

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
June 5, 2018
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - March 6, 2018

III. PUBLIC HEARINGS

BZA2018-02 Variance from Section 19.06.030(a) "Side Yard" of the Zoning Ordinances to reduce the west side yard setback from 7 feet to 5 feet
4815 West 63rd Terrace
Zoning: R-1b Single Family Residential District
Applicant: Spencer Thielmann & Alexis Kuklenski

BZA2018-03 Variance from Section 19.06.030(a) "Side Yard" of the Zoning Ordinances to reduce the side yard setback from 7 feet and less than 20% lot width to approximately 5' and 8% lot width; Section 19.06.035 reducing the rear yard setback from 25' to 10' and Section 19.06.040 "Lot Coverage" increasing lot coverage from 30% to 31%
8304 Rosewood Drive
Zoning: R-1b Single Family Residential District
Applicant: Russ Ehnen, Architect for David Offerdahl

IV. OTHER BUSINESS

V. ADJOURNMENT

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

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, MARCH 6, 2018**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, March 6, 2018 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, Jeffrey Valentino, Patrick Lenahan 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. Ron Nelson, City Council Liaison, was also present.

APPROVAL OF MINUTES

Nancy Wallerstein moved for the approval of the minutes of the February 6, 2018 meeting as presented. The motion was seconded by Jonathan Birkel and passed 5 to 0 with Mr. Breneman and Mr. Lenahan 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 73rd Terrace**

John Schutt, 6600 West 95th Street, architect for the owners, returned before the Board with new drawings for the requested side yard variance from 6 feet to 4 feet for the property at 4111 West 73rd Terrace. Mr. Schutt reviewed the plans for the proposed garage addition. 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.

Brooke Jenkins, owner of the property, noted they have been searching for a larger home in Prairie Village to accommodate their growing family. After talking with the previous owner and others about the potential to expand the home, they purchased it. They sent out the required notices and met with neighbors regarding their plans, receiving their full support.

Vice Chairman James Breneman opened the public hearing on the application:

Michael Fowler, 4001 West 73rd Terrace, spoke on behalf of the neighborhood in support of the requested variance. He noted that he had earlier received a similar

variance from the City for his property. The neighborhood feels that their request is appropriate and justified and urged the Board to approve the requested variance.

With no further comments, the public hearing was closed at 6:35 p.m.

Mr. Lenahan asked if they were adding to the existing garage or building a new garage. Mr. Schutt replied that at this point in time they are planning to tear down the existing garage and build a new garage.

Jeffrey Valentino noted that construction of a double car garage would require less space than the proposed two single garages. Mr. Schutt replied the additional space is needed for bikes, etc. Jonathan Birkel questioned the new dimensions showed on the plans as 24'1". His calculations indicated that a variance of only 1 foot was necessary. He also suggested that if the garage had a 16' door it could be moved to the west providing a greater setback. Mr. Schutt responded the garage could not be moved to the west because of the laundry room located on the other side.

Patrick Lenahan stated that he does not see anything unique about this lot. He also added that if the variance were granted, the owner of the adjacent lot would be restricted in the allowed setback he could have while maintaining the required 12 foot separation between structures. Mrs. Jenkins replied that they had spoken with the adjacent neighbors and they do not object. Mr. Lenahan noted his concern is for future owners of that lot.

Mrs. Wallerstein stated she does not believe the variance request meets the uniqueness or hardship criteria, and it would negatively impact the adjacent property owner's ability to build on their lot.

Melissa Brown noted a recent variance approved for Village Drive. The applicant is trying to stay in Prairie Village and trying to maintain the existing character of the neighborhood. The Board has approved greater variances.

Patrick Lenahan said he felt an inside clearance of 19' was workable and that this project could be designed in compliance with code. He does not see the site as unique or a hardship to be present, and it negatively impacts the adjacent property.

John Schutt responded the goal is not to tear down the existing home. The 19 foot inside clearance may work, but he does not feel it makes sense for what his clients are trying to do.

Vice-Chairman James Breneman led the Board through the following conditions required for the granting of 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 73rd 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.

Patrick Lenahan moved the Board find Criteria A “Uniqueness” has not been met. The motion was seconded by Nancy Wallerstein and passed unanimously.

Based on the first criteria being found not to be met, Patrick Lenahan moved the Board deny the requested variance to the side yard setback at 4111 West 73rd Terrace. The motion was seconded by Nancy Wallerstein.

John Schutt asked the Board if they would accept a one foot variance to 5 feet. Mr. Valentino replied the issue is not the size of the variance. The variance itself does not meet the criteria for approval. This is not a unique property. Denial does not create an unnecessary hardship, as the plans can be altered to come into compliance with the code. He is extremely supportive of renovation, but maximum effort must be made to do that renovation within the City’s code.

The motion was voted on and passed by a vote of 6 to 1 with Melissa Brown voting in opposition.

OLD BUSINESS

There was no Old Business to come before the Board.

NEXT MEETING

Board Secretary Joyce Hagen Mundy reported no application has been filed for the April meeting.

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, Gould Evans, Planning Consultant
DATE: June 5, 2018

Application: BZA 2018-02

Request: Variance for Side Yard Setback from 7 feet, and 20% of the lot width, to 5 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: 4815 West 63rd Terrace

Applicant: Spencer Thielmann and Alexis Kuklenski

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

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

Legal Description: COUNTRYSIDE-EAST LT 21 BLK 7 EX ELY 5 FT PVC 422B 8

Property Area: 0.28 acres (12,061.59 s.f.)

Related Case Files: None

Attachments: Application, site plan and building plans

General Location Map



Aerial Map



Aerial Site



Street Views



Street view - front



Street view looking at the west lot line where variance requested



Bird's eye view

COMMENTS:

The applicant is requesting a variance from Section 19.08.030 to allow a side addition to the existing building to extend up to 2 feet into the required 7 feet side yard setback. The lot is zoned R-1A, on West 63rd Terrace. The R-1A district requires lots to be at least 80 feet wide and 120 feet deep (10,000 s.f.). This lot is 85 feet wide and is approximately 138 feet deep. It has a slightly irregular shape as it is wider at the rear (90.5 feet), creating a slight skew in the lot lines. Other lots on this block face have a similar condition to varying degrees due to the curve of West 63rd Terrace.

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. The front, west corner of the expanded garage would be 5 feet from the side lot line. This would allow the proposed garage to be approximately 15.9 feet from the existing home to the west at the closest point (the forward corner west corner due to the skew of both lots.)

The applicant has included concept plans showing the garage addition a single-story addition with a hipped roof, indicating that the side elevation on the side with the variance will be single-story to an eave line along the west side. This west elevation would be placed approximately 20 feet from the existing home to the west, which is set back from this lot line approximately 15 feet. 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 tapered to the existing curb cut..

All of the proposed addition would comply with the R-1A zoning standards except for the proposed location 5 feet from the west property line. R-1a requires a side setback of 7 feet minimum each side, and a total of 20% of the front lot width, and adjacent structures may be no closer than 14 feet. The standard applied to this lot to require at least 16' between both sides of this lot and no less than 7' on either side. The east side has a setback of approximately 14.19' to 14.88', so the 20% requirement would be met whether the variance is granted or whether the addition was built meeting the 7' 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 larger than required by the R-1A zoning district (85 feet wide, rather than 80 feet minimum; and 12,061 square feet, rather than the 10,000 square feet minimum). This is comparable to other lots on the block, as most have a width between 85 feet and 95 feet. The Block does have a curve as it approaches Roe Avenue to the east resulting in irregular lots, and the end lot on the opposite block face is a larger institutional property used as a church. The existing home is slightly off-center on the lot with the east side setback at 14.2 to 15 feet and the west side setback at 10.6 to 11.2 feet (varies due to skew of lot and home). A single-car garage is on the west lot line, where the variance is requested. Most homes on this block face have a two-car garage on the west lot line.

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 26 feet from the home to the west, and approximately 22 feet from the home to the east. Granting the variance would allow the west elevation to be located slightly

June 5, 2018

over 20 feet from the home to the west. This elevation would be a single-story elevation (8 to 12 feet feet above actual grade), and with an expansion of the existing hipped roof would have a single-story eave line along this elevation. A concept plan has been submitted showing a similar massing and scale as the existing home. However, if the variance is granted, in order to maintain the required 14 feet building separation, future development on the lot to the west would require at least 9 feet from this property line as opposed to the minimum of 7 feet. Like most homes on this block the home on this lot is off-center to the west, so its closest relationship to a side lot line is on the opposite boundary.

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-1A 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. The applicant has submitted dimensions showing that a stairway and chimney on the west wall of the living space is located within this area, resulting in the existing garage having 13.5 feet of width. Expansion of the home to the required 7-foot setback line would add 3.5 feet of width, and a usable space of 17-feet wide. The requested variance would allow a usable space of approximately 19' wide, more typical of a smaller 2-car garage.

D. Public Interest

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

The concept plan shows the proposed addition complying with all other setback and building coverage standards, and it is a continuation of the single-story design which is under all of the height standards. The proposed addition is consistent with the architectural character of the existing building, is of a similar scale to other buildings in the vicinity, and proposal reflects investment in existing buildings in the neighborhood.

E. Spirit and Intent of the Regulation

That the granting of the variance desired would not be opposed to the general spirit and intent of these regulations.

The intent of the R-1A zoning 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 (5', 14' 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 7' setback; vs. 8' to 12' at a 5' setback). Therefore, the relationship to the existing building on the west side is comparable or less than what could be built under the R-1A 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 concept plans, and specifically only to allow a side setback of 5 feet for the proposed single-story garage addition.
2. The applicant shall receive approval of any necessary drainage permits from public works prior to issuance of any building permits.
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

0017159

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: 1920-2018-02

Filing Fee: _____

Deposit: _____

Date Advertised: 5/15/16

Public Hearing Date: 6/5/18

APPLICANT: Spencer Thielmann & Alexis Kuklenski PHONE: 608-320-6200
ADDRESS: 4815 W 63rd Terrace ZIP: 66208
OWNER: Spencer Thielmann & Alexis Kuklenski PHONE: 608-320-6200
ADDRESS 4815 W. 63rd Terrace ZIP: 66208
LOCATION OF PROPERTY: 4815 W 63rd Terrace
LEGAL DESCRIPTION: COUNTRYSIDE-EAST LT 21 BLK 7 EX ELY 5 FT PVC 422B 8

Variance Requested Variance for the west sideyard setback to 5 feet

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Parking Lot of Church</u>	<u>R1-A Single family residential</u>
South	<u>Singel Family Residence</u>	<u>R1-A Single family residential</u>
East	<u>Single Family Residence</u>	<u>R1-A Single family residential</u>
West	<u>Single Family Residence</u>	<u>R1-A Single family residential</u>

Present use of Property: Single family residence

Proposed Use of Property: Single family residence

Utility lines or easements that would restrict proposed development:
None. The requested variance would go up to , but not into the 5' utility easment.

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:  DATE May 3, 2018

BY: _____
TITLE: _____

Thielmann Variance Request – 4815 W 63rd Terrace

Request:

We are requesting that the side yard setback requirement on the west side of the property be decreased from 7 feet to 5 feet to allow for the construction of a two-car garage with a total width of 22.5 feet and a useable parking space of 19 feet.

The final garage design would be in keeping with the neighborhood, including the use of two single car garage doors. The roof design would likely be a continuation of the current hip design, or a single front peak like the properties on either side. The existing deteriorating single-car asphalt driveway will be removed and reconstructed to a double car width. A front porch will also be added to the structure. The design of the porch will be coordinated with the garage reconstruction to ensure a cohesive final project. It is our intent to complete all this work at the same time, and in a manner that conforms to all of the current building requirements. The only exception being the 5' side setback variance being requested.

Criteria #1

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

The variance must arise from a condition of the property. That condition must be unique to the property. That does not mean that the condition is “unique” but rather that it is “unique to the property;” that is, the condition relates solely to the property and not to external factors, structures, etc. The condition must not be ordinarily found in the zone or district; i.e., the condition must not exist with respect to a number of properties. Its occurrence must be infrequent. The owner/applicant cannot have done anything to the property which caused the condition. This does not refer to what the owner proposes with the variance, but some act done with the property; for example, subdivide for example, subdividing a lot, that causes the condition from which relief is sought.

This structure was constructed off of the center of the parcel, and built with the need for external access to the basement via the garage. Both of these elements are beyond my control, as it was built more than 60 years ago and changing these elements are not feasible.

A variance would not be needed to construct a 19 foot wide garage were there not the need to maintain access the basement via the stairway in the garage. The same is true of the orientation of the structure; had the home been constructed on the center of the property a variance would not be needed.

Access to the basement via the garage is atypical in this neighborhood. Thus, this limiting variable is unique to the structure.

Criteria #2

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

The variance may not adversely affect the rights of adjacent property owners. The crucial terms here are “adversely” and “rights”. While objections of adjacent property holders will be heard and

considered, the variance proceeding is not a plebiscite. The Board will consider whether or not any impact on adjacent property holders constitutes an adverse affect on their rights.

Granting the variance will not adversely affect the right of the adjacent property owners. The adjoining structure is set approximately 20 feet from the property line in discussion. This portion of the neighboring house contains long narrow transom windows along the upper portions of the rooms; not traditional windows. The creation of the two-car garage will not impact the sight lines of the structure on the adjoining property. The adjoining parcel has a steep downhill grade toward the proposed two-car garage and will not have any drainage impact from the project. Granting the variance does not limit or impact the rights of the adjacent property owners.

We have spoken to all adjoining property owners and all have been in support of the project. The property owner on the side adjoining the garage has expressed that it is preferable to them that the structure have a two-car garage.

Criteria #3

That the strict application of the provisions of this title of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

A variance may be granted where strict application will result in unnecessary hardship. Unnecessary hardship shall be considered to mean that the property owner cannot do with his property that which others can ordinarily do and/or that which is a reasonable expectation for a similar property owner and /or where special circumstances of the particular property exist.

Granting the variance will allow for 19 feet of useable space, which is the generally agreed upon minimum internal width of a two-car garage for modern sized vehicles. The strict application of the provisions of the zoning code will limit the garage width to 17 feet of useable space and prohibit the creation of a 2-car garage. It is reasonable to expect to be able to accommodate such a structure on a property in the R-1A district as evidenced by the presence of a two-car garage on nearly every other structure on the street. Thus, this request meets the hardship criteria.

Criteria #4

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

The variance may not adversely affect the public interest. The Board shall consider the impact of the requested variance upon the concerns of the public; such as fire protection, environmental impact, police protection, vision, safety and morals.

Granting this variance will not adversely affect the public interest. The remaining space between adjoining structures is 25 feet, thus there is no impact to fire protection. The expansion will meet all the grading and drainage requirements. Buildings and structures will not cover more than 30% of the net lot area. Thus, granting the variance will not pose an environmental impact. The variance would allow for construction up to, but not into the existing utility easement so there would be no impact on convenience or the general welfare of the community. Eighteen of twenty other properties on the street have two-car garages and two car garages are the norm in this district. Thus, granting this variance will not pose a negative vision impact.

Criteria #5

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

The variance must not conflict with the intent and spirit of the zoning regulation. The Board shall consider that the zoning regulation was adopted for a purpose; such as, green space, traffic safety, light and air, neighborhood conformity, etc. Therefore, the Board will evaluate whether or not the variance requested will conflict with that purpose.

Granting this variance will not conflict with the intent and spirit of the zoning regulation. This variance will allow for the creation of a two-car garage, which is in keeping with the neighboring structures. This is directly in line with the zoning regulation's purpose of maintaining neighborhood conformity.

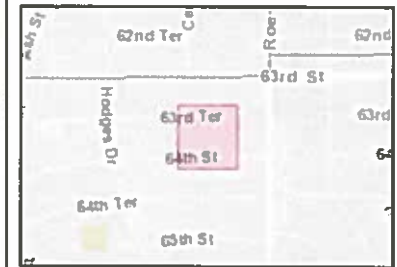
In addition, even with the variance, more than 23% of the overall lot width will be maintained in side setback which meets the green space, light, and air considerations of the zoning regulation.



Johnson Co AIMS Map

LEGEND

- Building Foot Prints**
 - Building
 - Courtyard
- Property ComInt/VertLabels**
 - Address Point
 - Building/Structure
- Property**
 - Untaxed
 - Common Interest
 - Vertical
 - Platted
 - Unplatted
 - Right-of-way
 - Mineral Rights
 - Leased Land



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Joyce Hagen Mundy

From: Alexis Kuklenski [alexis.kuklenski@gmail.com]
Sent: Friday, June 01, 2018 9:30 AM
To: Jamie Robichaud; Joyce Hagen Mundy
Subject: Fwd: Variance for 4815 W 63rd Ter

Good Morning,

Please provide the BZA with the brief supplemental letter below and the note from our HOA stating their support for our request. Thank you!

Members of the BZA,

Thank you for reviewing our request to apply for a variance to allow us to create a two-car garage. Attached is an email from the President of our HOA indicating their support for my request to reduce the side setback from seven feet to five feet.

I regret not being able to attend the meeting and ask that you review the request for approval so we can move forward with the project. If approval is not possible at this time, I would request that you continue this item until the next meeting when I can be present and respond to any questions.

Thank you for the time you have put into my request.

Regards,
Alexis Kuklenski

----- Forwarded message -----

From: Christopher Lipp <christopher_lipp@yahoo.com>
Date: Thu, May 31, 2018 at 5:40 PM
Subject: Re: Variance for 4815 W 63rd Ter
To: Alexis Kuklenski <alexis.kuklenski@gmail.com>

Alexis -

I am sorry for the delayed response. Specifically, not getting this note to you prior to 5pm.

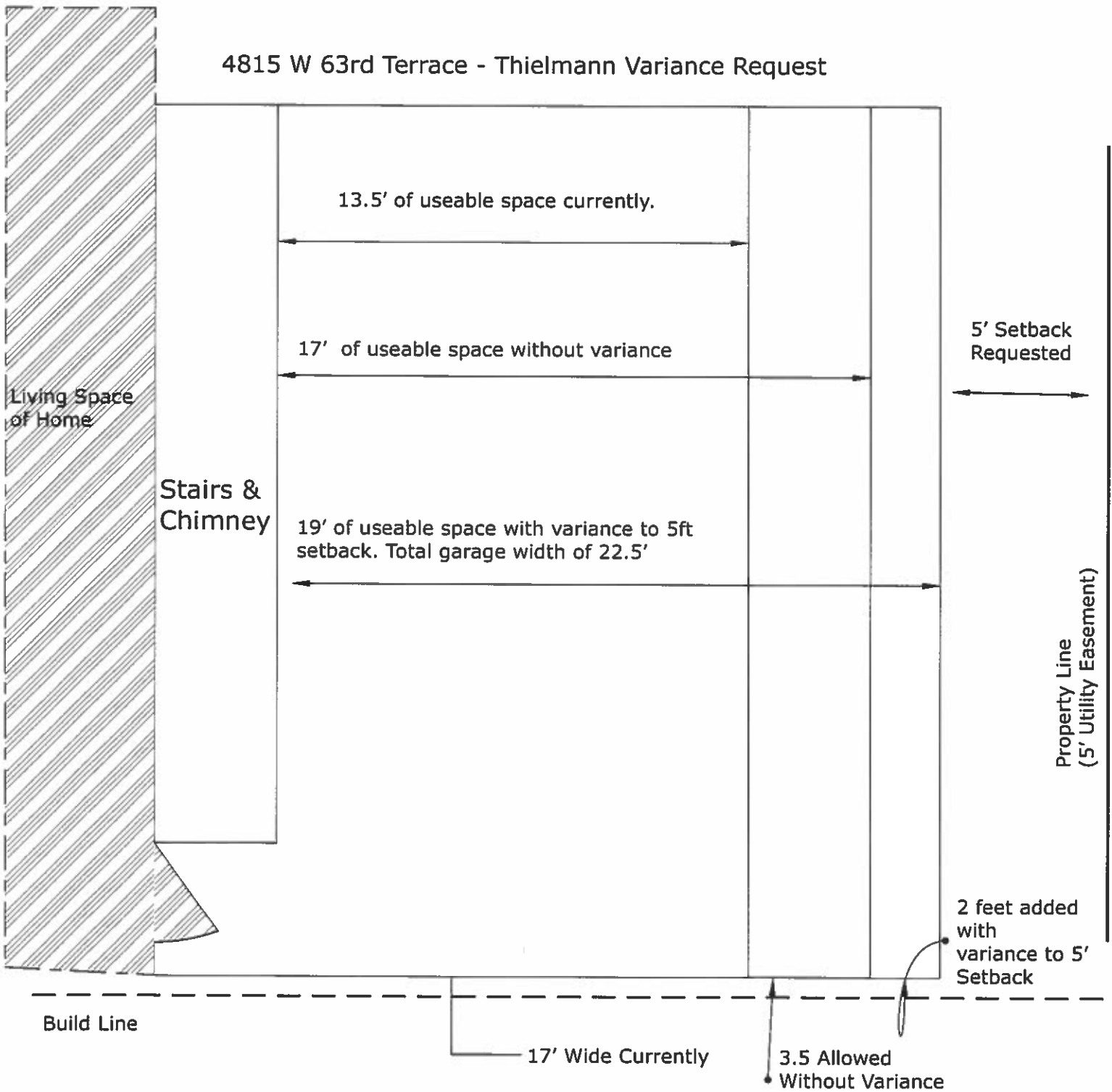
The HOS board met earlier the week, and the board found no objection with your proposal. Thank you for your continued interest and investment into our neighborhood

Chris

Sent from my iPhone

On May 16, 2018, at 8:57 AM, Alexis Kuklenski <alexis.kuklenski@gmail.com> wrote:

4815 W 63rd Terrace - Thielmann Variance Request



Thielmann request for a variance to allow for a 5' setback to accommodate the creation of a two-car garage. The home has a stairway in the garage that impedes upon the useable space. The variance would allow for the creation of a 22.5 ft wide garage, with 19 ft of useable parking space. The existing drive will be removed and a new double drive added.

The design of the garage would be in keeping with the neighborhood. Including the use of two single garage doors.

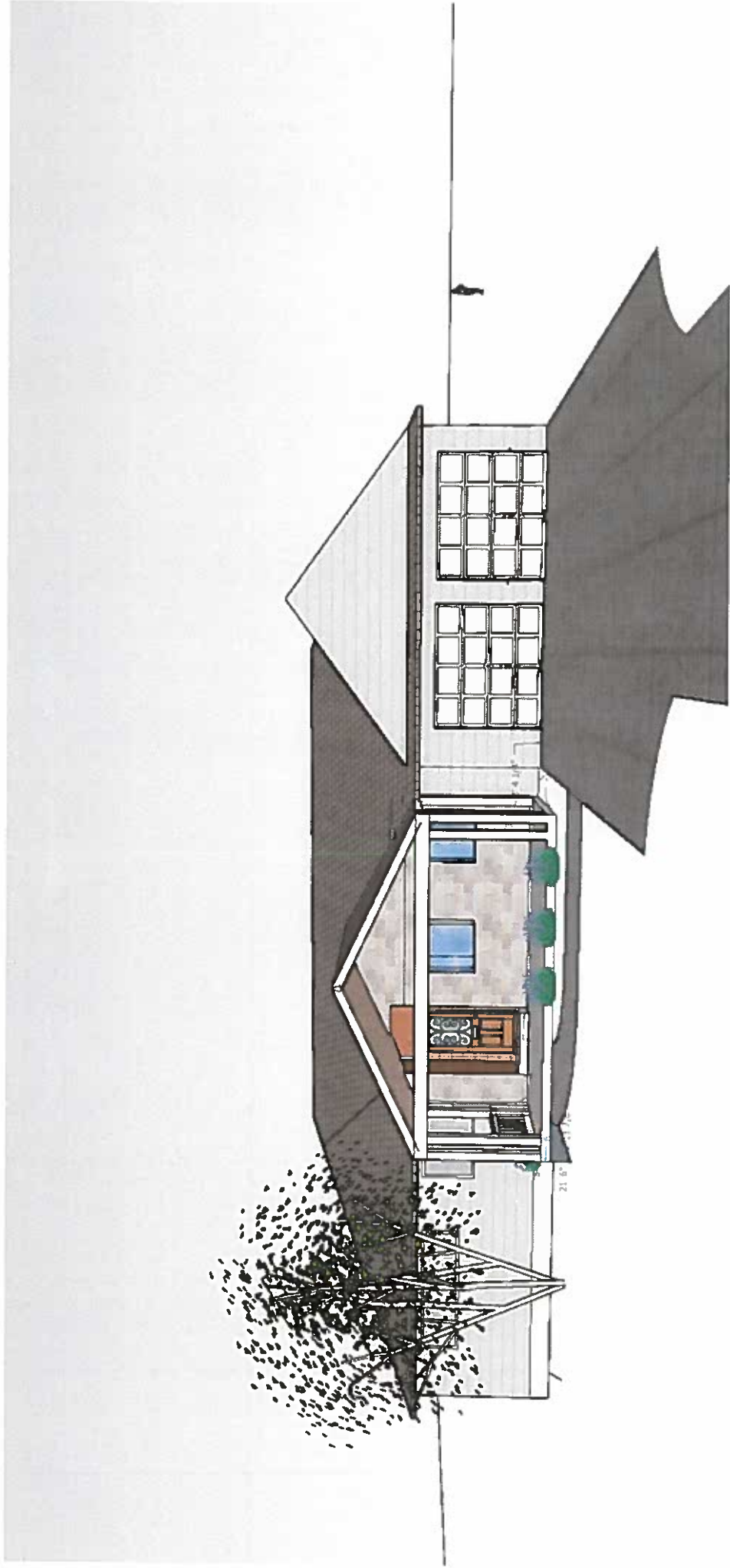
Scale 1/4"=1' Created 4/21/18



Concept Plan showing jipped roof grade adn porch



Concept showing peak roof on porch and garage



CLIENT:
 Spencer Thielmann
 4815 W. 63rd Terrace
 Prairie Village, KS 66208

LEGAL DESCRIPTION:
 Lot 21, except the Easterly 5.00 feet, Block 7,
 COUNTRYSIDE-EAST, Prairie Village, Johnson County,
 Kansas.


NOTES:
 1.) The Plat of COUNTRYSIDE-EAST is recorded in Plat
 Book 21 of Page 10, in the Johnson County Recorder
 of Deeds Office.

2.) Basis of bearings is established from the Kansas
 State Plane Coordinates System from GPS Observation.

3.) **Benchmark:**
 Set "4" cut on the back of curb near the
 Southwest corner of Lot 1, Block 7,
 COUNTRYSIDE-EAST.
 Elevation = 1001.84

CERTIFICATION:
 I hereby certify that this drawing is based on an
 actual field survey made by me or under my direct
 supervision on the 12th day of September, 2017
 and that said survey meets or exceeds the current
 Kansas Standards for Property Boundary Surveys,
 as established by the Kansas Board for Architects,
 Professional Engineers and Land Surveyors, and the
 Kansas Department of Natural Resources, Division
 of Geology and Land Survey.

Date: 9/15/17
 John B. Young PLS-1298

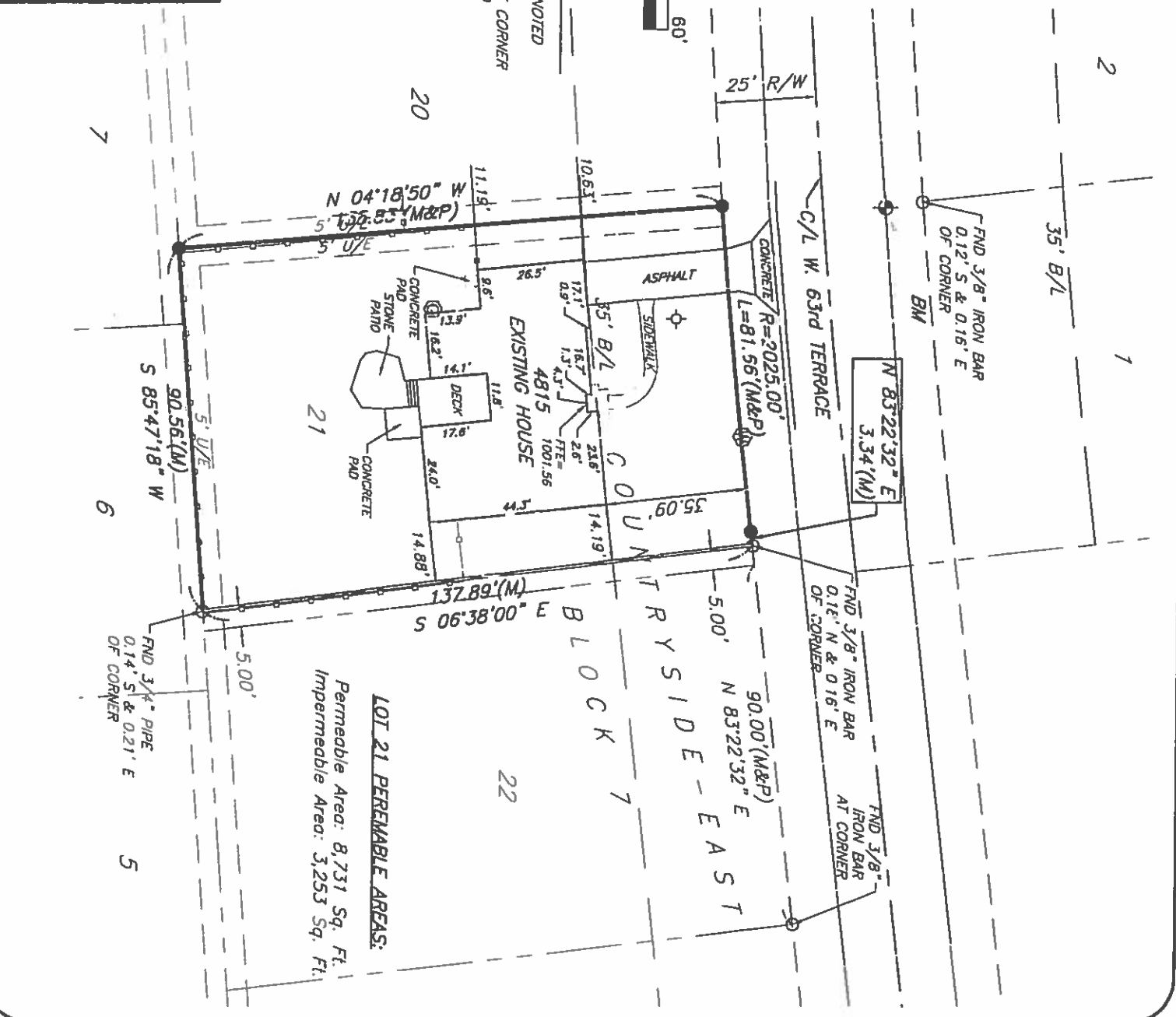


Location: S:\17.211 - 4815 W. 63RD\DRAWINGS\Boundary.dwg



J & J
 SURVEY
 LLC

BOUNDARY & TOPOGRAPHIC SURVEY
 LOT 21, BLOCK 7
 COUNTRYSIDE EAST
 PRAIRIE VILLAGE, JOHNSON COUNTY,
 KANSAS



STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: June 5, 2018

Application: BZA 2018-03

Request: Variance for Side Yard Setback from 7 feet, and 20% of the lot width, to 5 feet with 8% of lot width; Variance for Rear Yard Setback from 25' to 10'; and Variance for lot coverage from 30% maximum to approximately 31%

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: 8304 Rosewood

Applicant: Russ Ehnen, Architect for David Offerdahl

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

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

Legal Description: NORMANDY SQUARE LOT 7 BLK 1 PVC-0643 0007

Property Area: 0.4 acres (17,249.61 s.f.)

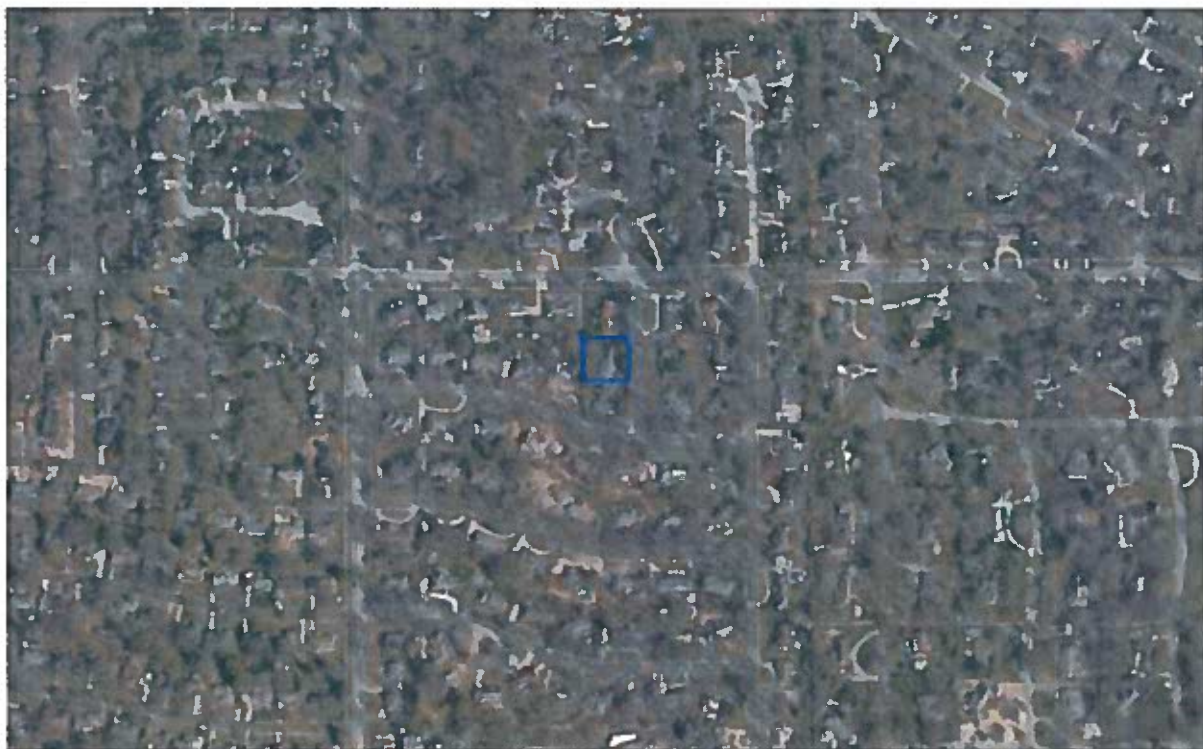
Related Case Files: None

Attachments: Application, site plan and building plans

General Location Map



Aerial Map



Aerial Site



Street Views



Street view - front



Street view looking at the south lot line where variance requested



Bird's eye view

COMMENTS:

The applicant is requesting variances from Section 19.08.030, Section 19.08.035, and 19.06.040 to allow a side and rear addition to the existing building that would extend up to 2 feet into the required 7 feet side yard setback and also reduce it to 8% of the total lot width between both sides; extend 15 feet into the required rear yard setback; and increase the lot coverage over the 30% maximum. The lot is zoned R-1A, on Rosewood between 83rd Street and 83rd Terrace. The R-1A district requires lots to be at least 80 feet wide and 120 feet deep (10,000 s.f.). This lot is 125 feet wide and is approximately 138 feet deep. It is on the end grain of a block, situated between two corner lots. Other lots on this block are of comparable size but some have an irregular configuration due to the shape of the block which tapers wider on the Rosewood side allowing this additional lot between the two corners.

The applicant is proposing a 1,730 square foot addition on the north side and rear of the home, to allow two additional garage bays – one of which is oversized for large vehicles (RV-scaled), in association with other rear yard site improvements not impacted by the zoning requirements. The north side of the addition would be 5 feet from the side lot line and the rear side would be 10' from the rear lot line. The proposed addition is 23 feet, 4 inches at the highest point. This would allow the proposed addition to be approximately 20 feet from the existing home to the north at the closest point (the forward corner addition nearest the back corner of the existing home to the north). Most of the proposed addition would be adjacent to the rear yards of the lot to the north and two lots to the west.

The applicant has included front elevations and a site plan with footprints showing the addition as single-story addition with a hipped roof, however the roof is elevated to allow the extended garage bay (12' w x 14' high). Although a dimensioned elevation is not included, the north elevation along the north side lot line would be higher than others (at least 14' plus additional space above the proposed door), and it would extend approximately 54 feet along this elevation. The majority of the front elevation on the street would remain unchanged, as the addition and new garage bays are to the rear of the property with access at the end of the existing driveway and parking pad.

The proposed addition does not meet the zoning requirements in the following specific ways:

- A 5' setback on the north side lot line is proposed, where the required minimum is 7.' In addition the lot needs to allocate 20% of the lot width as setback between the two sides. The south side is currently approximately 5 feet from that line (legal, non-conforming situation), thus the north setback would need to be 20' to amount to 20% of the lot width. (125' w x 20% = 25'; 5' existing on the south would require 20' to remain on the north)
- A 10' setback on the rear property line is proposed, where 25' is required.
- The proposed 1,730 addition would increase the total lot coverage to 31%, when a maximum of 30% is allowed.

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 significantly larger than required by the R-1A zoning district (125 feet wide, rather than 80 feet minimum; and 17,250 square feet, rather than the 10,000 square feet minimum). This is comparable to other lots on the block, as most have a width between 120 and 150 feet. The block does have a curve as it approaches Rosewood to the east resulting in some irregular lots. The

existing home is off-center on the lot with the south side setback at 5 feet. (13 feet, 11 inches is shown on the applicant's site plan for the bulk of the living space with a projection in the foot print extending to the 5 foot line.) The current north side setback is approximately 24 feet from the north property line. This is an "end grain" lot on the end of a block between two corner lots, so each opposite corner is closer to the side lot lines of this lot and further from each of the side streets.

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 36 feet from the home to the north, and approximately 26 feet from the home to the east. Granting the variance would allow the north elevation to be located approximately 20 feet from the home to the west. This elevation would be a between 14 feet and 17 feet (dimensioned elevations were not included for this side), and extend 54 feet towards the rear property boundary, at the proposed 5' setback. Additionally, the proposed structure would be 10 feet from the rear property line abutting the back-side yards of the two homes facing 83rd Street and 83rd Terrace. In addition, if the variance is granted, in order to maintain the required 14 feet building separation, future development on the lot to the north would require at least 9 feet from this property line as opposed to the minimum of 7 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-1A minimum area standards, and the existing home is within all of the setback and area coverage requirements. Due to the large lot size there is substantial room for expansion within the required setbacks. As an addition to an existing structure, the location of the garage is fixed by the current garage and driveway, yet the large existing side yard and side-entry garage can still allow for expansion of garage and living space in this area meeting the zoning requirements.

D. Public Interest

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

The majority of the addition is setback substantially from the public streetscape and behind the front elevation of the home. However, the over-sized vehicle bay may still be prominent and is unlike any other garage entry in the neighborhood. Further, the expansion of the footprint to as much as 31% of the lot is significant, particularly on such a large lot. In association with all other proposed site improvements, Public Works will require drainage information to ensure that the lot coverage and other site improvements will not create drainage issues for surrounding properties or the vicinity.

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 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 (5', 14' minimum between buildings), and near the extent of the 2-story height limit at the side setback. The requested deviation is significant compared to the permitted building footprint and setback along the north and rear lot lines, particularly since the existing home is already off-center to the south side with the intent that the north side setback remain larger than the minimum. Additionally this is the largest wall plane of the proposed addition due to its extended height to accommodate an over-sized vehicle bay coupled with the fact that extends far back along this lot line as result of the requested rear-setback variance. Therefore, the relationship to the existing building on the north side, and the relationship to the rear yards on the north and west lots exceeds the intent of what could be built under the R-1A standards.

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 site plans and elevations, and specifically only to allow a side setback of 5 feet and 8% of total lot width, a rear yard of 10 feet, and a building coverage of 31%.
2. The applicant shall receive approval of any necessary drainage permits from public works prior to issuance of any building permits.
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.

App # 0017166

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: 2018-03

Filing Fee: \$75

Deposit: _____

Date Advertised: 5/15/18

Public Hearing Date: 6/15/18

Cust# 19935

APPLICANT: RUSS ETHER. ARCHITECT PHONE: 816-786-6770
 ADDRESS: 5702 SW MAPLE RIDGE TRIMBUS MO ZIP: 64492
 OWNER: DAVID OFFERDAHL PHONE: 913-766-4444
 ADDRESS: 8304 ROSEWOOD PRAIRIE VILLAGE KS ZIP: 66207
 LOCATION OF PROPERTY: 8304 ROSEWOOD
 LEGAL DESCRIPTION: LOT 7. BLOCK 1. NORMANDY SQUARE ADDITION

Variance Requested SIDE and REAR YARD SETBACK

ADJACENT ZONING AND LAND USE:

	Land Use			Zoning
North	<u>SINGLE FAMILY RES.</u>			<u>R-1A</u>
South	<u>S</u>	<u>F</u>	<u>R</u>	<u>R-1A</u>
East	<u>S</u>	<u>F</u>	<u>R</u>	<u>R-1A</u>
West	<u>S</u>	<u>F</u>	<u>R</u>	<u>R-1A</u>

Present use of Property: SINGLE FAMILY RESIDENCE

Proposed Use of Property: S . F . R .

Utility lines or easements that would restrict proposed development:
none

Please complete both pages of the form and return to:

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

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:  _____ DATE 4 May 2018

BY: Russ Etmen, ARCHITECT

TITLE: OWNER'S AGENT

Russ Ehnen
a r c h i t e c t



5702 Southwest Maple Ridge
Trimble . Missouri 64492

816 . 786 . 6300
russehnen@aol.com

4 May 2018

project

Addition . Alterations
Offerdahl Residence
8304 Rosewood
Prairie Village . Kansas

project number

1515.01

1 Uniqueness

Primary challenge is revision of the Zoning District to R-1A in July 2016, which through no fault of the property owner, restricted intended use regarding side yard setbacks.

2 Adjacent Properties

Proposed addition does not encroach upon the 14 foot minimum separation distance from any adjacent structure.

3 Hardship

Side yard setback restricts owner from construction of the proposed addition. Subject side yard setback at time of purchase of the property would have allowed.

4 Public Interest

Proposed building addition is well behind the face of the existing residence and more than 60 feet inboard of the property line. As such, very little visibility from the public way occurs and thus not negative property value impact. New materials, roof slopes and other improvements match or exceed existing quality.

5 Spirit and Intent

Property owner presumes the 2016 revisions to the Zoning Ordinance regarding single family residences is primarily oriented to new construction, and the City recognizes subdivisions 40 plus years in age will not comply.

6 Minimum Variance

Proposed addition is minimum size to accommodate owner needs.

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

The Board of Zoning Appeals will hold a public hearing on Tuesday, June 5, 2018, at 6:30 p.m. in the Council Chambers in the Municipal Building at 7700 Mission Road, Prairie Village, Kansas, on the following application:

**BZA 2017-03 Variance from the Prairie Village Zoning Ordinances Section 19.06.030(a) reducing the side yard setback from 7' and less than 20% lot width to approximately 5' and 8% lot width; Section 19.06.035 reducing rear yard setback from 25' to 10' and Section 19.06.040 "Lot Coverage" increasing lot coverage from 30% to 31%
8304 Rosewood Drive
Zoning: R-1a Single Family Residential District
Applicant: Russ Ehnen, Architect for David Offerdahl**

The property legally described as follows: Normandy Square Lot 7, Block 1 PVC 0643 0007

The applicant is requesting the above variances to allow for the construction of a one-story addition to the west side of the existing home reducing the side and rear yard setbacks and increasing lot coverage.

At the time of the scheduled public hearing, all interested parties may present their comments. Prior to the date of the scheduled hearing, plans, drawings, additional information and a complete copy of the legal description are available for public inspection in the Office of the Secretary to the Board of Zoning Appeals. If you have a disability and need assistance to participate in any city meeting or program, contact Joyce Hagen Mundy by e-mail at jhmundy@pvkansas.com or at 381-6464 or TDD 1-800-766-3777.

Gregory Wolf
Chairman

David and Melinda Queen
5105 W. 83rd Ter.
Prairie Village, Kansas 66207

May 29, 2018

Dear Members of the Planning Commission:

We are writing to urge you to reject the application of 8304 Rosewood Drive to waive the setback requirements for the proposed improvements to be considered on June 5, 2018. This letter is intended to supplement the joint letter we signed with other affected homeowners. While we believe others may agree with our views we have not solicited their input in writing this letter.

While we believe there are valid procedural and legal objections to the application, we want to the Commission to understand why we think the improvements are inconsistent with the character of our neighborhood. While the character of a neighborhood cannot be measured in legal terms or even quantitative terms, it is, in our view, the ultimate objective behind the rules and regulations.

We purchased our home in 1990 and moved in in January 1991. We have raised our family here. When we moved here we joined a neighborhood with many Jewish families, many of whom were the original owners. We built friendships with these families and learned much about this history of Normandy Square. A number of these families moved here in the 1950's because of the proximity of Meadowbrook Country Club. At the time Jewish families were either denied membership in the old line clubs or membership was overly selective.

Not long after we moved into the neighborhood it began to turn over as these empty nesters moved to smaller homes that were easier to care for. While we missed our old neighbors a number of young families with children our children's age began to move in. Our kids became friends and would walk to Briarwood together. At first these were just new neighbors but over the years they would become life-long friends.

It has been exciting to see this transition occurring again as new families with children have moved in. We love seeing their kids walk to Briarwood and watching playsets go up in back yards. A bonus of these young families is how they have invested in their homes after moving in. It may seem trivial but we get a great deal of joy having their kids come to our door selling scout cookies, trash bags, Christmas wrapping paper and tickets to pancake breakfasts. These small things all contribute to the character of the neighborhood.

We have never been prouder of living in Normandy Square or enjoyed it as much. Our long-time neighbors and friends, a brand new Briarwood, a revitalized Corinth Square, and constantly improving Franklin Park have call combined to make Normandy Square as great a place to live as it has ever been.

While our neighborhood is too strong to be ruined by the proposed improvements we think the ultimate goal of all of the rules and regulations is to help assure the continuation of the character of our neighborhood. These improvements, both in purpose and scope, do not serve that objective.

We respectfully request the application be denied.

David and Melinda Queen



1 proposed
East Elevation
 1/4" = 1'-0"
 0 5 10

note
 gutters and downspouts not shown for clarity

match all existing materials

b&b siding

laminated composition shingles

decorative cupola

modular face brick

23'-4"

9-0w x 10-0h 12-0w x 14-0h
 overhead doors
 with upper glass panel

Russ Ehen
 architect

5702 SW Maple Ridge
 Trimble, Missouri 64492
 russehen@aol.com
 816 . 786 . 6300

Drawings and/or Specifications are original proprietary work and property of the Architect intended for the specifically titled project. Use of items contained herein without consent of Architect for titled or other projects is prohibited. Drawings illustrate best information available to Architect. Field verification of actual elements, conditions, and dimensions is required.



signed 4 May 2018

Project Number 1515.01

ADA Compliance Certification

To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.

Russell Dale Ehen
 Kansas Architect 3291

Revisions

addition . alterations
Offerdahl Residence

8304 Rosewood Street
 Prairie Village, Kansas

sheet

A1

Exterior Elevations

variance
 4 May 2018



Project Number 1515.01

ADA Compliance Certification

To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.

Russell Dale Ehn
Kansas Architect 3291

Revisions

addition . alterations
Offerdahl Residence

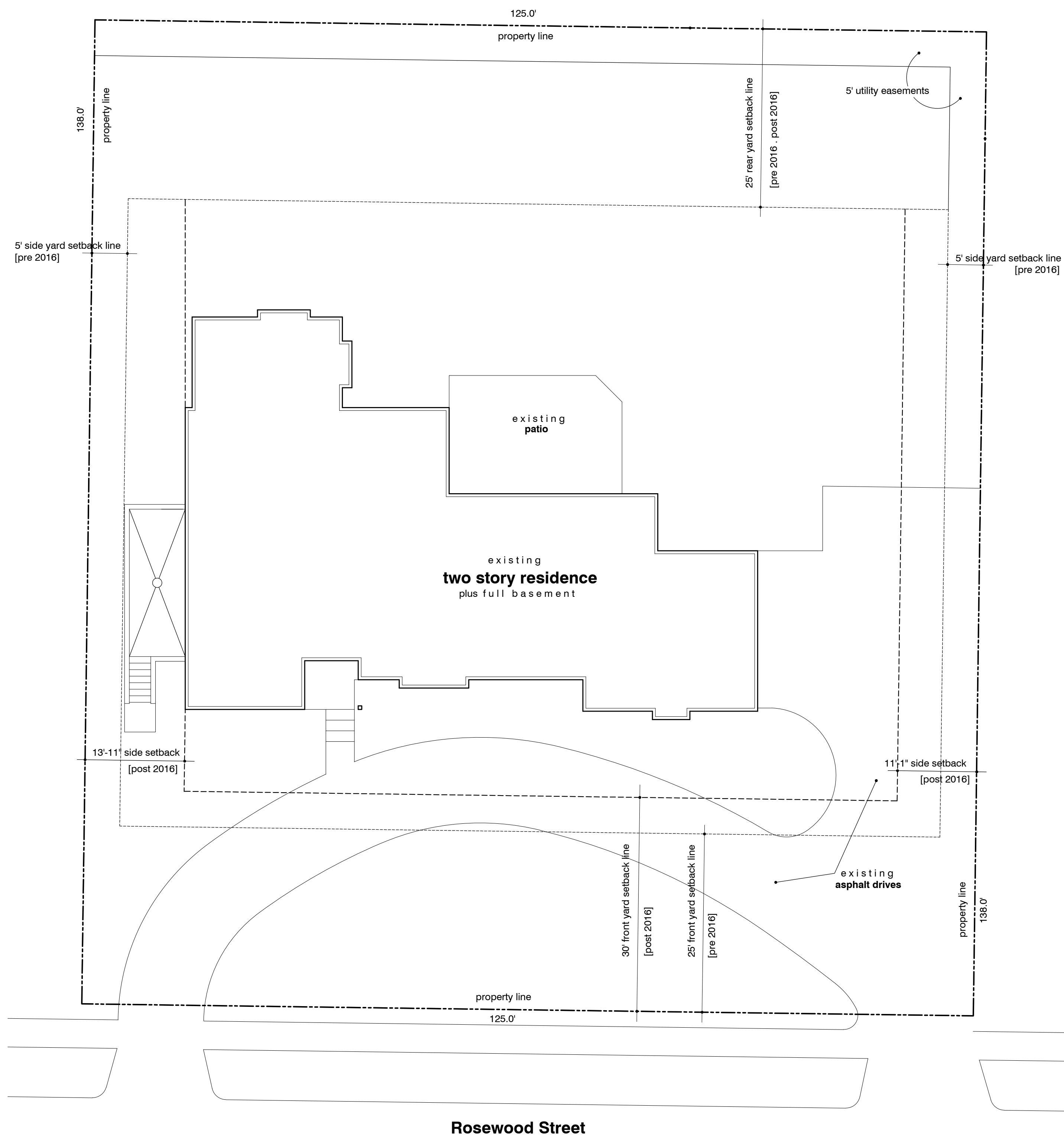
8304 Rosewood Street
Prairie Village, Kansas

sheet

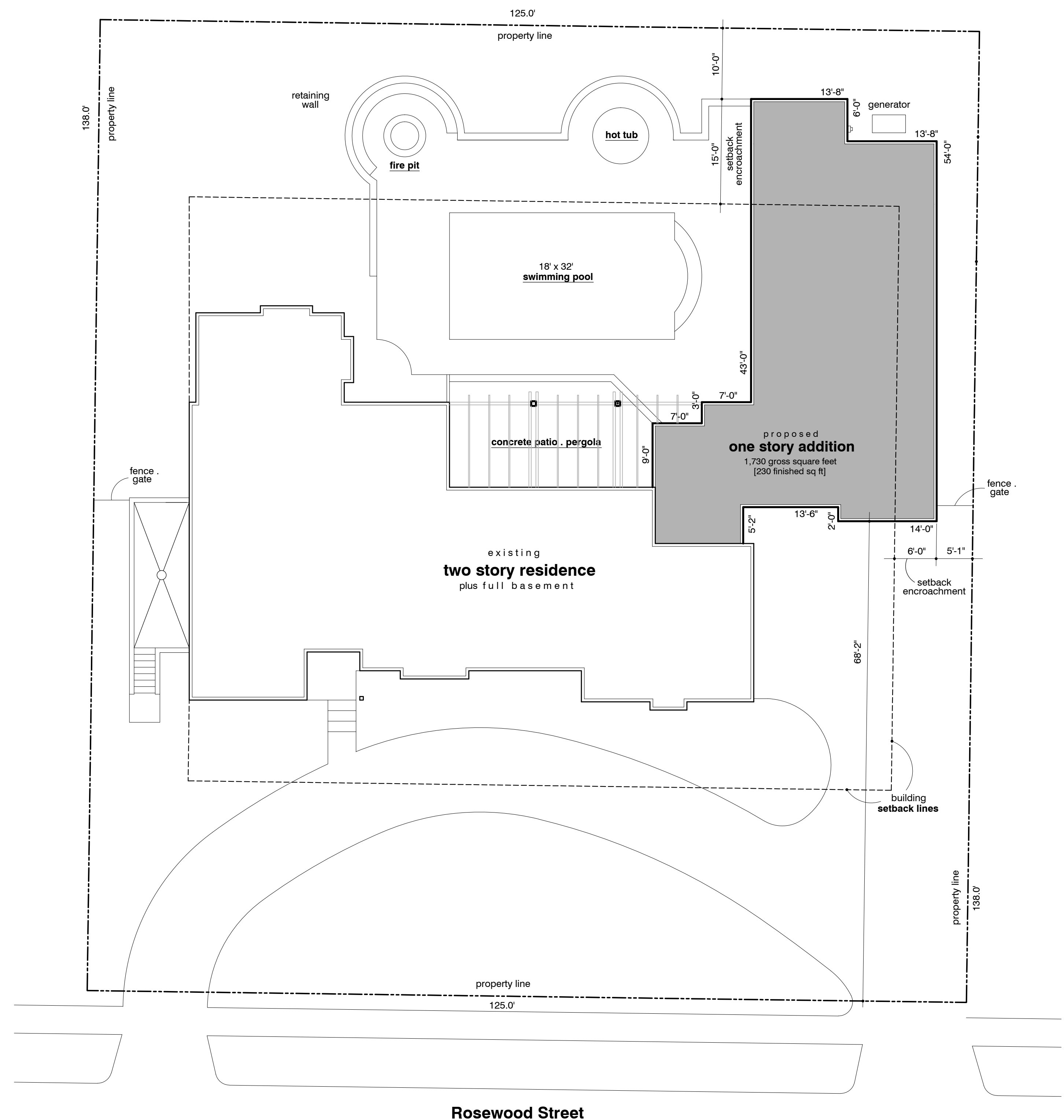
AS1

Site Plans

variance
4 May 2018



1 diagrammatic
Site Plan . Existing
1" = 10'-0"



2 diagrammatic
Site Plan . Proposed
1" = 10'-0"

Lot Coverage
Site Area 125' x 138' = 17,250 sq ft
Coverage 4,990 sq ft [28.9%]
coverage includes building footprint + pergola patio

From: megan hodges <hodges.megan@gmail.com>

Date: June 1, 2018 at 12:28:59 PM CDT

To: Jamie Robichaud <jrobichaud@pvkansas.com>

Subject: Re: 8304 Rosewood

Hello Jamie,

I wanted to thank you for your very prompt and thorough response to our questions and concerns regarding our neighbor's at 8304 Rosewood Dr requests to our City for approval of setback and lot coverage variances. Blake and I do plan to be at the meeting regarding approval. We would also like to submit the attached letter. If I should send the letter to any other person or department, please do let me know.

Thank you,
Megan and Blake Hodges

May 31, 2018

Dear Ms. Jamie Robichaud and City of Prairie Village Administrators,

This letter is submitted to object to the plans and requested variances filed for 8304 Rosewood Drive. Our home borders the property to the south. We understand the Offerdahls wish to maximize the use of their property; however, the proposed two-story garage would unduly impose on all surrounding homes. It amounts to a two-story, non-habitable addition, taller than the existing home, that is simply too large for the property and out of character for our ranch style neighborhood in Prairie Village.

Further, we are concerned about the additional setback variance request for the swimming pool, hot tub and fire pit and how this amount of concrete will impact water runoff. Our home sits downhill from the Offerdahl's home. Last summer our home flooded on 3 separate occasions. We hope to continue communicating with them about their backyard construction to ensure the eventual plans alleviate mud and water run-off affecting our property. We have brought up our concerns but have not been advised of any water run off studies or plans to alleviate such.

Thank you for your time and energy devoted to this matter.

Megan and Blake Hodges
8308 Rosewood Dr.