

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
AGENDA  
February 6, 2018  
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - December 5, 2017

III. PUBLIC HEARINGS

BZA2018-01 Variance from Section 19.08.025(a) "Side Yard" of the Zoning Ordinances to reduce the west side yard setback from 6 feet to 4 feet  
4111 West 73<sup>rd</sup> Terrace  
Zoning: R-1b Single Family Residential District  
Applicant: John Schutt

IV. OTHER BUSINESS

V. ADJOURNMENT

If you cannot be present, comments can be made by e-mail to  
[Cityclerk@Pvkansas.com](mailto:Cityclerk@Pvkansas.com)

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, DECEMBER 5, 2017**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, December 5, 2017 in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice Chairman James Breneman 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; Jamie Robichaud, Assistant City Administrator; Mitch Dringman, Building Official and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Patrick Lenahan moved the approval of the minutes of the November 7, 2017 meeting as presented. The motion was seconded by Melissa Brown and passed 4 to 0 with Mr. Valentino and Mr. Birkel abstaining.

**BZA2017-06 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**

Shawn Kennedy, 8330 Reinhardt, stated the proposed replacement of the existing garage is to address flooding problems as the driveway slopes significantly toward the side entry garage. Mr. Kennedy noted that there is not a storm drain nearby to collect the water. They will fill in the sunken driveway and build down toward the street. The two car garage will be in line with the current houses.

Chris Brewster stated the property 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 83<sup>rd</sup> 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) with a total area of 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 83<sup>rd</sup> Terrace.

The lot is on an irregular-shaped block that is essentially a triangle formed by the loop of West 83<sup>rd</sup> Terrace, Reinhardt, and West 84<sup>th</sup> 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.

Mr. Brewster noted that 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 83<sup>rd</sup> Terrace, and the closest point is the far northwest corner, which is approximately 20 feet from West 83<sup>rd</sup> Terrace - therefore the 20% is likely met under any interpretation).

Public Works staff has reviewed the proposed plans and do not see any additional drainage issues created by the proposed construction. However, a condition of approval requiring that as part of the building permit process, Public works shall review and approve any grading plans and ensure that drainage to the adjacent property and to the public stormwater system is not adversely impacted.

Vice Chairman opened the public hearing on this application. With no one present to address the Board on this application, the public hearing was closed at 6:40 p.m.

Patrick Lenahan asked if the platted building line shown on the plans impacted the Board's action. Mr. Brewster replied that if recorded, the Planning Commission would need to grant a waiver from the platted building line. Brad Satterwhite, architect for the applicant, stated that platted building line was indicated on the records received from AIMS.

James Breneman asked what action would be needed to address this. Mr. Brewster replied any modification to a building line would require Planning Commission action. However, he noted that when there is a conflict, the stricter of the conflicting regulations applies and the requested variance is the stricter criteria.

Mr. Lenahan suggested that if a waiver is required it could be addressed by a condition of approval for the variance if approved. Mr. Brewster agreed and stated the original

filed plat at the County would need to be checked to verify if the platted building line had been recorded. Mr. Satterwhite stated the document was attached to the plat. He asked if correction would be a procedural process to be handled by the Planning Commission at its next meeting. Mr. Brewster replied yes.

Nancy Wallerstein confirmed if the platted setback line was not recorded the applicant could proceed with only the Board's approval of the requested variance. Mr. Satterwhite stated it was recorded. Mr. Breneman advised Mr. Satterwhite to work with the city to get on the January Planning Commission agenda for action if determined by staff to be necessary

Mr. Breneman noted on the plan a reference to 8' high landscape. Mr. Satterwhite replied it should be eight inches, not eight feet.

Vice Chairman James Breneman led the Board in discussion of the five conditions required under K.S.A. 12-759 to be met as presented by staff:

**A. Uniqueness**

**That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.**

The Board agreed that this lot is on an 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.

Patrick Lenahan confirmed that the applicant had discussed his plans with the neighboring property owners. The Board agreed that adjacent property owners would not be adversely affected.

**C. Hardship**

**That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.**

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 83<sup>rd</sup> 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 83<sup>rd</sup> 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.

Jonathan Birkel suggested an alternative plan rotating the angled corner so that it would be perpendicular to the south to reduce the size of the projection into the setback. Mr. Satterwhite stated that the addition was designed to maintain the character of the neighborhood and be consistent with the architectural designs found in the existing neighborhood.

#### **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 83<sup>rd</sup> 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 83<sup>rd</sup> 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. The Board agreed with the staff analysis and felt this condition to be met.

Patrick Lenahan moved the Board, after reviewing the information submitted finds that all criteria required by state statutes and Section 19.54.030 of the Prairie Village Zoning Ordinance have been met and approve BZA2017-06, requesting 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 for the property located at 8330 Reinhardt 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.
2. 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.
4. That the applicant work with staff to determine if the indicated platted building setback line is registered and if so that it will be submitted to the Planning Commission for waiver at the next available meeting.

The motion was seconded by Melissa Brown and passed by a vote of 5 to 1 with Jonathan Birkel voting in opposition, stating that there were alternative design options that could be applied to mitigate the requested variance.

**BZA2017-07 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 83<sup>rd</sup> Terrace**

Jim Hesse, 419 West 61<sup>st</sup> Street, Kansas City, MO, stated he purchased this property and is trying to increase and add adequate living space to the home. He is adding a family room where there currently exists a sunroom. The square footage will increase slightly and he believes will make the home more sustainable for a growing family.

Chris Brewster stated the variance will allow a rear addition to the existing building to extend up to 8 feet into the required 25-foot rear yard setback. The applicant owns the

subject lot, zoned R-1A, on West 83<sup>rd</sup> 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 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 83<sup>rd</sup> Terrace, Reinhardt, and West 84<sup>th</sup> 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 84<sup>th</sup> Street.

Vice Chairman opened the public hearing on this application. With no one present to address the Board on this application, the public hearing was closed at 7:05 p.m.

Jonathan Birkel asked if the front porch was part of the variance. Mr. Brewster replied that the front porch complies with code as it is an open porch. Mr. Birkel asked when it becomes a closed porch. Mitch Dringman, the city's building official informed the BZA that a porch can have posts and railings. When screening is added, it becomes a closed porch.

Melissa Brown confirmed the 30' front building line applies for porches.

Vice Chairman James Breneman led the Board in discussion of the five conditions required under K.S.A. 12-759 to be met as presented by staff:

**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. The Board agreed that this property meets the uniqueness criteria.

#### **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 did not 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, approximately 55 feet south located on the lot to the south.

Patrick Lenahan asked the applicant if he had discussed his plans with the neighboring property owners. Mr. Hesse replied he has talked with people walking by the property when he was there, as he does not live at the property yet. Notices were mailed to all of the surrounding property owners. The Board Secretary reported that two notified neighbors had viewed the plans at City Hall and had no objection to the requested variance.

Nancy Wallerstein confirmed that there was no active Homes Association that required building plans. The Board agreed that adjacent property owners would not be adversely affected.

#### **C. Hardship**

**That the strict application of the provisions of these regulations from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.**

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 83<sup>rd</sup> 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. The Board agreed that the Hardship criteria had 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 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. The Board agreed the Public Interest criteria had 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 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. The Board agreed that the Spirit and Intent of the Regulations criteria had been met

Patrick Lenahan moved the Board after reviewing the information submitted finds that all criteria required by state statutes and Section 19.54.030 of the Prairie Village Zoning Ordinance to have been met and approve BZA2017-07, requesting a variance from PVMC 19.06.035 "Rear Yard" reducing the rear yard setback from 25 feet to 17 feet as depicted on the submitted plan for the property located at 3707 West 83<sup>rd</sup> Terrace 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 one year of approval.

The motion was seconded by Jonathan Birkel and passed unanimously.

#### **OLD BUSINESS**

Jonathan Birkel stated that he likes the new process being followed in the review of applications. Chris Brewster stated the Board can choose to follow the new process or take a formal vote on each criteria. He noted that the staff report does not present a recommendation, but a statement of factual information. It is the role of the Board to determine if the criteria have been met.

Nancy Wallerstein asked that the agendas reflect that all Board applications are public hearings. Although this is understood by the Board, it may not be by the general public and they should be made aware of their ability to comment. The Board Secretary responded that this change will be made.

**NEXT MEETING**

Board Secretary Joyce Hagen Mundy reported no applications have been filed to date for consideration by the Board in January; however, the filing deadline is Friday, December 8<sup>th</sup>.

**ADJOURNMENT**

Vice Chairman James Breneman adjourned the meeting of the Board of Zoning Appeals at 7:10 p.m.

James Breneman  
Vice Chairman

# STAFF REPORT

**TO:** Prairie Village Board of Zoning Appeals  
**FROM:** Chris Brewster, AICP, Gould Evans, Planning Consultant  
**DATE:** February 6, 2018

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**Application:** BZA 2018-01

**Request:** Variance for Side Yard Setback from 6 feet, and 20% of the lot width, to 4 feet with 20% of lot width

**Action:** *A variance request requires the Board of Zoning Appeals to evaluate facts and weigh evidence, and a majority of the Board must find that all 5 criteria for a variance have been met in order to approve the request.*

**Property Address:** 4111 West 73<sup>rd</sup> Terrace

**Applicant:** John Schutt

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

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

**Legal Description:** PRAIRIE VILLAGE LOT 12 BLK 27 PVC-1155

**Property Area:** 0.22 acres (9,404.81 s.f.)

**Related Case Files:** None

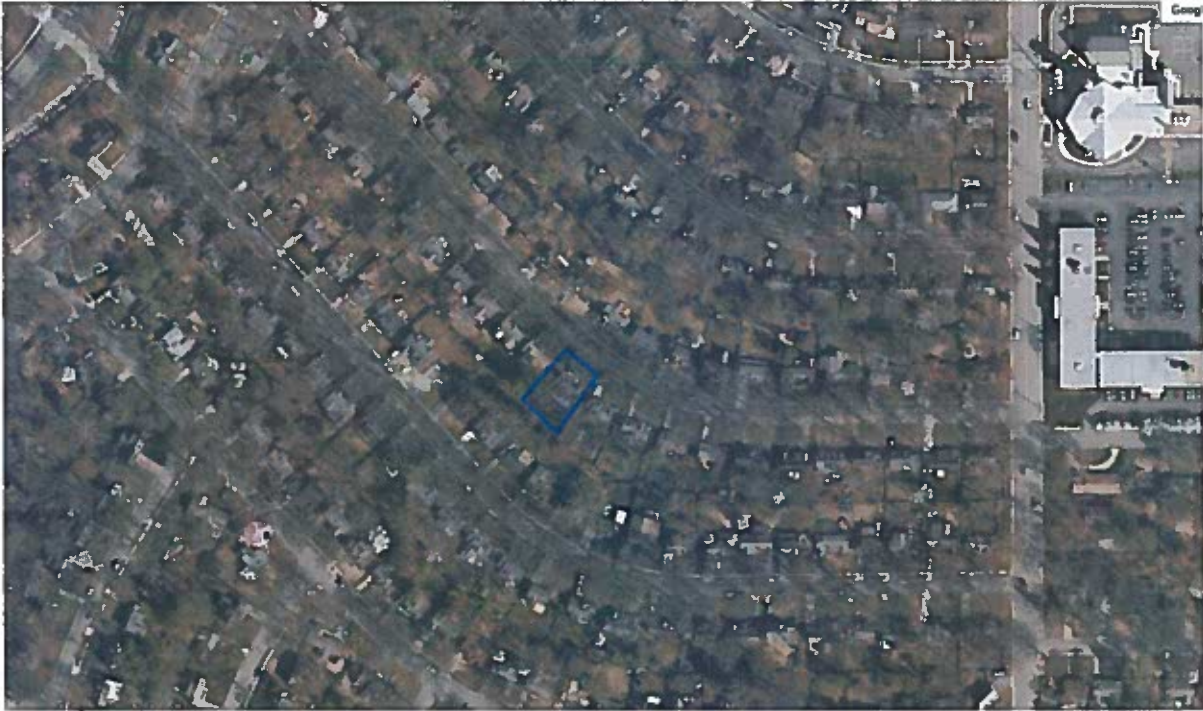
**Attachments:** Application, site plan and building plans

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General Location Map



Aerial Map



Aerial Site





**Street Views**



*Street view - front*





*Street view looking at the west lot line where variance requested*



*Bird's eye view*

February 6, 2018

**COMMENTS:**

The applicant is requesting a variance from Section 19.08.025 to allow a side and rear addition to the existing building to extend up to 2 feet into the required 6 feet side yard setback. The lot is zoned R-1B, on West 73<sup>rd</sup> Terrace. The R-1B district requires lots to be at least 60 feet wide and 100 feet deep (6,000 s.f.). This lot is 70 feet wide and is approximately 125 feet deep. It has a slightly irregular shape on the south side of the curve in the street, and the rear is wider than the front, resulting in a total area of 9,405 square feet.

The applicant is proposing to add a 2-car garage in place of the existing 1-car garage on the west side of the home, and add a mud room, hearth room and master suite to the rear of the garage addition. The front, west corner of the expanded garage would be 4 feet from the side lot line. The addition would extend approximately 52 feet to the rear along this line, but is skewed slightly more from the side lot line the further it gets to the rear due to the orientation of the existing house and angle of the lot. The closest point to the lot line is the forward corner; however, a slight projection does extend out at the midpoint of this elevation (new laundry addition). This is not dimensioned on the site plan, so it is not clear exactly how large of projection this is, how close it is to the lot line, or if this is a foundation element. [Note: by ordinance, non-foundational projections have a setback encroachment allowance, and this projection would meet that and can be allowed if it is not a foundation projection, but cantilevered.]

The majority addition is single story with roofs and gables matching the pitch and form of the existing home, with the exception of a small projection of the roof structure and gable on the upper level at the mid-point of the rear elevation. The highest point of the elevation on the side where the variance is requested is the west-facing gable of the garage, which is 18 feet 3 inches from the front grade (R-1B allows 29'). A second gable associated with the laundry room projection is approximately 13 feet 4 inches from grade, but approximately 16 feet from the ground at this location due to the slope of the lot. The remainder of this elevation is the single-story eave at approximately 8 feet above the grade at the front, and about 13 feet above ground at the rear corner due to the slope.

This west elevation would be placed approximately 15 feet, 2 and  $\frac{3}{4}$  inches from the existing home to the west, which is set back from this lot line approximately 11 feet, 2 and  $\frac{3}{4}$  inches. The majority of the front elevation on the street would remain unchanged with the exception of: an additional garage door (the new garage proposes two bays separated by a pillar and including decorative columns), a new gable porch roof and brackets, and a 2-car driveway extending to the curb in place of the single drive.

All of the proposed addition would comply with the R-1B zoning standards except for the proposed location 4 feet from the west property line. R-1B requires a side setback of 6 feet minimum each side, and a total of 20% of the front lot width, and adjacent structures may be no closer than 12 feet. The standard applied to this lot to require at least 14' between both sides of this lot and no less than 6' on any one side. The east side has a setback of approximately 11' to 13', so the 20% requirement would be met whether the variance is granted or whether the addition was built meeting the 6' setback. However, a building at the proposed location could affect the setback required on the lot to the west.

**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 slightly skewed as it sets on the exterior curve of 73<sup>rd</sup> Terrace. It is larger than required by the R-1B zoning district (70 feet wide, rather than 60 feet minimum; and 9,405 square feet, rather

than the 6,000 square feet minimum). This is comparable to other lots on the block, as most have a width between 60 feet and 75 feet. The 60 feet wide lots are on the north half, as are the 75 feet wide lots corresponding with the interior curve of the block. Most lots on the south side are 65 feet wide.

**B. Adjacent Property**

**That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.**

The existing home is approximately 30 feet from the home to the west, and approximately 25 feet from the home to the east. Granting the variance would allow the west elevation to be located slightly over 15 feet from the home to the west. This elevation would only be a single-story elevation (8 feet to 13 feet above actual grade) with two gables, the highest of these is 18 feet, 3 inches. This elevation is proposed to be designed with a similar style and massing of the existing home, and have smart side lap siding. The applicant has indicated that a drainage study has or will be conducted to ensure that the adjacent property will not be impacted by proposed construction or the new structure, however those are not part of this application. However, if the variance is granted, in order to maintain the required 12 feet building separation, and future development on the lot to the west would require at least 8 feet from this property line as opposed to the minimum of 6 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 lot meets the R-1B minimum area standards, and the existing home is within all of the setback and area coverage requirements allowing some room for expansion. However, as an addition to an existing structure, the location of the garage is somewhat fixed by the current garage and driveway. This portion of the plan is not dimensioned, so it is not completely clear what the constraints or impact would be on the potential for 2-car garage that met the setback (i.e. 2 feet less than proposed would meet the ordinance).

**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, is under all of the height standards, and meets all other setbacks. 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-1B zoning side setback is to manage the relationship of adjacent buildings, and to permit building footprints in scale with the lot size. This section of the ordinance was amended in 2016 to deal with the scale and massing of additions and new homes which were being built to the extent of the previous side setback (4', 12' minimum between buildings), and near the extent of the 2-story height limit at the side setback. The requested deviation is modest compared to the permitted building footprint and height along this elevation (29' at a 6' setback; vs. 8' to 18', 3" at a 4' setback). Therefore, the relationship to the existing building on the west side is comparable or less than what could be built under the R-1B standards, other than the 2 feet encroachment.

**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 side setback of 4 feet for the proposed single-story addition, limited to the extent and elevation shown on the proposed building plans.
2. The applicant verify if the projection on the west elevation is a foundational element or overhang, and if foundational the exact distance of that from the side lot line must be verified as it may represent the actual extent of variance needed to build the proposed plan.
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.



#0016488

**VARIANCE APPLICATION  
BOARD OF ZONING APPEALS**

**CITY OF PRAIRIE VILLAGE, KANSAS**

For Office Use Only

Case No: RZA 2018-01

Filing Fee: 775

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

Date Advertised: 1/16/18

Public Hearing Date: 2/16/18

APPLICANT: JOHN SCHUTT #19647 PHONE: 512.423.9340

ADDRESS: 6600 W. 95TH STREET #200 OVERLAND PARK ZIP: 66212

OWNER: DAVID AND BROOK JENKINS PHONE: \_\_\_\_\_

ADDRESS 4111 W. 73rd Terrace Prairie Village Kansas ZIP: 66208

LOCATION OF PROPERTY: 4111 W. 73rd Terrace Prairie Village Kansas 66208

LEGAL DESCRIPTION: PRAIRIE VILLAGE LOT 12 BLK 27 PVC-1155

**Variance Requested** REDUCTION OF WEST SIDE LOT SETBACK FROM NEW

REQUIREMENT OF 6 FEET MINIMUM TO ORIGINAL 4 FOOT SETBACK

**ADJACENT ZONING AND LAND USE:**

|       | <u>Land Use</u>   | <u>Zoning</u> |
|-------|-------------------|---------------|
| North | <u>1101 - SFR</u> | <u>R-1B</u>   |
| South | <u>1101 - SFR</u> | <u>R-1B</u>   |
| East  | <u>1101 - SFR</u> | <u>R-1B</u>   |
| West  | <u>1101 - SFR</u> | <u>R-1B</u>   |

Present use of Property: SINGLE FAMILY DETACHED RESIDENCE

Proposed Use of Property: SINGLE FAMILY DETACHED RESIDENCE

Utility lines or easements that would restrict proposed development:

NA

Please complete both pages of the form and return to:

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

Please indicate below the extent to which the following standards are met, in the applicant's opinion. *Provide an explanation on a separate sheet for each standard which is found to be met.*

1. *UNIQUENESS*  Yes \_\_\_ No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. *ADJACENT PROPERTY*  Yes \_\_\_ No

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

3. *HARDSHIP*  Yes \_\_\_ No

The strict application of the provision of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be sufficient reason by itself to justify the variance.

4. *PUBLIC INTEREST*  Yes \_\_\_ No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. *SPIRIT AND INTENT*  Yes \_\_\_ No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE*  Yes \_\_\_ No

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

SIGNATURE: John Schutt DATE 01.03.18

BY: John Schutt - Designer of Record

TITLE: Owner - Studio605

1. Uniqueness

Unfortunately, the Jenkins residence was not placed in the center of its existing lot setbacks resulting in the existing structure being closer to its neighbor to the west than if centered in the lot. If centered originally, setback requirements would not be an issue.

2. Adjacent Property

Every precaution has been taken to ensure that adjacent properties will not be negatively affected. This is made evident by the Jenkins Family performing a drainage study to ensure that the new addition would be below AWWPA specifications and the existing lot would be able to percolate appropriately.

3. Hardship

Having been Prairie Village residents since 2009, the Jenkins knew they wanted to find a home that in Prairie Village that would serve as a forever home for their growing family. One of their main requirements was to purchase a home with an existing two-car garage or a home with the ability to add a two-car garage. The Jenkins were made aware that there was a property just down the street from one of their family members (a sister) that was going to be coming on the market soon.

When the Jenkins originally approached the previous homeowner a few years ago, they were informed by the owner that the existing house could be expanded by adding a second garage as that owner had already gone through the process of discovery with the City of Prairie Village. The Jenkins moved forward with the purchase with this in mind knowing that their family was expanding and a two-car garage was one of their main purchasing criteria.

Side yard setback requirements were amended rendering the Jenkins desire for a two-car garage with two separate garage doors in keeping with the homes in the neighborhood unobtainable.

4. Public Interest

The proposed addition to the Jenkins residence will in no way adversely affect public health, safety, morals, order, convenience, or general welfare of the community. Given the fact that the closest neighboring structure is more than 15 feet away from the proposed addition, the supply of light and air should be adequate.

Congestion, fire, public safety will not be adversely effected nor will home values be diminished.

5. Spirit and Intent

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations. The Jenkins family understands that there is a lot of interest in building new homes in the Prairie Village area, and that the scale of the projects has grown substantially. That said, the Jenkins are not building a new home. The scope of

the work consists of widening the existing garage as well as the addition of a mud room, hearth room & master suite. The amount of square footage being added is not as substantial as that of a new residence, and the scale of the existing structure is remaining intact. There are many examples of existing two car garages in Prairie Village.

6. Granting the variance will allow for the Jenkins family to enlarge the existing one car garage residence to a two-car garage. The additional square footage requested will create a new, more usable garage with standard widths for today's new vehicles. It is important to the Jenkins family to keep the designs of the new additions in "context," with the residential fabric already present in Prairie Village, thus having two separate garage doors with structure between the two doors is more in line with existing two car garages in the area.

BZA Application

Brook and Dave Jenkins

4110 W. 73<sup>rd</sup> Terrace

Prairie Village Kansas 66208

01/04/18

Neighboring Addresses within 200 foot Radios of above mentioned property to receive certified letter informing them of upcoming hearing.

**73<sup>rd</sup> Terrace**

4021

4022

4100

4103

4107

4116

4117

4118

4119

4125

**74<sup>th</sup> Street**

4114

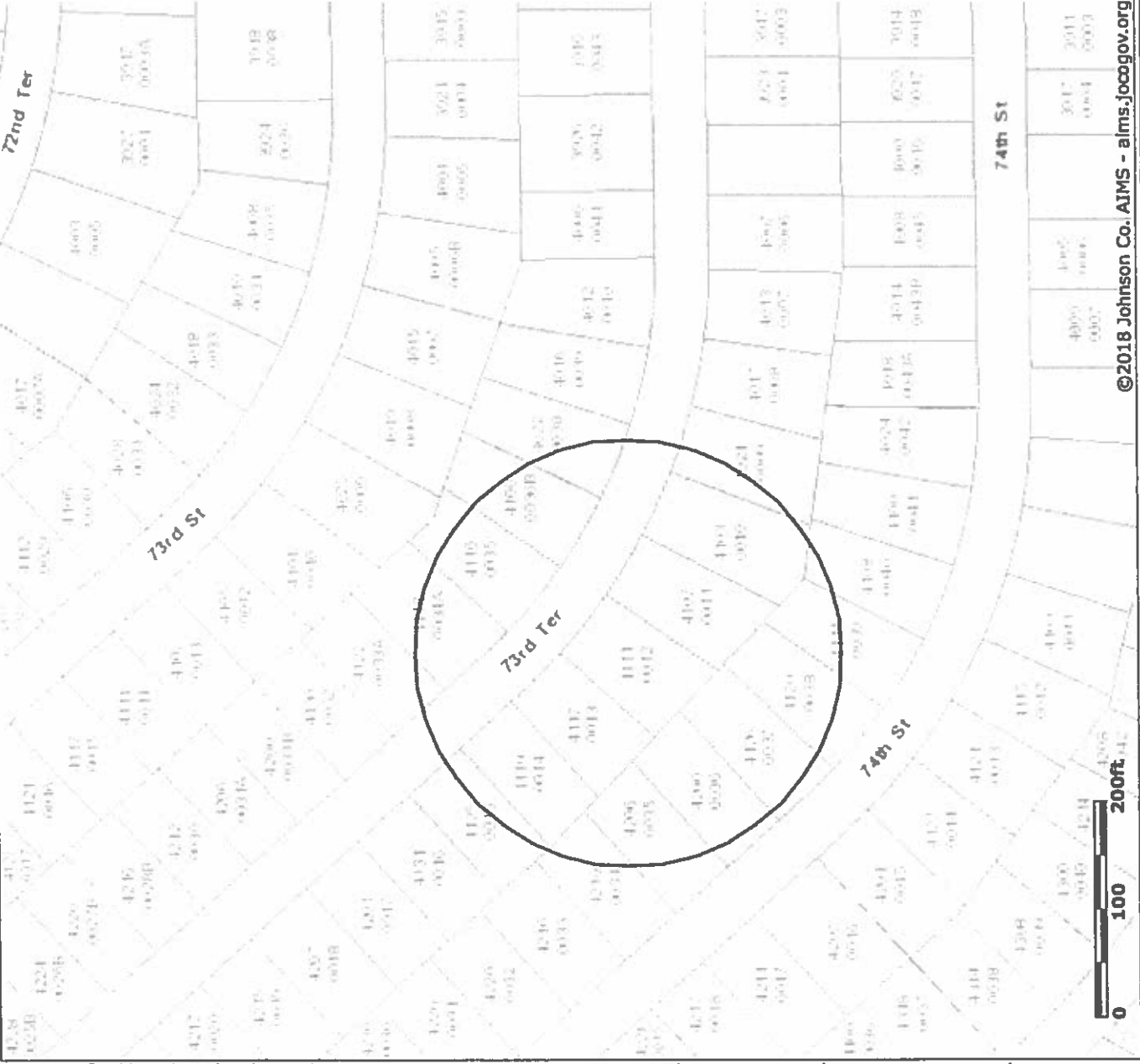
4120

4126

4200

4206

4210



# Johnson Co AIMS Map

## LEGEND

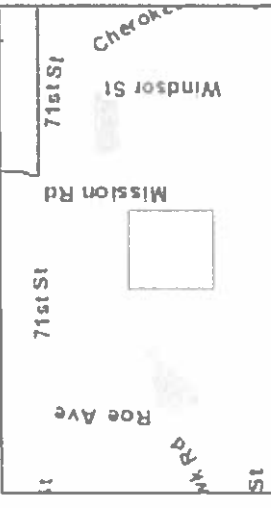
Property\_ComInt/VertLabels

Address Point

Building/Structure

Property

- Untaxed
- Vertical
- Unplatted
- Mineral Rights
- Common Interest
- Platted
- Right-of-way
- Leased Land



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1/3/2018



## Joyce Hagen Mundy

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**From:** Jamie Robichaud  
**Sent:** Wednesday, January 10, 2018 2:01 PM  
**To:** Joyce Hagen Mundy  
**Subject:** Variance Request - 4111 W 73rd Terrace

Joyce –

Please include the email below in the BZA packet for February. It's from a resident concerned with the variance request.

Also, can you give me the applicant's contact information for the variance request so I can reach out to them and make sure they sent the letters as certified and haven't been placing them in mailboxes?

Thanks!

**From:** james olenick [mailto:jamesolenick@hotmail.com]  
**Sent:** Wednesday, January 10, 2018 10:05 AM  
**To:** awang@pvkansas.com  
**Subject:** 4111 w 73rd ter

Are you on the board of zoning appeals? If not please forward this to the appropriate person(s).

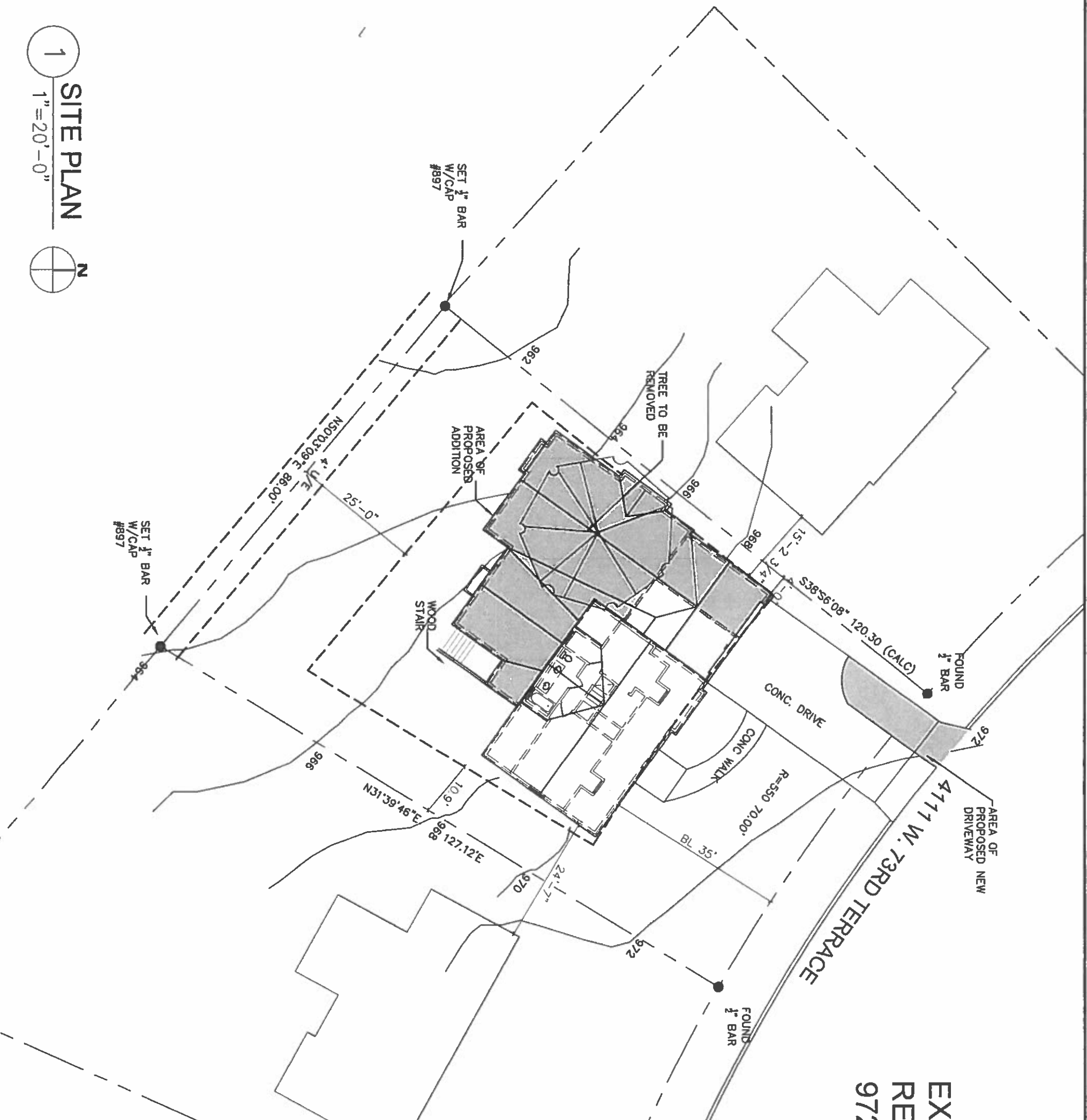
Someone, I suspect the owners of the property dropped a letter, without postage, a federal crime, into my mailbox concerning a setback problem. First I do not support their plan primarily due to the crime of depositing a letter in a Federal Mailbox without postage. ([https://about.usps.com/news/state-releases/tx/2010/tx\\_2010\\_0909.htm](https://about.usps.com/news/state-releases/tx/2010/tx_2010_0909.htm)) The U.S. Postal Service would like to warn people that only authorized U.S. Postal Service delivery personnel are allowed to place items in a mailbox. By law, a mailbox is intended only for receipt of postage-paid U.S. Mail. If you are asking to change the rules you best follow the rules leading up to your request.

Second I do not support their request because of the aesthetic of having big ass houses next to little ones, if you want a big ass house move where big ass houses are, don't screw up a neighborhood with outsizes monuments to a lack of .....

**Jamie Robichaud**  
Assistant City Administrator  
City of Prairie Village  
7700 Mission Road | Prairie Village, KS 66208  
[jrobichaud@pvkansas.com](mailto:jrobichaud@pvkansas.com) | 913-385-4601



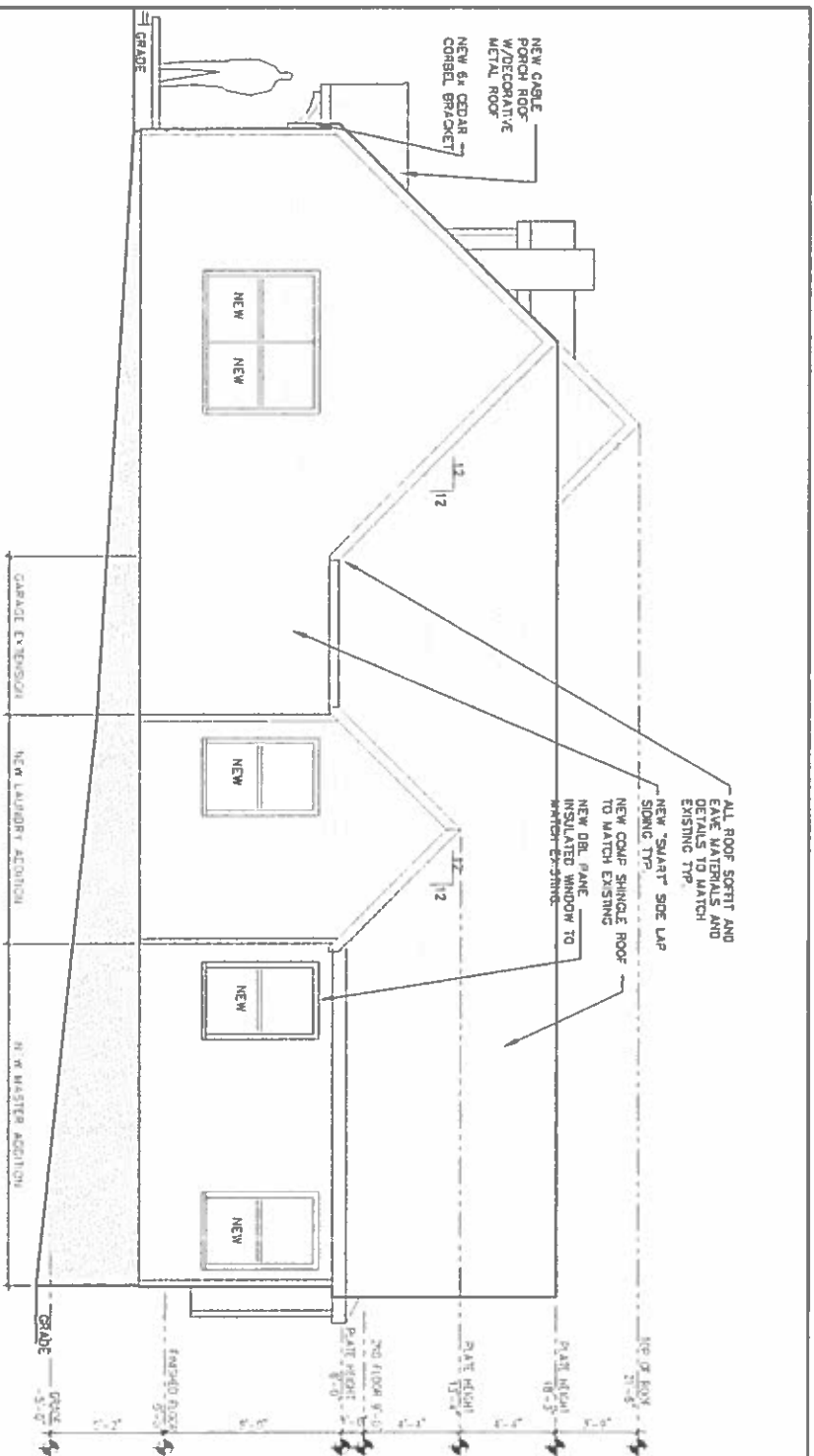
EXIST. 1.5 STORY WOOD FRAME  
RESIDENCE TO REMAIN  
972.70' FT ELEV.



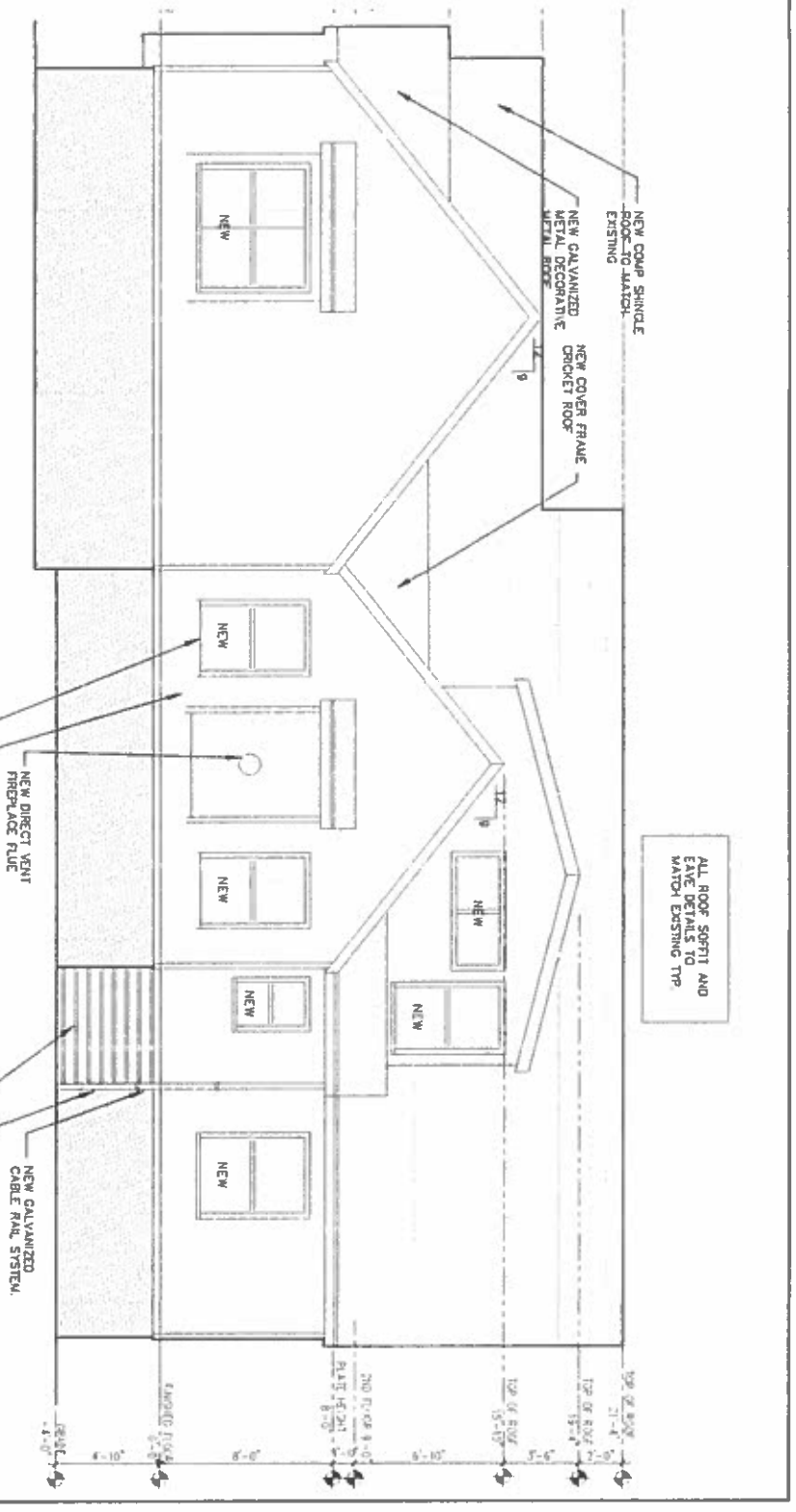
1 SITE PLAN  
1"=20'-0"



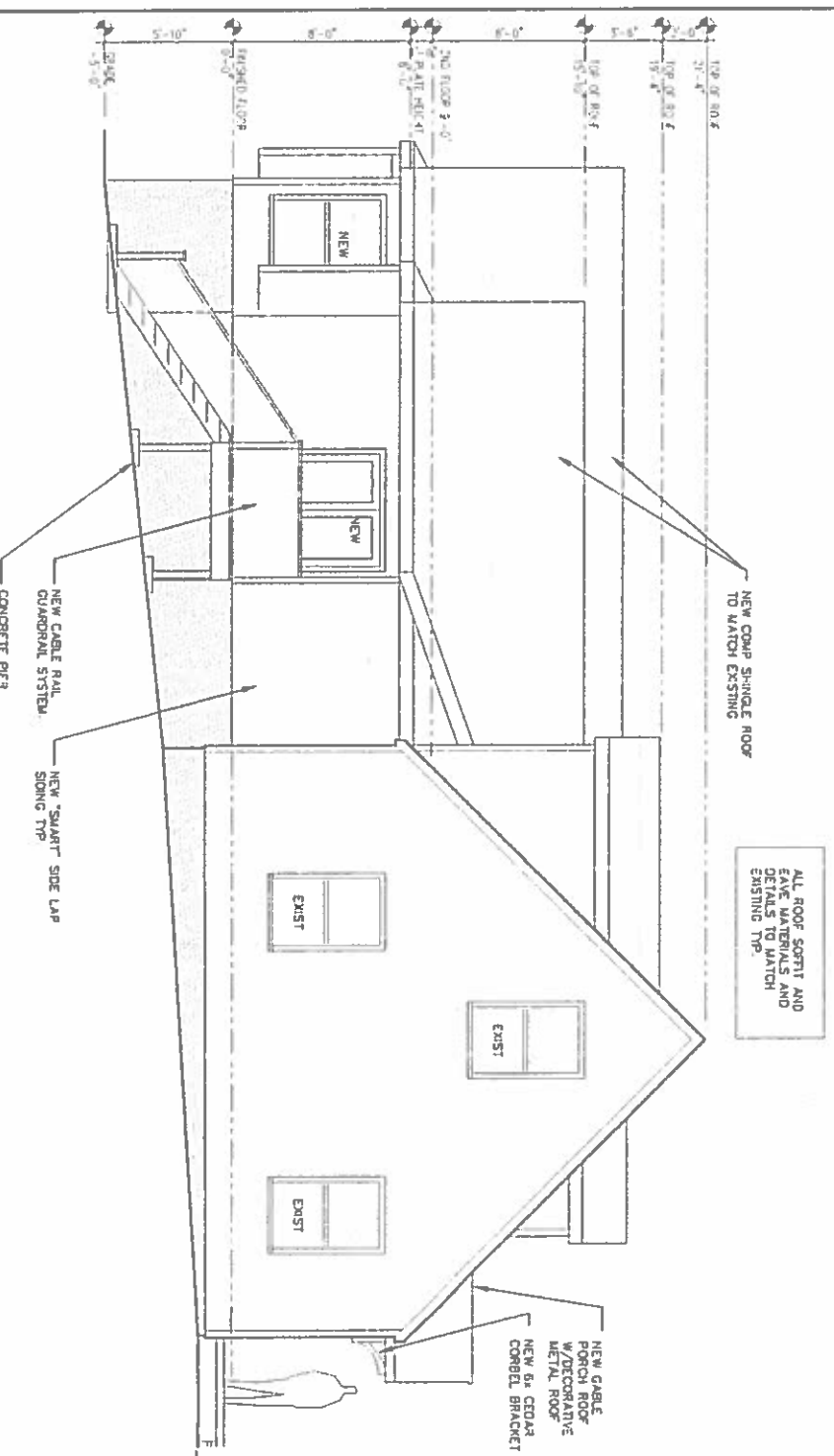
|   |                                   |
|---|-----------------------------------|
| A SITE PLAN FOR<br><b>THE JENKINS RESIDENCE</b><br>4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208 |                                   |
| <b>SITE PLAN BZA</b>  |                                   |
| <b>Studio 605</b>   |                                   |
| <b>S-1</b>  |                                   |
| DATE  | 01.04.18                          |
| 8604 SAGAMORE / LEAWOOD KS 66206 / 512.423.9340   | W W W . S T U D I O 6 0 5 . C O M |
| OF SHEETS   | SHEETS                            |
| JOB NUMBER  |                                   |



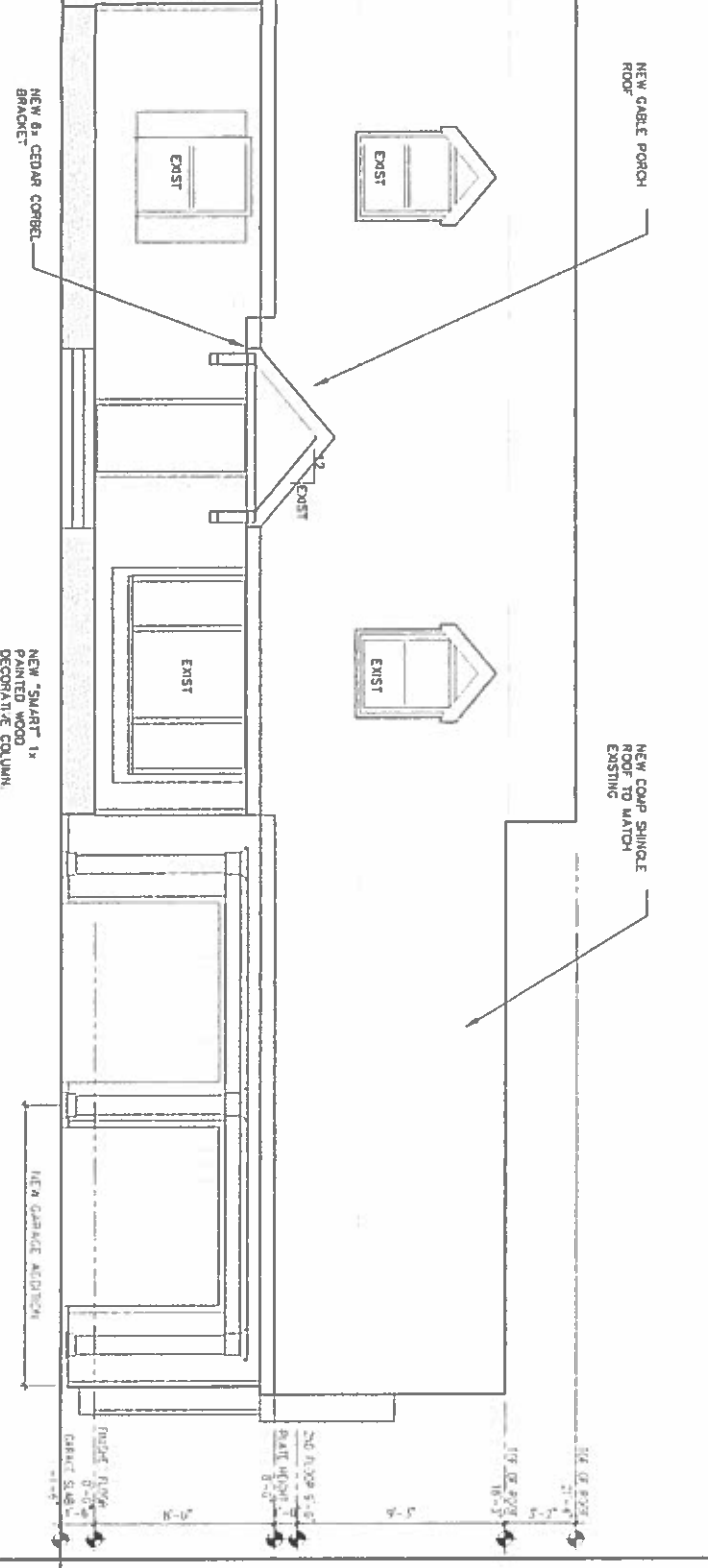
3 NORTH ELEVATION  
1/4"=1'-0"



2 REAR ELEVATION  
1/4"=1'-0"



1 FRONT ELEVATION  
1/4"=1'-0"



RESIDENTIAL ADDITION FOR  
**THE JENKINS RESIDENCE**  
 3118 GARDEN ST. RENO, NV 89509  
 ARCHITECT  
**studio 605**  
 1000 S. GARDEN ST. RENO, NV 89509  
 775.784.6050  
 A-4