather than three. It would be difficult to put that size garage in the southeast corner of the lot.

Because of the way the house is positioned on the lot, another option would be to add on to the front of the garage which is now the driveway. It appears there is adequate room to build this addition and still meet the setbacks.

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 not irregular in shape, but the house was located an additional 10 feet back from the street which limits the expansion area. It should also be noted that the house is on a slab foundation so an office/bedroom cannot be put in the basement.

**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 existing house sets back approximately 17.5 feet from the rear property line, which is in violation of the 25-foot rear yard setback required by the Zoning Ordinance. It is a non-conforming building, and should not be enlarged.

It should be pointed out that this portion of the Homestead Country Club is being proposed for single-family lots which would abut this lot. Therefore, this proposed expansion could adversely affect the rights of adjacent property. The property to the east would not be affected because the garage is located on that side and the house sets at an angle. The lot to the west would not be 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 way the house is laid out on the site, and the fact that it is built on a slab foundation, makes it difficult to expand. The house also has a usual configuration; however, it appears that expansion to the front of the garage may be an opportunity.

**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 would 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 applicant is requesting a variance of the rear yard setback to reduce it from 25 feet to 5 feet, which is significant. Unless there is some major topographical feature that restricts development a variance should be minor.

**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. The variance be granted for only that portion of the building proposed to be enlarged as shown on the plan dated 8/24/14.



**VARIANCE APPLICATION**  
**BOARD OF ZONING APPEALS**

**CITY OF PRAIRIE VILLAGE, KANSAS**

For Office Use Only

Case No.: BZA 2014-07

Filing Fee: 375

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

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

Public Hearing Date: 12/2/14

APPLICANT: Gregory Shordell PHONE: 913-236-6547  
 ADDRESS: 3905 Delmar DR., Prairie Village, KS ZIP: 66208  
 OWNER: Same PHONE: \_\_\_\_\_  
 ADDRESS: Same ZIP: \_\_\_\_\_  
 LOCATION OF PROPERTY: 3905 Delmar DR  
 LEGAL DESCRIPTION: Lot 47 Indian Fields Block 7 B8 & Part  
Of Block 11

**ADJACENT ZONING AND LAND USE:**

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Single Family Res</u>	<u>R-1A</u>
South	<u>5372 - Fitness Center</u>	<u>R-1A</u>
East	<u>Single Family Res</u>	<u>R-1A</u>
West	<u>Single Family Res</u>	<u>R-1A</u>

Present Use of Property: Single Family Res

Proposed Use of Property: Single Family Res

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: \_\_\_\_\_

*Melissa Imler*

DATE: \_\_\_\_\_

*10/17/2014*

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

*Melissa Imler*

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

*Co-owner B&M Remodeling*

Criteria #1 –

The unique condition found on this property is that fact that the home was originally built at a peculiar angle on the lot in order to maintain the desired architecture. Due to this, the setback lines are not at a “normal” or “standard” distance from the home and do not sufficiently allow for expansion.

Also, due to the angles of the platted lot and the architecture of the home there are no square lines on the property or the footprint of the house from which an accurate measurement can be obtained.

Criteria #2 –

If granted, the variance would in no way negatively affect the rights of in any adjacent property owners; in fact if granted, the variance would allow the homeowner to maintain the architecture of his home and his neighbors’ instead of building a separate building that would possibly detract from said architectural values.

In addition, the 25’ setback line at the rear of the home was originally intended to maintain distance between homes; however, the property adjacent to that portion is, and has been maintained as, a parking lot so there would be no encroachment on an adjacent homeowner’s perceived space.

Criteria #3 –

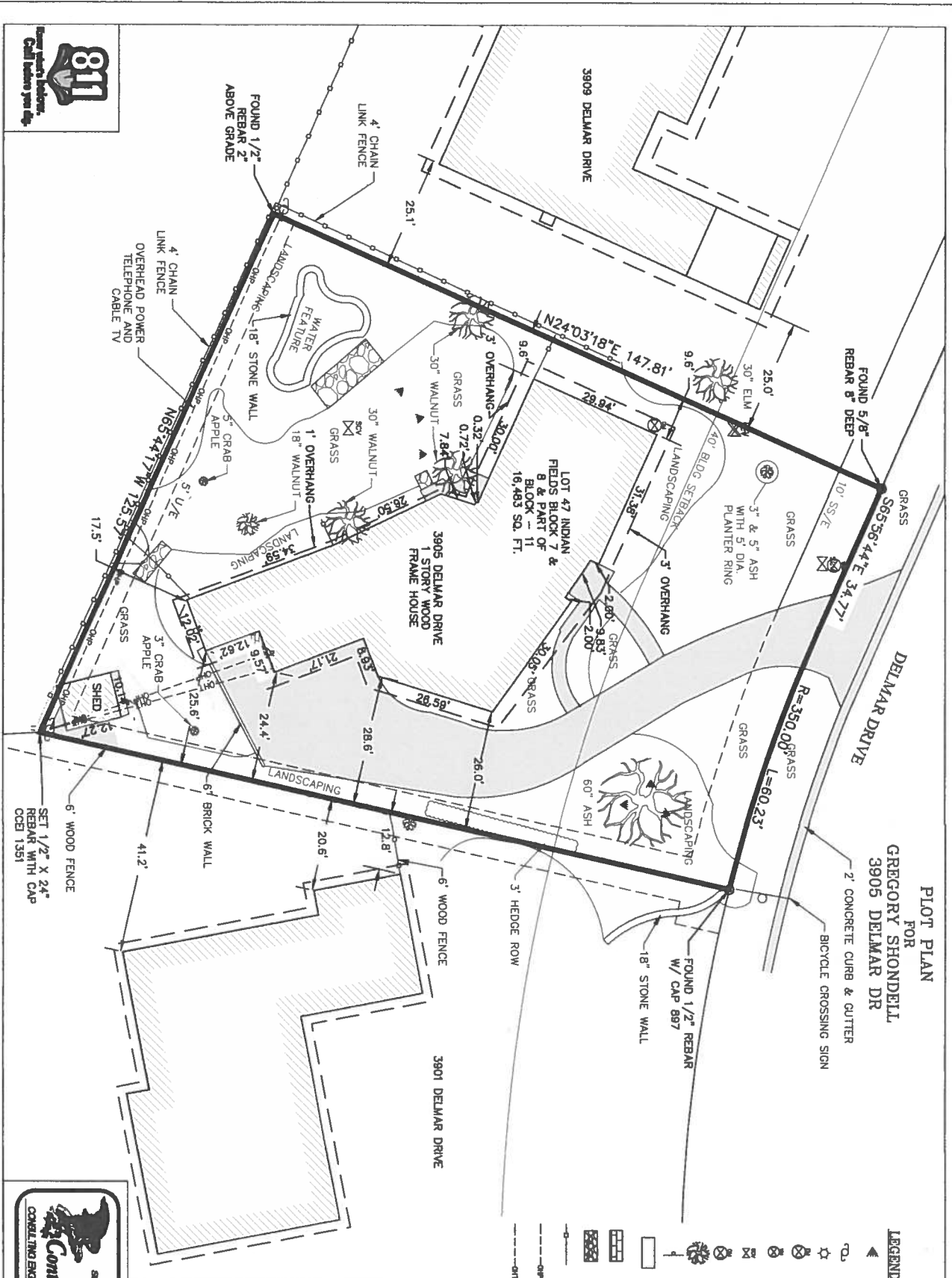
The strict application of the code would leave the homeowner with only two options: 1. Build a second story which would defeat the purpose of the reason he purchased a ranch style home which was in preparation of aging, or 2. Build a stand-alone structure behind the existing home which would defeat the intended historical architecture of the neighborhood and possibly have a negative impact on his neighbors’ view.

Criteria #4 –

The requested variance would in no way affect the public health, safety, morals, order, convenience, prosperity, or general welfare since it only affects the homeowner’s property directly.

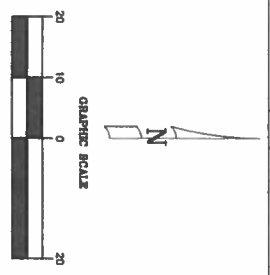
Criteria #5 –

The granting of the variance will in no way be opposed to the general spirit and intent of the title as the request is intended to maintain the integrity of the area while allowing the homeowner to expand upon the existing structure.



**PLOT PLAN**  
**FOR**  
**GREGORY SHONDELL**  
**3905 DELMAR DR**

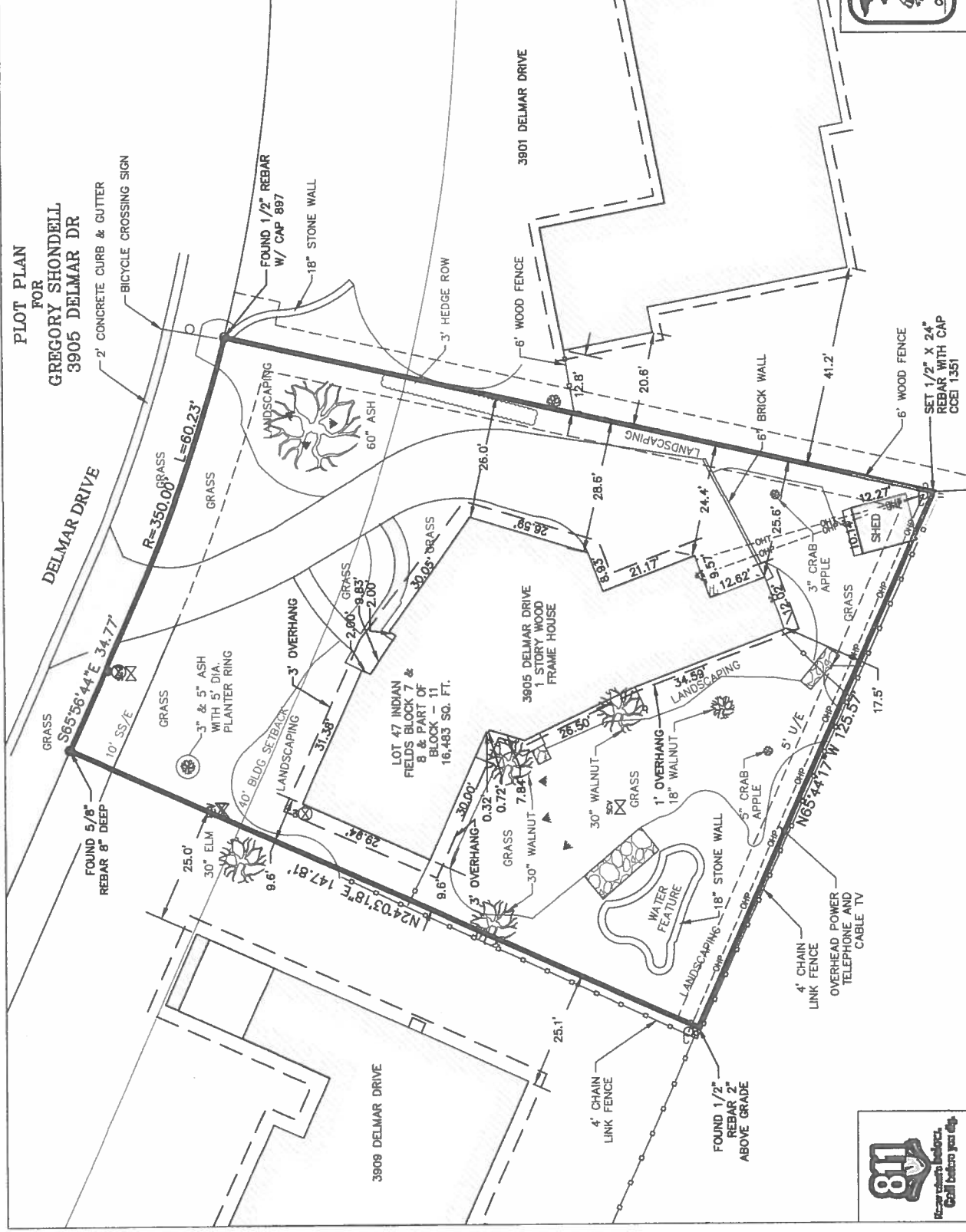
- LEGEND**
- YARD LIGHT
  - POWER POLE
  - STREET LIGHT
  - ELECTRIC METER
  - WATER METER
  - SPRINKLER CONTROL VALVE
  - GAS METER
  - TREE
  - SIGNS
  - EXISTING CONCRETE PAVEMENT
  - EXISTING BRICK PAVERS
  - EXISTING STONE WALKWAY
  - EXISTING FENCE AS NOTED
  - EXISTING OVERHEAD POWER
  - EXISTING OVERHEAD TELEPHONE



1000 PARALLE PARKWAY  
 KANSAS CITY, KANSAS 64108  
 900 STATE LANE ROAD  
 LEWISVILLE, KANSAS 66044  
 TEL: (816) 942-9642  
 FAX: (816) 942-0047  
 cee@continental.com

**PLOT PLAN FOR  
GREGORY SHONDELL  
3905 DELMAR DR**

- LEGEND**
- ◀ (Arrow symbol)
  - ☉ (Power pole symbol)
  - ☼ (Street light symbol)
  - ⊗ (Electric meter symbol)
  - ⊗ (Water meter symbol)
  - ⊗ (Sprinkler control valve symbol)
  - ⊗ (Gas meter symbol)
  - 🌳 (Tree symbol)
  - (Sign symbol)
  - ▭ (Existing concrete pavement symbol)
  - ▭ (Existing brick pavers symbol)
  - ▭ (Existing stone walkway symbol)
  - ▭ (Existing fence as noted symbol)
  - (Existing overhead power symbol)
  - (Existing overhead telephone symbol)



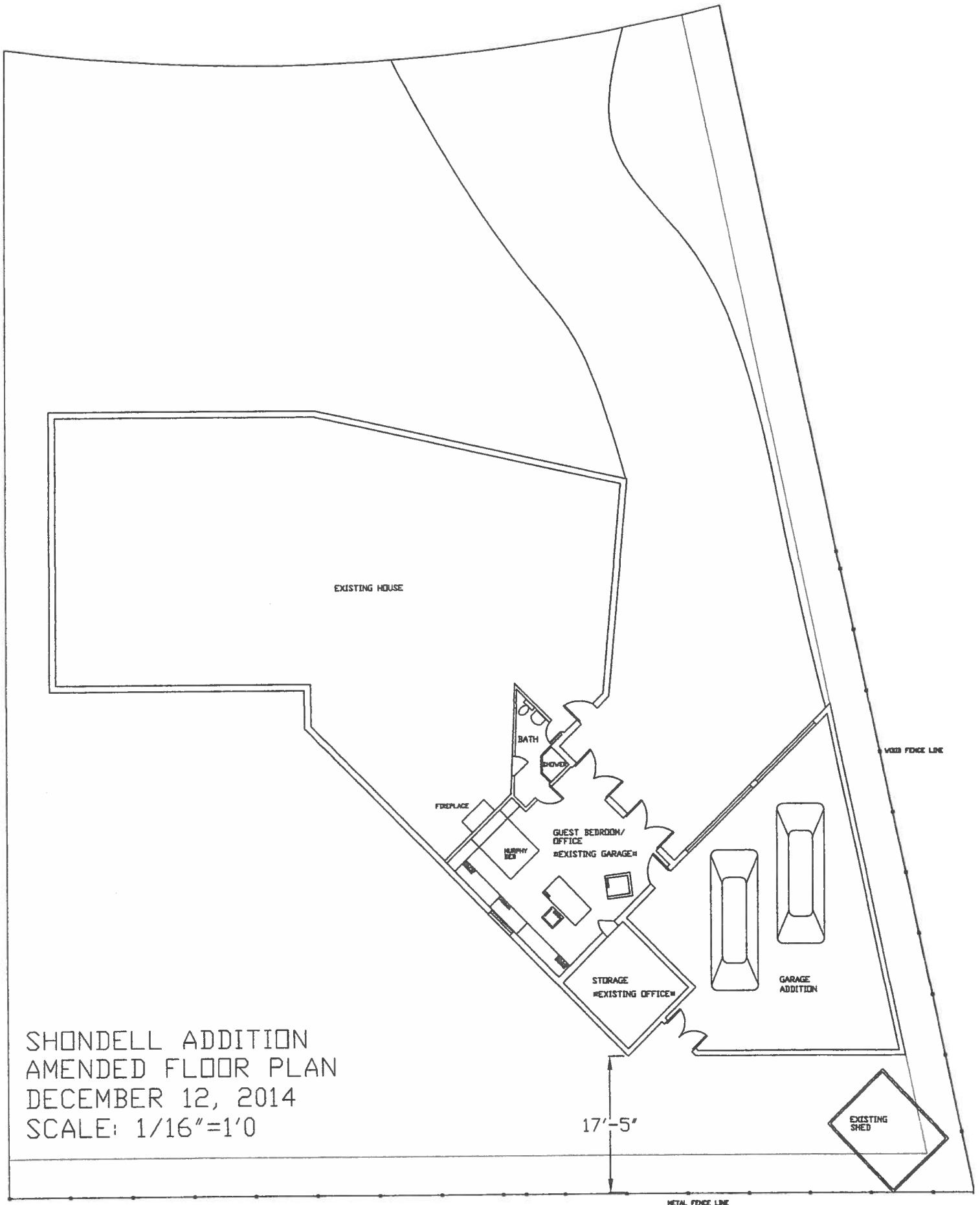
**GRAPHIC SCALE**  
1 INCH = 20 FT.  
PREPARED 10/10/2014

( IN FEET )

8005 PARALLEL PARKWAY  
KANSAS CITY, KANSAS 66109  
9000 STATE LINE ROAD  
LEAWOOD, KANSAS 66206  
TEL (816) 645-6642  
FAX (816) 645-6648  
central@continental.com



REVISED

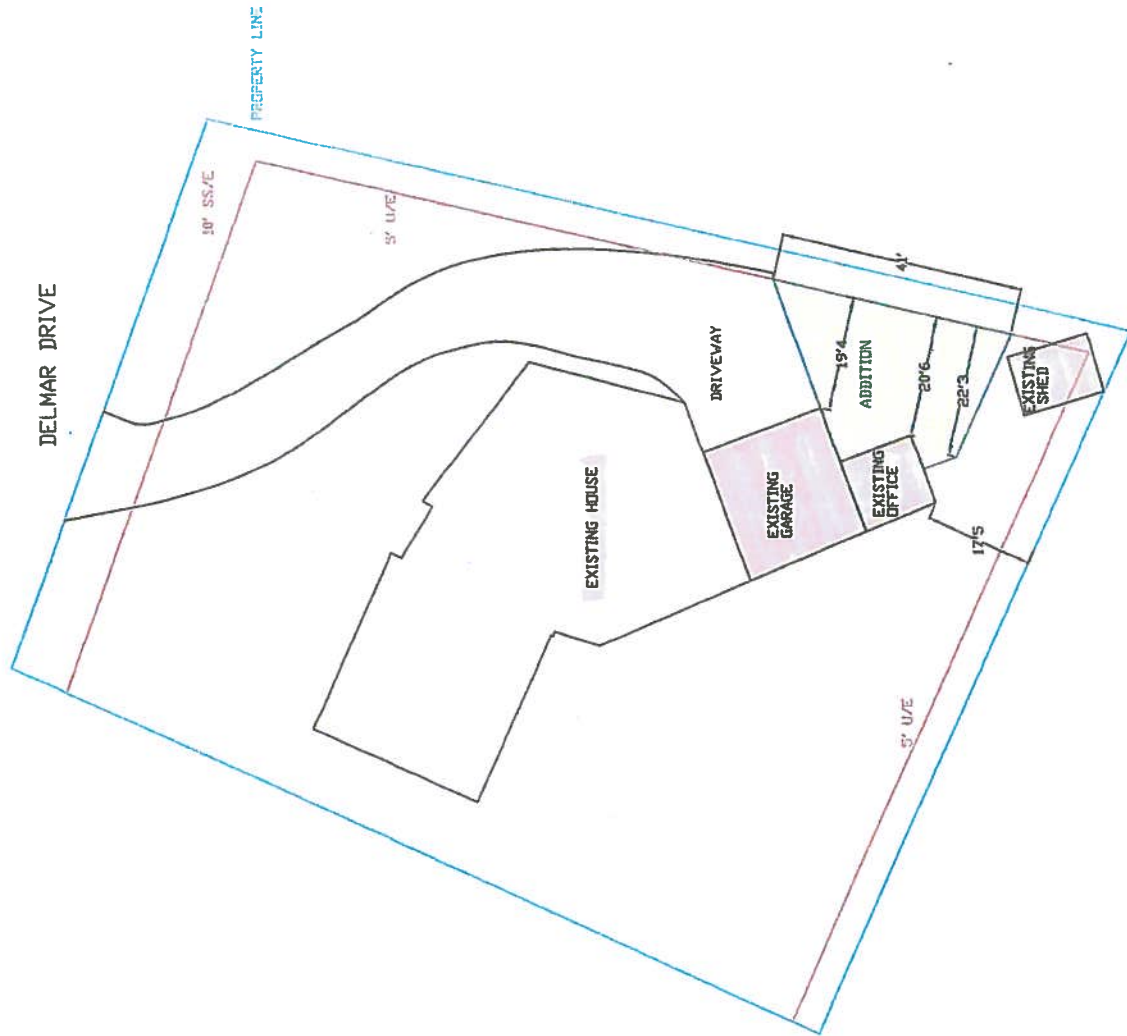


SHONDELL ADDITION  
AMENDED FLOOR PLAN  
DECEMBER 12, 2014  
SCALE: 1/16"=1'0

17'-5"

METAL FENCE LINE

Revised



EXISTING  
ADDITION

GREGORY SHONDELL  
3905 DELMAR DR.  
SITE PLAN  
AMENDED ADDITION PLAN  
DECEMBER 12, 2014  
SCALE: 1"=20'

## STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Ron Williamson, FAICP, Lochner, Planning Consultant  
**DATE:** January 6, 2015

Project # 000009686

---

**Application:** BZA 2015-01

**Request:** Variance of Rear Yard Setback from 25 ft. to 11 ft.

**Property Address:** 5107 W. 66<sup>th</sup> Terrace

**Applicant:** Boyle and Mayerle Architect, Inc.

**Current Zoning and Land Use:** R-1A Single-Family Residential – Single Family Dwellings

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

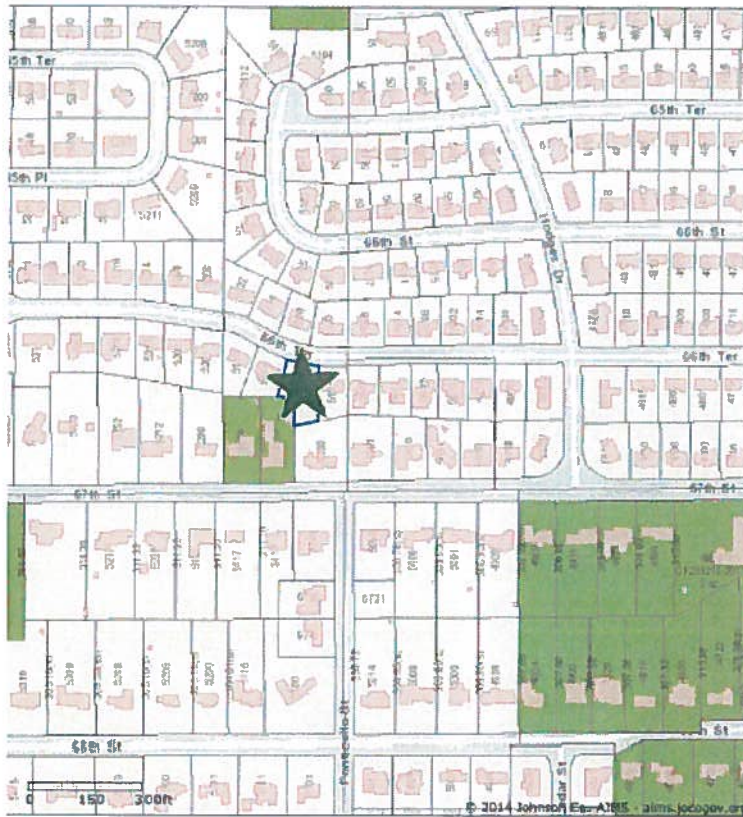
**Legal Description:** Lot 3 Westhill Subdivision

**Property Area:** 13,002 sq. ft.

**Related Case Files:** None

**Attachments:** Photos, Application, Site Plan

**General Location Map**



**Aerial Map**





**STAFF COMMENTS:**

The applicant is proposing to add 8.5 feet on the west side of the existing house and approximately 6 feet on the west 19.5 feet of the southwest corner of the house. Currently the existing house is approximately 28 feet from the house to the west and the ordinance requires a separation of 14 feet and a minimum side yard of 5 feet. The applicant meets this requirement.

The problem occurs on the south property line. The existing house appears to be approximately 16 feet from the rear property line where the expansion is proposed and approximately 21 feet for a portion of the house to the east.

The house is a ranch style, built on a slab, approximately 1,543 sq. ft. plus a 240-sq. ft. garage built in 1953. Since a portion of the existing house is in violation of the rear yard setback, a variance for that portion of the house should also be granted, if the Board approves the variance for the proposed addition.

It should also be pointed out that this property is located within the Countryside East Overlay District which has guidelines that override the normal requirements in the Zoning District. One of those requirements is that the side yard for the dwelling shall be 12.5% of the width of the property at the front property line. The property is 85 feet wide and 12.5% is 10.6 feet. The proposed addition on the west side does not meet that requirement. There is a different procedure in the ordinance to address variances and this issue is not before the Board at this time.

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 unique in shape. It is a trapezoid with a large notch out of the southwest corner which limits the building envelope. There also is a 10-foot utility easement along the south lot line and through the middle of the east portion of the lot that further limits expansion.

**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 addition would not affect either the house to the east or the one to the west. The lot to the south which would be most affected is over 220 feet deep and the rear of the house is approximately 60 feet from the rear property line; therefore, the proposed addition should not affect that property.

**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.**

Because of the configuration of the lot, it is difficult to expand the floor plan of the dwelling and meet the setback requirements. The house was built in the fifties and updates need to occur to meet the needs of today's family, as well as the housing market.

**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 would 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 proposed variance would not be opposed to the general spirit and intent of these regulations. The rear yard setback is met on the east 60 feet of the lot.

**RECOMMENDATION:**

It is the opinion of Staff that the variance requested does meet all five findings as required by State Statutes and, therefore, it is recommended that the Board of Zoning Appeals grant the variance subject to the following conditions:

1. A variance be granted from 25 feet to 11 feet for the proposed addition, as shown on the Site Plan; and
2. A variance be granted for the existing house that is in violation of the rear yard setback, as shown on the Site Plan.

#16928

VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: BZA 2015-01

Filing Fee: \$75<sup>00</sup>

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

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

Public Hearing Date: 1/6/15

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APPLICANT: Boyle & Mayerle Architect Inc. Gary Mayerle PHONE: 913 642-3794

ADDRESS: 6523 W. 78th St. Overland Park, KS. 66204 ZIP: 66204

OWNER: Cybele Kanin PHONE: 952 270-7368 CELL #

ADDRESS: 5107 W. 66th Terrace Prairie Village, KS. ZIP: 66208

LOCATION OF PROPERTY: 5107 W. 66th Terrace

LEGAL DESCRIPTION: Lot 3, West Hill, a subdivision in the City of Prairie Village, Johnson County, Kansas

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ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>single family housing</u>	<u>Residential R-1</u>
South	<u>single family housing</u>	<u>Residential R-1</u>
East	<u>single family housing</u>	<u>Residential R-1</u>
West	<u>Single family housing</u>	<u>Residential R-1</u>

Present Use of Property: single family house

Proposed Use of Property: Same (no change)

Utility lines or easements that would restrict proposed development:

See attached sketch for easements which restrict/affect 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: Harry Mayerle

DATE: 11/20/14

BY: BOYLE & MAYERLE ARCHITECT INC.

TITLE: ARCHITECT

## Variance Application to the Board of Zoning Appeals

Property: 5107 W. 66<sup>th</sup> Terrace

Variance request to the 25' rear yard setback requirement for a portion of the property

### Response to Variance Criteria issues:

Refer to the attached Site Plan drawing which further describes the situation and is used to supplement the basis for discussion of the issues involved.

### General Information:

Unique characteristics of the lot itself: The lot for lack of a better explanation is a combination of a pie-shape, upside down 'L' configuration. In addition, a 10' wide utility easement bisects the property into 'two pieces'. The back (rear) piece due to zoning issues (detached structures) virtually assures that part of the lot can not be used for building purposes. Placement of the existing house on the lot, setback requirements, and the utility easement location relative to the house location, virtually restrict or eliminate any opportunity to develop alternative designs which provide for homeowner design requirements or allow for a functional layout which combines existing house layout with a workable addition.

#### 1. Uniqueness Criteria:

Referring to the attached Site Plan, the uniqueness of the lot configuration presents an unusual location for a rear property line element. The application of the 25' rear setback easement line at this particular location, in combination with the other unique characteristics of the site (the 10' utility easement which bisects the site into two pieces) has a definite affect. This condition results in a situation which greatly limits available options for the property owner to undertake any type of improvements. Another uniqueness is the fact that the existing house itself in its' present state, does NOT comply with this setback requirement. This would seem to set a 'grandfather precedence' situation when analyzing the property.

#### 2. Adjacent Property:

The adjacent lot to the south of this rear property line in discussion occurs at the rear area of that lot in relation to our property. Since the existing house of our property already encroaches upon the 'original' 25' rear yard setback and since the existing 10' utility easement creates its' own buffer area which can NOT be crossed, granting of this variance is neither materially detrimental nor creates an adverse affect on the adjacent properties or on the rights of adjacent property owners or residents.

#### 3. Hardship:

The strict application of this 25' rear yard setback at the property line in discussion greatly contributes to the further restriction of available area which improvements to the property can occur within. Due to the unique characteristics of lot configuration, utility easement location, side yard and front yard setback requirements and existing placement of the house on the site, all contribute to a limited availability to expand the footprint of a house built in the 1950's to serve the needs of today's family in a workable solution.

#### 4. Public Interest:

The variance requested does not adversely affect the public health, safety, morals, convenience or general welfare of the community, especially since the existing house already encroaches into the 25' rear yard setback line, whether or not this fact was already known or just recently discovered. The affect of granting this variance will/does not affect (impair) an adequate supply of air or light to this or any adjacent properties, has no affect on public streets, does not increase the danger of fire or endanger in any way the public safety. By improving the property through the construction of this addition, the property value of this property will rise and in no way will it adversely affect property values of adjacent lots.

#### 5. Spirit and Intent:

Granting this variance is not in opposition to the general spirit and intent of the zoning regulations. This stance is supported by the fact that some time in the past, the existing house was allowed to be built on this lot in its' present location without opposition or having any adverse impact on this property or any adjacent property.

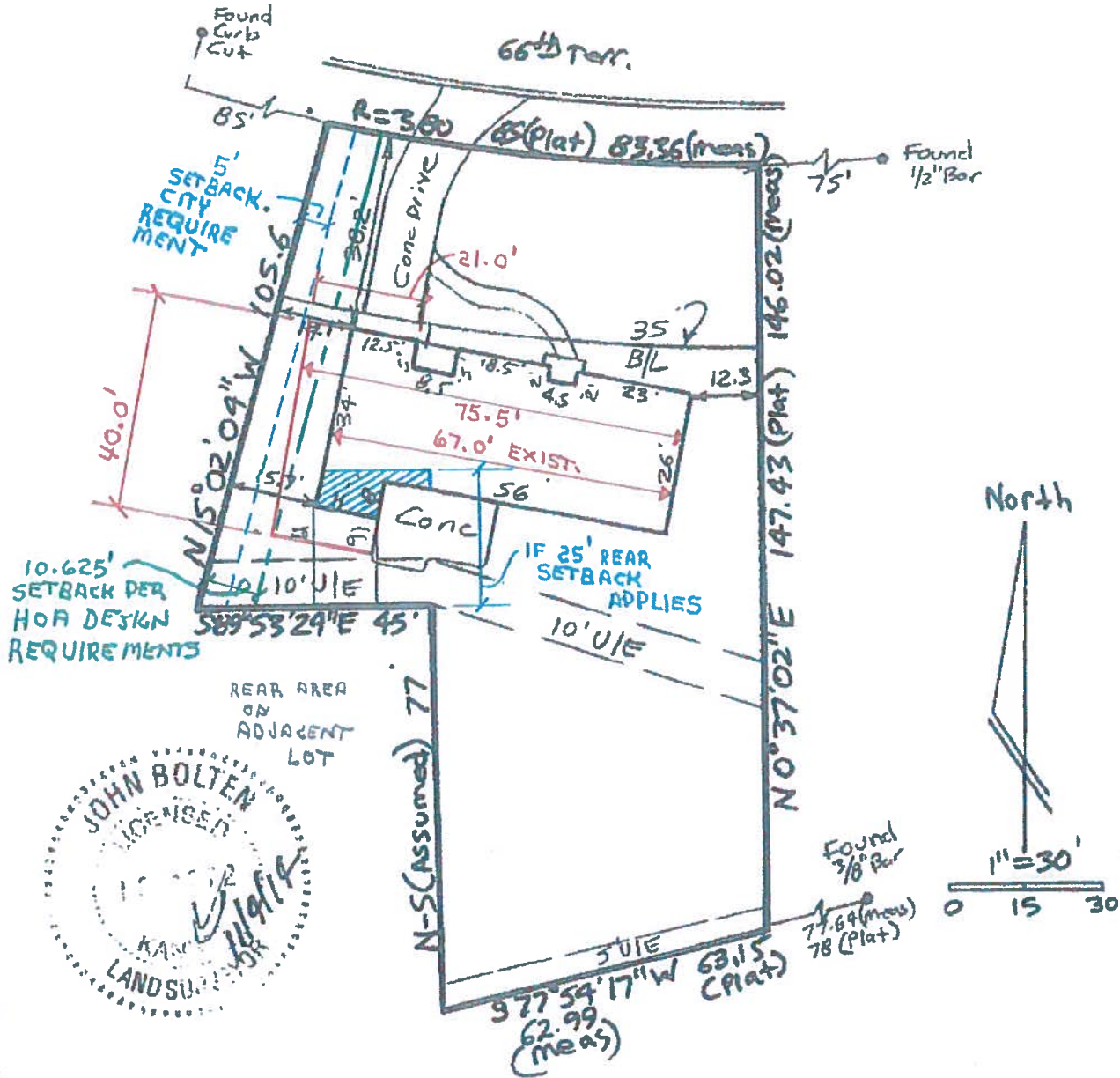
#### 6. Minimum Variance:

The variance requested will still allow by virtue of the 10' utility easement, a minimum setback of 10.0'+ which is greater than a side yard setback requirement of 5.0' if this situation was treated as such, instead of as a rear yard, under city requirements.

DESCRIPTION: Lot 3, WEST HILL, a subdivision in the City of Prairie Village, Johnson County, Kansas.

$$85' \times 12.57\% = 10'-7\frac{1}{2}"$$

$$10.6250'$$



Note: No title report furnished. Note: Not responsible for unplatted esm'ts.

I hereby certify that a Survey of the above described property has been made under my supervision and the results are as shown hereon.  
 This survey meets or exceeds the minimum standard for property Boundary Surveys for this state.

11/15/14  
 11/19/14 UPDATE