

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
AGENDA  
March 1, 2016  
6:30 P.M.**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES - January 5, 2016**

**III. ACTION ITEM**

**BZA2016-02 Request for a Variance from PVMC 19.08.030 to encroach the rear yard setback by approximately 7 feet  
7708 Booth  
Zoning: R-1b Single Family Residential District  
Applicant: Jonathan Jennings**

**BZA2016-03 Request for an Exception to PVMC 19.44.035 to increase lot coverage from 20% to 30.97% for the construction of a deck  
2904 West 71<sup>st</sup> Street  
Zoning: R-1a Single Family Residential District  
Applicant: Robert Gibbons**

**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, JANUARY 5, 2016**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, January 5, 2016 in the Council Chambers of the Municipal Building at 7700 Mission Road. Chairman Gregory Wolf called the meeting to order at 6:30 p.m. with the following members present: Jim Breneman, Jonathan Birkel, Jeffrey Valentino, Melissa Brown, Patrick Lenahan and Nancy Wallerstein. Also present in their advisory capacity to the Board of Zoning Appeals were: Chris Brewster, Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, City Building Official; and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

James Breneman noted two typographic errors on page one and moved the approval of the minutes of the November 3, 2015 meeting of the Board of Zoning Appeals as corrected. The motion was seconded by Melissa Brown Wolf and passed by a vote of 7 to 0.

**BZA2016-01     Request for a Variance from Section 19.08.030 of the Zoning Ordinances to encroach the rear yard setback by approximately 17 feet  
7044 Cedar**

Andrew Marten, 7732 Colonial Drive, stated he is seeking approval to tear down the existing home at 7044 Cedar and replace it with a larger footprint (approximately 1,800 s.f.) one and a half-story home with orientation parallel to Cedar Street. A single-car front-loaded garage will be kept, but the driveway will also provide access to a detached garage at the farthest depth of the lot along the south lot line. This configuration will place the principle structure approximately 7'6" from the closest lot line on the northwest corner of the structure, which is interpreted as the rear lot line and requires a 25 foot setback.

Chris Brewster noted that the lot is located on the end of a block formed by Cedar Street, 71<sup>st</sup> Street, Fonticello Street and W. 70<sup>th</sup> Terrace. The lot fronts on Cedar Street along with the adjacent lot to the south, and two corner lots face Cedar but have a corner orientation (two front setbacks, two side setbacks, but no rear setback). The two interior lots fronting on Cedar (the subject lot and the lot to the south) have irregular rear lot lines that deepen at a severe angle when compared to the front lot line, resulting in one side yard being substantially shorter (88') than the other (172'). The existing home is a small footprint (1,383 s.f.) single-story home. The home is situated on an angle on

the lot - not parallel to the street - possibly due to the angled configuration of the rear lot line and setback.

Mr. Brewster reviewed the codes interpretation of rear yard setback for oddly configured lots where no rear lot line exists. The interpretation was presented to provide perspective on the magnitude of this variance request. On its face, a variance from 25' to approximately 7'6" seems substantial. However, where this interpretation applied on the subject lot, the lot line and setback interpretations would be both reasonable and in conformance with existing setbacks in the neighborhood. The proposed building is situated in a manner that is contemplated by the zoning ordinance for odd-shaped lots, and the review of the proposed variance at the closest location could be compared to a side setback relationship.

Mr. Brewster noted that the proposed home violates the rear setback at its closest point on the northwest corner at approximately 7'6". Because the rear lot line falls away quickly at an angle, the bulk of the principle structure becomes more closely compliant with the required 25' setback internal to the lot, and is fully compliant beyond the first 15' of the structure. This portion is also the deepest portion of the structure. While it could be argued to "flip" the plan and footprint of the house to align the deepest part of the structure with the deepest part of the lot, the benefit of the detached rear garage and single-car front-loaded garage on the front streetscape would be lost.

In all other aspects the application complies with city regulations, except the applicant is also seeking a building height elevation increase that will be considered by the Planning Commission later this evening.

Melissa Brown confirmed the application meets the required side yard setback. James Breneman confirmed that the proposed detached garage meets city code for accessory structures.

Jonathan Birkel confirmed the single car garage does not have any space above it and that the driveway would have the standard curb cuts allowed by code. He asked if the application met lot coverage requirements. Mitch Dringman, City Building Official replied the proposed structure is well under the maximum lot coverage allowed by code.

Nancy Wallerstein confirmed the driveway would be poured concrete and questioned if this substantial addition of impervious surface would create drainage issues for the adjacent property owners. James Breneman replied that the property to the south closest to the driveway has a higher elevation than the applicant's property. Jonathan Birkel also noted that the grading pushes the water to the back of the home.

Chris Brewster reminded the Board that the detached structure and driveway meet all of the applicable zoning ordinance requirements, and that the variance criteria only needs to be applied to the issue of the rear setback in relation to the principle structure.

Chairman Gregory Wolf opened the public hearing.

Patricia Davis, 4911 West 70<sup>th</sup> Terrace, noted the existing house was on a slab and expressed concern that the new home not be of mammoth size similar to others on 71<sup>st</sup> Street. Mr. Marten replied that the proposed home would be a one and a half story home and reviewed his plans with her. Mrs. Davis stated as long as the proposed house would not be of excessive size she did not have any objection; although she noted it would probably increase her property taxes.

The public hearing was closed at 6:48 p.m.

The Board reviewed the criteria required for granting a variance as presented in the staff report.

**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 on the end-grain of a block, with corner-oriented homes on either side of it. It has a very shallow side lot line on the north (88') and a very deep side lot line on the south (172'), compared to the required depth of 100' for a standard lot. This produces a sharp angle of the rear lot line and an atypical buildable footprint on the lot.

James Breneman moved the Board find favorably on Criteria A "Uniqueness". The motion was seconded by Jonathan Birkel and passed by a 7 to 0 vote.

**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 and north west. However this is the rear of each of these homes and lots, and they already have a close association of buildings due to the "corner orientation" of the lot immediately to the north (where it has two front yards and two side yards for purposes of setbacks, but no rear yard - placing the structures closer together.) Only a portion of the proposed extension would project further than the home to the north. This extension would be approximately 10 feet from the north property line.

James Breneman moved the Board find favorably on Criteria B "Adjacent Property". The motion was seconded Jeffrey Valentino and passed by a 6 to 1 vote.

**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, with driveway access and garage parking that is compatible with the predominant character of the neighborhood. Applying the rear setback strictly would significantly impact the proposed plan, as it has also impacted to location and orientation of the smaller footprint existing home (which also violates a rear setback line applied on the north west corner.

James Breneman moved the Board find favorably on Criteria C “Hardship”. The motion was seconded by Jonathan Birkel and passed by a vote of 6 to 1.

**D. Public Interest**

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

The proposed building complies with all other setback and building coverage standards for this district and has a similar orientation and arrangement as other homes in the area. While the proposed home is larger than the existing home, the footprint is not out of scale with others in the area.

James Breneman moved the Board find favorably on Criteria D “Public Interest”. The motion was seconded by Jeffrey Valentino and passed by a vote of 7 to 0.

**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 home closes to the northwest corner, and after 15’ the principle building is compliant. The ordinance does provide for different interpretations of oddly configured lots to treat some areas as side setbacks instead of rear. While this lot is not clearly eligible for that interpretation, it does demonstrate the spirit of the ordinance, and the proposed building does comply with all side setback locations.

James Breneman moved the Board find favorably on Criteria E “Spirit and Intent of the Regulation”. The motion was seconded by Jeffrey Valentino and passed by a vote of 7 to 0.

James Breneman moved that finding favorably on all five criteria as required by State Statues the Board approves BZA 2016-01 granting a variance only to the extent shown on the submitted plans dated 12/3/2015 and only for that portion of the structure in the closest 15 feet to the north lot line subject to the following conditions:

1. That the variance be conditioned on an exception to the building elevation provisions of 19.44.030 , OR if an exception is not given the proposed home would need to be built to the plans shown except for the first-floor elevation. All other changes to the plans, setback, building orientation or design would require a new application.
2. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

The motion was seconded by Jonathan Birkel and passed by a vote of 7 to 0.

**OLD BUSINESS**

There was no Old Business to come before the Board.

**NEXT MEETING**

Board Secretary Joyce Hagen Mundy stated that no applications have been filed for consideration by the Board for February 2, 2016 meeting.

**ADJOURNMENT**

Chairman Gregory Wolf adjourned the meeting of the Board of Zoning Appeals at 6:50 p.m.

Gregory Wolf  
Chairman

# STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Chris Brewster, AICP, Gould Evans, Planning Consultant  
**DATE:** March 1, 2016

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**Application:** BZA 2016-02

**Request:** Variance from Rear Yard Setback of 25' to approximately 18'

**Property Address:** 7708 Booth

**Applicant:** Falcon Built, LLC, Jonathan Jennings

**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:** MEADOW LAKE RESURVEY OF LOTS 1 TO 13 BOTH INCLUSIVE OF BLOCK 15 OF THE CORRECTED PLAT OF MEADOW LAKE BLOCKS 4 TO 7 INCLUSIVE BLOCK 9 TO 16 INCLUSIVE AND LOT 1 OF BLOCK 8 LT 13 BLK 15 PVC 14203

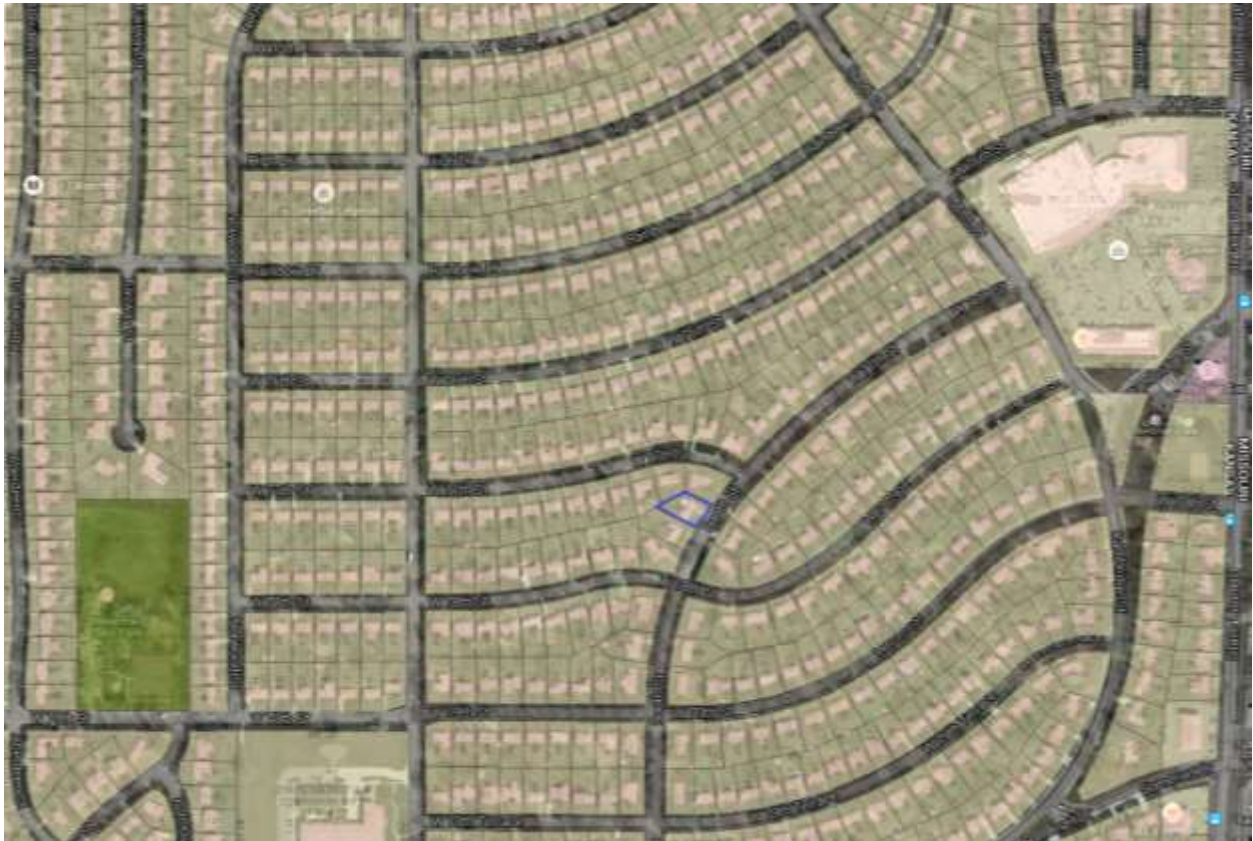
**Property Area:** 8,538.6 s.f.

**Related Case Files:** None

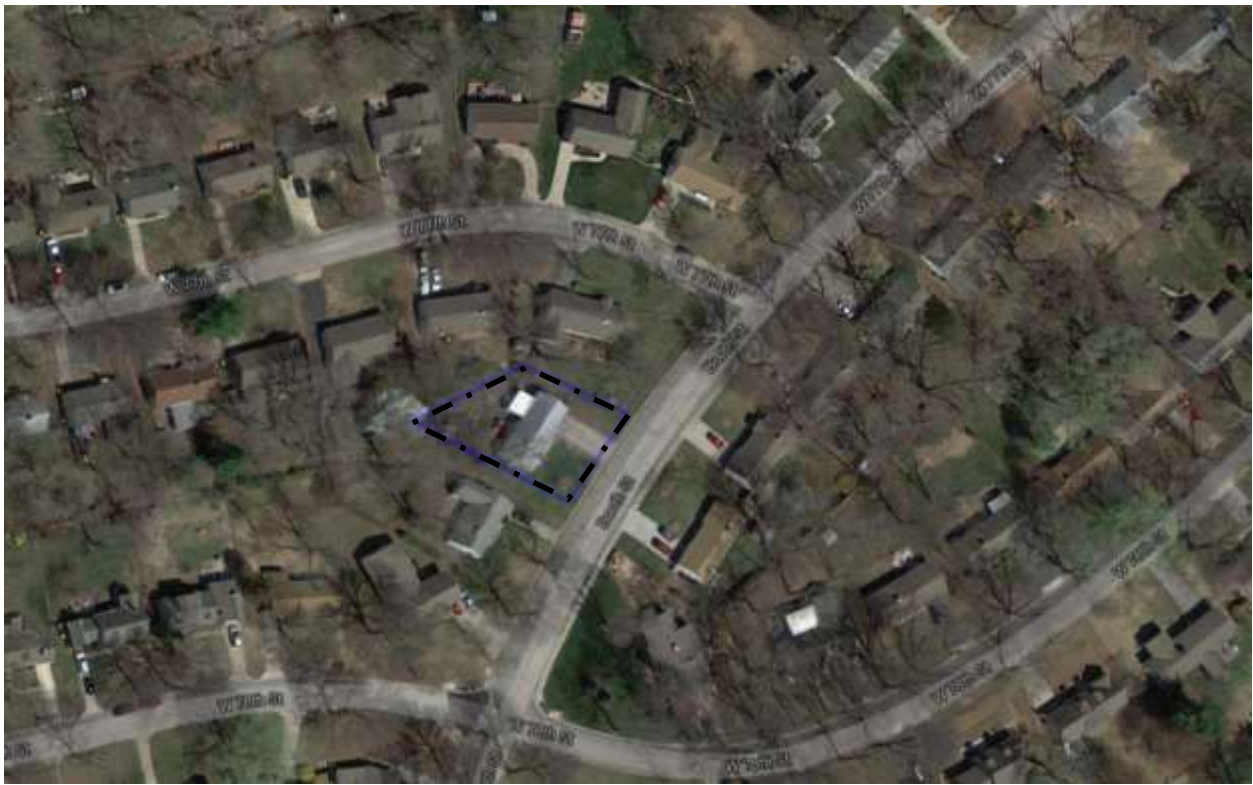
**Attachments:** Application, Drawings & Photos

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**General Location Map**



**Aerial Map**





**SUMMARY:**

The applicant is requesting a variance from Section 19.08.030 to place a new home closer than 25' to the rear lot line. This request is for an addition to an existing house that will square off the building footprint on the rear north corner.

**ANALYSIS:**

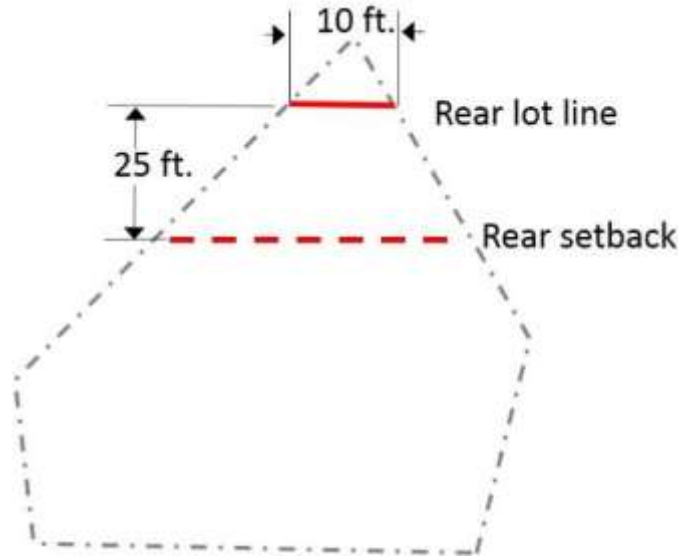
The lot is located on the end grain of a block formed by Booth Street (east), West 77<sup>st</sup> Street (north), Belinder Avenue (west), and West 78<sup>th</sup> Street (south). The lot fronts on Booth Street along with the adjacent lot to the south, and two corner lots face Booth but have a corner orientation (two front setbacks, two side setbacks, but no rear setback). The two interior lots fronting on Booth (the subject lot and the lot to the south) have irregular rear lot lines that deepen at a severe angle when compared to the front lot line, resulting in one side yard being substantially shorter (88') than the other (135'). This lot configuration creates a rear lot line with an angle to the shorter side, which impacts the building footprint permitted by setbacks.

The existing home is situated with the front building line roughly parallel and oriented to Booth Street. Therefore the rear building line is not aligned with the rear lot line and corresponding rear setback. The existing home does meet all current setback as the rear has a wing that projects out roughly 12 feet from the main building, but off-set from the closes point of the building footprint to the rear lot line. This application proposes an addition to fill in that portion of the building foot print and square off the rear building on the north side with a roughly 96 square foot addition. This would place the corner of the building at 18' from the rear lot line, encroaching 7' into the required 25' rear setback at the closes point. The existing home meets all other required setbacks, and exceeds the required setback on the adjacent side nearest the proposed rear yard setback encroachment. (The existing home is between approximately 17' and 14' from the side property on the north side (4' is the required setback), and the addition would be approximately 12' – 2" from this side – roughly 3 times the required setback. The proposed rear encroachment is adjacent to the rear of both homes to the north – one of which has a corner orientation (where the rear yard is treated more like a side setback) and the other is a typical rear yard. (The existing home is a small footprint (1,383 s.f.) single-story home.

The zoning ordinance provides the following definition for "Rear Yard" (19.02.525):

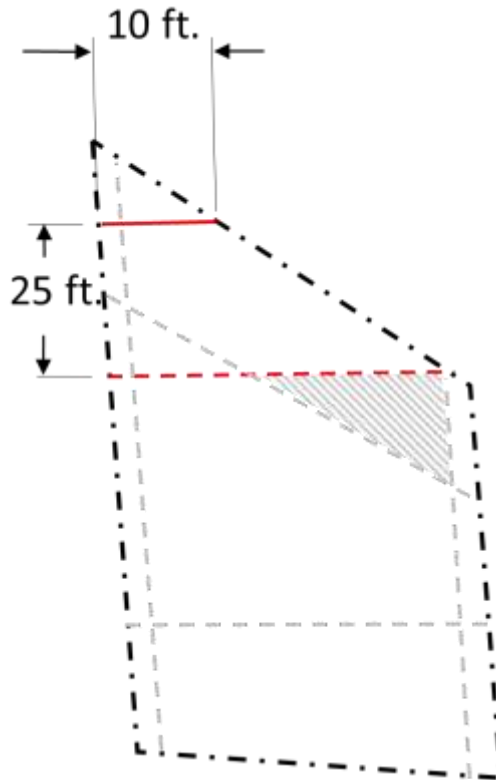
*"Rear yard" means an open space, unoccupied, except as hereinafter provided on the same lot with a building between the rear line of a building and that line extended, the side lines of the lot and the rear line of the lot. **Where no rear line exists, a line parallel to the front street line and distanced as far as possible therefrom entirely on such lot and not less than ten feet lot shall be deemed the rear line. The depth of the rear yard shall be the distance between the nearest point of the rear wall of the building and the rear line of the lot, or that line produced, measured at right angles to the rear line of the lot. [emphasis added.]***

This interpretation is to deal with oddly configured lots where no rear lot line exists, and would have this effect:



*Effect of 19.02.525 interpretation on rear setback.*

This interpretation is not applicable to the subject lot, as this lot does appear to clearly *have* a rear lot line. However, it is included to put some perspective on the magnitude of this variance request. Were this interpretation applied on the subject lot, the lot line and setback interpretations would be as shown below (the lot lines shown in grey are the typical R-1B, setbacks; the shaded portion is where the proposed encroachment occurs, which would be permitted under the 19.02.525 interpretation.) The encroachment request is for 7' into the rear setback near the "short corner", and both the current structure and proposed addition would be more than 3 times the required setback from the side lot line.



*Effect of 19.02.525 interpretation if it could be applied to the subject lot.*

Again, it is not suggested that this interpretation be applied to this lot, nor have the calculations of this interpretation applied to the proposed building done. However, this does show that the proposed building still is situated in a manner that is contemplated by the zoning ordinance for odd-shaped lots, and the review of the proposed variance at the closest location could be compared to a side setback relationship.

The proposed addition encroaches on the rear setback at its closest point on the northwest corner where it is approximately 18' from the rear lot line. Because the rear lot line falls away quickly at an angle, the addition becomes more closely compliant to the required 25' setback more towards the interior of the lot, and is fully compliant beyond the addition.

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 on the end-grain of a block, with corner-oriented homes on either side of it. It has a very shallow side lot line on the north (88') and a very deep side lot line on the south (135'), compared to the required depth of 100' for a standard lot. This produces an angle of the rear lot line and an atypical buildable footprint on the lot.

**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 and northwest. However this is the rear of each of these homes and lots, and one already has a close association of the existing buildings due to the "corner orientation" of the lot immediately to the north (where it has two front yards and two side yards for purposes of setbacks, but no rear yard – placing the structures closer together.) This existing home on the subject lot exceeds the required side setback near these homes, and the addition would continue along the current side building line, this not necessarily placing structures in closer proximity than already exists.

**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, while maintaining the smaller-scale, small-footprint home that is compatible with the predominant character of the neighborhood. Applying the rear setback strictly impacts the allowed building footprint negatively on the short side of the lot, relative to other more conventionally shaped lots.

**D. Public Interest**

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

The proposed building complies with all other setback and building coverage standards for this district and has a similar orientation and arrangement as other homes in the area.

**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 home closes to the northwest corner, and beyond the proposed addition the rest of the building is compliant. The ordinance does provide for different interpretations of oddly configured lots to treat some areas as side setbacks instead of rear. While this lot is not clearly eligible for that interpretation, it does demonstrate the spirit of the ordinance, and the proposed building does exceed the side setback at the location in question.

**VARIANCE 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 to the extent shown on the submitted plans, and only for the proposed addition up to an 18' setback on the northwest corner.
2. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

Jonathan Jennings @ yahoo.com

VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: BEA 2016-02

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

Deposit: \$75

Date Advertised: 2/5/16

Public Hearing Date: 3/1/16

APPLICANT: Jonathan Jennings  
FAICOR BUILT, LLC PHONE: (816) 215-8710  
 ADDRESS: 121 W 63rd St 202 ZIP: 64113  
 OWNER: FAICOR BUILT, LLC PHONE: \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP: \_\_\_\_\_  
 LOCATION OF PROPERTY: 7708 Booth PV KS  
 LEGAL DESCRIPTION: \_\_\_\_\_

Variance Requested rear yard set back

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	<u>Residential</u>	<u>R1</u>
South	<u>Residential</u>	<u>R1</u>
East	<u>Residential</u>	<u>R1</u>
West	<u>Residential</u>	<u>R1</u>

Present use of Property: Residential

Proposed Use of Property: Residential

Utility lines or easements that would restrict proposed development:

Please complete both pages of the form and return to:

City Clerk  
City of Prairie Village  
7700 Mission Road  
Prairie Village, Kansas 66208

**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 \_\_\_\_\_.

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.**

*Jonathan Jennings*

Applicant's Signature/Date

 1/26/16

Owner's Signature/Date

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 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

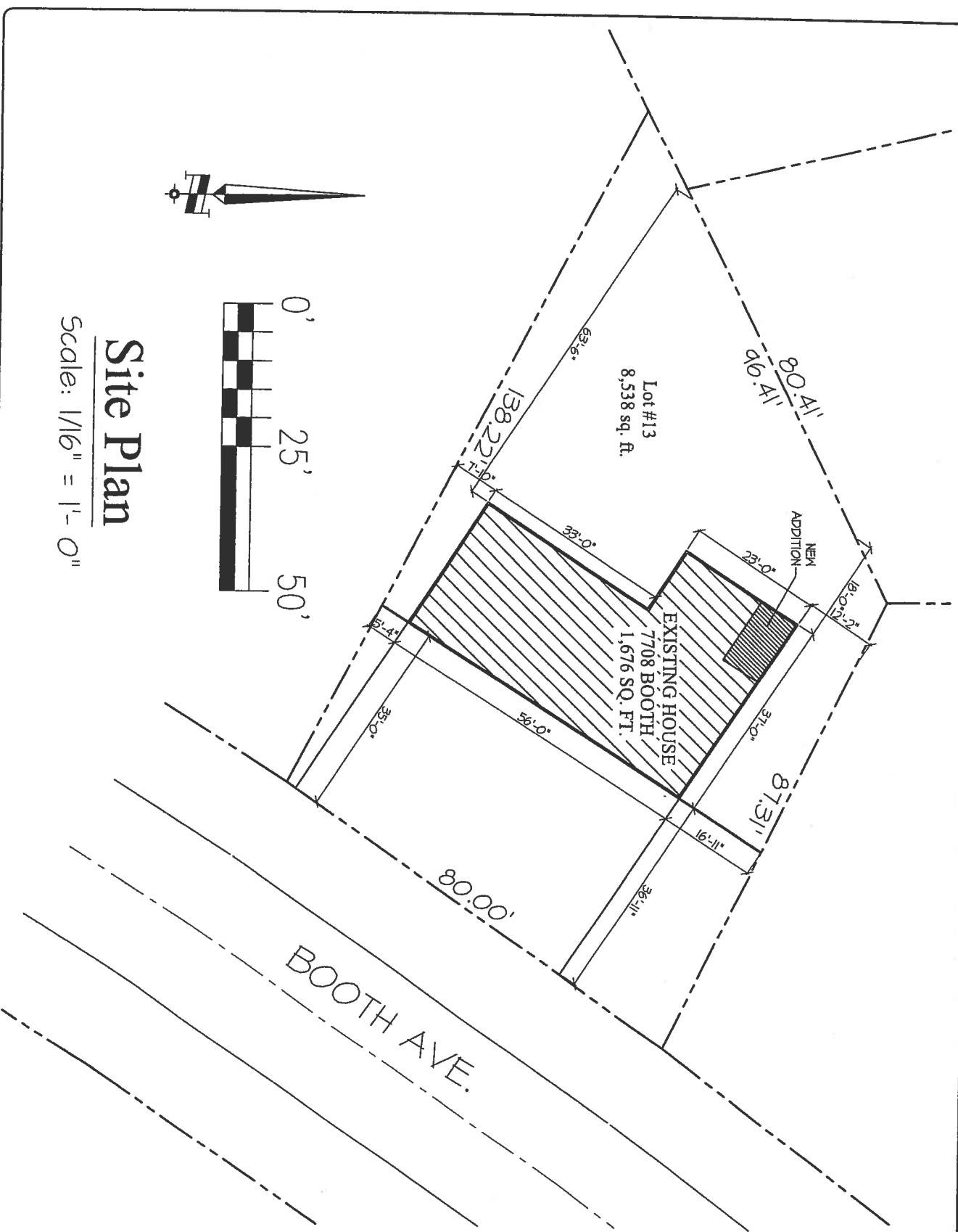
The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE:  DATE 1/26/16

BY: Jonathan Jennings  
TITLE: OWNER

# NEW ROOM ADDITION 7708 BOOTH

- SHEET LEGEND**
- A1 - COVER SHEET / SITE PLAN
  - A2 - ORIGINAL FLOOR PLAN
  - A3 - NEW FLOOR PLAN
  - A4 - FRONT & REAR ELEVATIONS
  - A5 - SIDE ELEVATIONS
  - A6 - SECTION DETAILS
  - E1 - ELECTRICAL PLAN



**PROPERTY DESCRIPTION**

Lot -  
7708 Booth  
Prairie Village, Kansas

**OWNER:**

Falcon Development LLC

Phone: 816-215-8710

**ARCHITECT:**

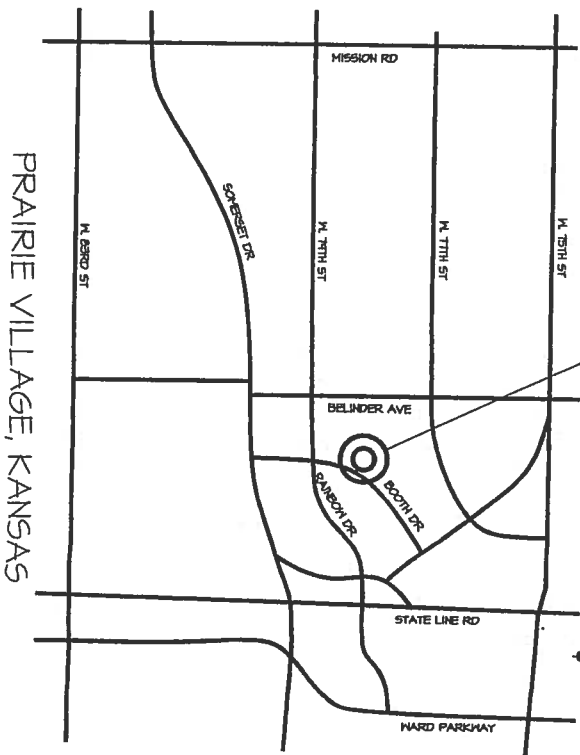
The Gamble Company, Inc.  
1009 North Cottage, Suite 200  
Independence, Missouri 64050  
Phone: 816-252-7100

**CODE DATA:**

- 2012 INTERNATIONAL RESIDENTIAL BUILDING CODE
- 2012 INTERNATIONAL FIRE CODE
- 2012 INTERNATIONAL MECHANICAL CODE
- 2011 NATIONAL ELECTRICAL CODE
- 2012 UNIFORM PLUMBING CODE
- 2012 LIFE SAFETY CODE
- 2009 ICC/ANSI ACCESSIBILITY CODE

**VICINITY MAP**

**SITE**



DRAWN BY: *JLJ*  
CHECKED BY: *JG*  
DATE ISSUED: 1/10/16  
DWG. NAME: 7708\_A6

**REVISIONS:**


**Home Remodel**  
7708 Booth  
Prairie Village, Kansas

For: - Falcon Development LLC  
Contact: Jonathan Jennings  
Phone: 816-215-8710

**THE GAMBLE CO., INC.**

1009 North Cottage, Suite 200  
Independence, Missouri 64050

Phone: (816) 252-7100  
Fax: (816) 254-3468

**RECEIVED**  
JAN 20 2016  
By \_\_\_\_\_



JOB NO.:

SHEET NO. 4-1

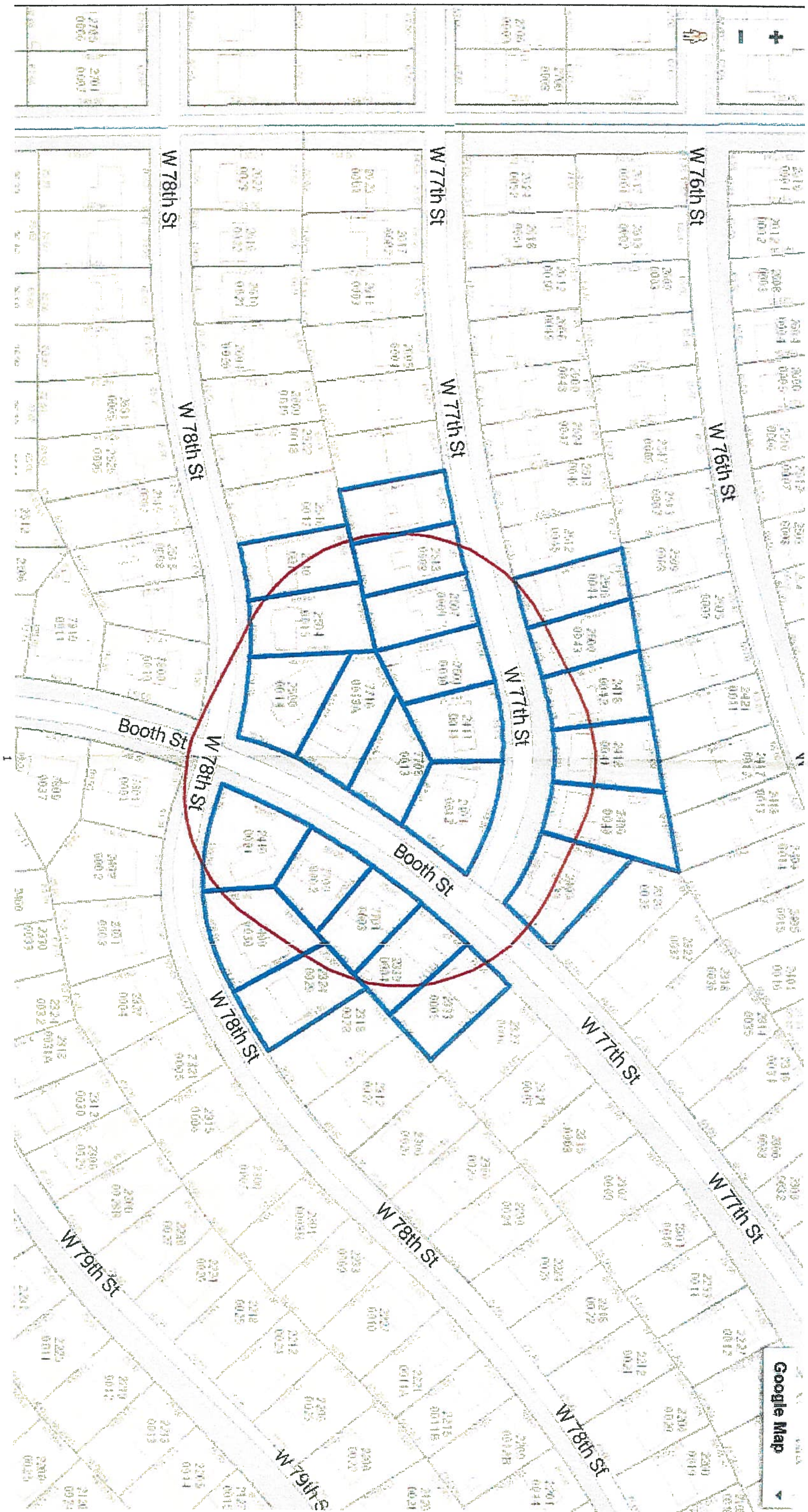
**Site Plan**

Scale: 1/16" = 1'-0"



Joyce Hagen Mundy

From: Kelsey Benz  
Sent: Tuesday, January 26, 2016 2:46 PM  
To: Joyce Hagen Mundy  
Subject: 7708 Booth  
Attachments: 7708 Booth Addresses.xlsx



# STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Chris Brewster, AICP, Gould Evans, Planning Consultant  
**DATE:** March 1, 2016

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**Application:** BZA 2016-03

**Request:** Lot Coverage Exception per section 19.44.035 for the extension of an unenclosed porch roof.

**Property Address:** 2904 West 71<sup>st</sup> Street

**Applicant:** Robert Gibbons

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

**Surrounding Zoning and Land Use:** **North:** D-1 Restricted Golf Club District (non-City) – Golf Course  
**East:** R-1A Single-Family District – Single-Family Dwellings  
**South:** R-1A Single-Family District - Single-Family Dwellings  
**West:** R-1A Single-Family District - Single-Family Dwellings

**Legal Description:** PRAIRIE HILLS LOT 28 BLK 3 PVC-0576 0065

**Property Area:** .32 acres; 14,113.59 s.f.

**Related Case Files:** None

**Attachments:** Application, Plans, Photo

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**General Location Map**



**Aerial Map**



**STAFF COMMENTS:**

The applicant is proposing to add an unenclosed porch to the rear of an existing house. The existing footprint of the house is 3,879 square feet (according to AIMS online mapping) and the proposed footprint of the porch roof is 400 square feet.

The coverage percentages are as follows:

Applicant Plot Plan Data:

- Existing home = 3879 s.f. (27.63%)
- Existing Lot = 14,038.63
- Proposed Covered Porch = 469 s.f. (3.34%)
- Proposed Total = 4,348 s.f. (30.97%)

AIMS Data\*:

- Existing building footprint: 4,056 s.f. (approx.)
- Existing lot: 14,113.59 s.f. (28.74%)
- Proposed covered porch 469 s.f.(3.3%)
- Proposed total: 4,525 s.f. (32.06%)

\* *Note:* the AIMS data on building footprints is not 100% accurate, but can be used to test the relative scale absent a full survey. Compared to the applicant's data on the plot plan, the extent of coverage is relatively close under both calculations. The current home is slightly under the required building coverage, and the enclosed porch will put this building slightly over, and the two calculations show just slight variations in the extent.

With the proposed enclosed porch at 469 square feet, this data shows that the total lot coverage will be between 0.97% and slightly more than 2.06% above the required building coverage.

The following ordinance sections are applicable to this application:

**19.06.040 Lot Coverage. (R-1A)**

Buildings and structures shall not cover more than 30% of the net lot area.

**19.02.306 Lot Coverage. (Definition)**

"Lot coverage" means that portion of a lot, which is covered by a structure or structures, excluding the first four (4) feet of projecting roof eaves and excluding open, unenclosed and uncovered decks 30 inches or less in height.

**19.44.035 Lot Coverage. (Height and Area Exceptions)**

The Board of Zoning Appeals as an Exception may grant permission to exceed the 30% Lot Coverage requirement as set out in Sections [19.06.040]... The applicant shall submit a site plan and building elevations adequate to convey the character of the architecture. (additional criteria in this section set out below).

**19.44.02 Yard Exceptions.**

C. In all use districts, portions of buildings may project into required yards as follows:

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

In considering a request for an exception to the lot coverage as provided in Section 19.44.035, the Board shall give consideration to the following criteria:

- A. **The site is capable of accommodating the building(s), parking areas and drives with appropriate open space.**
-

The lot is relatively flat and has no topographic features that are particularly unique. The lot also is rectangular in shape which is similar to other lots in the area. Building patterns in the area include variations and projects that create unique spaces on the lots. All lots on this block also have a substantial relationship to the green space in the back provided by the golf course. The proposed porch is a small projection, and only minimally exceeds the lot coverage requirement. The encroachment is in the rear area and will create a quality relationship and potential enhancement to the existing open space. The extent of the encroachment with regard to required setbacks is within that currently allowed by the zoning ordinance, and it is only the % lot coverage that is under review.

**B. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety.**

The lot area is 14,100 +/- square feet which is consistent with all of the lots on this block face. All lots along the block and abutting the golf course are generally larger than those on adjacent blocks. The proposed coverage will not impact any of the properties in the general vicinity, as it is to the rear (golf course) side. The most significant potential impact is to the property immediately to the east as the proposed covered porch is along that side lot line. The existing home is placed slightly beyond the required 5' side setback line (5.3") and the covered porch would add an additional 29' of primarily unenclosed, but covered outdoor space along this established building line. A portion of this area includes an outdoor fireplace and associated chimney structure. These two homes are approximately 14' apart along these building lines

**C. The plan provides adequate management of storm water runoff.**

A portion of this proposed porch will be over already impervious surfaces. There may be a slight increase beyond the total impervious surface coverage of the lot, but that percentage will be less than the 1-2% building coverage increase. The applicant submitted a storm water plan demonstrating elevations and prevailing drainage patterns on the lot. Drains on the proposed covered structure are located to the rear most portion of the lot, where prevailing grades demonstrate flow patterns to the north (golf course side). The proposed application should be submitted to Public Works for any applicable drainage permits to ensure no impact on the property to the east.

**D. The plan is consistent with good land planning and site engineering design principles; and**

The plan does propose a more useable outdoor space with a better relationship to existing open space, landscape areas, and golf course to the north.

**E. An appropriate degree of compatibility will prevail between the architectural quality of the existing building and the proposed building expansion.**

Plans have been submitted to show compatibility of the proposed roof with the existing building architecture, including roof slope, materials, and ornamentation of foundation posts.

If the Planning Commission concurs that these 5 criteria for granting an exception subject to section 19.44.035 have been met by the proposed application, it should grant approval, with the condition that any applicable drainage permits be reviewed and approved by Public Works.



*Street View – 2904 West 71<sup>st</sup> Street*

VARIANCE APPLICATION  
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: BZA 2016-03

Filing Fee: \$75

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

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

Public Hearing Date: 3/1/16

APPLICANT: ROBERT T. GIBBONS PHONE: (913) 269-4050  
ADDRESS: 2904 W 71 ST, PRAIRIE VILLAGE, KS ZIP: 66208  
OWNER: ROBERT T. GIBBONS TRUST PHONE: (913) 269-4050  
ADDRESS 2904 W 71 ST, PRAIRIE VILLAGE, KS ZIP: 66208  
LOCATION OF PROPERTY: 2904 W 71 ST, PRAIRIE VILLAGE, KS  
LEGAL DESCRIPTION: LOT 28 BLOCK 3 PRAIRIE HILLS subdivision  
OF THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY  
KANSAS

~~Variance~~ EXCEPTION Requested AN INCREASE IN LOT COVERAGE  
FROM 30.0% TO 30.97%

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>GOLF COURSE</u>	<u>RESIDENTIAL R-1</u>
South	<u>RESIDENTIAL</u>	<u>RESIDENTIAL R-1</u>
East	<u>RESIDENTIAL</u>	<u>RESIDENTIAL R-1</u>
West	<u>RESIDENTIAL</u>	<u>RESIDENTIAL R-1</u>

Present use of Property: RESIDENTIAL

Proposed Use of Property: RESIDENTIAL

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

Cust # 18110

# Memo

**To:** City of Prairie Village Planning and Zoning Committee

**From:** Robert Gibbons

**Date:** March 1, 2016

**Re:** Request Exception to Increase Lot Coverage from 30.0% to 30.97%

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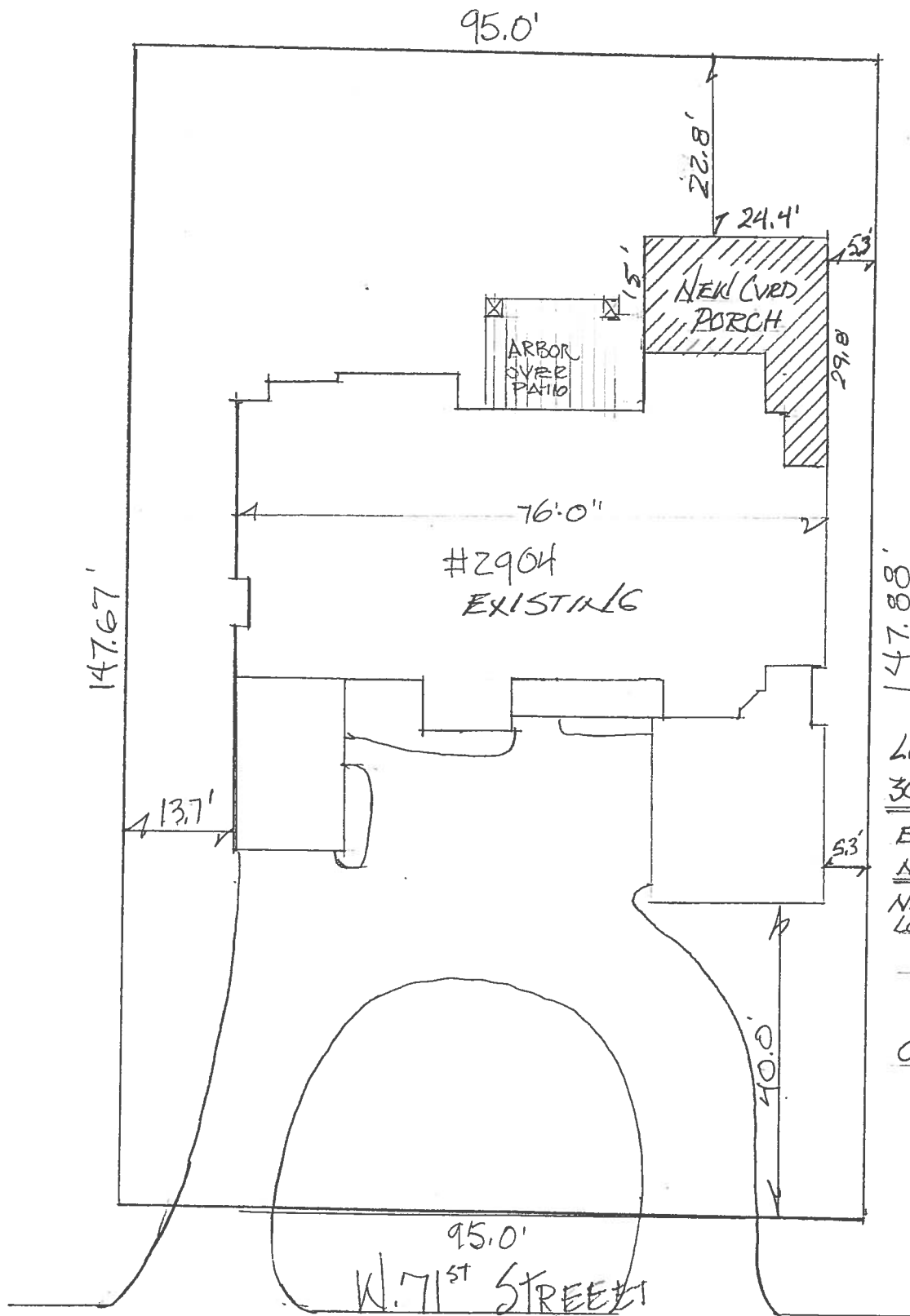
Applicant submits the following information in support of request:

- A. The proposal is to build an elevated covered deck on the northeast corner of the existing structure. The proposed addition will not affect parking or driveway access. It will not encroach on open space in front or along either side set back. (see plot plan)
- B. There is no apparent impact on surrounding properties or public health and safety.
- C. Storm water runoff will be in accordance with attached plan. (see storm water plan)
- D. The plan maintains existing front and side setbacks as previously approved.
- E. The compatibility and quality of the addition will be matched to the existing architectural design and quality of the home, (see attached east and north elevations)

Applicable Coverage Information:

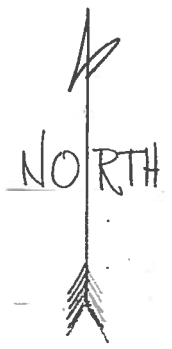
Lot Area:	14038.63
30%	4211.58
New Addition:	469 sq ft
Existing Coverage:	3879 sq ft
Proposed Coverage:	4348.58
Proposed Cov %:	30.97%



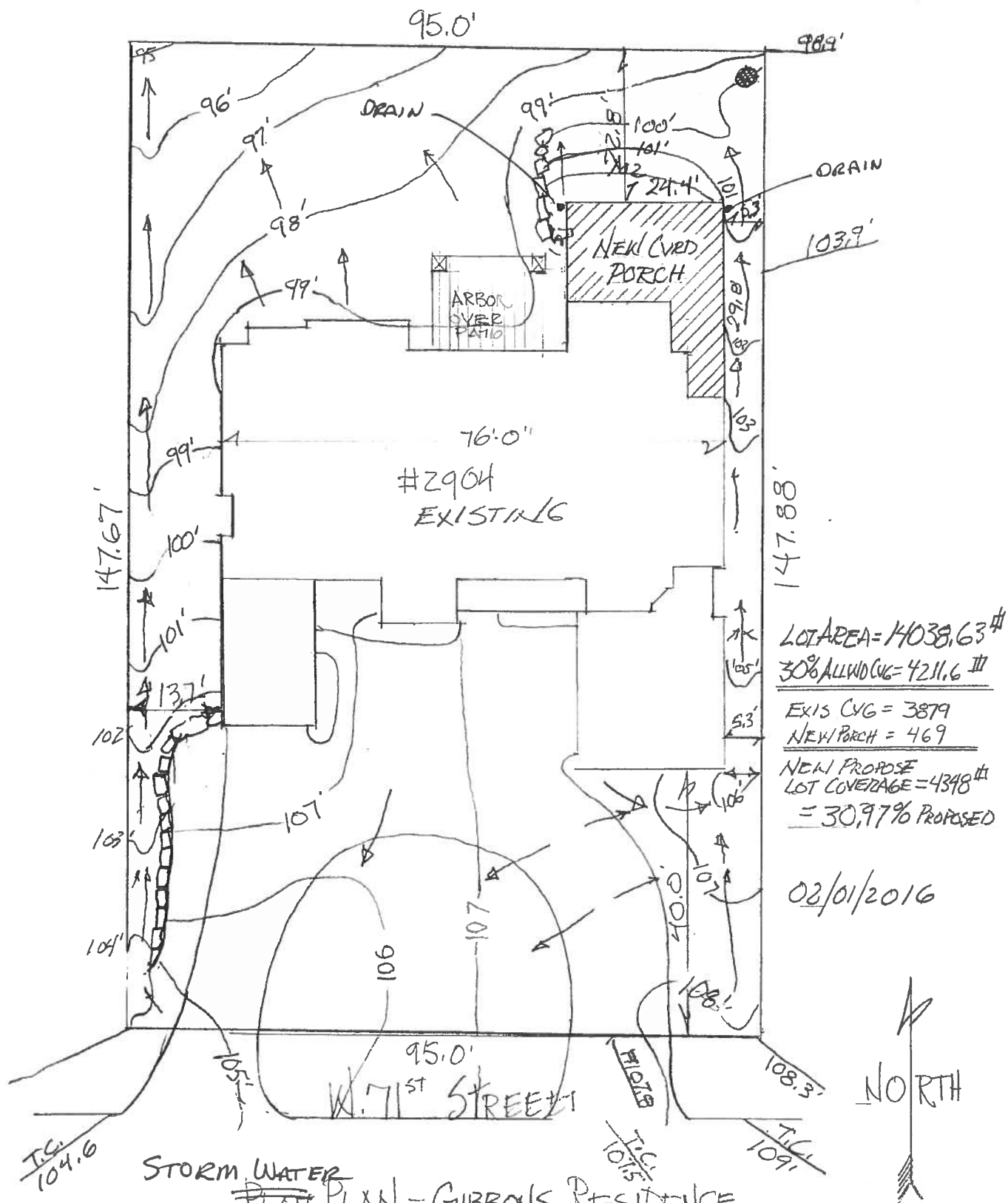


LOT AREA = 14038.63'  
 30% ALLWD CVG = 4211.6 #  
 -----  
 EXIS CVG = 3879  
 NEW PORCH = 469  
 -----  
 NEW PROPOSED  
 LOT COVERAGE = 4348 #  
 = 30.97% PROPOSED

02/01/2016

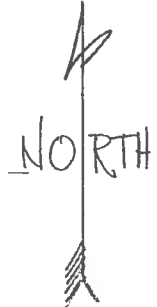


PLOT PLAN - GIBBONS RESIDENCE  
 SCALE 1" = 20'



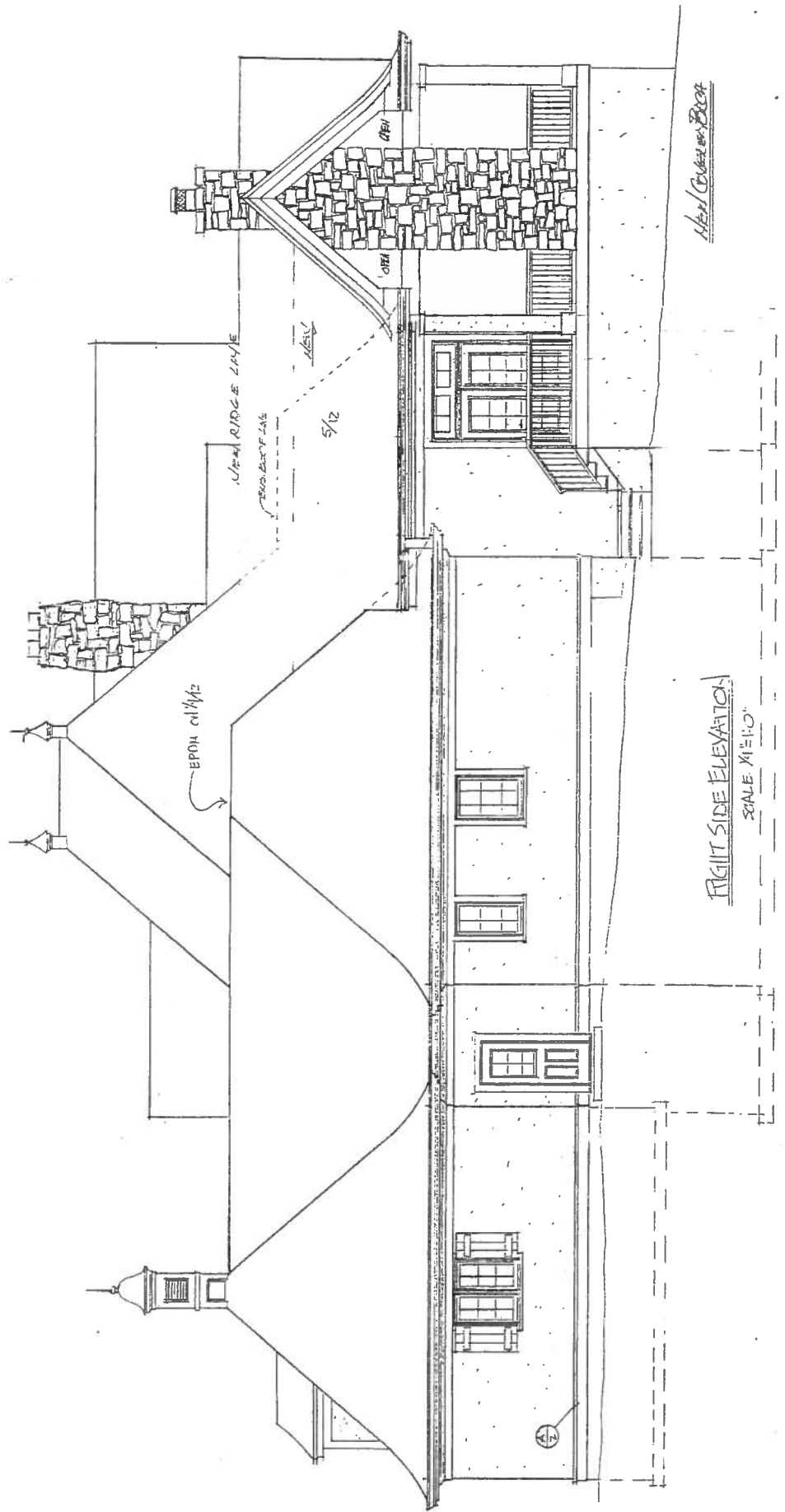
LOT AREA = 14038.63 #  
 30% ALLWD CVG = 4211.6 #  
 EXIS CVG = 3879  
 NEW PORCH = 469  
 NEW PROPOSE  
 LOT COVERAGE = 4348 #  
 = 30.97% PROPOSED

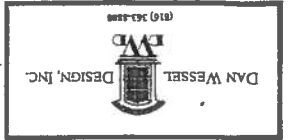
02/01/2016



PLAN - GIBBONS RESIDENCE

SCALE 1" = 20'

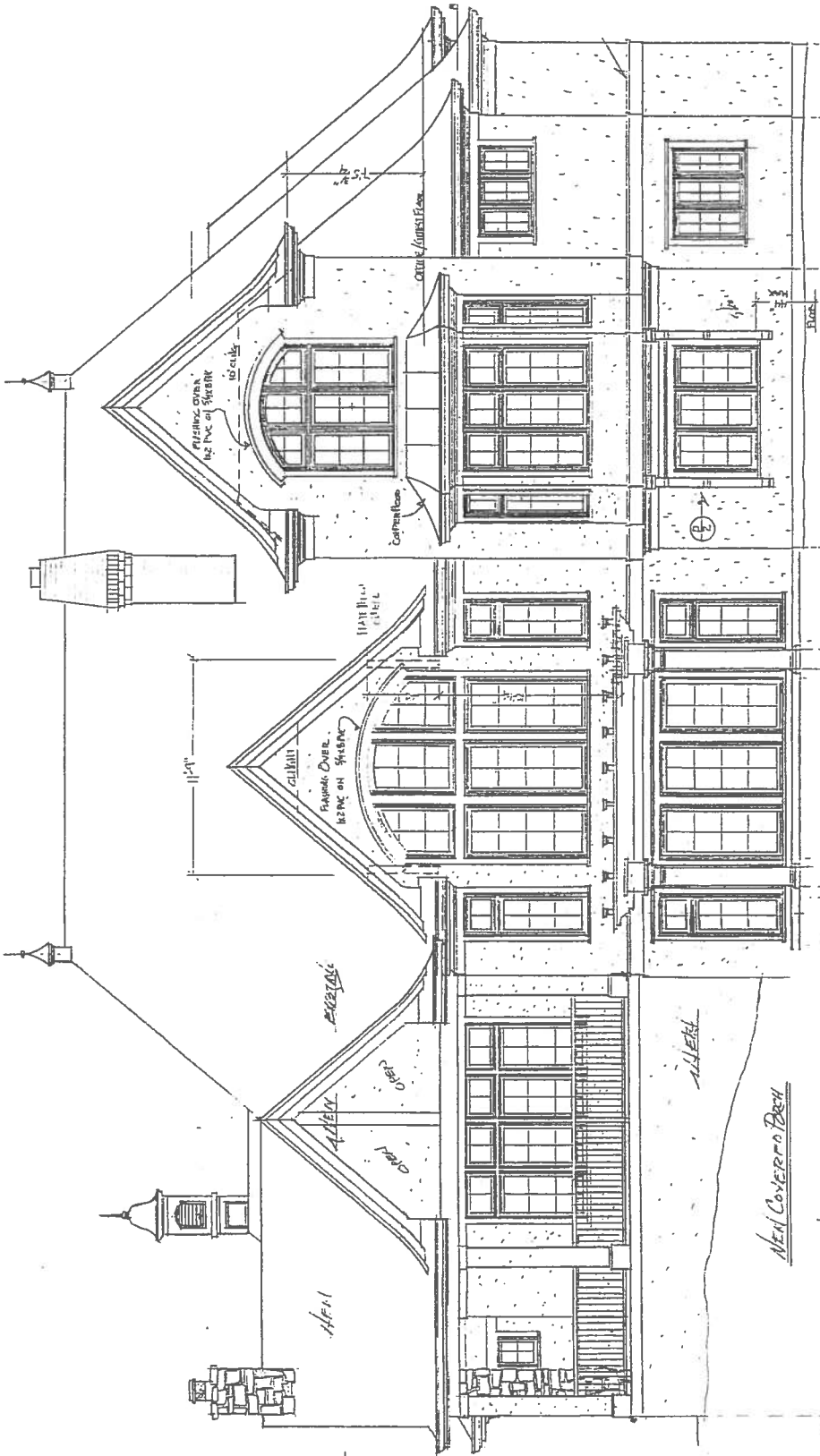


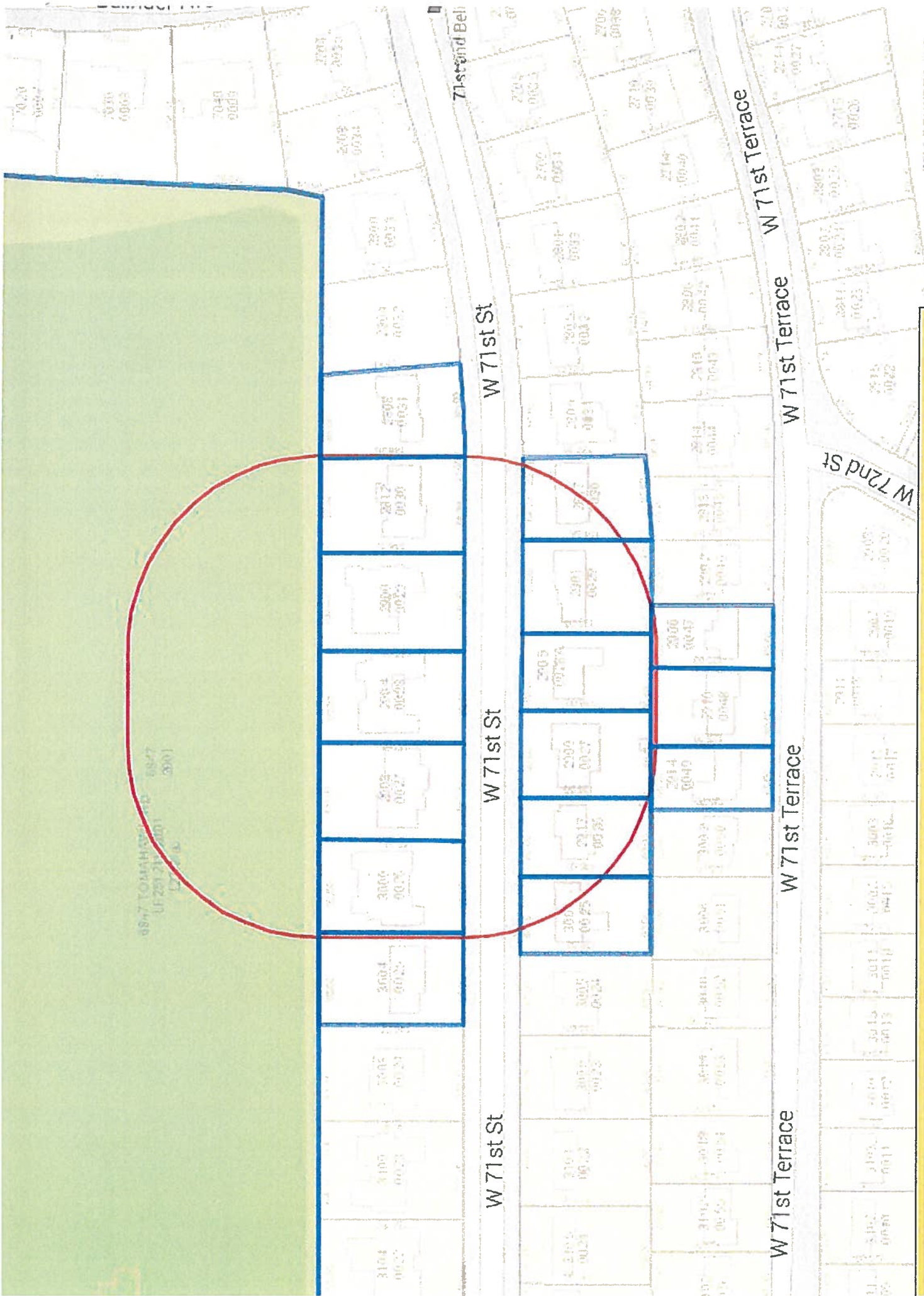


GIBSON'S RESERVANCE - COVERED PORCH FRONTION

2904 W. 71<sup>ST</sup>

02/01/2016





4877 TOMPKINS ST  
LEWIS  
6847  
01231212001  
0001

Yes

Not for this site

are your password for jocgov.org? Why am I seeing this?