

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
August 4, 2015
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - July 7, 2017

III. ACTION ITEM

**BZA2015-03 Request for a Variance from Section 19.08.020 of the Zoning Ordinances to extend the garage into the front yard setback
6842 Granada Lane
Zoning: R-1b Single Family Residential District
Applicant: Ben & Kari Cohen**

IV. OTHER BUSINESS

V. OLD BUSINESS

VI. ADJOURNMENT

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

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, July 7, 2015**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 7, 2015 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: Jim Breneman, Gregory Wolf, Jonathan Birkel, Jeffrey Valentino, Patrick Lenahan, and Nancy Wallerstein. Also present in their advisory capacity to the Board of Zoning Appeals were: Ron Williamson, Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, City Building Official; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director, Chris Brewster with Gould Evans and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Nancy Wallerstein moved the minutes of the May 5, 2015 meeting of the Board of Zoning Appeals be approved as written. The motion was seconded by Gregory Wolf and passed by a vote of 4 to 0 with Jonathan Birkel, Jeffrey Valentino and Patrick Lenahan abstaining as they were not in attendance at the meeting.

Due to the absence of the applicant, Chairman Randy Kronblad called for Old Business

OLD BUSINESS

Election of Officers

Jim Breneman nominated Gregory Wolf to serve as Chairman for the Board of Zoning Appeals. The nomination was seconded by Nancy Wallerstein and passed unanimously.

Gregory Wolf nominated Jim Breneman to serve as Vice Chairman for the Board of Zoning Appeals. The nomination was seconded by Nancy Wallerstein and passed unanimously.

Nancy Wallerstein nominated Joyce Hagen Mundy to serve as Secretary to the Board of Zoning Appeals. The nomination was seconded by Jim Breneman and passed unanimously.

Assistant City Administrator Wes Jordan recognized retiring City Planning Consultant Ron Williamson and thanked him for his leadership and service for the past 22 years. He introduced Chris Brewster with Gould Evans who has been selected to provide City Planning Services for Prairie Village. Mr. Jordan also recognized retiring Board

Chairman and Planning Commission member Randy Kronblad for his multiple years of volunteer service and leadership to the City of Prairie Village, not only in this capacity but also through service on the Prairie Village Arts Council and JazzFest Committee. Both individuals will be greatly missed.

Next Meeting

Board Secretary Joyce Hagen Mundy stated the Board will meet on August 4th to consider a request for a front yard setback variance at 6842 Granada Lane.

BZA2015-04 Request for a Variance from Section 19.44.020C(4) to allow for an unenclosed canopy to project 21' into the rear yard 3704 West 71st Street

James Lichy, 8010 State Line Road, Suite 150, reviewed a previous application approved by the Board of Zoning Appeals for this property in 2012 granting a variance of 12 feet to the required 25 foot setback. Because of objection expressed by neighboring residents, he is constructing his new home within the required 25 foot setback, not the granted 15 foot rear yard setback.

The original house was built in 1951 with the closest point to the rear property line being 14'2" at the northwest corner. The old house sat at an angle on the lot and the northeast corner was approximately 40 feet from the rear property line and 23.5 feet from the east property line.

Mr. Lichy stated he is proposing a variance for two louvered cedar canopies over patios on the northwest corner and the northeast corner of the new house. The canopy on the northwest corner will project 21 feet into the rear yard setback and the canopy on the northeast corner will project 18 feet into the rear yard setback.

Mr. Lichy stated he attempted to meet individually with each neighbor and also spoke with individuals walking past his property to gather their input. He presented plans of landscaping changes that have been agreed upon with a neighboring property owner.

Gregory Wolf asked Mr. Lichy if the requested variance is within the area that had previously been granted as a variance. Mr. Lichy stated that the proposed variance would fall totally within the previously granted variance area.

Patrick Lenahan stated it appeared the arbors could be moved within the required setbacks. Mr. Lichy explained the location of the arbors was set to provide shade from the west sun and added that the arbors are relatively transparent.

Jeffrey Valentino confirmed the intent is to provide shade for the semi-circle area shown on the plan.

Randy Kronblad asked if the different shape conformed to the setback. Mr. Lichy responded that previously it did, but he never sought a permit.

Mr. Williamson noted the request is only for the northwest corner, there is nothing on the northeast.

Mr. Valentino asked if there were any plans to add sidewalk or stairs that would project beyond the canopy. Mr. Lichty replied the previous plan had a retaining wall on the property line, but noted he has agreed to providing a five foot easement.

Jonathan Birkel asked if the overhang extended over the columns and how close they were to the property line. Mr. Lichty replied they are roughly seven feet from the property line.

Chairman Randy Kronblad opened the public hearing for comment.

Diane Nygaard, 3700 West 71st Street, located adjacent to this property expressed concern with the covered patio structure impeding their view of the golf course. She noted that the elevation of their property is approximately five feet lower than the adjacent property. She noted that the structure proposed for the west does not impede their view - only the one on the northwest. Mrs. Nygaard also expressed concern with possible landscaping in the corner impeding their view.

Mrs. Nygaard reviewed the "U shaped" design of their current house which is a rental property and noted that they planned to retire on this property and would rebuild and not want their view impeded. She further explained how their view would be impacted.

Terry Nygaard, 3700 West 71st Street, noted the view from their home is primarily the side of Mr. Lichty's home with the proposed gazebo taking another four to five feet off their view to the west. Mr. Nygaard also objected to the proposed bright yellow coloring stating that he did not feel it was appropriate for a residential neighborhood.

With no one else to address the Board, the public hearing was closed at 7:05 p.m.

Ron Williamson noted the existing corner of the house is 28 feet from the neighboring property line with another five feet to their house for a total of approximately 32 feet separating the structures. Mr. Kronblad noted that only 14 feet are required by code between structures.

Chairman Randy Kronblad led the Board in the following review of the conditions required for approval:

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 approximately one third of an acre, but is triangular in shape. The west 75 feet of the lot apparently was sold to the Indian Hills Country Club for access to the golf course. So the lot now is 200 feet wide at the rear property line; the east lot line is 129 feet deep and the west lot line is 23 feet deep.

Gregory Wolf noted the configuration of this lot is unique in its shape and is not like other lots in the area. The triangular shape reduces the usefulness of a large part of the western portion of the lot. This condition is unique and was not created by the property owner. Mr. Wolf moved the Board find favorably on Criteria A "Uniqueness". The motion was seconded by Jim Breneman and passed unanimously.

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 residence to the east is approximately 22 feet from the side property line. The proposed residence will be approximately 5 feet from the side property line. With the extensive tear down rebuild occurring on the north side of 71st Street, it is likely that the house to the east will be expanded or torn down and replaced with a larger home at some point in the future. In order to maintain the required 14 feet between dwellings, the lot to the east will have a 9 foot side yard setback adjacent to the west property line. There is no residence to the west and the Indian Hills Country Club is to the north. The property owner adjacent to the east is concerned that the approval of the variance for the cedar canopy on the northeast corner of the new house will interfere with their view of the golf course. It should be noted that the proposed canopy will be a louvered design that is relatively open.

Jonathan Birkel noted only one of the proposed canopies interferes with the neighboring property view and asked if the Board could approve one and not the other. Mr. Williamson responded that was possible. Jim Breneman questioned the amount of shade that would be provided by the proposed canopy.

Nancy Wallerstein noted this is an open structure and not a solid wall and fits within the area previously granted a variance. Randy Kronblad also questioned the amount of shade that would be provided, but noted that the applicant could plant a row of trees that would impede the neighboring property owners' view significantly more.

Nancy Wallerstein moved the Board find favorably on Criteria B "Adjacent Property". The motion was seconded Gregory Wolf and passed unanimously.

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 old residence had a 2,121 square foot footprint while the footprint of the new residence is 2,664 square feet. The old residence was a traditional ranch while the new

residence is a contemporary design. The canopy on the northwest corner is approximately 10 feet in height and covers an area that is 15 feet by 15 feet. The canopy on the northeast corner is approximately 10 feet in height, 8 feet in width, and is in a circular pattern approximately 12 feet from the building. The sun sets in the northwest and these two canopies will provide shade for the patios so that they will be more useful in the evenings.

Gregory Wolf questioned if it was a hardship not to be able to have shaded patios. Mr. Valentino noted there are several ways to approach providing shade. Mr. Lenahan stated the hardship is coupled with the limitations set by the uniqueness of this lot.

Nancy Wallerstein moved the Board find favorably on Criteria C "Hardship". The motion was seconded by Jim Breneman and passed by a vote of 4 to 3.

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 Criteria D "Public Interest". The motion was seconded by Jim Breneman 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 purpose of the rear yard setback and the projection regulation is to ensure that there is adequate distance between the rear of abutting dwellings so that adequate open space is available and the living areas of individuals would not encroach on the living areas of their neighbors. The Indian Hills golf course abuts the property to the north and therefore the proposed variance would not adversely impact that property. Both canopies will be a louvered design that is unenclosed and will have a minimal impact as a structure. The original dwelling was only 14' 2" from the rear property line and the proposed residence will be 25 feet from the rear property line. Therefore the granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance.

Gregory Wolf moved the Board find favorably on Criteria E "Spirit and Intent of the Regulation". The motion was seconded by Jim Breneman and passed unanimously.

Gregory Wolf moved that finding favorably on all five criteria as required by State Statutes the Board approve BZA 2015-04 granting a variance for two canopies as shown on the plans submitted with the application. The motion was seconded by Nancy Wallerstein and passed by a vote of 6 to 1.

ADJOURNMENT

Chairman Randy Kronblad adjourned the meeting of the Board of Zoning Appeals at 7:20 p.m.

Randy Kronblad
Chairman

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: August 4, 2015

Application: BZA 2015-03

Request: Variance of Front Yard Setback to Extend the Garage
10 Feet

Property Address: 6842 Granada Lane

Applicant: Ben & Kari Cohen

Current Zoning and Land Use: R-1B Single-Family Residential - Single-Family
Dwellings

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

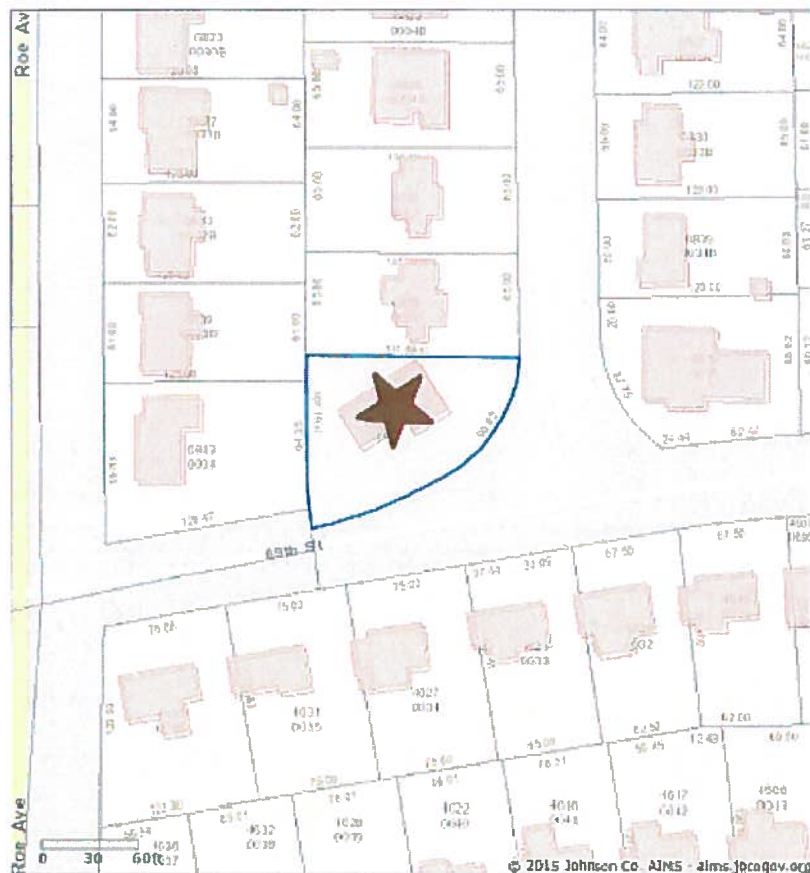
Legal Description: Prairie Village Lot 1 BLK 54

Property Area: 10,285 sq. ft.

Related Case Files: PC 2015-107 Building Line Modification

Attachments: Application, Drawings & Photos

General Location Map



Aerial Map



STAFF COMMENTS:

The applicant is requesting a variance from Section 19.08.020 to extend the garage 10 feet, which will encroach into the front yard setback, for a house located at 6842 Granada Lane.

The lot is located on the northwest corner of 69th Street and Granada Lane, and has a platted setback line of 35 feet adjacent to Granada Lane and 20 feet adjacent to 69th Street. The house sets at an angle on the lot. The lot has an unusual configuration and was enlarged by a vacation of a portion of 69th Street.

The house is a split-level and the applicant would like to finish the lower level for an office and children's playroom. Access to the lower level is through the garage. The applicant would like to build a wall so the access to the lower level is an enclosed portion of the house. In doing that the garage becomes unusable, so it needs to extend approximately 9.5 feet.

The lot is an odd shape because of the curving of Granada Lane at the intersection. Because of the curving, a platted setback line was put on the lot at 35 feet from Granada Lane and 20 feet from 69th Street. The platted line on Granada is set at 35 feet on the south side and gets as close to approximately 12' near the Granada/ 69th frontage (this would roughly correspond to a 30 feet front setback by zoning). The platted line on 69th is set at 20 feet from the original right of way on the west side and as close to 12 feet near the Granada / 69th frontage (this would roughly correspond to a 15 feet street side setback by zoning). [Note: because the house sits at an angle within this platted buildable area, the closest part of the current house is approximately 23 feet on the northeast corner currently, and is proposed for approximately 18 feet.

The house was built based on the platted setbacks and actually a small corner of the garage encroaches on the 30-foot front setback that would otherwise be required by zoning (on 69th). It is obvious that the platted setback lines were established in order to provide a buildable lot. Typically the platted setback line would run parallel to the property line. In this case they do not, possibly due to the curve of the property line along the north and east. The platted setback lines supersede zoning setbacks and the original building permit was granted based on the platted setback. Based on the survey, the southeast corner of the existing garage sets back from Granada Lane approximately 23 feet, but within the platted setback. The proposed southeast corner of the garage would setback approximately 18 feet from Granada Lane.

The applicant held a neighborhood meeting on May 18, 2015 and two neighbors attended the meeting. The concern expressed was that only the garage would be extended and not the entire east side of the house. A summary provided by the applicant is attached.

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 has an irregular shape with two straight lot lines and one curving front and side line along the street, which was recognized at the time of platting and the platted building lines reflected the irregular shape of the lot. The platted setback lines along both Granada Lane and 69th Street do not follow the setback lines in the zoning ordinance.

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 property that could be most affected by this application is the lot to the north, however, only a portion of the proposed garage extension would project further than the home to the north. This extension would be approximately 10 feet from the north 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 proposed addition allows the homeowner to have a reasonable use of the house. Accessing the lower level through the garage to a finished part of the house is inconvenient and could be unsafe for small children.

D. Public Interest

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

There will be adequate site distance at the intersection and the orientation of the home in relation to the streetscape and other homes in the area will not significantly change.

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 variance would be for only a portion of the garage and would not be for the entire front building line, so the buildings relationship to the lot (zoning setbacks and platted setbacks) and streetscape will not significantly change.

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 condition:

1. That the variance be granted for only that portion of the garage that extends into the front setback based on extending the garage 10 feet.



VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: BZA 2015-03

Filing Fee: \$75

Deposit: _____

Date Advertised: 5/12/15 & 7/14/15

Public Hearing Date: 8/4/15

APPLICANT: BEN & KARI COHEN PHONE: 913-515-8636

ADDRESS: 6842 GRANADA LANE ZIP: 66208

OWNER: THE COHEN FAMILY WEALTH TRUST PHONE: 913-515-8636

ADDRESS 6842 GRANADA LANE ZIP: 66208

LOCATION OF PROPERTY: 6842 GRANADA LANE

LEGAL DESCRIPTION: LOT 1, BLOCK 10 LESS AND EXCEPT THE NORTH 8 FEET THEREOF, MEASURED AT RIGHT ANGLES TO THE NORTH LINE, PV, A SUBDIVISION IN PV, JOLO, KS, TOGETHER WITH THE VACATED PART OF 69TH STREET SOUTH OF AND ADJOINING BLOCK 10.

Variance Requested GARAGE ADDITION/EXPANSION INTO SETBACK

ADJACENT ZONING AND LAND USE: SEE SURVEY. I DON'T KNOW WHAT THE ZONING QUESTION IS ASKING

	<u>Land Use</u>	<u>Zoning</u>
North	<u>RESIDENTIAL HOME</u>	_____
South	<u>69TH ST.</u>	_____
East	<u>GRANADA LANE</u>	_____
West	<u>RESIDENTIAL HOME</u>	_____

Present use of Property: RESIDENTIAL: CURRENT PROPOSED VARIANCE IS ON MY DRIVEWAY

Proposed Use of Property: MOVE GARAGE OUT TO CREATE SPACE TO ACCESS BASEMENT THROUGH A FINISHED HALLWAY

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: *B. C.* DATE *4/23/2015*

BY: *BEN COHEN*
TITLE: *OWNER/OCCUPANT*

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City)

for BEN LOHEN

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

B L. 4/23/2015
Applicant's Signature/Date

B L. 4/23/2015
Owner's Signature/Date

**CITY OF PRAIRIE VILLAGE, KANSAS
NOTICE OF HEARING
BOARD OF ZONING APPEALS**

The Board of Zoning Appeals will hold a public hearing on Tuesday, August 4, 2015, at 6:30 p.m. in the Council Chambers in the Municipal Building at 7700 Mission Road, Prairie Village, Kansas, on the following application:

**BZA 2015-03 Variance from Section 19.08.020 of the Zoning Ordinances to
extend the garage into the front yard setback.
6842 Granada Lane
Zoning: R-1b Single Family Residential District
Applicant: Ben & Kari Cohen**

The property legally described as follows: PRAIRIE VILLAGE LOT 1 BLK 54 PVC-1957

The applicant is requesting a variance to extend the garage 10 feet which will encroach into the front yard setback.

At the time of the scheduled public hearing, all interested parties may present their comments. Prior to the date of the scheduled hearing, plans, drawings, additional information and a complete copy of the legal description are available for public inspection in the Office of the Secretary to the Board of Zoning Appeals. If you have a disability and need assistance to participate in any city meeting or program, contact Joyce Hagen Mundy by e-mail at jhmundy@pvkansas.com or at 381-6464 or TDD 1-800-766-3777.

Gregory Wolf
Chairman

4/24/2015

Hello Neighbor,

Thank you for taking the time to read at this letter regarding the garage expansion/finished basement permit/variance which I have requested from the City of Prairie Village. Part of the process in requesting a building line modification involves notifying neighbors who live within 200 feet of my home at 6842 Granada Lane (the NW corner of Granada Lane and 69th Street). Essentially, approximately 50 square feet of my proposed expansion falls into a setback, thus my need to apply for a variance before doing the work. The portion that falls into the setback is the corner of the garage closest to the intersection of Granada Lane and 69th Street. The current SE corner of my garage is half a foot from the building line, and I want to go out nine and a half feet from the current corner (a few feet past the bricks that line my retaining wall).

I wanted to make sure that the small change to my garage that I'm proposing to the city is OK with you. I didn't realize the process was going to be so extensive, and before I spend any more money with an architect, I wanted to get permission on the variance. Everything that I'm going to be doing will make my house look nicer, and the garage door replacement will be a big upgrade.

If you have any questions or concerns about the forthcoming information, please let me know. There will be a meeting at my house at 6842 Granada Lane at 6PM on Monday, May 11th to discuss any issues regarding my application to the city. The public hearing with the planning commission where the application is approved or denied, contingent on any issues from you, our neighbors, will be on June 3rd.

In the following attachments, I will be showing pictures of what the design of the garage will be – if you are a visual person. If you prefer to read, then I will detail the changes I'm asking the city for, but first, I'll explain why I'm requesting the changes. I'm also attaching a copy of my survey, which shows the building line, and the triangle in the SE corner of the proposed new garage which is what the variance, this letter, and your time is for.

As you have probably seen, my wife Kari and I have two young boys, [redacted] (2.5) and Webb (almost 9 months). We moved onto Granada lane in late June 2014. One of our intentions in buying the home was creating a playroom for the boys in the basement as well as adding a full bathroom and an office. What we didn't realize prior to buying was the fact that the garage isn't big enough for cars and also to finish a hallway to lead to the basement. Our home is a split level and there isn't a large indoor play area, which we discovered was a problem over the winter when [redacted]. There just isn't a safe, finished place for him to play and as soon as Webb is walking, we will likely be all over [redacted]. If you are looking at the garage of our home, through the right garage door, there are 4 steps that lead downstairs into our unfinished basement. Presently, the only access to the basement is through the garage. I've talked to contractors, and due to where the stairs above the basement are and how the main level of the home is configured, the only way there will ever be basement access is through the stairs that currently go from the garage to the basement.

After talking about it in many lengthy conversations, we decided that finishing the basement for the boys' playroom, bathroom, and office wouldn't make a lot of sense if the boys/we had to walk through the unfinished garage to get to it. It wouldn't make sense financially or even from a practical

have is a small one and I think that it will make our corner house more aesthetically pleasing, definitely more useable for a family of four, and it will raise our property valuation which should, in turn, raise your property valuation. This definitely isn't a tear down and the alteration of the garage will be done tastefully and in conjunction with the appeal of our neighborhood.

Basically, my family needs to do this addition to make our house more useable for our family. I'm not an architect, engineer, or contractor. In fact, my brain is designed to think like those smart people think. I know that the addition will make the use of the space more efficient. Essentially, without the ability to do this and make a safe place for our kids to play inside, without having to walk through unfinished garage, the house isn't a viable option for us, and we likely would sell it and move to a location less desirable for us in the spring of 2016. We really don't want to move. We love the new park in the warm months ~~and Fargo is the best place to live~~. During the cold months, there just isn't a place for him to play, because the house is chopped up and his bedroom is small.

In asking for the request, there are 5 criteria for the garage expansion which must be satisfied for the variance, which I'll outline.

1: "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 applicant."

Our home is unique in our area with it being a corner lot split level with a two car garage. All three of these characteristics are extremely unique to our ward of Prairie Village. The way that our home is situated on the lot is interesting...it isn't centered like other homes, which is the reason why I have to request the variance on the setback. If the builder had centered it back in 1965, I wouldn't have to be wasting anyone's time asking for the special request. As you will see in my drawings and from the attached survey I had completed, approximately 50 square feet of the addition will be in the "platted setback". Most garages in our area aren't on the side of the home, like ours is. Additionally, most homes in our area have addresses which correspond with the street that they face. Our home faces 69th Street, yet our address is Granada Lane. It is definitely a unique lot...I suppose most of the corner lots along 69th are unique.

2. "That the granting of the permit for variance will not adversely affect the rights of adjacent property owners or residents"

I don't believe that expanding the garage can do any harm to anyone who lives adjacent or nearby us. The NE corner of the garage won't be any closer to the property line than the existing corner of the home is. In fact, the NE garage corner will be further from the property line than the NE corner of the home currently sits.

3. "That the strict application of the provisions of this title of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application."

I wish that the garage was currently deeper, or that there was another way to get into the basement besides through the garage. I have spoken with engineers and contractors, and there isn't a way to create a new staircase into the basement. The unnecessary hardship stems from 4 things. First, we don't have a way to finish the basement currently where it is financially sensible. We could finish the basement, now, however, we would never come close to recouping the cost associating with finishing it

upon the sale of the home if the basement can only be accessed through an unfinished garage where two doors must be opened/closed to get to the basement. Additionally, everything down there would just get ruined because kids would be walking through a salty, wet garage in the winter to get down there. Second, we can't finish the basement and in good conscience have our 2.5 go play down there without having open air to call down to him and hear what he is doing. The current necessity to walk through two doors into the basement to play makes the basement unusable for a playroom. With our littlest starting to move a little bit, it won't be long before he is trying to play with his brother all the time. It would be fine if they were a little bit older, but we just can wait 5 years for them to have a larger place for them to play inside. Third, if we were to simply frame/create a hallway in the garage and take out the doors leading to the basement out, we would completely lose the ability to park two cars in our two car garage, which was one of the appeals of buying the home. This falls back into the financial hardship. If we render one of the car spots in the garage useless by adding the hallway, we probably lose \$20,000 of the value of our home overnight. Fourth, my necessity to work long/late hours and having no useable office space in the other parts of the house, is problematic ~~because my wife~~

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

I would argue that the city granting the variance for my family wouldn't affect any of these things adversely, in fact, I believe that some of these items would be positively affected.

5. "That granting the variance desired will not be opposed to the general spirit and intent of this title."

The granting of the variance will not affect any green space. It will add approximately 160 square feet of garage area for our cars, so we will have the space to make the hallway leading to the basement and add a small garage storage area for play things. The addition will simply cover up approximately 25% of our existing driveway, closest to the current edge of our garage. I do understand that the zoning and the 35 foot setback was adopted for a purpose, which is to materially preserve the neighborhood and make things symmetrical. However, with our home being on a unique corner lot, where our home doesn't line up perfectly with the front of all of the other homes on the W side of Granada Lane, no one who I've spoken with believes that the request is unreasonable...many of the people I've spoken with live on Granada Lane.

Timing of construction: If the plans are approved by the city at the June 3rd meeting, I plan on doing the garage expansion in July, or as soon as the project has the greenlight from the powers that be. After the garage expansion is complete, I plan on doing the second phase of the project beginning in early September to make sure the playroom is ready for the winter of 2015, 2016.

My intention is to get the variance before pumping any more money into the project. I want to make sure that the city will allow me to do this before I spend anything else on surveys or plot plans. To date, I've spent a good amount to get a survey, which was necessary to find out where the setback was, and how far into the setback the garage would be going. Having architectural plans drawn up will cost thousands, and I don't want to waste the money if the city won't approve the variance. Please excuse my drawings, I'm not a good artist, either. I think that you will get the picture. Basically, I'm asking for a variance on a 50 square foot triangle, which is about the size of a large SUV.

I apologize for the length of this letter, and I do appreciate it if you are still reading. If you have any questions about anything, please feel free to contact me at your convenience or come to my house to talk about my plans on Monday, May 11th at 6PM...I'll have some appetizers and drinks. Come by to talk about the expansion and my progress with the city, or just come by to say hi!

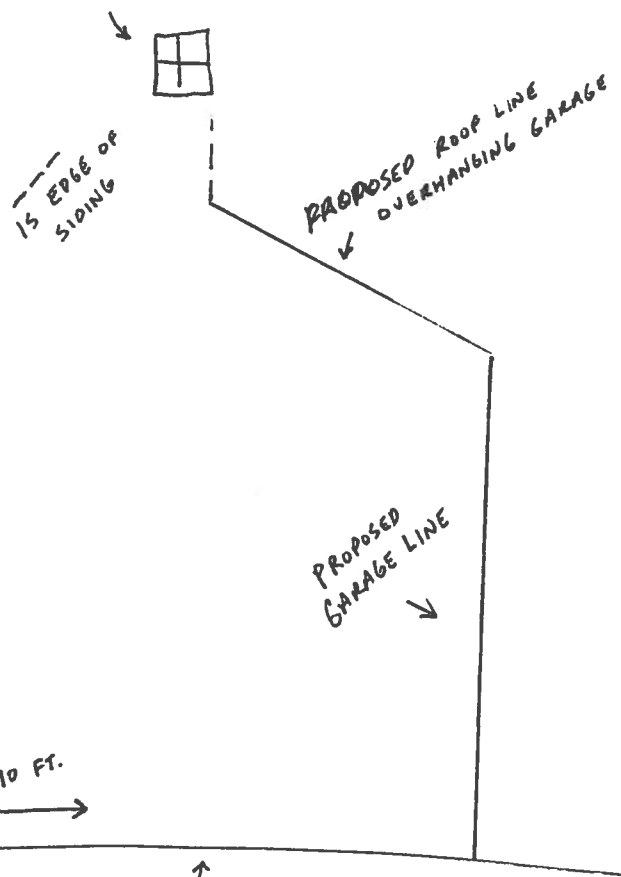
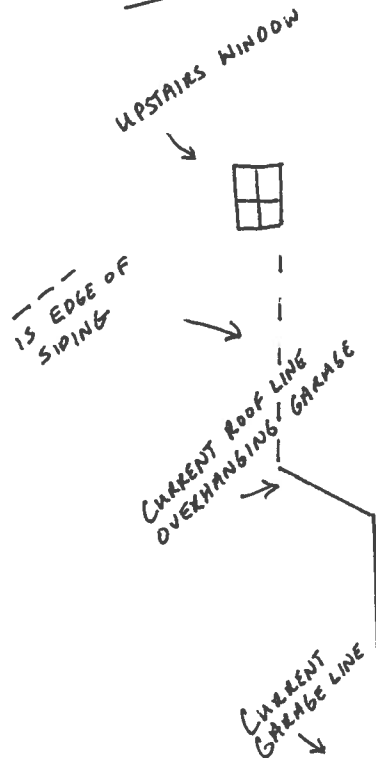
Sincerely,

Ben Cohen...
ben@brushkc.com
913-515-8636 (cell)

CURRENT

SKETCH OF GARAGE

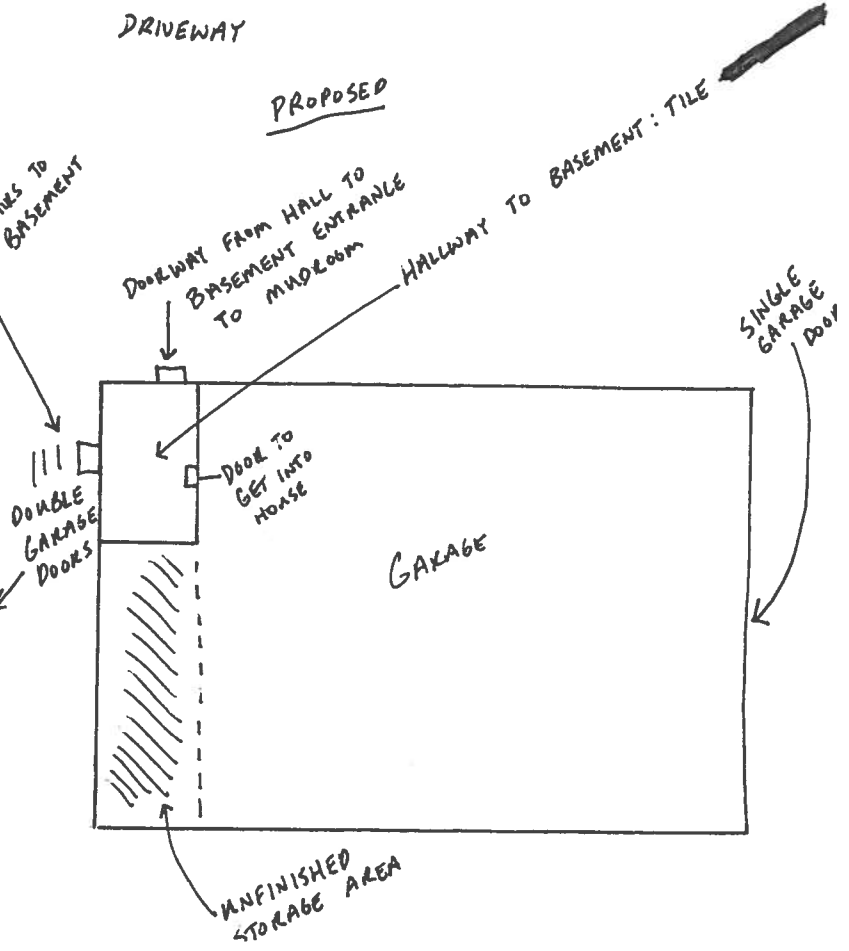
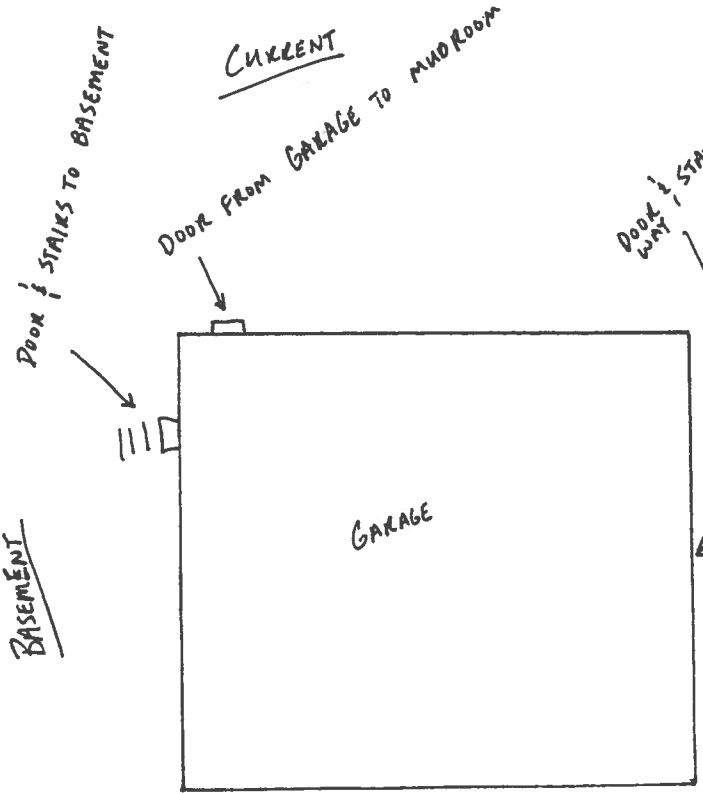
PROPOSED



↑
DRIVEWAY

CURRENT

PROPOSED



CERTIFICATE OF SURVEY

DATE 3/19/15

ORDERED BY: Client

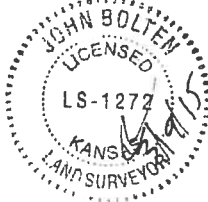
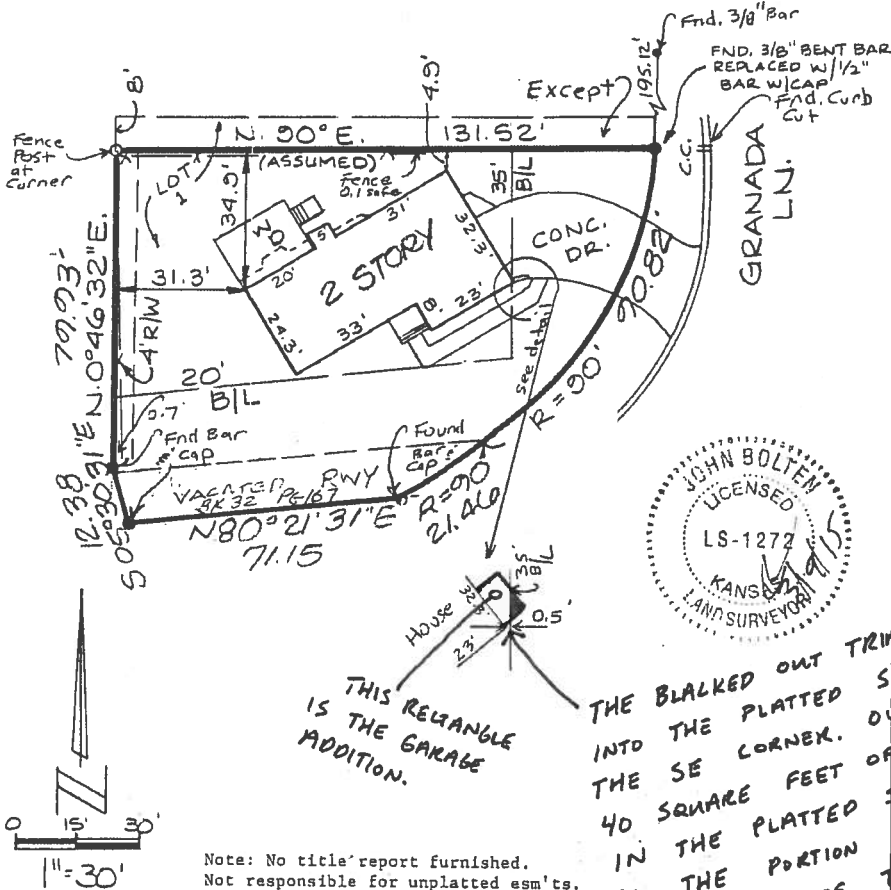
FOR:
Ben Cohen
6842 Granada Lane
Prairie Village, Kansas



7133 West 80th Street, Suite 210
Overland Park, KS 66204
Phone: (913) 381-4488
Fax: (913) 381-3048

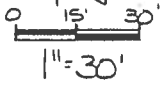
JOB NO. 2912.08

DESCRIPTION: Lot 1, Block 10 less and except the North 8 feet thereof, measured at right angles to the North line, PRAIRIE VILLAGE, a subdivision in Prairie Village, Johnson County, Kansas, together with the vacated part of 69th Street South of and adjoining Block 10.



THIS RECTANGLE IS THE GARAGE ADDITION.

THE BLANKED OUT TRIANGLE WHICH MEASURES INTO THE PLATTED SETBACK BY 9.5 FT ON THE SE CORNER. OVERALL APPROXIMATELY 40 SQUARE FEET OF THE GARAGES LIES IN THE PLATTED SETBACK. THE TRIANGLE IS THE PORTION OF THE ADDITION THAT IS OUTSIDE OF THE BUILDING LINE THAT I'M APPLYING FOR THE VARIANCE FOR ON THE SE CORNER OF THE GARAGE (RECTANGULAR DRAWING).



Note: No title report furnished. 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 herein. This survey meets or exceeds the minimum standard for property Boundary Surveys for this state.

