

BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE
TUESDAY, JUNE 4, 2019
7700 MISSION ROAD
COUNCIL CHAMBERS
6:30 P.M.

I. ROLL CALL

II. PUBLIC HEARINGS

BZA2019-01 Variance and building line modification for construction of a
carport
7737 Chadwick St.
Zoning: R1-A

Installation of carport in front of existing garage, which will cause the property setback from the street to fall below the minimum required distance. the proposed addition would also require a building line modification if the variance is granted.

III. OTHER BUSINESS

IV. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing.**

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: June 4, 2019

Application: BZA 2019-01

Request: Variance from front yard setback of 30' and a modification of a platted building line of 35', to permit a carport extending to a point 25.6 feet from the front lot line.

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: 7737 Chadwick Street

Applicant: Milton H. Luce III

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: RIDGEWOOD S 21 FT OF LOT 6 & N 55 FT OF LOT 7 BLK 6 PVC-05930126

Property Area: 0.23 acres (9,814.18 s.f.)

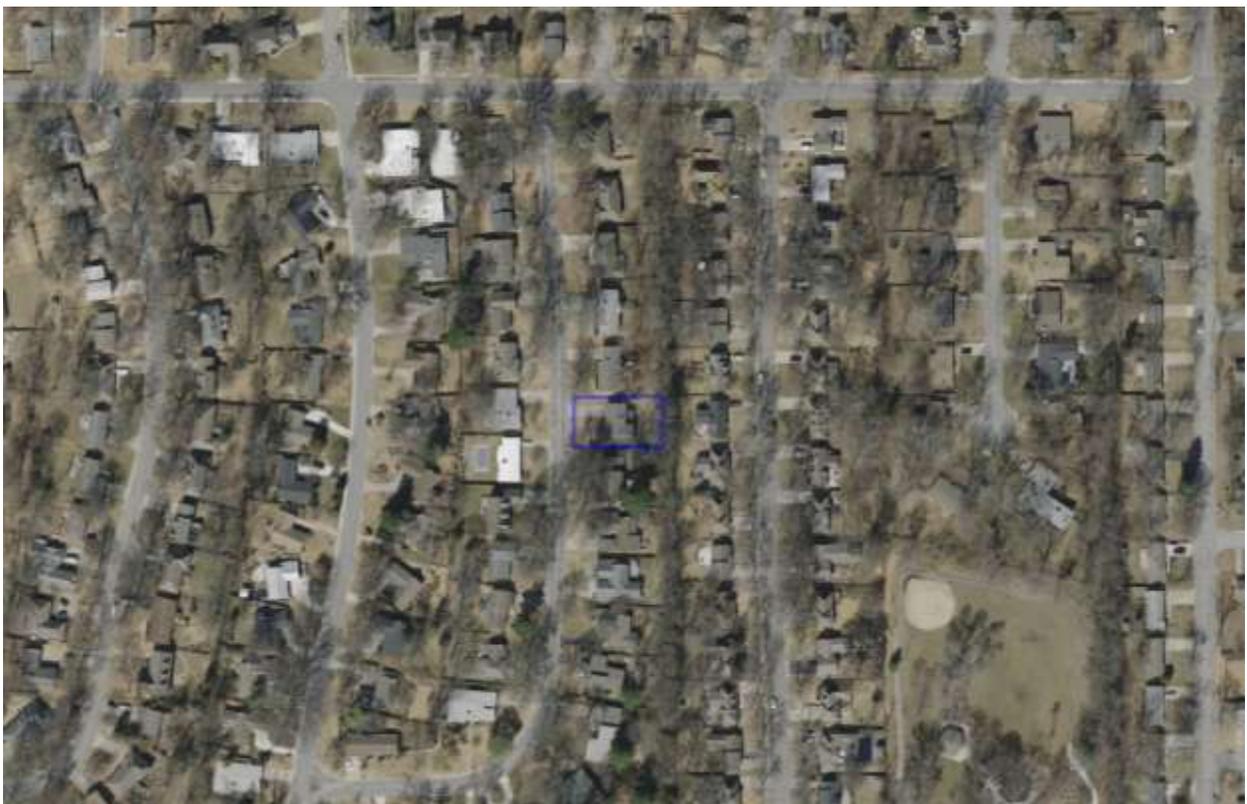
Related Case Files: None

Attachments: Application, site plan and building elevations, neighborhood meeting notes

General Location Map



Aerial Map



Aerial Site



Street Views



Street view – looking north on Chadwick Street; 7737 on right.



Street view - front of 7737 Chadwick Street.



Bird's eye view

COMMENTS:

The applicant is requesting a variance from Section 19.06.015 to allow the addition of a carport that would project to 25.6 feet from the front property line. The required front setback is 30 feet. In addition, this lot has a platted front building line of 35 feet. Section 18.18 of the Prairie Village Subdivision Regulations allow the Planning Commission to approve modifications to platted building lines, to the extent that they meet the zoning setbacks. Since the request for a variance to Section 19.06.015 needs to be approved by the Board of Zoning Appeals, and is the greater request in terms of stricter review criteria and deviation from the standards, the application is reviewed under the variance criteria.

The applicant is proposing the addition of a carport extending approximately 20 feet in front of the existing 2-car garage and over the paved driveway surface. The garage is set back from the forward most portion of the front elevation on the south side of the lot, so the carport would extend approximately 11.3 feet in front of the existing front building line. An arbor and court associated with the front entry is incorporated with the design and the existing front entry on the north elevation of the forward most projection of the living area.

The lot is zoned R-1A, on Chadwick Street between 77th Street and 79th Street. The lot is approximately 73 feet wide (along the street front) and 131 feet deep. The R-1A district requires lots to be at least 80 feet wide and 125 feet deep (10,000 s.f.), so this lot is a legal non-conforming lot – likely a result of it being platted prior to the zoning ordinance being adopted. This is similar to most other lots on the block, which range in width from 70 feet to 85 feet wide, with depths of 115 feet to 150 feet.

There are other carports on this block (2 located on lots to the north); however, all principal buildings, garages and car ports are located at or beyond the 30 feet zoning setback line, and most on the west side of the block appear to be beyond the 35 feet platted building line.

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. If the Board finds that even one of these conditions is not met, a variance should not be granted:

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 does not meet the minimum width for R-1A zoning (73' rather than the required 80'), but does exceed the required depth (131' compared to the required 125'). The lot is a legal nonconforming lot and is a comparable size to other lots 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 proposed carport is nearest the home to the north. The existing garage is setback further than the zoning setback (30') and the platted building line (35'), and is approximately 45 feet from the front lot line on the north side. This corner is also approximately 8.5 feet from the side lot line and 17 feet from the nearest structure. The proposed building elevations show this side remaining unenclosed. The extension to the front would be closer to the street than other carports and front-loaded garages along the block (all of which appear to be setback at or beyond the required 30-foot setback line)

C. Hardship

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

Although the lot does not meet the R-1A standards (slightly less width and slightly less area), the lot presents a substantial buildable area and currently accommodates a home and 2-car garage and driveway. Additionally, a projection in front of the current garage could extend 15 feet and meet the zoning setbacks.

D. Public Interest

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

The proposed carport is open and unenclosed, and is single-story with a front gable in keeping with the design and massing of the home, so it will not present a substantial massing element on the front of the house in terms of views along the streetscape and in terms of impact on adjacent property. However, it would project closer to the street than other accessory or secondary massing elements of other homes on the block.

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 front setback standards is to create a consistent relationship of buildings along a block. Although the proposed carport would be open and unenclosed, and is single-story, it would project closer to the street than other similar structures in the neighborhood.

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 may 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 front setback of 25.6 feet. Further, the variance only be permitted subject to the entire carport remaining open and unenclosed.
2. The Board, in its dual capacity as the Planning Commission, also find that the application meets the lesser criteria for a building line modification from Section 18.18 of the Prairie Village Subdivision regulations. Specifically that:
 - a. There are special circumstances or conditions affecting the property;
 - b. That the building line modification is necessary for reasonable and acceptable development of the property in question; and
 - c. The modification is not detrimental to the public welfare or adversely affect adjacent property or property in the vicinity [18.18.D.]
3. The variance, if approved, be recorded with the County Register of Deeds within 1 year of approval.