

**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 to deny the variance was voted on and passed by a vote of 5 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