BOARD OF ZONING APPEALS CITY OF PRAIRIE VILLAGE, KANSAS AGENDA NOVEMBER 7, 2017 6:30 P.M.

- I. ROLL CALL
- II. APPROVAL OF MINUTES September 12, 2017
- III. ACTION ITEM

BZA2017-05 Request for a Variance from PVMC 19.06.041 "Lot Size" to

reduce the lot depth from 125' to 108.9'

5014 West 68th Street

Zoning: R-1a Single Family Residential District

Applicant: Allen Townley, Moffitt Realty

- 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, SEPTEMBER 12, 2017

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, September 12, 2017 in the Multi-Purpose Room 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: Jonathan Birkel, Melissa Brown, Jeffrey Valentino, James Breneman, 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, Building Official; Serena Schermoly, Council liaison and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Mitch Dringman noted in the motion on page 5 the 3" should be 3'. Jeffrey Valentino noted on page 4 he was listed as "James" not Jeffrey Valentino. Nancy Wallerstein moved the approval of the minutes of the August 1, 2017 meeting as amended. The motion was seconded by James Breneman and passed unanimously with Gregory Wolf abstaining.

BZA2017-04 Request for a Variance from PVMC 19.08.020 & 19.44.020(C4) to decrease the front yard setback to 4 feet 2006 West 71st Terrace

Chris Brewster introduced the application which is a request for a variance from Section 19.08.020 and 19.44.020.C.4 to allow attached carport to be located 4 feet from the front property line and encroach 16 feet beyond the principle building. In general, the R-1B district requires a 30-foot front yard setback. (19.08.020) Additionally, encroachments including unenclosed porches, ported [sic] cocheres ...and canopies" may encroach into front yards up to 12 feet. There is also a requirement that all lots in R-1Bhave two parking spaces, one of which shall be in a in a garage or carport.

The applicant's lot is 6' x 130' with the existing principle building approximately 20 feet from the front lot line and approximately 31' from the curb line. The City files do not indicate if a variance was given for this building location at the time it was originally built. The reason for this location is a drainage channel that runs east-west through the block, beginning at the southwest corner and ending at the southeast corner. The channel is deepest at the mid-point of the block (including this lot), cutting the lots in half. The building immediately to the west has a similar orientation as this building, located to the forward portion of the lot. Other lots on this block (2 to the west, and 1 to the immediate east) have a principle structure built to the rear of the lot and detached garages built to the front portion of the lot (2 at the front setback line).

Specifically the applicant is proposing to add a 16' x 16' carport to the front of the house, over the existing driveway. This would place the unenclosed structure approximately 4 feet from the front property line, but would allow for at least one covered parking area along the frontage. There is no public sidewalk on this side of the street.

Steven Scraggs and Stacey Scheffler, 2006 West 71st Terrace, stated that when they purchased the home it did not have a garage. Mitch Dringman noted that the City could not find any record of a permit for a garage conversion. Stacey Scheffler stated that the drainage channel is directly behind their home and they have a bridge over the channel to get to their backyard.

James Breneman asked if they would be widening the driveway. Mr. Scraggs replied that it is a single drive that has been widened.

Melissa Brown asked how much water runs through the channel. Mr. Scraggs replied that it varies and during the recent storms the water came up to their house. However, generally it is dry. They have added landscaping to prevent water from coming up to the house.

Chairman Gregory Wolf opened the public hearing for comments.

No one wished to speak on the application, the public hearing was closed at 6:37 p.m.

The Board reviewed the conditions required for the granting of a variance as presented in the staff report: to find that all five of the following conditions are met in order to grant 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.

This lot is located on long rectangular block. Typical lots on this block and surrounding blocks are between 60 and 80 feet wide and 130 feet deep. Irregular lots exist on the corners or where historic platting anomalies have allowed for combinations of remnant spaces. These lots are between 120 and 135' side. Some of these irregular lots are to deal with the drainage channel that goes through the middle of the block, starting on the southwest corner and ending on the southeast corner. The channel is approximately 8 to 10 feet deep and cuts the lots in the middle of the block (including the subject lot) in half.

James Breneman moved the Board finds favorably on Criteria A "Uniqueness". The motion was seconded by Nancy Wallerstein 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 requested variance would allow a structure to encroach further than is allowed by ordinance. (4' further than the 12' typically allowed in front of the principle structure, and 14' further than the 18' typically allowed by the front setback.

The lot immediately to the west has a similar orientation to this building and includes an attached single-car garage. The proposed structure would extend beyond the established front building line of this home, however the closest relationship is to the attached garage side of this home.

The lot immediately to the east has a principle structure built to the rear of the lot (north of the drainage channel), and has a detached 2-car garage built up to the right-of-way line. The proposed structure would not encroach as close to the street as this detached structure. Two other lots further to the west have a similar orientation of principle structure and detached garages as this lot immediately to the east.

James Breneman moved the Board find favorably on Criteria B "Adjacent Property". The motion was seconded Jonathan Birkel 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 lot is a narrow, rectangular lot and has a small buildable footprint due to the drainage channel. The principal structure is built forward of the typical setback due to these conditions. Due to the lot and the orientation of the existing building, it is difficult to get access for parking or locate any enclosed or covered parking on the lot.

James Breneman moved the Board find favorably on Criteria C "Hardship". The motion was seconded by Melissa Brown and passed unanimously.

D. Public Interest

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

The proposed design is consistent with patterns that are otherwise allowed in the residential zoning districts (limited unenclosed encroachments for porches, canopies or porte cocheres. Additionally, deviations from the typical patterns, both in terms of principle structure placement, detached structures, and other parking arrangements have occurred on this block.

James Breneman moved the Board find favorably on Criteria D "Public Interest". The motion was seconded by Pat Lenahan 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 front setback and allowed encroachments are in place to regulated consistent building patterns along a block, to present a similar orientation of buildings, and to preserve consistent relationships of buildings, building entryways, and other features such as carports or garages to the streetscape. In this case, the character of the streetscape is already disrupted by unusual building patterns and vegetation. There is not a sidewalk on this side of the street, and there is only room for an attached sidewalk on the opposite side of the street. Buildings on this side of the block (a block not limited in a similar way to this block with a drainage channel) have a more consistent pattern and relationship to the streetscape.

James Breneman moved the Board find favorably on Criteria E "Spirit and Intent of the Regulation". The motion was seconded by Melissa Brown and passed unanimously.

Nancy Wallerstein moved that the Board after reviewing the information submitted and consideration of the testimony during the public hearing found all criteria required by state statutes and Section 19.54.030 of the Prairie Village Zoning Ordinance, to have been met approve BZA 2017-04 request for a variance from PVMC 19.44.020(C) and 19.08.020 for an encroachment for the front yard setback for the construction of an open carport up to four feet from the front property line at 2006 West 71st Street subject to the following conditions:

- 1. That the variance be granted only to the extent shown on the submitted plans, and specifically only to allow the proposed building encroachment to be placed no closer than 4 feet from the front property line, and only to the extent of 16 feet wide along the frontage.
- 2. The materials used be further specified in the testimony to ensure coordination with the existing structure, and further conditioned on the concept plan and rendering included in the application.
- 3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

The motion was seconded by Jeffrey Valentino and passed unanimously.

OLD BUSINESS

There was no Old Business to come before the Board.

NEXT MEETING

Board Secretary Joyce Hagen Mundy reported no applications have been received for consideration by the Board in October.

ADJOURNMENT

Chairman Gregory Wolf adjourned the meeting of the Board of Zoning Appeals at 6:45 p.m.

Gregory Wolf Chairman

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals

Chris Brewster, AICP, Gould Evans, Planning Consultant FROM:

DATE: November 7, 2017

Application:

BZA 2017-05

Request:

Variance for Lot Depth from 125 feet to 108.9 feet

Property Address:

5014 W. 68th Street

Applicant:

Mojo Built, John Moffit

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:

PRAIRIE WOODS LOT 5 PVC-8818

Property Area:

0.77 acres (33,403.67 s.f)

Related Case Files:

None

Attachments:

Application, site plan and building plans

General Location Map



Aerial Map



STAFF REPORT BZA 2017-05

November 7, 2017

Aerial Site



Birdseye View



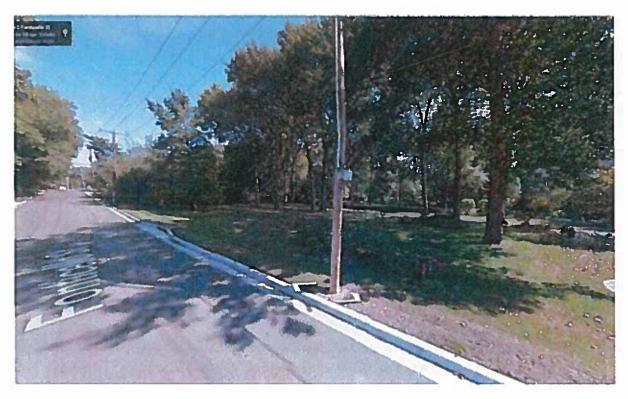
Street Views



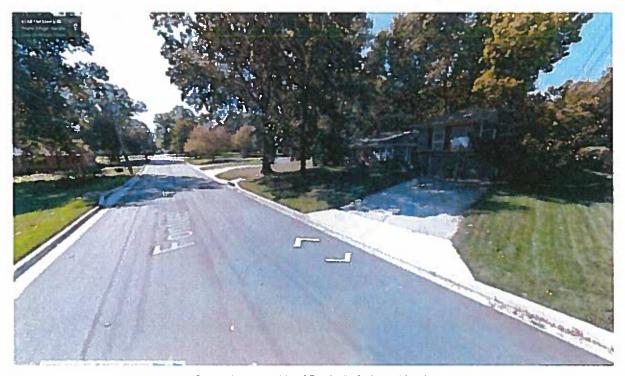
Street view looking north on Fonticello (5014 W. 68th St. on right



Street view of looking south on Fonticello (5014 W. 68th St. on left)



Street view rear portion of subject lot



Street view west side of Fonticello facing subject lot

STAFF REPORT BZA 2017-05



Street view east side of Fonticello north of subject lot

SUMMARY:

The applicant is requesting a variance from Section 19.06.041 to allow a lot to be created with a 108.90 foot depth, rather than the required 125-foot depth. The applicant owns the subject lot, zoned R-1A, fronting on West 68th Street, that is 108.90 feet wide and 306.72 feet deep (33.403.7 s.f.) The R-1A district requires lots to be at least 80 feet wide and 125 feet deep (10,000 s.f.). The applicant is proposing to split the lot, and create a new lot on the rear portion that fronts on Fonticello, and is 110 feet wide and 108.90 feet deep (11,979 s.f.). The lot and proposed building would meet all other standards required in R-1A regarding setbacks and building coverage.

The lot split application is permitted by the Prairie Village subdivision regulations, and allows the Planning Commission to approve splits provided each lot meets the zoning standards. In this case the proposed lot would not meet the lot depth requirement and would first require a variance to be granted by the Board of Adjustments prior to the Planning Commission being able to consider a lot split.

This particular area has deeper blocks than are typical in the general vicinity. (See General Location map above). This makes some of the lots eligible for lot splits under the current regulations. There are several lots between 67th and 69th that share a similar orientation with the corner lot fronting the numbered streets and an "end grain" lot fronting Fonticello. They include:

	<u>Width</u>	<u>Depth</u>	<u>Area</u>
1. 6808 Fonticello	80'	127,15	10,170.72 s.f.
2. 6804 Fonticello	80'	127.15'	10,173.46 s.f.
3. 6802 Fonticello	110'	127,73'	13,987.98 s.f.
4. 6740 Fonticello	100'	150"	15,001.63 s.f.
5. 6730 Fonticello	100'	150'	15,000.92 s.f.
6. 6731 Fonticello	100'	108.9' *	10,889.24 s.f.

(Source: Johnson County AIMS On-line Mapping)

Additionally, 9 lots between 10,364 s.f. and 14,235 s.f. front on a cul-de-sac to the east side of Fonticello between 68th Street and 69th Street.

^{*} A variance was granted for 6731 Fonticello by the Prairie Village BZA in March 2014



ANALYSIS:

Section 19.54.030 of the Zoning Ordinance requires the Board to find that all five of the following conditions are met in order to grant 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.

This lot is a corner located on a block that is deeper than typical blocks in Prairie Village, resulting in two tiers of lots over 300 feet deep. The plat for these lots was recorded in 1939 and pre-dates the City subdivision regulations and zoning standards. The lots in the vicinity that have a similar size or orientation to the proposed lot split were created after the original plats for this area at different periods of time, the latest in 2014 (6731 Fonticello, immediately north of the subject lot.) Unlike some of these lots, the width of the subject lot as originally platted (108.9') is not deep enough to allow a new lot orienting to the side street. Most of the lots were created out of original lots that were wider, and where the width was sufficient to meet the required depth for a newly created 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 requested variance would allow a new lot and structure to be created in the rear portion of the existing lot. The new lot would need to comply with all setback, height, lot coverage and drainage standards prior to a new home being built. It would have a similar relationship to the other homes fronting on Fonticello in this area. It would allow a new structure in what is now an open rear yard that could be as close to 25 feet from the rear yard immediately to the west. However, this would be further from the property line than what the side setback of the current lot allows (7 feet minimum, up

to 12 feet with sliding scale). The existing home immediately to the north is approximately 15 feet from what is now the rear property line of the subject lot. This would be a side lot line for the new lot, and would allow a building as close as 7 feet, or as much as 15 feet (depending on the sliding scale). So it would maintain a side building separation of at least 22 – 30 feet.

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 existing lot is deep and narrow compared to its relative size, although it is wider than the required 80' width of the R-1A zoning. This is a factor of the lots in the vicinity being platted prior to incorporation of Prairie Village and addition of the zoning and subdivision regulations. This is an existing pattern that is prevalent on other lots east on 68th street and west on 68th street. All have lot widths between 90 feet and 110 feet, except the corner lot on the northwest of 68th and Fonticello (190 feet wide). Creating an additional lot that complies with the standards would require reconfiguration of more than one existing lot, and it would not be eligible for the lot split process.

D. Public Interest

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

The proposed pattern (creating a new "end grain" lot) is an effective strategy for creating new infill development along deeper blocks. This pattern has been implemented in the vicinity, though in most cases on wider lots. In some circumstances – primarily north of 68th street this has been done with more comprehensive lot reconfiguration and the addition of cul-de-sacs. In general all of the lots reflecting this pattern are between 10,500 s.f. and 14,500 s.f., compared to the larger lots in the area that are between 30,000 s.f. and 42,000 s.f. All of these lots have met the zoning requirements for width, depth, and setbacks except for one (6731 Fonticello).

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 the R-1A zoning district is to recognize the wide variety of lot sizes, and to preserve a larger-lot, lower density pattern compared to R-1B lot sizes (60 feet x 100 feet with 65 feet wide being typical). (PV. Zoning Ordinance 19.06.005). Overall, the intent of the residential districts is "to protect and sustain property values, prevent the physical decline of conditions on private property, prevent conversions of dwellings to uses that are not in harmony with the neighborhood, and generally assure a quality of life of the highest practical order." (19.06.005) Overall the lot size, setbacks and building height standards are intended to promote compatible relationships of buildings to their lot, to each other and to the neighborhood streetscape. A new lot would be required to meet all of these standards, with the only exception being the required lot depth of 108.9 feet rather than 125 feet.

EFFECT OF DECISION:

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 and Section 19.54.030 of the Prairie Village Zoning Ordinance, 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 only to the extent shown on the submitted plans, and specifically only to allow a lot with a depth of 108.9 feet and a width of 110 feet. All other zoning standards shall be meet prior to any building permit being issued.
- 2. Public works confirm that no drainage issues exist for the proposed lot, building location and lot access locations, and in particular, these elements in relation to the storm sewer inlet on the east side of Fonticello.

- 3. The proposed house plan is showing a 3-car garage. If a 3-car garage is built, the driveway and curb-cut access should taper to be narrower within the first 20 feet from the back of curb on Fonticello to disrupt less of the streetscape and have a width comparable to other homes fronting on Fonticello (18 feet to 22 feet max)
- 4. The variance, if approved, is conditioned on a lot spit being approved by the Planning Commission.
- 5. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

VARIANCE APPLICATION BOARD OF ZONING APPEALS

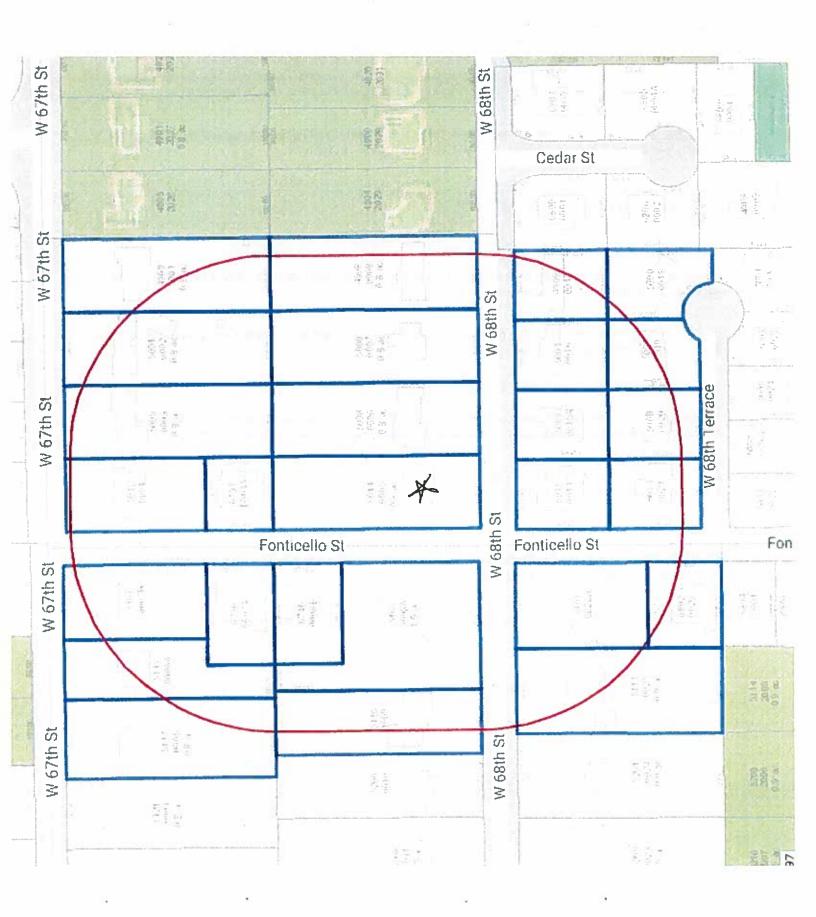
CITY OF PRAIRIE VILLAGE, KANSAS	For Office Use Only Case No: BZA 2017-05 Filing Fee: Deposit: Date Advertised: Public Hearing Date: 11/7/17			
AllEN@ MOFFITT REALTY, COM				
APPLICANT: MOJO BUILT PHONE: 913-980-4797 ADDRESS: 5300 COLLEGE BLVD. O.P. KS ZIP: 66208 OWNER: MOJO BUILT PHONE: ADDRESS 5300 COLLEGE BLVD. O.P. KS ZIP: 66208 LOCATION OF PROPERTY: 5014 W. 684 ST. LEGAL DESCRIPTION: PRARIE WOODS, LOT 5, PVC-8817				
Variance Requested LOT SPLIT RELATED CASE FIFE - PC 2014-105 LOT SPLIT				
ADJACENT ZONING AND LAND USE: Land Use North South East West North 11 North 11 North 11 North 11	Zoning R-1A			
Present use of Property: SINGLE FAMILY RESIDENTIAL				
Proposed Use of Property: SINGLE FAMILY RESIDENTIAL				
Utility lines or easements that would restrict proposed development:				
Please complete both pages of the form and return to:				
City Clerk				

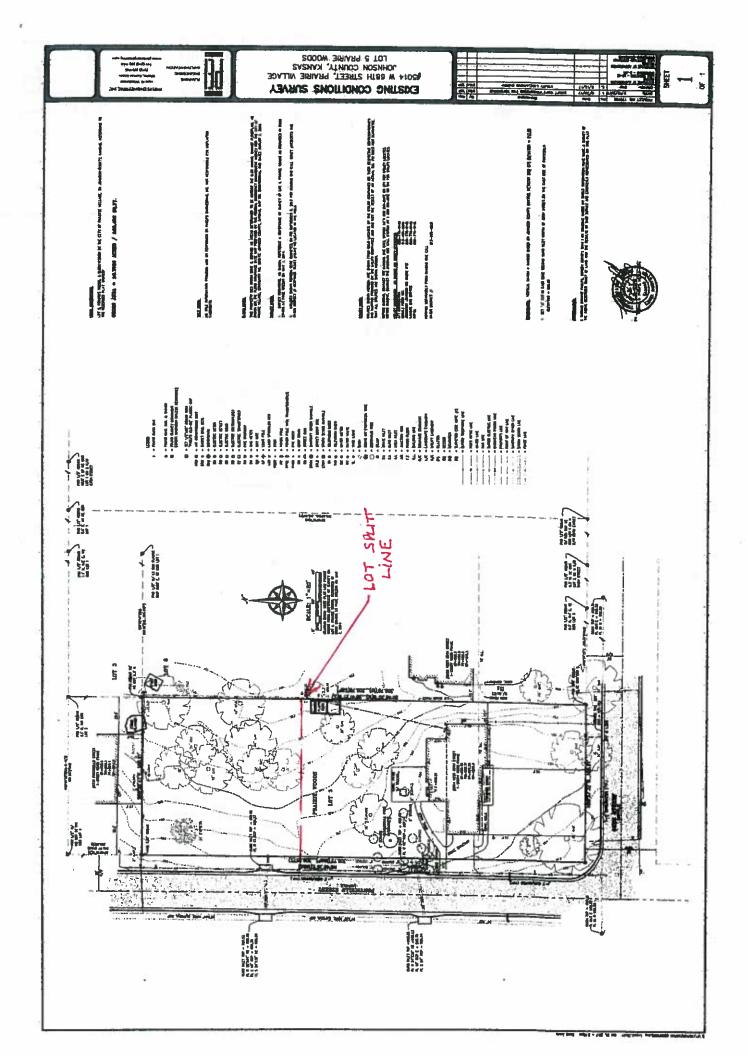
City Clerk City of Prairie Village 7700 Mission Road Prairie Village, Kansas 66208 Please indicate below the extent to which the following standards are met, in the applicant's opinion. *Provide an explanation on a separate sheet for each standard which is found to be met.*

which	is found to be met.		
1.	UNIQUENESS	X_YesNo	
	The variance requested arises from conditions which a in question, which are not ordinarily found in the same are not caused by actions of the property owners or ap include the peculiar physical surroundings, shape, or to the specific property involved which would result in a prunnecessary hardship for the applicant, as distinguished inconvenience, if the requested variance was not grant.	zoning district, and which plicant. Such conditions opographical condition of ractical difficulty or ed from a mere	
2.	ADJACENT PROPERTY	X_YesNo	
	The granting of the variance will not be materially detrir the rights of adjacent property owners or residents.	mental of adversely affect	
3.	HARDSHIP	X_YesNo	
	The strict application of the provision of the zoning regularization of the provision of the zoning regularization of requested will constitute an unnecessary has although the desire to increase the profitability of the principal provision of hardship, it shall not be sufficient reason be variance.	ardship upon the applicant. roperty may be an	
4.	PUBLIC INTEREST	X Yes No	
	The variance desired will not adversely affect the public order, convenience, or general welfare of the communi variance shall not impair an adequate supply of light or substantially increase the congestion in the public streetire, endanger the public safety, or substantially diministrative within the neighborhood.	ty. The proposed air to adjacent property, ets, increase the danger of	
5.	SPIRIT AND INTENT	XYesNo	
	Granting the requested variance will not be opposed to intent of the zoning regulations.	the general spirit and	
6.	MINIMUM VARIANCE	XYesNo	
	The variance requested is the minimum variance that v reasonable use of the land or structure.	vill make possible the	
SIGNATURE: DATE 1015117			
BY: TITLE	JEWOODS: Mamper		

The required [minimum] lot size for new parcels in this R-1a zoning area is 80'-0" x 125'-0" with a 30'-0" front yard setback and 25'-0" rear yard setback. The opposing three "rear" corners of the neighboring properties have all had the lot split completed that you are looking to complete at the respective property. On the west side of Fonticello, the depth was available to complete the full 125'-0" depth. On the east side (to the north) there was not the necessary depth, so the zoning was granted given 5 criteria listed by the BZA:

- * <u>Criteria #1</u> ...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...
- o In this case, the uniqueness of the property could be found relevant of a corner lot with the existing lot dimensions, being exaggerated in length of 307'-0"
- * <u>Criteria #2</u> ...the granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.
- o The primary contender here is the neighbor to the north. Granting will be consistent with previous granting to north no property rights impacted
- *Criteria #3 ...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.
- Price per square foot for the land + only one structure prices it out of the market creating a need to develop a second residence to defray overall costs.
- * <u>Criteria #4</u> ...variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- o Fonticello not being a "through" major street. Previous precedent set across street, no adverse effects
- * <u>Criteria #5</u> ...granting the variance desired will not be opposed to the general spirit and intent of this title.
- o The desire is to continue to develop Prairie Village city, and the argument must be made that you are still providing the minimum lot area (10,000sf), just that it is in a slightly different proportion than is explicitly written in the zoning code. Agreed ...actually granting will do the opposite, it will generate new owners / taxpayers & continue the spirit the spirit being "smart planning & growth"





Kansas City, Kansas Flint Creek 13 Plan

A FACADE STUDY FOR:





3315 W. 75TH ST, SUITE 201 PRAIRIE VILLAGE, KS 66208

ARCHITECTS.

NSPIARCH.COM E321,158,619 .A

P. 913.831,1415

CAERSA RENGES VACHIECTORE T Y NO 2 C Y E E VACHIECTORE VACHIECTORE

