

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

I. ROLL CALL

II. APPROVAL OF MINUTES - February 6, 2018

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, FEBRUARY 6, 2018**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, February 6, 2018 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, Jeffrey Valentino and Nancy Wallerstein. Also present in their advisory capacity to the Board of Zoning Appeals were: Chris Brewster, Planning Consultant; Jamie Robichaud, Assistant City Administrator and Joyce Hagen Mundy, Board Secretary.

**APPROVAL OF MINUTES**

Nancy Wallerstein moved for the approval of the minutes of the December 5, 2017 meeting as presented. The motion was seconded by Jeffrey Valentino and passed 5 to 0 with Mr. Wolf abstaining.

**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**

John Schutt, 6600 West 95<sup>th</sup> Street, architect for the owners, noted the owners had been looking for a home to purchase in Prairie Village for about a year and a half. They purchased a home at 4111 West 73<sup>rd</sup> Terrace after being told by the previous owners that they received a variance to add a two-car garage from the city. Mr. Schutt stated he checked Prairie Village setback regulations on the city's website and confirmed a four foot side yard setback and designed plans to add a 2-car garage in place of the existing 1-car garage on the west side of the home, a mud room, hearth room and master suite to the rear of the garage addition based on the 4' setback that he claimed was reflected on the City's website. The front, west corner of the expanded garage would be 4 feet from the side lot line. The addition extends 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. Their goal was not to tear-down the existing home but to make additions within the scale and character of the neighborhood with a typical A frame with a two car garage.

An open house was held for the neighborhood residents with all supporting the proposed improvements. The neighbors to the west and south, who are most impacted by the project, expressed their support for the project. Mr. Schutt stated they are working with public works to address all drainage issues by adding a 13' x' 13' x 2' drainage pit in the back yard.

David Jenkins, 4111 West 73<sup>rd</sup> Terrace, stated they lived in Prairie Village for eight years and were looking for a house that would accommodate their family with a usable two car garage that would allow them to keep their vehicles off the street.

Jonathan Birkel noted a new apron is shown on the site plan. He confirmed part of the hammerhead in front of the garage currently exists. Mr. Birkel asked for the dimensions on the inside of the garage. Mr. Schutt replied he believed it was 20' or 22' noting that he likes to have two feet on each side of the 8 foot garage doors and two feet in the middle to provide appropriate space to open car doors. Mr. Birkel noted there appeared to be an approximately one foot bump between the added garage and the house that is not reflected in the elevations. Mr. Schutt reviewed the plans with Mr. Birkel and stated there should not be a bump out, they should be flush. Mr. Birkel confirmed that there was no addition to the second floor.

Mr. Birkel asked if the City had any history on this property. Mrs. Brown asked if staff clarified the previous variance. Mr. Brewster replied they had not, but noted that a variance would not have been necessary under the old setback regulations.

Chris Brewster noted the requested variance from Section 19.08.025 would 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 yard is wider than the front, resulting in a total area of 9,405 square feet.

The 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 on 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 requires 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.

Chris Brewster reviewed the staff's analysis of the criteria for granting 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. 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.

Mr. Brewster stated that staff recommends denial of the requested variance based on uniqueness and hardship criteria. If the Board finds in favor of the requested variance, staff recommended the following conditions be applied:

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 variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

Mr. Schutt responded that without the variance, the size of the garage would be reduced to 21'5" with an interior size of 19'5" providing only 5 inch clearance for opening vehicle doors.

Chairman Gregory Wolf opened the public hearing:

John Rowley, 4012 West 73rd Terrace, stated he purchased their home on 73rd Terrace five years ago with the stipulation that a two car garage could be added. He noted his neighbor at 4010 West 73<sup>rd</sup> Street has added a two-car garage. It is the Jenkins' intent to keep the character of the neighborhood and make improvements without a complete tear-down but with additions that are within the character of the neighborhood and perimeter of the City. He supports the proposed variance and urged the Board to do likewise.

Lynn Lanque, 4017 West 73<sup>rd</sup> Terrace, an eighteen year resident of Prairie Village who resides three houses east of the Jenkins' property stated he is supportive of the requested variance on this tight street. He spoke with others in the neighborhood who have also expressed their support. He appreciates what the City is doing to help maintain the character of neighborhoods and feels the proposed variance is in character with their neighborhood, stressing the application has the support of the neighborhood.

Randy Davis, 4118 West 73<sup>rd</sup> Terrace, which is across the street and one house down, stated that as 47 year resident of Prairie Village, he was fully supportive of what the Jenkins' are attempting to do to their property.

With no one else wishing to address the Board, Chairman Gregory Wolf closed the public hearing at 6:55 p.m.

Mr. Brewster advised the Board they did not have to vote on each criteria separately.

Nancy Wallerstein asked how high from the ground the peak of the gable was. Mr. Brewster responded it was 13' high and would be 15' with the grade. Mrs. Wallerstein asked if the cantilever was projecting into the side setback. Mr. Brewster said that it did have a cantilever, but it would meet the setback requirement. He added there is an exception on cantilevers that allows them to project into setback, and this would comply with code with or without the variance.

Jonathan Birkel stated that when he scales the garage and compares the elevation to the floor plan, they do not match and his figures indicate a garage about 26 feet wide based on the scale. Mr. Schutt responded the garage is 21'5". Mr. Birkel stated that he was uncomfortable with the discrepancies between the drawings and did not feel there was sufficient information on which to make a decision.

Mrs. Brown agreed with Mr. Birkel and added she would like to see scaled drawings. She asked if a continuance would set the project back a month. Mr. Brewster replied the applicant would need to come back to the Board next month unless the scaled dimensions resulted in the garage being within the required setback.

Jeffrey Valentino noted that if the floor plan was accurate and four feet was the most extreme, it would be fine, but the elevations reflect differently. He feels there is space that can be carved out to bring the garage into compliance.

Melissa Brown noted if the garage was aligned with the majority of the addition, drawing that line straight out, it goes into the four foot setback; however, if house is coming from the garage addition it complies. She is not comfortable taking any action with these inconsistencies.

John Schutt responded he was confident the house was within the four foot setback and stated he would submit clearer drawings.

Mr. Wolf asked if it would be a hardship to delay action until March. Mr. Schutt replied it would be a significant hardship.

Jonathan Birkel moved that BZA2018-01 be continued to the March 6<sup>th</sup> meeting with revised scaled drawings being submitted at that time. The motion was seconded by Jeffrey Valentino.

Melissa Brown stated she applauded the applicant for their efforts to stay in the neighborhood and build a home addition that works within the scale of the neighborhood.

Mr. Schutt asked if action could be taken earlier or approved upon condition.

Chairman Gregory Wolf stated, as this is a public hearing, the application needs to come back to the Board at their meeting in March. Mr. Birkel stated that he could not vote for approval without seeing clear drawings of what he was approving.

The motion was voted on and passed unanimously.

### **OLD BUSINESS**

There was no Old Business to come before the Board.

### **NEXT MEETING**

Board Secretary Joyce Hagen Mundy reported the next meeting will be March 6<sup>th</sup> with the only item on the agenda the continued application.

### **ADJOURNMENT**

Chairman Gregory Wolf adjourned the meeting of the Board of Zoning Appeals at 7:10 p.m.

Gregory Wolf  
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.)

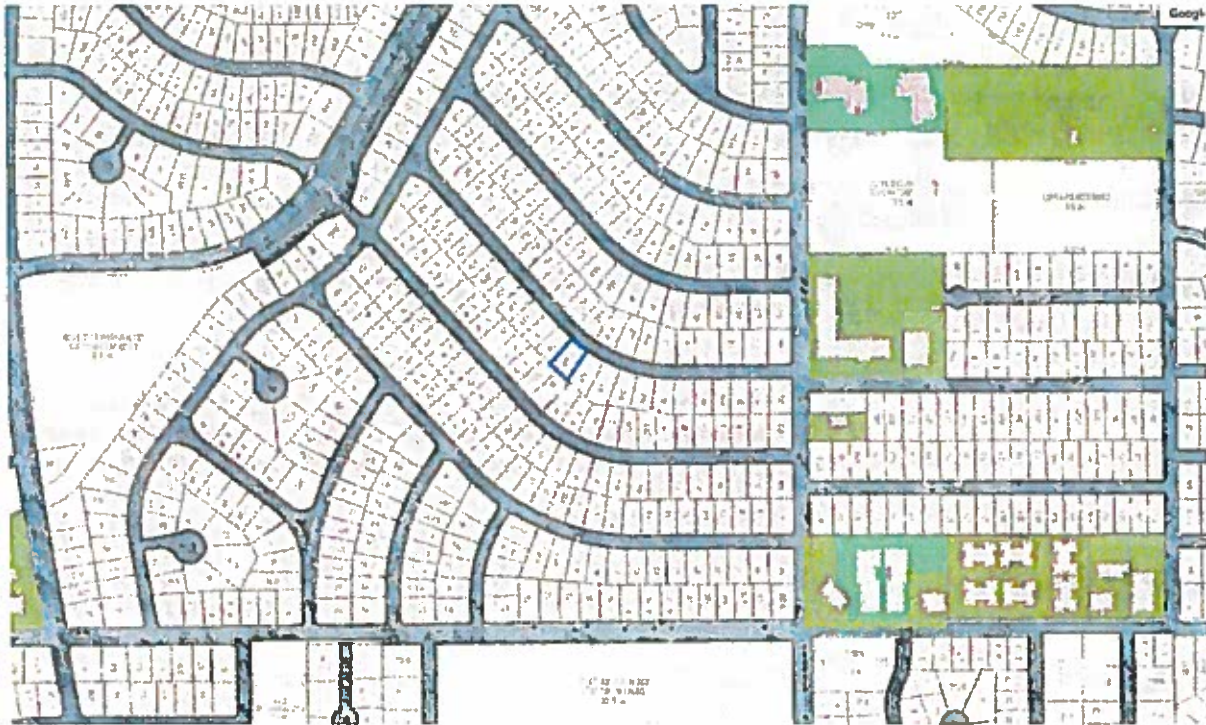
**Related Case Files:** None

**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*

**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

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February 6, 2018

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: 132A-2018-01

Filing Fee: 775

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

Date Advertised: 1/16/18

Public Hearing Date: 2/6/18

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 or adversely affect the rights of adjacent property owners or residents.

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

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

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

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

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

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

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

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

SIGNATURE: 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 AWWA 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 exiting 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

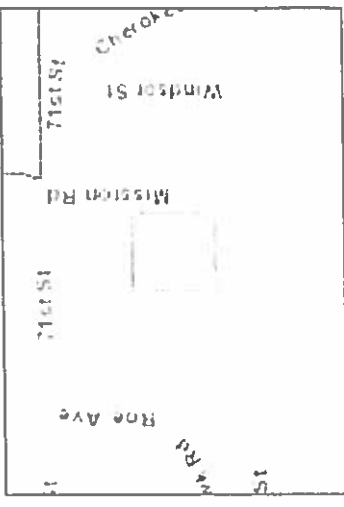
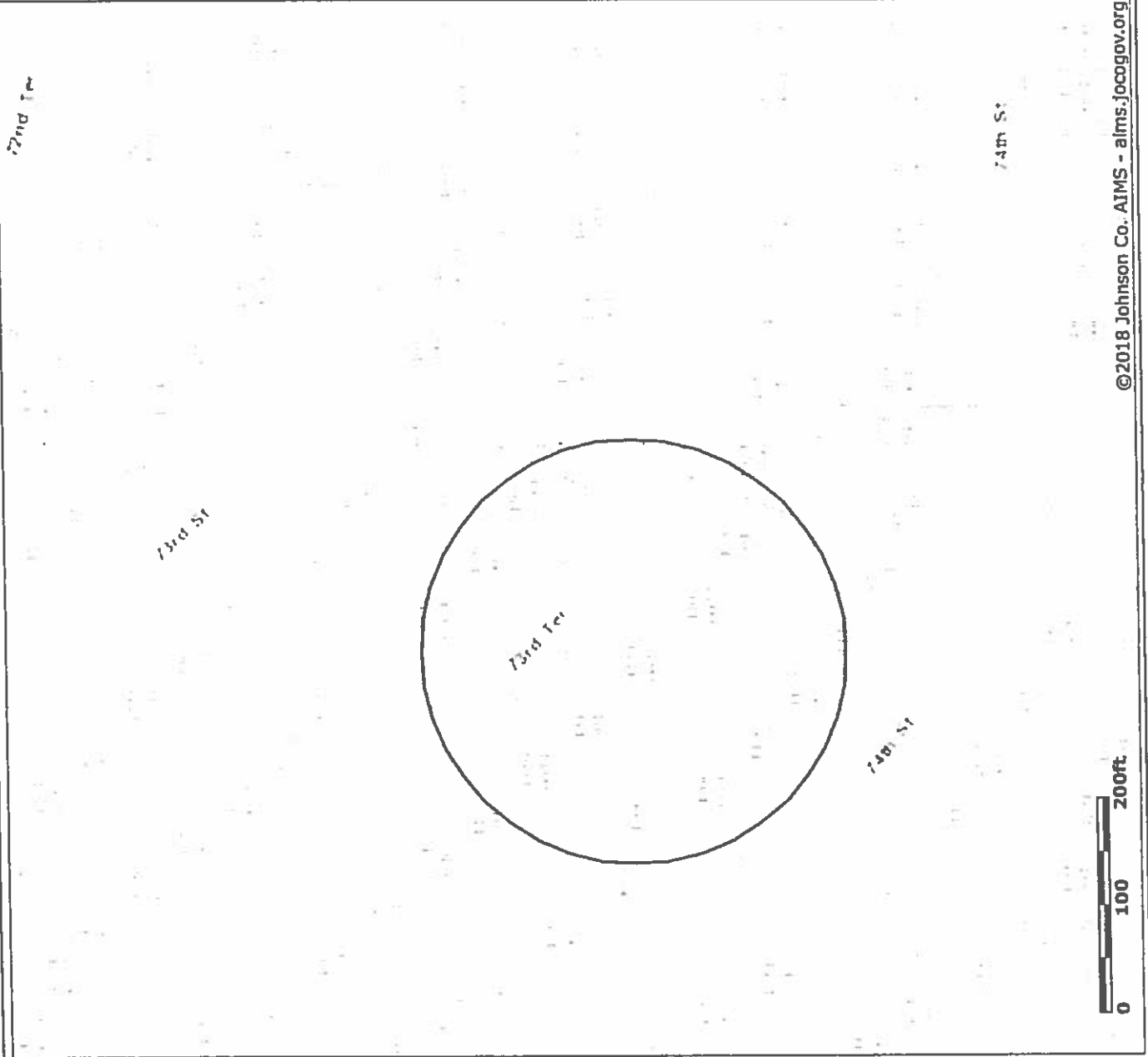
Mineral Rights

Common Interest

Platted

Right-of-way

Leased Land



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1/3/2018

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No.	Home Address	Owner(s)	Owner(s) Address, if different	Certified Mail	Delivery Receipt	Dropped Letter & Invited to Open House	Signature of Support	Note
1	4021 W 73rd Ter	Winton, Marilyn	N/A	7017 0190 0000 7404 7155	Delivered 1.13	X	X	
2	4117 W 73rd Ter	Holmes, Robert & Teresa	N/A	7017 0190 0000 7404 7162	Available for Pick-Up 1.17	X	X	Neighbor to the West. No delivery receipt, but obtained signature.
3	4125 W 73rd Ter	Maher, David & Emily	N/A	7017 0190 0000 7404 7070	Delivered 1.12	X	X	
4	4216 W 74th St	Flum, Andrew & Jennifer	N/A	7017 3040 0000 5545 5013	Delivered 1.29	X	X	
5	4316 W 73rd Ter	Elrey, Jennifer	21 W 10th St, Kansas City, MO 64105	7017 3040 0000 5545 3859_Owner	Delivered 1.16	X	X	
6	4419 W 73rd Ter	Armstrong, Kenneth & Nancy	N/A	7017 0190 0000 7404 7100_Occupant	Delivered 1.12	X	X	
7	4414 W 74th St	Olewick, James	N/A	7017 0190 0000 7404 7063	In-Transit, Delivered 1.17	X	X	Return to Sender, Unable to Forward
8	4017 W 73rd Ter	Lanoue, Lynn & Keely	N/A	7017 3040 0000 5545 3866	Delivered 1.13	X	X	
9	4200 W 74th St	Allen, William	14304 Horton St, Overland Park, KS 66223	7017 3040 0000 5545 3873_Owner	Alert Status Not Updated 1.13	X	X	
10	4118 W 73rd Ter	Davis, James & Patricia	N/A	7017 0190 0000 7404 7032_Occupant	Delivered 1.12	X	X	
11	4201 W 74th St	Peter, Peter	N/A	7017 0190 0000 7404 7094	Delivered 1.19	X	X	
12	4210 W 74th St	Gatz, Nicholas & Angela	N/A	7017 3040 0000 5545 3880	Available for Pick-Up 1.19	X	X	
13	4131 W 73rd Ter	Grimminger, Lynn	N/A	7017 0190 0000 7404 7018	Delivered 1.12	X	X	
14	4019 W 73rd St	Priman, Mary	N/A	7017 3040 0000 5545 3897	Delivered 1.13	X	X	
15	4016 W 73rd Ter	Seal, Paul & Heidi	N/A	7017 3040 0000 5545 3910	Available for Pick-Up 1.19 Delivery Attempt Action Needed	X	X	No Delivery Receipt, but obtained Signature
16	4120 W 74th St	Lutz, Laura	6741 Rainbow Ave, Mission Hills, KS 66208	7017 0190 0000 7404 7056_Occupant	Delivered 1.18	X	X	
17	4100 W 74th St	Payne, Kirk & Megan	N/A	7017 0190 0000 7404 7055	Delivered 1.12	X	X	
18	4207 W 74th St	Brabson, Ann	N/A	7017 3040 0000 5545 3934	Delivered 1.13	X	X	
19	4015 W 73rd St	Wheeler, Donald & Janeane	N/A	7017 3040 0000 5545 3958	Delivered 1.13	X	X	
20	4106 W 74th St	Isant, Rochelle	N/A	7017 0190 0000 7404 7025	Delivered 1.12	X	X	
21	4108 W 74th St	Warrington, Paul	N/A	7017 3040 0000 5545 3965	Available for Pick-Up 1.19	X	X	Return to Sender, Vacant
22	4111 W 74th St	Andrea Nichole Luchton Trust	N/A	7017 3040 0000 5545 3958	In-Transit 1.24	X	X	
23	4126 W 74th St	Frankel, Mark	N/A	7017 0190 0000 7404 7049	Delivered 1.13	X	X	No Delivery Receipt, but obtained Signature
24	4122 W 73rd Ter	Collison, Jessica & M.	N/A	7017 0190 0000 7404 7148	Available for Pick-Up 1.17	X	X	
25	4022 W 73rd Ter	Conrakes, Kelly	N/A	7017 3040 0000 5545 2272	Delivered 1.13	X	X	
26	4121 W 74th St	Senter, James & Westhoff, Julia	N/A	7017 3040 0000 5545 2289_Owner	Delivered 1.13	X	X	
27	4127 W 74th St	Moseley, David & Richard	3101 W 68th St, Mission Hills, KS 66208	7017 3040 0000 5545 4078_Occupant	Delivered 1.13	X	X	Neighbor to the East
28	4107 W 73rd Ter	Simone, Debbie & Louanna	N/A	7017 0190 0000 7404 7117	Delivered 1.12	X	X	
29	4101 W 73rd St	Reams, Louella & Jessica	N/A	7017 3040 0000 5545 2296	Delivered 1.13	X	X	Our House
30	4111 W 73rd Ter	Jenkins, David & Brooke	N/A	7017 3040 0000 5545 4085	Delivered 1.18	X	X	
31	4130 W 73rd Ter	Carlson, Robert	N/A	7017 0190 0000 7404 7131	Available for Pick-Up 1.17	X	X	
32	4100 W 73rd Ter	Forlgy, Donna	N/A	7017 0190 0000 7404 7124	Available for Pick-Up 1.17	X	X	No Delivery Receipt, but obtained Signature
33	4103 W 73rd Ter	Gandy, Matthew & Michelle	N/A			X	X	

January 6, 2018

Dear Neighbors,

Hi, we're the Jenkins Family. We, along with our three kids (Emmy – 5 years, Jozie – 3 years & Mack – 7 months), recently bought the home at 4111 W, 73<sup>rd</sup> Ter. For the past 8 years we've lived off 71<sup>st</sup> Ter & Tomahawk. During this time, we fell in love with Prairie Village and all that it has to offer. We love its people, its many parks, the Village Shops and its proximity to the girl's school and our places of employment. We want to be in a neighborhood where people are present and engaged with their neighbors and we believe we've found that here. Community is at the heart of what makes Prairie Village so special. That's why when we were told that this home on 73<sup>rd</sup> Ter was going to become available, we knew we wanted a chance to purchase it and make it the home where we would raise our family. An added perk is that my sister & her family live just up the street (The Rowleys at 4012 W, 73<sup>rd</sup> Ter).

In purchasing the home, we planned to enlarge the kitchen & living space as well as add a two-car garage. This house and lot fit the bill. The previous homeowner indicated that she had planned to add a two-car garage and went through discovery with the City on this matter. With this in mind, and our designer having verified the setbacks via the Prairie Village website, we went ahead with the purchase. We later found that the setback recently changed from 4ft to 6ft in response to the many teardowns. The goal of this change is to keep these new larger homes centered on the lot and in scale with the neighboring homes. While only a small change, these two-feet mean that we can no longer have two 8ft garage doors, which we feel is in keeping with the current aesthetics found in Prairie Village. It also presents an issue with today's standard width for newer vehicles. We feel that the ability to park two cars in garage and keep cars off the street is equally important when it comes to neighborhood aesthetics. It is also important to note that even at 4ft our home will still meet the requirement to be at least 15ft from the closest neighboring structure. This means there will be adequate supply of light and air between the two houses.

As such, we have submitted an application of appeal to the Board of Zoning Appeals. As part of this application, you will be receiving a certified letter in the mail with the details of our appeal. We are on the agenda for the Tuesday, February 6<sup>th</sup> meeting, which will be held at 6:30pm. **Prior to that meeting, and before we start construction, we'd love the chance to show you what we have planned and ask for your support in our appeal. Please stop by for an open house next Saturday, January 13<sup>th</sup> from 10am-12pm.** We'd love to see you there. We'll be there along with our designer to help answer any questions you may have.

We can't wait for the project to get started (and completed), so we can become true members of the block!

We look forward to seeing you next Saturday. If you can't make it and want a chance to meet and review the plans with us, please give Brooke a call at (913) 488-0134.

Thanks,



Dave & Brooke Jenkins

CITY OF PRAIRIE VILLAGE, KANSAS  
BOARD OF ZONING APPEALS

By signing the below, I acknowledge that I am supportive of the Jenkins Family's BZA appeal to reduce the west side setback from 6 feet to 4 feet at 4111 West 73rd Terrace.

  
Signature

  
Printed Name

  
Address

  
Signature

  
Printed Name

  
Address

  
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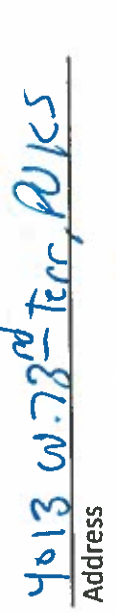
  
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Printed Name

  
Address

CITY OF PRAIRIE VILLAGE, KANSAS  
BOARD OF ZONING APPEALS

By signing the below, I acknowledge that I am supportive of the Jenkins Family's BZA appeal to reduce the west side setback from 6 feet to 4 feet at 4111 West 73rd Terrace.

Signature Karen Worcester

Printed Name Karen Worcester

Address 4024 W. 73rd Terr.

Signature Marilyn Wotton

Printed Name Marilyn Wotton

Address 4021 W 73rd Terr

Signature [Signature]

Printed Name Michael Fowler

Address 4001 W 73rd Terrace

\* Signature Robert C. Holmes

Printed Name Robert Holmes

Address 4117 W. 73rd Terrace

\* Signature [Signature]

Printed Name Te Holmes

Address 4117 W 73rd Terr

Signature [Signature]

Printed Name Emily Maher

Address 4125 W 73rd Terr

\* Signature [Signature]

Printed Name Dick Strong

Address 4107 W 73 Terr

Signature [Signature]

Printed Name Jessica Colton

Address 4122 W 73rd Terr

Signature [Signature]

Printed Name Keely Canoue

Address 4017 W 73 Terr

Signature [Signature]

Printed Name Stefan Gwella

Address 4122 W 73rd Terr



## Joyce Hagen Mundy

---

**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!

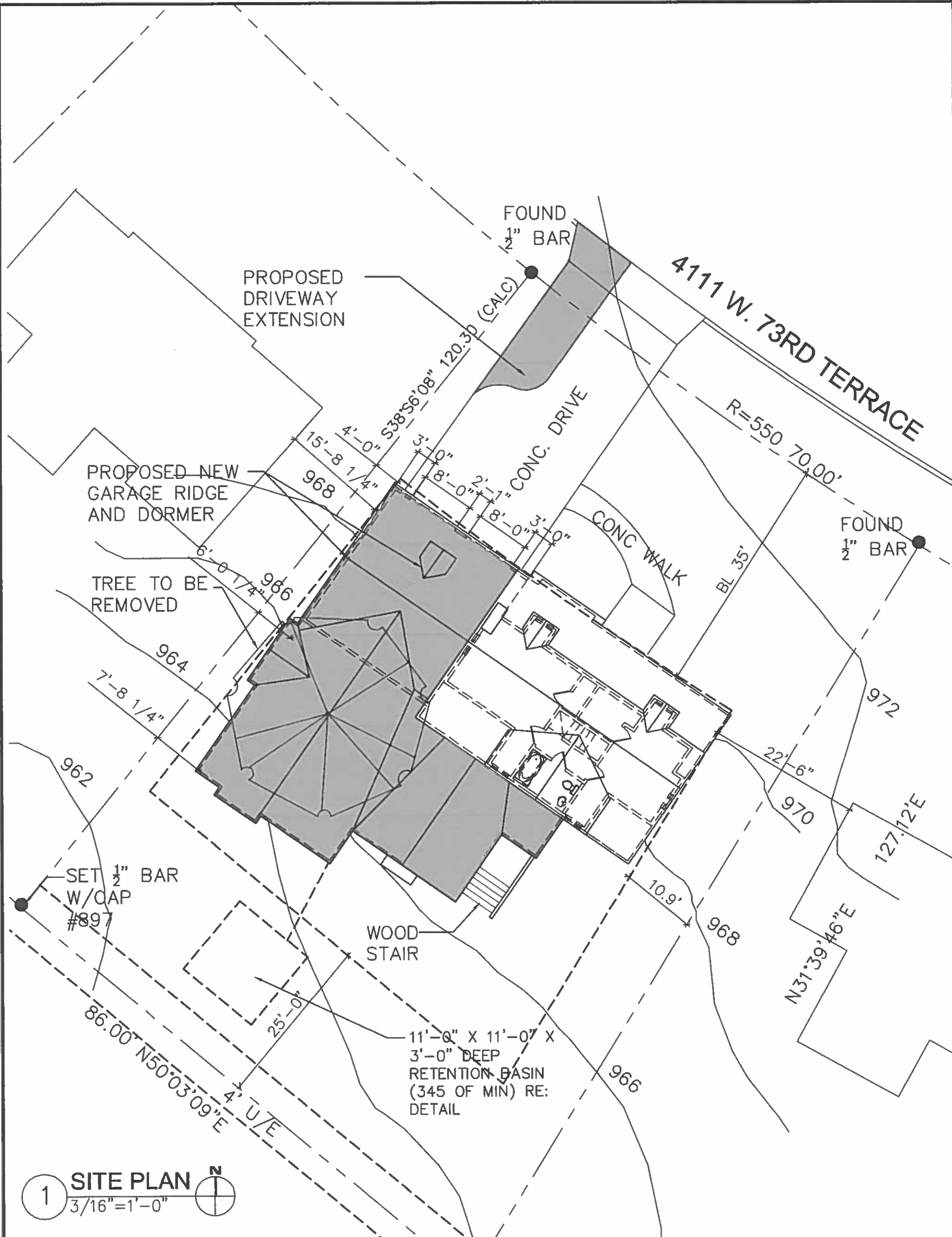
**From:** james olenick [<mailto:jamesolenick@hotmail.com>]  
**Sent:** Wednesday, January 10, 2018 10:05 AM  
**To:** [awang@pvkansas.com](mailto:awang@pvkansas.com)  
**Subject:** 4111 w 73rd ter

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



1 SITE PLAN  
 3/16" = 1'-0"

A SITE PLAN FOR:	
<b>THE JENKINS RESIDENCE</b>	
4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208	
<b>BZA SITE PLAN</b>	
<b>studio 605</b>	SHEET <b>A-1</b>
8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340 WWW.STUDIO605.COM	OF SHEETS
DATE: 03.01.18	JOB NUMBER:
DRAWN BY: JMS	



FRONT  
ELEVATION

1  
3/16" = 1'-0"

N

A DRAINAGE MAP FOR:		
THE JENKINS RESIDENCE		
4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208		
BZA ELEVATIONS		
	<b>studio 605</b>	SHEET
	8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340 WWW.STUDIO605.COM	<b>A-1</b>
DATE: 02.12.18		OF SHEETS
DRAWN BY: JMS		JOB NUMBER:



1 WEST ELEVATION  
3/16" = 1'-0"



A D R A I N A G E M A P F O R :		
THE JENKINS RESIDENCE		
4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208		
BZA ELEVATIONS		
	<b>studio 605</b>	SHEET
	8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340 W W W . S T U D I O 6 0 5 . C O M	<b>A-1</b>
DATE: 02.12.18		OF SHEETS
DRAWN BY: JMS		JOB NUMBER:



1 REAR ELEVATION  
3/16" = 1'-0"



A DRAINAGE MAP FOR:  
**THE JENKINS RESIDENCE**  
 4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208

**BZA ELEVATIONS**

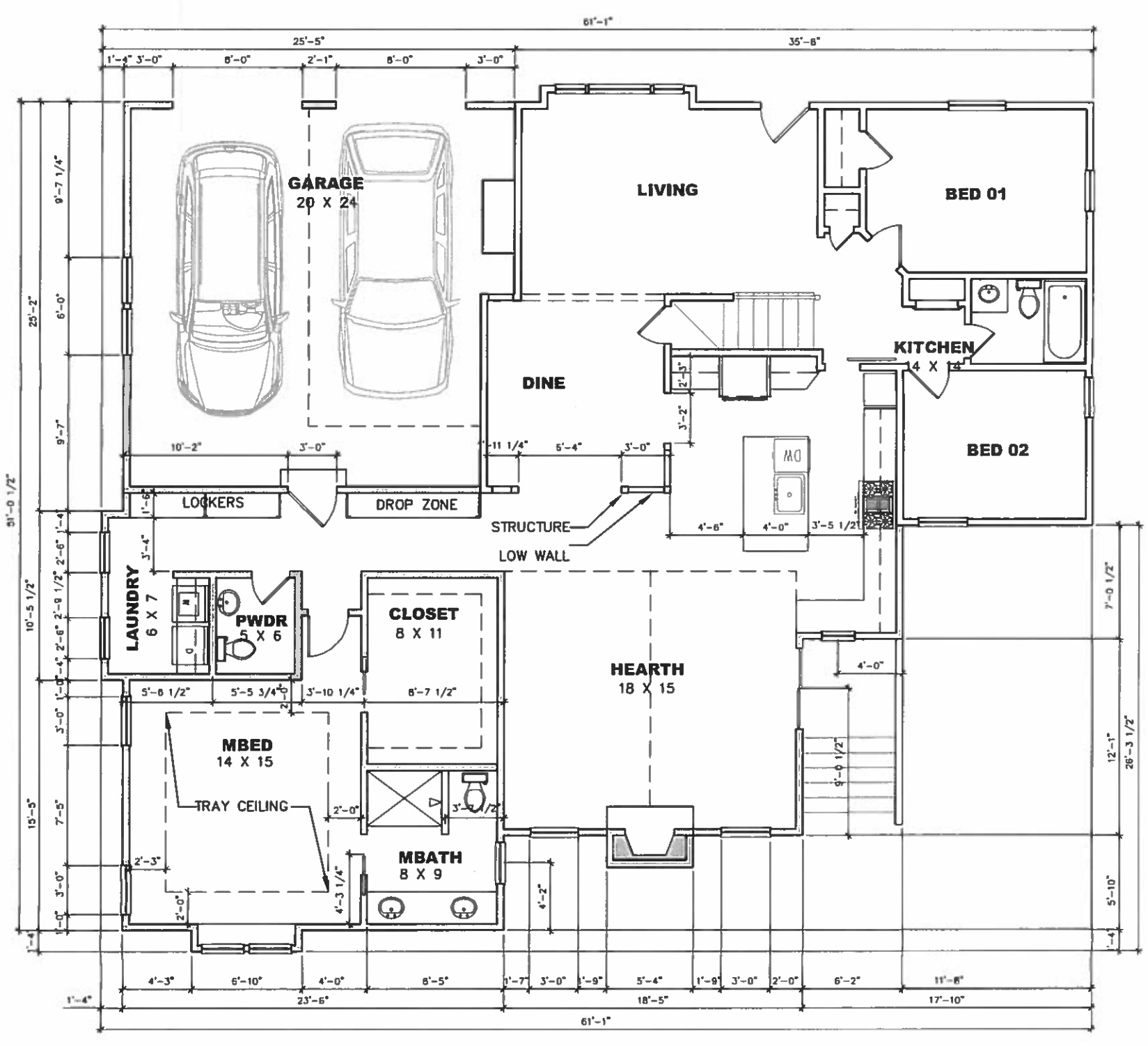
<b>studio 605</b> <small>8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340        WWW.STUDIO605.COM</small>		<small>SHEET</small> <b>A-1</b>
		<small>SHEETS</small>
<small>DATE:</small> 02.12.18	<small>DRAWN BY:</small> JMS	<small>JOB NUMBER:</small>



A DRAINAGE MAP FOR:		
<b>THE JENKINS RESIDENCE</b>		
4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208		
<b>BZA ELEVATIONS</b>		
	<b>studio 605</b>	SHEET
	8604 SAGAMORE / LEAWOOD KS. 66206 / 512.423.9340 WWW.STUDIO605.COM	<b>A-1</b>
DATE: 02.12.18		SHEETS
DRAWN BY: JMS		JOB NUMBER:

**1 EAST ELEVATION**  
3/16" = 1'-0"





**PLAN**  
1"=1'-0"



# Jenkins Residence

4111 W 73RD TERRACE PRAIRIE VILLAGE KANSAS 66208

**studio 605**

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02.13.18