BOARD OF ZONING APPEALS CITY OF PRAIRIE VILLAGE, KANSAS AGENDA December 5, 2017 6:30 P.M.

- I. ROLL CALL
- II. APPROVAL OF MINUTES November 7, 2017
- III. ACTION ITEMS

BZA2016-06 Request for a Variance from PVMC 19.06.030 "Side Yard" and

19.06.025 "Front Yard" to construct an addition of a garage to be built to 7 feet from the side yard property line and 12.5 feet from

the front yard property line on a corner lot

8330 Reinhardt

Zoning: R-1a Single Family Residential District

Applicant: Brad Satterwhite

BZA2016-07 Request for a Variance from PVMC 19.06.035 "Rear Yard" to

reduce the rear yard setback from 25 feet to 17 feet

3707 West 83rd Terrace

Zoning: R-1a Single Family Residential District

Applicant: James Hesse

- IV. OTHER BUSINESS
- V. OLD BUSINESS
- VI. ADJOURNMENT

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

BOARD OF ZONING APPEALS CITY OF PRAIRIE VILLAGE, KANSAS MINUTES TUESDAY, NOVEMBER 7, 2017

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, November 7, 2017 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: Jonathan Birkel, Melissa Brown, 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, City Administrator; Mitch Dringman, Building Official and Joyce Hagen Mundy, Board Secretary.

APPROVAL OF MINUTES

Jim Breneman moved the approval of the minutes of the September 12, 2017 meeting as presented. The motion was seconded by Nancy Wallerstein and passed unanimously.

BZA2017-05 Request for a Variance from PVMC 19.06.041 "Lot Size" to reduce the lot depth from 125 feet to 108.9 feet 5014 West 68th Street

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 Zoning Appeals 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 making 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:

	Width	<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.

Mr. Brewster noted that a variance was granted for 6731 Fonticello by the Prairie Village BZA in March 2014

Additionally, nine 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.

Nancy Wallerstein questioned if proper notice had been given for this public hearing. The Board Secretary replied the notice of hearing was published on October 17, 2017 and the city has received a copy of the mailing sent to residents within 200 feet of the site along with a list of those property owners received notification.

Jim Breneman asked if it had been verified whether this lot contained an easement similar to that shown between lots 2 and 3 for future roadway. Mr. Brewster replied that what they have been able to review, it does not. However, they have only received data from the AIMS map and therefore staff is recommending as a condition of approval that this be confirmed prior to the issuance of a building permit. Mr. Breneman asked the applicant if he was aware of any easements. Mr. Moffit replied he was not.

Chairman Gregory Wolf opened the public participation hearing and invited comments from residents in attendance.

Alex Wooldridge, 6740 Fontana, which is across the street from the proposed requested variance expressed opposition to the requested variance based on the density of the home proposed to be built on the lot. He noted several homes in this area have lot coverage of less than 10%. He acknowledged that city code allows lot coverage of 30%, but he feels the home proposed for this lot would be too dense and out of character with the homes in the immediate area. This neighborhood is recognized for its large lots and moderate size homes. He acknowledged that a previous variance was granted, but asked that this application be considered independently.

With no one else wishing to address the Board, the public hearing was closed at 6:44 p.m.

Chairman Gregory Wolf noted Section 19.54.030 of the Zoning Ordinance requires the Board to find that all five conditions required under K.SA.12-759 to be met and led the Board in a discussion of each of these:

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. The Board agreed with the staff analysis and felt this condition has been met.

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 regulations, 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 as 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.

Melissa Brown confirmed that the new lot would be zoned R-1a and meet all the requirements under that zoning except for the lot depth. Mr. Breneman noted that the proposed lot is the same depth as Lot #6 and ten feet wider. The Board agreed with the staff analysis and felt this condition has been met.

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.

Mrs. Brown questioned the hardship placed on the owner, but Mr. Lenahan pointed out being unable to develop his property is a hardship. The Board agreed with the staff analysis and felt this condition has been met.

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 68^{th} 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). The Board agreed with the staff analysis and felt this condition has been met.

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. 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." 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. The Board agreed with the staff analysis and felt this condition has been met.

Chris Brewster reviewed the following conditions of approval recommended.

- 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 met 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.

Mr. Breneman stated that he felt condition #3 was not related to the requested lot depth variance and would be more applicable to the later consideration by the Planning Commission of the requested lot split.

Jim Breneman moved that the Board after reviewing the information submitted and consideration of the testimony during the public hearing find all criteria required by state statutes and Section 19.54.030 of the Prairie Village Zoning Ordinance, to have been met and approve BZA 2017-05 request for a variance from PVMC 19.06.041 reducing the required lot depth from 125 feet to 108.9 feet for the property located at 5014 West 68th 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 a lot with a depth of 108.9 feet and a width of 110 feet. All other zoning standards shall be met 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 variance, if approved, is conditioned on a lot spit being approved by the Planning Commission.
- 4. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

The motion was seconded by Pat Lenahan and passed unanimously.

OLD BUSINESS

Nancy Wallerstein stated that she felt the Board would be discussing the procedural change from voting on each condition required for a variance independently to a general discussion and one vote on the requested variance.

Chris Brewster noted he had been monitoring the voting process followed by the Board whereby a vote was taken on each condition and then a final vote taken on the request. He spoke with the City Attorney regarding this practice and if it was required, noting that it presents an opportunity for technical errors to be made. The City Attorney has made the following recommendation:

- 1. The Board should discuss each factor independently to build the record either based on facts in staff report, applicant testimony, or Boards own discussion and opinions, but not vote on each factor.
- 2. After discussion of all factors, a motion can be made to approve (based on all factors being met) or deny (based on any one factor being met).
- 3. A Board member voting against a motion to approve should indicate which factor they believe was not met; similarly a motion to deny should state which factor(s) were not met.
- 4. A majority vote would carry either a motion to approve or deny the variance

Mr. Brewster noted that under the individual vote, all factors could pass by a majority of the Board (i.e. 7-0, 6-1, 4-3, etc.); but among the 5 factors there could be less than a

majority of the Board finding that all 5 were met (i.e. if 4 or more of you voted against factors, but different ones); when the Board votes on the variance as a whole, there could be a tendency to vote for it since all factors did pass by a majority. With the above recommended procedure, that would not happen.

However, if you are comfortable and prefer voting on each individual factor independently, and then the variance as a whole separately, you may still do that, but:

- 1. Anyone who voted against any factor, has to vote no on the overall variance; and
- 2. If at any point in the individual votes a factor does not get a majority, the case would be denied by default and there would be no need to vote on other factors or the overall variance.

Mrs. Wallerstein noted that she felt it would have been appropriate to have this discussion with a decision made by the Board rather than being told. She confirmed that under the individual vote process if someone felt strongly that the condition of hardship was not found and voted as such that they would need to vote against the motion to approve the variance as they did not find that all five conditions had been met.

Jim Breneman noted the process with casting only one vote appears to be faster, but if there was an application that members felt strong about individual votes could be taken following the direction given. Mr. Lenahan confirmed that the bottom line is that the vote on the individual criteria must be reflected in the vote on the final recommendation - if you voted no on a criteria, you must vote no on the requested variance. Mr. Lenahan stated he supported the general discussion with the ability if the Board felt it was needed to be able to vote individually on the criteria.

NEXT MEETING

Board Secretary Joyce Hagen Mundy reported two applications have been received for consideration by the Board in December.

ADJOURNMENT

Chairman Gregory Wolf adjourned the meeting of the Board of Zoning Appeals at 7:00 p.m.

Gregory Wolf Chairman

STAFF REPORT

TO:

Prairie Village Board of Zoning Appeals

FROM:

Chris Brewster, AICP, Gould Evans, Planning Consultant

DATE:

December 5, 2017

Application:

BZA 2017-06

Request:

Variance for the Side Yard Setback to 7 feet and for the Front Yard

Setback to 12.5 feet.

Property Address:

8330 Reinhardt Street

Applicant:

Brad Satterwhite, KEM Studio; Shawn and Amy Kennedy, Owners

Current Zoning and Land Use:

R-1A Single-Family Residential - Single-Family Dwelling

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:

CORINTH MEADOWS LOT 8 BLK 2 PVC-0617 0041

Property Area:

0.27 acres (11,870.65 s.f.)

Related Case Files:

None

Attachments:

Application, site plan and building plans

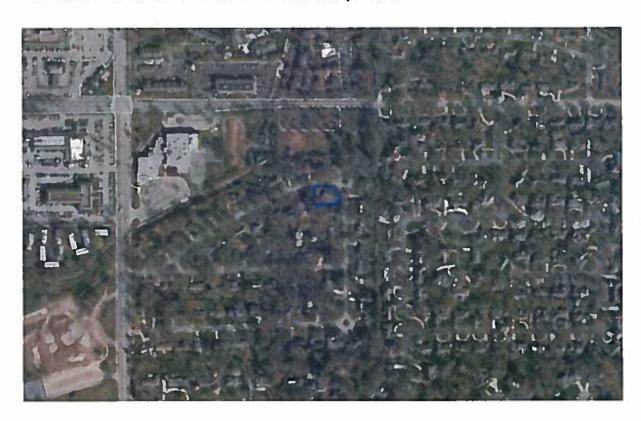
STAFF REPORT BZA 2017-06

December 5, 2017

General Location Map



Aerial Map







Street Views

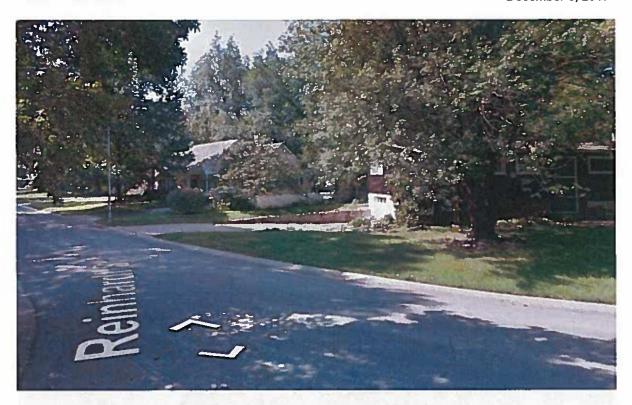


Street view (looking north on Reinhardt)

BZA 2017-06

STAFF REPORT

December 5, 2017



Street view (looking south on Reinhardt - 8330 on the right)

SUMMARY:

The applicant is requesting a variance from Section 19.06.025 and 19.06.030 to allow the extension of the structure, and replacement of the existing sub-grade side-entry garage. The lot is zoned R-1A, and though the address is 8330 Reinhardt, the house fronts on and is oriented toward the intersection of Reinhardt and West 83rd Terrace. The R-1A district requires lots to be at least 80 feet wide and 125 feet deep (10,000 s.f.). This lot's dimensions are approximately 93 feet (west boundary) by 130 feet (south boundary), and the total area is 11,870 square feet. The lot is a corner lot with the property lines on the north and east sides arching with the curve of the street and the intersection of Reinhardt and West 83rd Terrace.

The lot is on an irregular shaped block that is essentially a triangle formed by the loop of West 83rd Terrace, Reinhardt, and West 84th Street, and is on the northeast corner of this block. Each of the abutting lots share a side lot boundary line with the subject lot, and there is no rear-to-rear lot line relationships for this lot.

The applicant is proposing to add a single-story, first-floor addition to the southeast corner, for a garage addition (approximately 26' x 27'), including associated grading, fill and retaining wall work. This work would eliminate the existing below-grade garage entry and bring a side entry garage to the surface. Part of the reason for the applicant requesting this change is to eliminate storm water and flooding issues associated with the prevailing drainage, existing driveway slope, and below-grade garage entry. The addition would be 12.5 feet from the lot line along Reinhardt at its closest point, and 7 feet from the abutting properties side lot line at its closest point. Due to the angled orientation of the existing house, the proposed structure tapers back into compliance with setbacks further towards the existing home.

Due to the irregular shape and corner location of the lot, and the existing building's "intersection orientation", it is difficult to apply the required setbacks. However, the strict interpretation of the code would require the Reinhardt side to be the "front" requiring a 30-foot setback, and the south property line being the "side" requiring at least 7 feet, but 20% of the lot width total. In this case the lot width would be approximately 93 feet, requiring approximately 18.6 feet between both "sides." The proposed addition is proposed to be 12.5 feet from the east ("front" property line, rather than 30 feet); and 7' from the south ("side") property line.

generally compliant. (The 20% cumulative side setback is difficult to determine with the curving lot line and angle of the existing home. However, no portion of the proposed addition, or the existing home, is near West 83rd Terrace, and the closest point is the far northwest corner, which is approximately 20 feet from West 83rd Terrace – therefore the 20% is likely met under any interpretation).

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 on an irregular triangle-shaped block and is a corner lot with an irregular shape. The existing home is angled on the lot with an "intersection orientation". Although it is larger than required, the corner location and intersection orientation of the existing structure makes it difficult to apply the required setbacks appropriately.

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 an extension primarily to the east and closer to the street, but due to the angle of the existing building, it would also angle closer to the lot and building to the south. It would be approximately 20.35 feet from the existing structure at the closest point and would extend about 7 feet in front of the adjacent house's frontage at the closest point along Reinhardt. This is the side orientation of the house to the south and is beyond the 14-foot separation required for side setbacks of two adjacent homes.

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.

Although the lot meets the R-1A minimum area standards, the irregular shape of the lot leaves an unusual buildable footprint when setbacks are applied to the lot. The layout essentially creates two front yards (Reinhardt and West 83rd Terrace) and two side yards (south and west boundaries), but no rear yard. However, a strict interpretation of the ordinance would make:

- Reinhardt the front (30 feet minimum setback),
- the south lot line an interior side (7 feet minimum setback, plus 20% cumulative lot width)
- West 83rd Terrace a street side (15 feet minimum setback, plus 20% cumulative side)
- The west lot line the rear (25 feet minimum setback)

This buildable area is slightly smaller than typical R-1A lots and smaller than those in the area. Although it can result in a usable building footprint and modest home, expansion of the existing house is constrained by this footprint due to the angle, and when compared to other typical homes in the area.

Additionally, the applicant has indicated that the prevailing drainage in the area, combined with the existing driveway grade and sub-grade garage entry is creating drainage and flooding problems for the structure. The proposal is to fill this in to correct that, while adding an above-grade garage entry.

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. The proposed addition is consistent with the architectural character of the existing building, is of a similar scale to other buildings in the vicinity. The proposal reflects investment in existing structures within the neighborhood.

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 rear, front and side yard setbacks is to manage the relationship of the building to the streetscape and to adjacent buildings, as well as to permit building footprints in scale with the lot size.

The extent of the requested deviation is modest compared to the size and shape of the lot, and the resulting permissible building footprint. Arguably, each of the lot lines impacted by this request (east and south sides) is a side lot relationship, and the requested variance is either comparable to or meets what would be required. The 12.5 feet from Reinhardt is comparable to the 15 feet required for street side yards on corner lots, and the 7 feet from the south lot line would meet the minimum required side yard setback. The existing home has its deepest setbacks and more prominent relationship to West 83rd Terrace (greater than 30 feet at most locations, and only slightly encroaching into this area at the southwest corner due to the angle of the home). The proposed addition will project in front of the typical house frontages on this block further south on Reinhardt Street, but it is only approximately 7 feet in front at the closest point to these lots, while deeper the closer it gets to West 83rd Terrace.

The proposed addition is comparable in style and massing to the existing home. Other than the expanded footprint, the proposed addition does not introduce any significant changes into the neighborhood compared to the existing home.

EFFECT OF DECISION:

After reviewing the information submitted and considering 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 conditions:

- 1. That the variance be granted only to the extent shown on the submitted plans, and specifically only to allow an addition up to 7 feet from the south lot line and up to 12.5 feet from the Reinhardt lot line, limited to the extent shown on the proposed building plans.
- As part of the building permit process, Public Works shall review and approve any grading plans, and particularly ensure that drainage to the adjacent property and to the public stormwater system is not adversely impacted
- 3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

APP 0016123 # 0016123

VARIANCE APPLICATION BOARD OF ZONING APPEALS

CHIT OF P	KAIRIE VILLAGE, KANSAS	For Onice Use Only
		Case No: <i>BZA 2017-06</i>
		Filing Fee:
		Deposit:
		Date Advertised:
		Public Hearing Date: 12/5-//7
APPLICAN	T: BRAD SATTERWHITE	PHONE: 816 808 8185
	1515 GENESSEE STREET, ST	TE. 11, KCMO ZIP: 64102
OWNER: H	KENNEDY, SHAWN P. and AMY	S. PHONE:
ADDRESS	8330 REINHARDT ST, PRAIRI	E VILLAGE, KS ZIP: 66206
	LOCA	TION OF
PROPE	RTY: 8330 REINHARDT ST	LEGAL
	RIPTION: CORINTH MEADOWS	S LOT 8 BLK 2 PVC-0617 0041
	Dec Comments of the Comment	
		I
Variance R ADJACENT	Requested SIDE YARD AND FF F ZONING AND LAND USE: R1 Land Use	RONT YARD SETBACK -A Zoning
North		
North South	RESIDENTIAL	R1-A
	RESIDENTIAL	R1-A
East West	RESIDENTIAL	R1-A
vvest	RESIDENTIAL	R1-A
Procent wa	o of Proporty: DECIDENTIAL	
Ligodiii US	e of Property: RESIDENTIAL	
Proposed I	Jse of Property: RESIDENTIAL	
i iohosea (Dae of Froperty. NEOIDENTIAL	
Utility lines NONE	or easements that would restrict	t proposed development:
Please con	nplete both pages of the form an	d return to:
	City Clerk	
	City of Prairie Village	

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		X YesNo	
	The variance requested arises from conditions we in question, which are not ordinarily found in the are not caused by actions of the property owners include the peculiar physical surroundings, shape the specific property involved which would result unnecessary hardship for the applicant, as disting inconvenience, if the requested variance was no	same zoning s or applicant e, or topogra in a practica guished from	district, and which to Such condition phical condition of the difficulty or	ch s
2.	ADJACENT PROPERTY	. 🖫 .	x_YesNo	
	The granting of the variance will not be materially the rights of adjacent property owners or residen		of adversely affe	ect
3.	HARDSHIP		x_YesNo	
	The strict application of the provision of the zonic variance is requested will constitute an unnecestal Although the desire to increase the profitability of indication of hardship, it shall not be sufficient revariance.	sary hardship of the property	o upon the applic y may be an	ant.
4.	PUBLIC INTEREST		x_YesNo	
	The variance desired will not adversely affect the order, convenience, or general welfare of the covariance shall not impair an adequate supply of substantially increase the congestion in the public, endanger the public safety, or substantially values within the neighborhood.	mmunity. The light or air to lic streets, inc	ne proposed adjacent propert adjacent propert crease the dange	y,
5.	SPIRIT AND INTENT		x_YesNo	
	Granting the requested variance will not be oppointent of the zoning regulations.	osed to the g	eneral spirit and	
6.	MINIMUM VARIANCE		x_YesNo	
	The variance requested is the minimum variance reasonable use of the land or structure.	e that will ma	ake possible the	
SIGN	NATURE: DAVI SAMON.	DATE	11/02/2017	_
	BRAD SATTERWHITE E: PRINCIPAL			

KEM STUDIO

2 November 2017
CITY OF PRAIRIE VILLAGE, KANSAS
BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE

RE: KENNEDY RESIDENCE GARAGE ADDITION
KENNEDY, SHAWN P. and AMY S.
8330 REINHARDT ST
PRAIRIE VILLAGE, KS 66206
70NING: R-1A

Dear Board of Zoning Appeals,

We are seeking a variance to the side yard setback requirement set forth in section 19,06,030 and 19,06,025 of the Prairie Village, Kansas Zoning regulations, such that an addition of a garage be built to [7] feet from the side yard property line and (12,5) feet from the front yard of this corner lot. We ask that you consider the conditions describe below as meeting your criteria for approval.

General Description - Storm water runoff from Reinhardt Street to the southeast and West 83rd Terrace to the northeast/northwest feeds directly to the driveway and finished basement of this property, as it is the low spot in the neighborhood. Flooding of the garage and basement has been a reoccurring issue. The current house and landscape are unchanged from the original property construction. To remedy this issue, we are proposing a 2 car garage addition to the east of the existing home. The elevation of the proposed garage will be raised equal to that of the front entry of the house, resulting in a floor elevation that is slighting above the street level. This will allow the driveway to slope away from the house toward the yard and street, thus preventing the basement level from flooding. To achieve the garage addition with minimum standard dimensions we will be encroaching on the side yard setback and a portion of the front yard for corner lots. Therefore we are requesting a variance in this instance to accommodate the addition.

Criteria #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.

Storm water runoff from Reinhardt Street to the southeast and West 83rd Terrace to the northeast/northwest feeds directly to the
driveway and finished basement of this property, as it is the low spot in the neighborhood. Flooding of the garage and basement
has been a reoccurring issue. As the house currently exists and the landscape are unchanged from the original property.

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

The addition of the garage will be immediately north of the 8338 Reinhardt St. property and their existing attached garage. The
setback from this adjacent property will be [7] feet, thus will not adversely affect the rights of the adjacent property owner
should they choose to expand their home to their [7] feet setback, maintaining the Prairie Village requirement 19.05.030.A of
[14] feet between a dwelling on said lot and the dwelling located on the adjacent property. The [12.5] feet variance for the front
yard setback also will not affect their rights.

Criteria #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.

Should this property be held to the strict application flooding will continue to occur, damaging the property and making the
occupants susceptible to health and safety risk. The variance eliminates this unnecessary hardship by allowing positive
drainage away from the basement and still allowing the owners to have an enclosed garage.

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

 The variance will result in a structure that is a safe distance from the adjacent dwelling and consistent with the setback requirements of interior lots. We believe it will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

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

 The variance will not adversely affect green space, traffic safety, light and air, neighborhood conformity, etc. The addition will be in the same style and massing as the existing home.

CONCLUSION

We believe this request meets the intent of your [5] criteria and ask for Board of Zoning Appeals approval. Thanks you for your time and consideration.

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

The Board of Zoning Appeals will hold a public hearing on Tuesday, December 5, 2017, 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 2017-06

Variance from Section 19.06.030 "Side Yard" and 19.06.025 "Front Yard" to construct an addition of a garage to be built to seven feet from the side yard property line and 12.5 feet from the front yard property line of this corner lot.

8330 Reinhardt Street

Zoning: R-1a Single Family Residential District

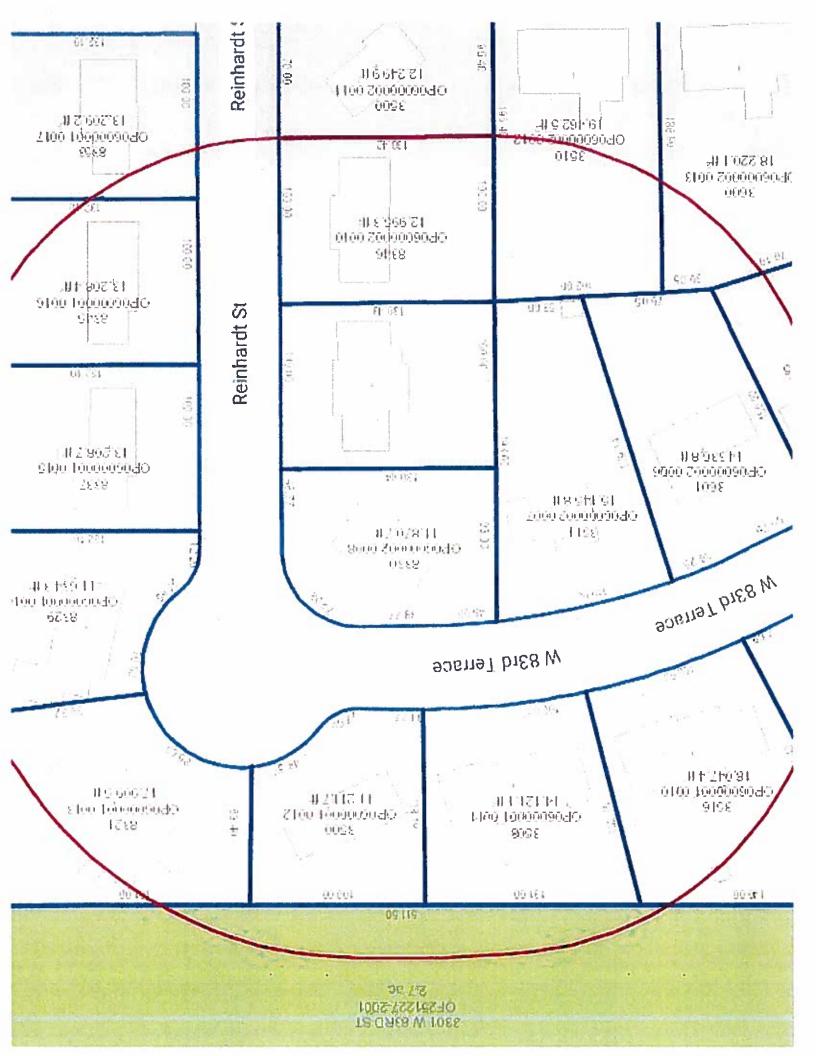
Applicant: Brad Satterwhite

The property legally described as: Corinth Meadows Lot 8, Block 2 PVC-067 0041

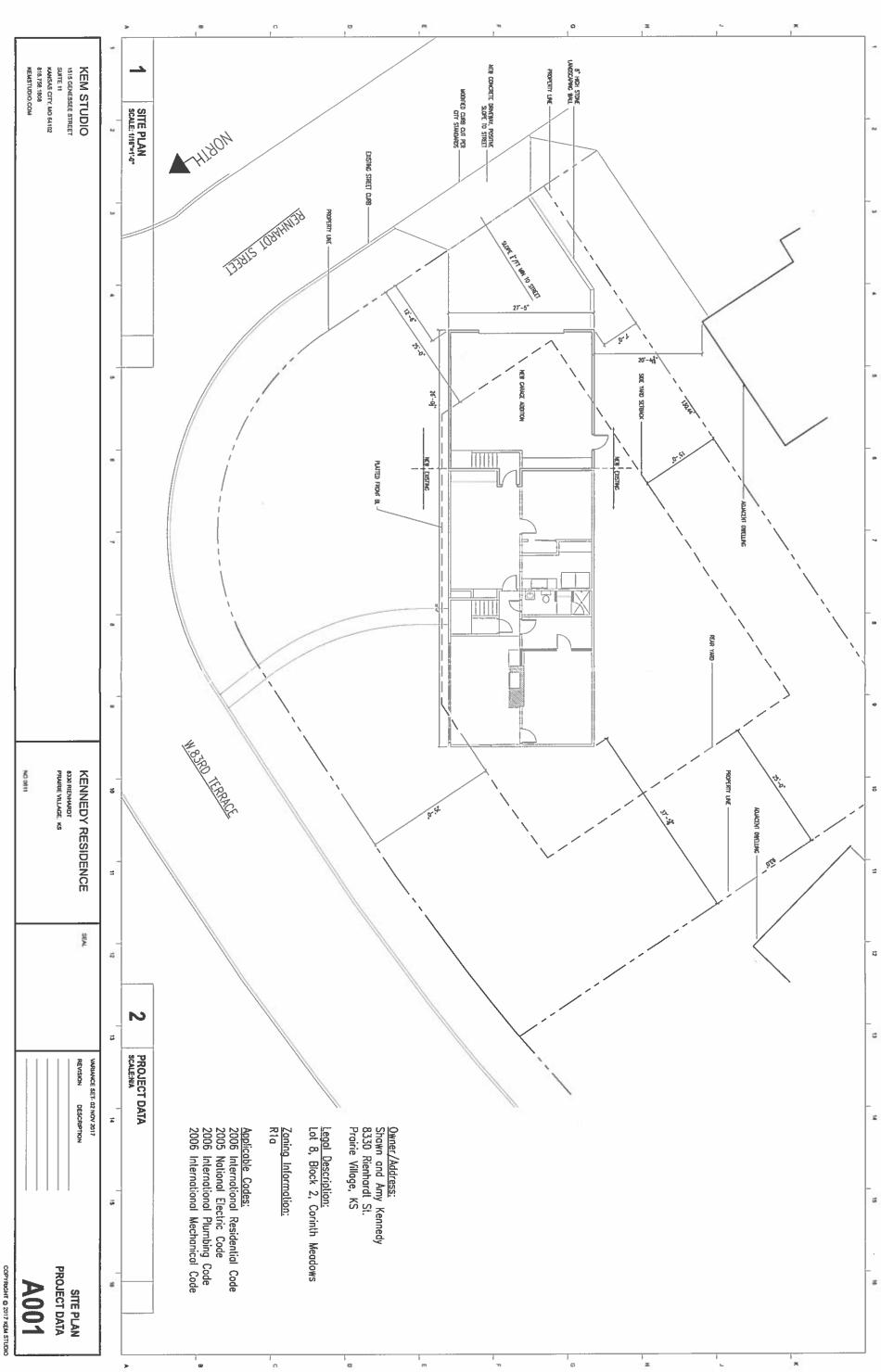
The applicant is requesting a variance to the side yard setback requirement for an addition of a garage to be built seven feet from the side yard property line and twelve and a half feet from the front yard of this corner lot.

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







1515 GENESSEE STREET SUITE 11 KANSAS CITY, MO 84102 B18.758,1809 KEMSTUDIO.COM N KEM STUDIO NORTH ELEVATION SCALE:1/8"=1'-0" SOUTH ELEVATION SCALE:1/8"=1'-0" CEDAR SHACE SONC TO MATCH EXISTING, EXPOSED WOOD RAFTER TO WATCH EXISTING, PARITO ASPIRAL ROOF TO MATCH EXISTRIC CANS TO MATCH EXISTING, PANTED -ANDON2 ID MYLCH CAZLING 5 DISTRICT. 12'-2| 9'-2" 12'-22 B'-0" 9'-2" KENNEDY RESIDENCE 8330 RIENHARDT PRABBIE VILLAGE, KS NO 0811 B'-0° ယ DOSTING EAST ELEVATION 5 SEAL 귫 REVISION VARIANCE SET- 02 NOV 2017 DESCRIPTION 22 ASPAULI ROOF TO WATCH EXISTING EXISTING, PARTED TO WATCH TRANSPARENT STAN EXPOSED 19000 PAFTER TO WATCH EXISTING, PAINTED SOLID GOOK, PAINT ASPHALT ROOF TO MAJOH EXISTING DEDIA SHAC SONG TO WAICH EXISTING SOLID DOOR, PANT DUSTING STRUCTURE BEYOND CAU TO WATCH DISTING, PAYTED CAN TO MATCH EXISTING, PANTED ij, EXTERIOR ELEVATIONS A002 前

0

ំព

STAFF REPORT

TO:

Prairie Village Board of Zoning Appeals

FROM:

Chris Brewster, AICP, Gould Evans, Planning Consultant

DATE:

December 5, 2017

Application:

BZA 2017-07

Request:

Variance for Rear Yard Setback from 25 feet to 17 feet

Property Address:

3707 West 83rd Terrace

Applicant:

James Hesse, Renew Design LLC

Current Zoning and Land Use:

R-1A Single-Family Residential - Single-Family Dwelling

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:

CORINTH MEADOWS LOT 2 BLK 2 PVC-0617 0035

Property Area:

0.24 acres (10,535.03 s.f.)

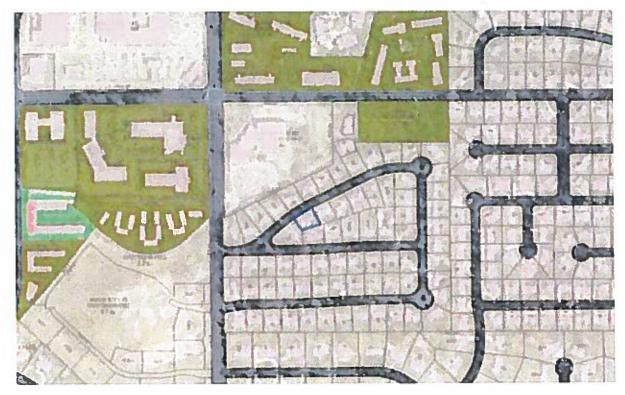
Related Case Files:

None

Attachments:

Application, site plan and building plans

General Location Map



Aerial Map



Aerial Site



Street Views



Street view - front



Street view looking west on West 83rd Terrace

SUMMARY:

The applicant is requesting a variance from Section 19.06.035 to allow a rear addition to the existing building to extend up to 8 feet into the required 25 feet rear yard setback. The applicant owns the subject lot, zoned R-1A, on West 83rd Terrace. The R-1A district requires lots to be at least 80 feet wide and 125 feet deep (10,000 s.f.). This lot is 120 feet wide and is 80 feet deep on the west boundary and 105 feet deep on the east boundary, and the total area is 10,535 square feet. It is a legal non-conforming lot that was platted in 1954, prior to the zoning ordinance and R-1A standards. The lot meets the requirements for R-1A in all respects other than lot depth.

The lot is on an irregular shaped block that is essentially a triangle formed by the loop of West 83rd Terrace, Reinhardt, and West 84th Street. The lot immediately to the west is the point of the triangle, and has an "intersection orientation", fronting on the point of the triangle and with a rear lot line abutting the west boundary of this property and the west boundary of the property to the south. Each of the two lots first in from the point of the block are the shallowest lots on the block, with lots increasing in depth further to the east.

The applicant is proposing to add a single-story, first-floor addition to the rear of the southeast corner, including a bedroom (approximately 17' x 13') and a living room (approximately 16' x 18'). The bedroom addition complies with the rear setback; however, the living room addition is deeper and is also located on a shallower portion of the lot where the rear lot line tapers in. This portion of the addition would extend into the required rear setback between 5 feet at the shallowest and 8 feet at the deepest (this would be in place of the existing sunroom that extends into the required setback approximately 3 feet). The addition would be 17 feet from the rear property line at the closest, and approximately 50 to 55 feet from the nearest structure – the rear of the house on the lot to the south that fronts on 84th Street.

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 on an irregular triangle-shaped block and is the first lot in from a triangle-shaped "intersection lot", making it one of the shallowest lots on the block. The lots get progressively deeper to the east. This also makes the lot irregularly shaped, as the west boundary is less deep than the east boundary. The lot is also a legal non-conforming lot. Although it is larger than required, and has a significantly greater width than is required in R-1A, it does not meet the depth requirement and is therefore shallower than most lots in the district.

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 an extension into the rear yard. The extension meets the required setback in most locations, except for a 16-foot wide portion that extends between 5 feet and 8 feet into the setback. This extension is a first-floor, single-story addition with a roof pitch matching the existing structure. The portion of the extension that does not meet the setback is in place of an existing sunroom that also does not currently meet the setback, although the proposed addition extends further. The closest property boundaries to the addition are all rear lot lines due to the "intersection orientation" of the lot to the west, and the nearest structure is the rear of the existing home, which is located on the lot to the sough approximately 55 feet from the structure.

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.

Although the lot meets the R-1A minimum area standards, the irregular shape of the lot leaves an unusual buildable footprint when setbacks are applied. The front building line curves with the slight arc of West 83rd Terrace, and the shorter west property line results in a wedge-shaped building footprint. This buildable area is smaller than typical R-1A lots and smaller than those in the area. Although it can result in a usable building footprint and modest home, expansion of the existing house is constrained by this footprint, compared to other typical homes in the area.

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. The proposed addition is consistent with the architectural character of the existing building, is of a similar scale to other buildings in the vicinity, and proposal reflects investment in existing buildings in the neighborhood.

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 rear yard setback is to manage the relationship of adjacent buildings, and to permit building footprints in scale with the lot size. The extent of the requested deviation is modest compared to the shape of the lot and the resulting permissible building footprint. The deepest portion of the proposed addition is centered on the back of the home (offset from the prevailing side building line to the east, and nearest to rear lot lines on the west and south). The addition tapers to where it is fully compliant with the required rear setback towards the east side of the lot.

EFFECT OF DECISION:

After reviewing the information submitted and considering 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 conditions:

- 1. That the variance be granted only to the extent shown on the submitted plans, and specifically only to allow a rear setback of 17 feet, limited to the extent shown on the proposed building plans.
- 2. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

Cust # 017821 App # 0016096

VARIANCE APPLICATION BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS	For Office Use Only Case No: BZA2017-07 Filing Fee: 975 Deposit: Date Advertised: 11/14/17 Public Hearing Date: 12/5/17
APPLICANT: James R Hesse ADDRESS: 414 W 615 ST OWNER: ADDRESS LOCATION OF PROPERTY: 3 LEGAL DESCRIPTION:	PHONE: ZIP: Guis PHONE: ZIP: ZIP
	BIK 2 PV L-061
Variance Requested to Extend	B' into rear yard Setback Dew family Room Addition.
ADJACENT ZONING AND LAND USE: Land Use North 3708 W 8304T Res. South 3700 W 84457 Res. East 3701 W 8304 T Res. West 3714 W 8304 T Res.	R-IA
Present use of Property: Reside	ntial
Proposed Use of Property: Reside	ential
Utility lines or easements that would restrict pr	roposed development:
Please complete both pages of the form and re	eturn 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

2. ADJACENT PROPERTY ___Yes_XNo

inconvenience, if the requested variance was not granted.

The granting of the variance will not be materially detrimental of adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP* <u>X</u>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_XNo

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_X_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:_	Joseph	DATE	11/2/17
BY:	James R Hesse		
TITLE:	property owner		

Prairie Village. Kansas Board of Zoning Appeals

3707 W 83rd Terrace

11/2/2017

Criteria Statements

Applicant:

James R Hesse, Renew & Design, LLC 816.560.1418 Property Owner/ General Contractor

Variance Requested:

To build a new family room structure that will extend 7-8 feet into the 25 foot rear yard setback.

Criteria #1

We find that this particular parcel/lot is unique in this area for these four(4) reasons:

- 1. Shallow lot depth
- 2. Unique parcel shape with a "Pinched" West end of the lot
- 3. Curved front street encroaching the front yard set back of home (pushing home back)
- 4. Smaller than average lot/parcel size

We feel that for these 4 reasons above, in particular #2 and #3, that we should be allowed to extend an additional 5 feet into the rear yard set back to build a new family room.

We feel that this approach will provide a better and permanent structure than the existing, compromised sunroom (that already extends 3 feet into rear setback) and that this new family room will increase the value of the home, provide an improved layout, increased living space and overall create a better function for the home. Any owner in this neighborhood would have the option and the right to easily build this normal sized family room for increased living space and pleasure, but due to the 4 unique limitations mentioned above, we feel that we are unfairly subjected to additional and unusual hardships and restrictions.

Most of the parcels in this area have side yard property lines that run parallel. Most parcels in the area, and in Prairie Village as a whole, are generally square to rectangular in format, with corners that come close to being 'square' where side yard lot lines meet the front street or meet at the back lot line. This parcel in particular is shaped like a thick wedge, or is partially "pie shaped" with the West side yard length only measuring 80 feet deep, and the East side yard only measuring back 105.27 feet deep. This is also the smallest parcel we found in this direct neighborhood. We find that every other parcel in this neighborhood,

except for the parcel directly behind this lot, extends at a minimum of 114 to 120 feet deep. We feel that the unique pie shape format of this parcel combined with the smaller than average West side yard length of only 80 feet puts this home at a disadvantage of having the normal and expected development opportunities. Due to its particular "Pie" shape and also due to the natural curve of the front street, thus encroaching into the NW corner of the front yard, the front of the house is pushed back slightly, almost out of line (square) with the front yard setback. We have found that this home is pushed back further into this 25 foot rear yard set back than would be normal but if the front street were straight, and not curved, this intrusion would not occur. If this were not the case, we feel that we would most likely have the additional footage of rear yard building space we are seeking to work within for our newly planned family room.

As mentioned above, there presently exists a sunroom that extends into the 25 foot rear yard setback by about 3 feet. We are asking to extend an additional 5 feet to be able to provide an adequately sized single story, family room for this sized footprint of a home. We are not asking to build a large two story structure, nor make any radical changes that would grossly increase the appearance, or the presence of this newly proposed structure to the surrounding neighbors that does not already exist. We feel that this additional extension into the back property will go mostly unnoticed to the surrounding neighbors and the neighbor directly behind. There currently is a 6 foot fence at the back yard that will remain and almost completely conceals the two homes from each other. We feel our newly proposed family room structure will retain this sense of concealment and understated presence to continue in this quiet Prairie Village neighborhood.

Criteria #2

. .

No, we do not feel that this will impact nor alter any condition that is not already preexisting. As stated above, there already exists a three season sunroom that opens to the outside. The current owners have a hot tub in this sun room and have a grill outside. This space outside of the sunroom and adjacent to the property is already developed for outdoor entertaining thus barbeques and parties. Our structure will actually act more as an insulating barrier and provide more privacy for both homes in this scenario.

Criteria #3

I think this was adequately explained above in statements for <u>Criteria #1</u> in regards to the unique shape of this property combined with the encroaching curvature of the front street and the smaller than average lot size.

This unique situation, if following the strict application of the rear yard setback would thwart any attempts to build and attach a normal sized family room to this home, making this particular provision of the 25 foot rear yard setback impractical and over bearing to this property. We feel almost any other owner with almost any other parcel in Prairie Village would have the ease and simple ability of building this family room due to the normal expectations of having normal yard depth that you find in most lots in the Kansas City area.

Criteria #4

We feel since the variance we are requesting lies at the back of the home, out of sight of most of the public, that this will have no affect, or any new influence to the public in any way. We also feel that our proposed improvements will have a positive effect to the neighborhood and not only increase value, and equity in the home, but will bring about an improved, fresh look to the home and also to the neighborhood as a whole.

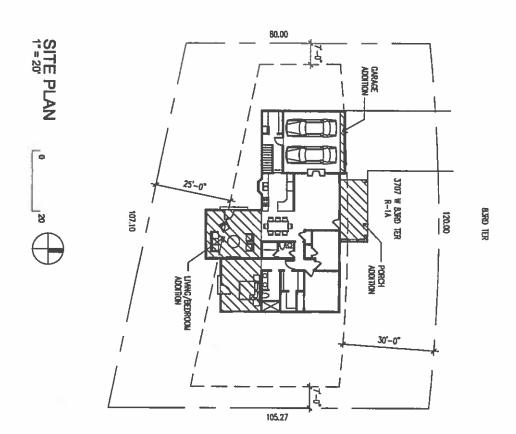
Criteria #5

We feel that the slight alteration that we are requesting to this provision will not oppose the general spirit of the title due to the unique nature of the parcel in question here and again to the placement of the home on the parcel. We feel that we are asking for a very small exception here and restraining our proposed improvements and trying to stay as close to conformity of the provision as possible. Again, This is an attempt to deal with the unique hardships this parcel poses, and at the same time improving this home to the best of its possibilities.

Janes of Hasse 11/2/17



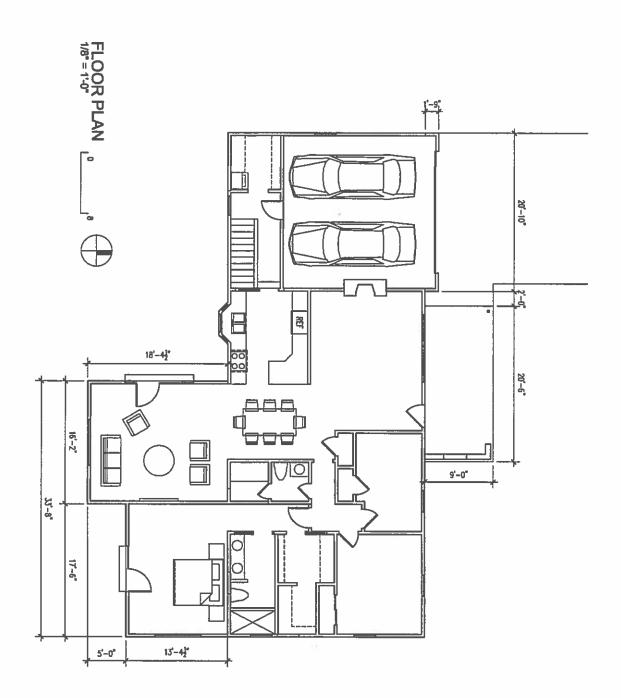




James P Hesse 414 W 61915t Kcmo 64113

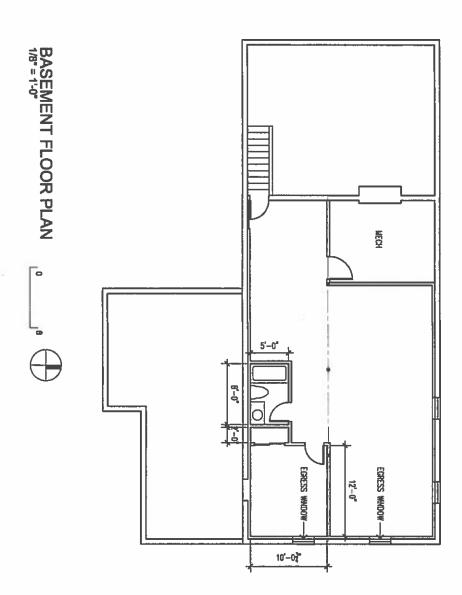
RENEW AND DESIGN 3707 W 83RD TERR PRAIRIE VILLAGE, KS







어요 N



October 27, 2017 Revisions

