

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
AGENDA
December 4, 2018
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF MINUTES - July 10, 2018

III. PUBLIC HEARINGS

**BZA2018-04 Variance from Section 19.08.025 "Side Yard" Ordinance to reduce the east side yard setback from 6 feet to 4.7 feet for a garage expansion at 2020 West 73rd Street
Zoning: R-1b Single Family Residential District
Applicant: David Joiner, Integral Design Architecture**

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, JULY 10, 2018**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, July 10, 2018 in the Multi-Purpose Room of the Municipal Building at 7700 Mission Road. Board Secretary Joyce Hagen Mundy called the meeting to order at 6:30 p.m. with the following members present: Jonathan Birkel, Melissa Brown (arrived late), 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; Mitch Dringman, Building Official and Joyce Hagen Mundy, Board Secretary. Ron Nelson, City Council Liaison, was also present.

With the Chairman and Vice-Chairman not in attendance, the Secretary asked for nominations for an acting chairman. Jeffrey Valentino nominated Nancy Wallerstein to serve as Acting Chairman. The motion was seconded by Jonathan Birkel and passed 3 to 0 with Mrs. Wallerstein abstaining.

APPROVAL OF MINUTES

Jeffrey Valentino moved for the approval of the minutes of the June 6, 2018 meeting as submitted. The motion was seconded by Jonathan Birkel and passed 4 to 0.

**BZA2018-02 Variance from Section 19.08.030(a) "Side Yard" to reduce the
west side yard setback from 7 feet to 5 feet
4815 West 63rd Terrace**

This application was continued from June 6th as the applicant was not able to be in attendance. Alexis Kuklenski, 4815 West 63rd Terrace, distributed additional information requested by the Board. She noted the existing home was constructed in the 1950's with an interior stairway to the basement located in the garage making the left side of the garage unusable. They are seeking to expand the garage to accommodate two vehicles and requesting a two foot variance, reducing the side yard setback from seven feet to five feet. Mrs. Kuklenski noted that this would create an interior space of 18.5' which is consistent with others in the neighborhood.

Chris Brewster stated 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 due to the skew of both lots.)

The proposed garage addition is a single-story addition with a hipped roof, indicating that the side elevation with the variance will be single-story to an eave line along the west side and located approximately 20 feet from the existing home to the west. 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. Mr. Brewster noted this property is subject to private covenants which require 1.5 story structures.

Mr. Brewster stated all of the proposed addition complies with the R-1A zoning standards except for the proposed location 5 feet from the west property line. The applicant has submitted dimensions showing that a stairway and chimney on the west wall of the living space is located within the garage 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. The requested variance would allow a usable space of approximately 19' wide, more typical of a smaller 2-car garage.

Chris Brewster noted all five criteria need to be found by the Board. He noted in regards to the "unnecessary hardship" that a minimal variance is needed for the proposed addition to the existing structure. In order to have a two car garage without the variance would require the existing structure be removed and a new structure built. The proposed addition is a lower scale project that would be compatible with the neighborhood. Patrick Lenahan agreed noting the off-center position of the existing home. He noted that if granted there would still be approximately a 20' separation between the homes.

Melissa Brown arrived.

Acting Chair Nancy Wallerstein noted that no one was present to address the Board.

Mrs. Wallerstein confirmed that the applicant had received approval from the Countryside East Homes Association for the addition. She noted that the neighbor to the west would be restricted to only a six foot addition to their home. Mrs. Kuklenski replied that she had spoken with this property owner and she was totally supportive of the proposed garage addition. Mr. Lenahan stated the impact on the neighboring property owner would be minimal.

Mrs. Kuklenski noted the stairwell was necessary for access to the basement.

The Board discussed the criteria noting the granting of the variance would not significantly impact the adjacent property owners, if denied would create an unnecessary hardship on the applicant and maintained the intent and spirit of the ordinance.

Patrick Lenahan moved that the Board find favorably on the required criteria and grant the requested variance to the side setback from seven feet to five feet for the property at 4815 West 63rd Terrace 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

garage addition, including a single-story elevation within the setback encroachment and the potential for 1.5 story elements that meet all zoning setbacks.

2. The applicant shall receive approval of any necessary drainage permits from public works prior to issuance of any building permits.
3. The variance be recorded with the County Register of Deeds within 1 year of approval.

The motion was seconded by Jonathan Birkel and passed unanimously.

OLD BUSINESS

There was no Old Business to come before the Board.

NEXT MEETING

No applications have been received for consideration by the Board in August.

ADJOURNMENT

Acting Chair Nancy Wallerstein adjourned the meeting of the Board of Zoning Appeals at 6:50 p.m.

Nancy Wallerstein
Acting Chairman

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: December 4, 2018

Application: BZA 2018-04

Request: Variance for Side Yard Setback from 6 feet, and 20% of the lot width, to 4.75 feet with 16.14% 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: 2020 W. 73rd Street

Applicant: David Joiner, Integral Design Architecture (James Main, owner)

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

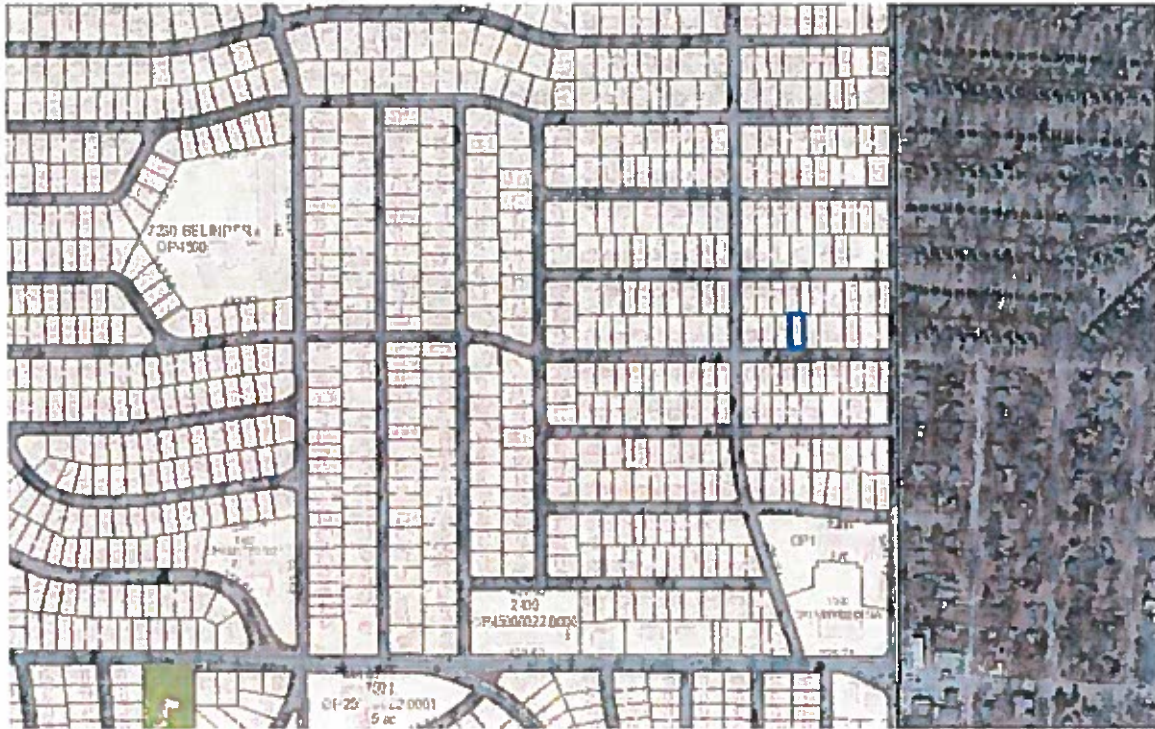
Legal Description: GRANTHURST LOT 261 & W ½ (20 FEET) LT 262

Property Area: 0.19 acres (8,400.54 s.f.)

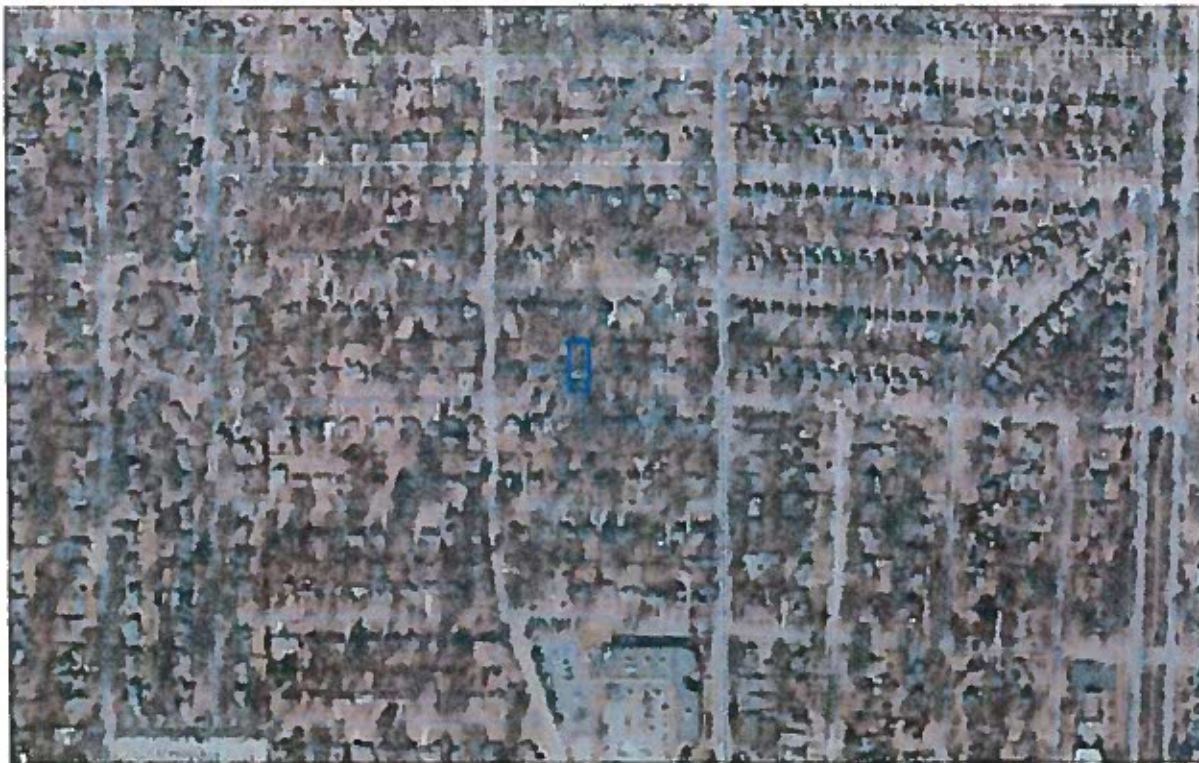
Related Case Files: None

Attachments: Application, site plan and building plans

General Location Map



Aerial Map



Aerial Site



Street Views



Street view - front



Street view looking at the east lot line where variance requested



Bird's eye view

December 4, 2018

COMMENTS:

The applicant is requesting a variance from Section 19.08.025 to allow an addition to the existing building that would extend up to 1.25 feet into the required 6 feet side yard setback on the east side. The addition would be approximately 2 feet closer to the east lot line than the existing structure. The proposed building frontage would be 16.14% of the lot width, rather than the required 20%. (4.9 feet west side and 4.75 feet east side, of the 59.8 feet frontage.) It is part of a 984 square feet building addition to the rear of the existing building, and it includes a 305 square foot garage addition (also to the rear of the existing structure) that expands the current garage into a two-car "tandem" garage. Other than the addition and expansion on the east lot line, all other portions of the proposed addition meet the zoning requirements.

The lot is zoned R-1B, on 73rd Street between State Line and Eaton Street. The R-1B district requires lots to be at least 60 feet wide and 100 feet deep (6,000 s.f.). This lot is 60 feet wide and is approximately 140 feet deep according to Johnson County AIMS mapping data; however the applicant's site plan and survey show this measurement as 59.8 feet. The existing home is 6.7 feet from the east property line, and 4.7 feet from the west property line. (This met the previous 4 feet setback and building separation requirements, and standards in place at the time the structure was built, so the west portion of the home is legally non-conforming.) Other lots on this block are of comparable size with two larger lots (80 feet and 100 feet wide) and some larger and smaller variations at the corners. The area was originally platted in 40 feet increments so most lots have variations of those increments with halves of other lots that result in 60 feet wide lots.

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 the minimum width required for lots in the R-1B zoning (60', with a margin of .2 feet narrower from the surveyor's measurements). Thus, it is the narrowest lot allowed in Prairie Village. Most lots on this block are a similar dimension, with the exception of a few wider (3) and a few narrower (4). Therefore, most homes built on this block have a similar configuration with single-car, front-loaded garages, and a few have configurations with driveways to the side and garages to the rear. This home has a smaller overall footprint than many homes on the block.

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 13 to 14 feet from the home to the west (with a 4.9 feet setback from that property line), and approximately 14 to 15.5 feet from the home to the east, where the variance is proposed (with an approximately 6.7 feet setback from the property line). Granting the variance would allow the east elevation to be located approximately 12.5 to 14 feet from the home to the east, and extend for approximately 45 feet. The applicant has not provided an elevation for this side, but it appears that this will be a single-story elevation. This can be contrasted with the 29' height limit that can be built according to the current zoning standards at the 6' to 7' setback from the property line, where the existing home is. The applicant should provide a dimensioned elevation for this side of the addition showing existing and proposed prior to or at the public hearing for the Planning Commission to evaluate.

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. Due to the narrowness of the lot and the plans to maintain the existing home through the addition, the options for a garage expansion are limited. As an addition to an existing structure, the location of the garage is fixed by the current garage and driveway. Therefore, the garage expansion to the rear of the existing garage in a tandem configuration. The two additional feet are proposed to make the pass-through portion of the tandem garage more practical than the current garage width. The application does not include dimensions or interior configurations of the current or proposed width, so this information should be provided by the applicant prior to or at the public hearing for the Planning Commission to evaluate.

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, and will have very little impact on the broader neighborhood. The investment in maintaining the current structure preserves the scale and character of the neighborhood as perceived from the streetscape.

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. Provided the assumption that the addition is proposed as a 1-story elevation on the east property line, the requested deviation is small compared to the permitted building elevations and setback that could be built along the east lot line. The addition to the rear on the west side is set back from the existing west building (legally non-conforming) line and meets the current 6 feet setback for all portions of the proposed addition. In granting the variance, the home would not meet the current required side setback on the east and the west sides (4.9 feet – existing legally non-conforming on the west, and 4.75 feet – proposed on the east), but would appear to maintain the required 12 foot building separation from the adjacent homes (approximately 12.5' to 14' from each side; is based on AIMS data which is not surveyed and is only approximate). However, if each of these homes were to build to the 6 feet line on each side, the building separation could be 10.9 feet on the west and 10.75 inches on the east.

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 specifically only to allow a side setback of 4.75 feet and 16% of total lot width on the east side. Further, the variance should be subject to any elevations provided that demonstrate the massing and relationship of the proposed building to the property to the east.
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.

Case # 20385

VARIANCE APPLICATION
BOARD OF ZONING APPEALS

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No: BZA 2018-04

Filing Fee: \$75

Deposit: _____

Date Advertised: 11/13/18

Public Hearing Date: 12/4/18

EMAIL: DLJOINER@EVEREST.KC.NET

DAVID JOINER AIA

APPLICANT: INTEGRAL DESIGN ARCHITECTURE PHONE: 913-393-3738

ADDRESS: 2826 REEDS RD. OVERLAND PARK KS ZIP: 66207

OWNER: JAMES MAON PHONE: 913-645-7337

ADDRESS 2020 W. 73RD ST. PRAIRIE VIL. ZIP: 66208

LOCATION OF PROPERTY: (SAME AS ABOVE)

LEGAL DESCRIPTION: GRANTHURST LOT 261 & W 1/2 (20 FT) LOT 262

Variance Requested APPROX. REDUCTION OF EAST SIDE YARD DISTANCE FROM 6.0 FT. TO 4.7 FT. TO ALLOW GARAGE EXPANSION.

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	<u>R-RESIDENTIAL</u>	<u>R-1B</u>
South	<u>"</u>	<u>"</u>
East	<u>"</u>	<u>"</u>
West	<u>"</u>	<u>"</u>

Present use of Property: SINGLE FAMILY RESIDENTIAL

Proposed Use of Property: "

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 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

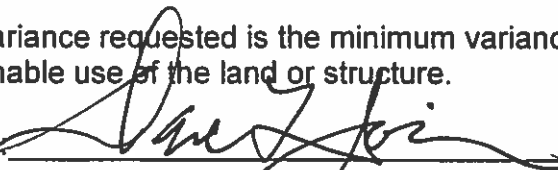
Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

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



DATE

11/02/18

BY:

DAVID L. JOMERA AIA

TITLE:

PRINCIPAL ARCHITECT



8836 REEDS ROAD
OVERLAND PARK
KANSAS 66207
TEL 913-383-3738

Date: 11-02-18

Subject: VARIANCE APPLICATION

Subject Property: 2020 W 73rd Street, Prairie Village, KS

Variance requested: Reduction of Side Yard Setback to allow minor expansion of garage for two vehicles. Variance also requested to approve non-conforming front & side yard setbacks due to former zoning changes.

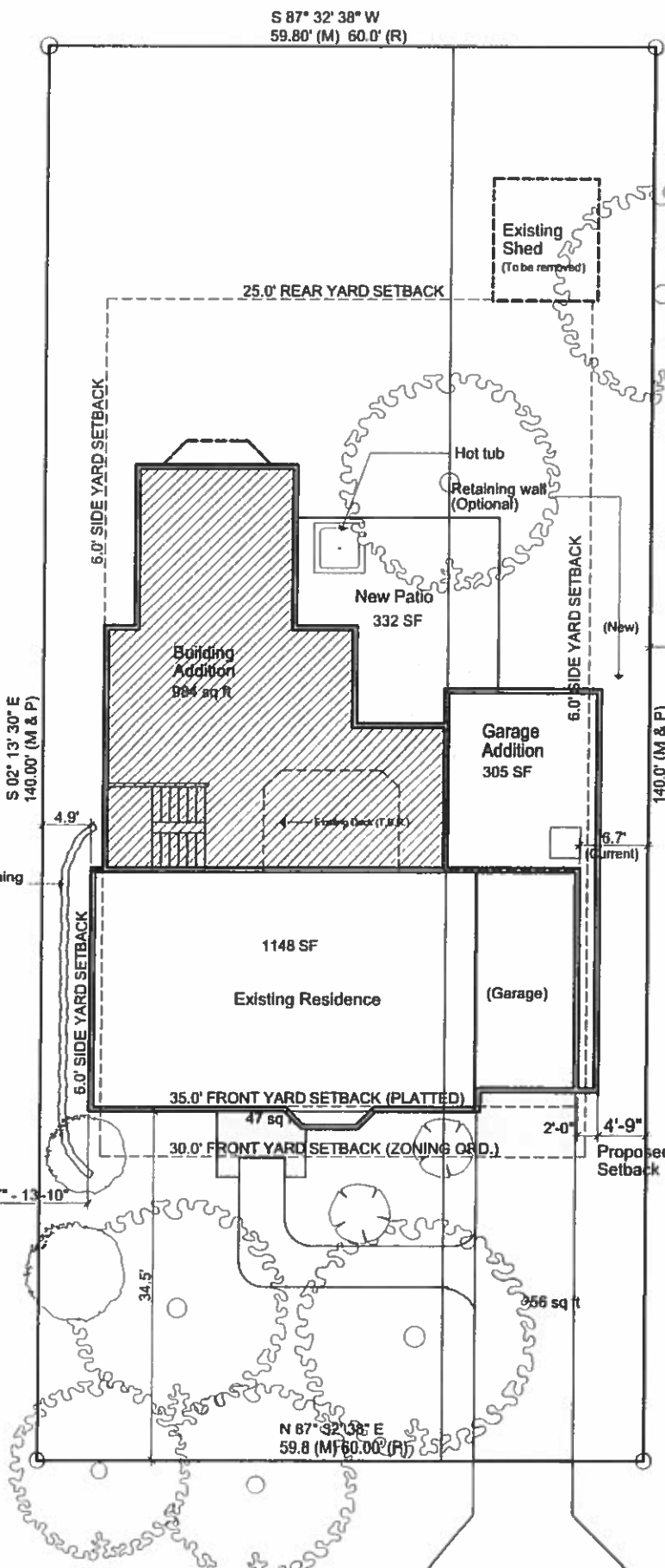
Standards for Variance Met:

- 1) **UNIQUENESS** – The existing property conditions (while not entirely unique to this tract) are very limiting in terms of accommodating more than one vehicle. The existing garage is very narrow and will not accommodate width of most vehicles. The owner has two vehicles, one of which is a large truck which must be stored outside, subject to weather, theft and other damage.
- 2) The granting of this variance will not be materially detrimental or adversely affect the rights of adjacent property owners.
- 3) The strict application of the zoning ordinance does constitute a practical hardship for the property owner as previously mentioned.
- 4) The variance desired will not adversely affect the public health, safety or welfare of the general public, nor create any environmental hazards or diminish the surrounding property values.
- 5) The variance will not in any way be opposed to the general spirit & intent of the zoning ordinance.
- 6) The variance requested is the minimum adjustment of the zoning regulations that will permit the desired additional garage area.

Sincerely,

A handwritten signature in black ink, appearing to read "David L Joiner", written over a white background.

David L Joiner AIA
Integral Design Architecture



Site Area:	8400 SF
Building Area (Existing):	1148 SF
Building Area (New):	984 SF
Existing Shed (T.B.R.):	N.A.
Garage Expansion:	305 SF
Patio Area (Exempt):	(332 SF)
TOTAL BLDG. AREA:	2437 SF
Building/ Site Density:	(29%)

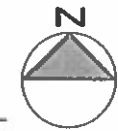
Max. Building / Structures Area: 2520 SF (30%)

ZONING: R1-B
 Max. Height: 29'-0" / (2) Story
 Side Yard Setback: 20% Lot
 Width / Min. 6'-0" Ea. side /
 12'-0" between structures

PROPERTY ADDRESS:
 2020 W 73RD ST. PRAIRIE VILLAGE, KS
LEGAL DESCRIPTION: GRANDHURST
 LOT 261 & W 1/2 (20.0 FT) LOT 262

MAIN RESIDENCE
 Remodel / Addition
 Date: 11-2-18

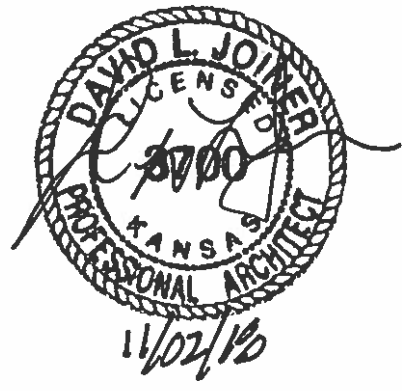
APPLICANT: DAVID L JOINER AIA
 INTEGRAL DESIGN ARCHITECTURE
 8836 REEDS ROAD, OVERLAND PARK
 KANSAS 66207



SITE PLAN

Scale: 1" = 16'-0"
 Lot Area: 8400 SF

73RD STREET



OWNER/CLIENT:
James E. Main
2020 W. 73rd Street
Prairie Village, Kansas 66208


PROPERTY DESCRIPTION:
All of Lot 261 and the West Half of Lot 262, GRANTHURST, a subdivision in the City of Prairie Village, Johnson County, Kansas.

NOTES:
1) The Plat of GRANTHURST, is recorded in Book 6 at Page 28, in the Recorder of Deeds Office, Johnson County, Kansas.
2) Basis of bearings is established by the Kansas State Plane Coordinate System from GNS observation.

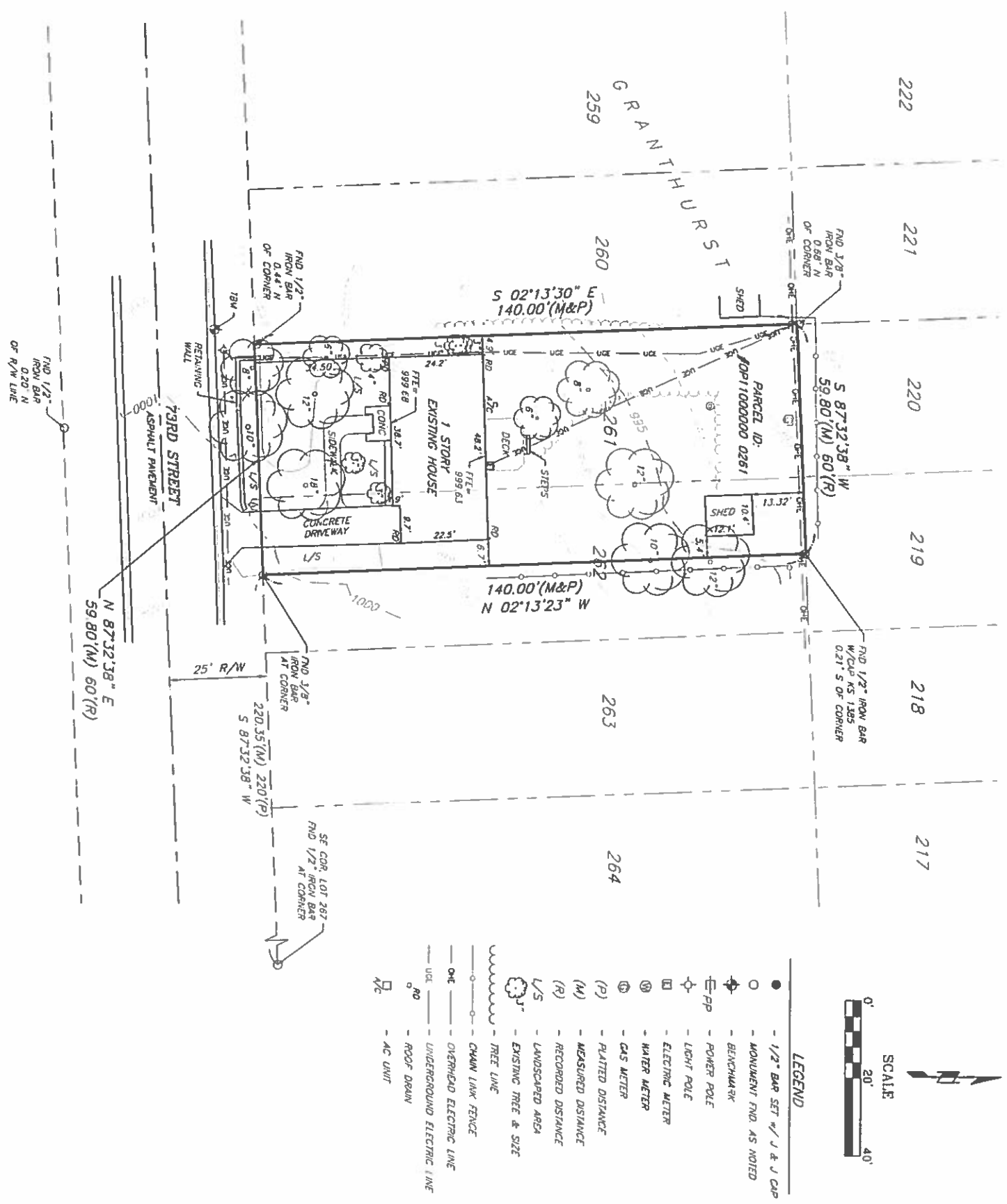
CERTIFICATION:
I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 12th day of May, 2018 and that said survey meets or exceeds the current Kansas Minimum Standards for Boundary Surveys, as established by the Kansas State Board for Technical Professions.

Date _____
John B. Young PLS-1298

Location: S 1/8 129 - 2020 W. 73RD ST, DEKAINOS, Bouk1000.dwg



BOUNDARY & TOPOGRAPHIC SURVEY
2020 W. 73RD STREET
LOT 261 & W. 1/2 LOT 262, GRANTHURST
PRAIRIE VILLAGE, JOHNSON COUNTY,
KANSAS



Benchmark:

BM: Chiseled "x" cut in back of curb on the North side of W. 73rd Street near the Southwest corner of property.
Elevation = 999.14