

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, MARCH 5, 2024**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, March 5, 2024, at 6:30 p.m. in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice-Chair Jonathan Birkel called the meeting to order at 6:30 p.m. with the following members present: James Breneman, James Kersten, Gregory Wolf, Melissa Brown, Melissa Temple, and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Board of Zoning Appeals: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Terry O'Toole, Council Liaison; Adam Geffert, City Clerk/Board Secretary.

**APPROVAL OF MINUTES**

**Mr. Wolf moved for the approval of the minutes of the July 11, 2023, Board of Zoning Appeals meeting as presented. Mr. Breneman seconded the motion, which passed 5-0, with new members James Kersten and Melissa Temple abstaining.**

**PUBLIC HEARINGS**

BZA2024-01            Variance of required side setback  
                          4519 W. 74<sup>th</sup> Place  
                          Zoning: R-1B  
                          Applicant: Dan Wessel / John and Nancy Falk

Mr. Brewster said that the applicant was requesting a variance to allow a garage addition to be built 3' from the east side lot line, rather than the required 6', and to allow a great room to be expanded and built 5.44' from the east side lot line rather than the required 6'.

The property is zoned R-1B which requires the following for side setbacks:

- 6' minimum on each side
- 20% of lot width minimum between both sides
- At least 12' between adjacent buildings

Mr. Brewster noted that the garage addition would extend approximately 20' along the side setback line with a 1.5 story gabled elevation. The proposal would add approximately 4.5' from the exterior of the current building, but would extend 3' over the required 6' side

setback. The interior garage space width would increase from approximately 9.5' to approximately 14.5'.

The great room addition would extend approximately 18' along the side setback line with a 1.5 story gabled elevation. This portion would be located to the rear of the home on a separate wall plane than the garage addition. The proposal would add approximately 7' to the current structure, but would extend 0.56' over the required 6' side setback.

In each case the addition would be more than the required 12' from the adjacent structure (17.1' and 19.5' respectively). Mr. Brewster said that the house on the adjacent lot was approximately 14.1' from the side lot line. The subject house would also meet the required 20% cumulative setbacks as it is 14.3' from the side setback on the opposite side lot line (17.3' total side setbacks equals 24.71% of the 70' lot width).

Mr. Brewster stated that Section 19.54.030 of the zoning regulations required the Board to find that all five of the following "golden factors" be met to grant a variance:

1. 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.
2. Adjacent Property - That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.
3. 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.
4. Public Interest - That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. 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.

He added that if the Board did approve the variance, it should be subject to the following conditions:

1. That the variance be granted only to the extent shown with the submitted application and based on submitted plans and elevations.
2. The variance, if approved, be recorded with the County Register of Deeds within one year of approval.

Applicant Dan Wessel, 7244 Ward Parkway, Kansas City, MO, was present to discuss the application.

Mr. Birkel opened the public hearing at 6:38 p.m. With no one present to speak, Mr. Birkel closed the hearing at 6:39 p.m.

Board members reviewed the golden factors and determined that the proposal met all requirements.

Mr. Wolf made a motion to approve the variance with the conditions recommended by staff. Mr. Breneman seconded the motion, which passed unanimously.

BZA2024-02            Variance of required side setback  
7328 Cherokee Drive  
Zoning: R-1B  
Applicant: Garry Calvin / Mary Burger

Mr. Brewster stated that the applicant was requesting a variance to allow a garage addition to be built 5.17' from the south side lot line, rather than the required 6'. The expansion is associated with a 4' expansion of the rear living space, which complies with the side setback on the rear lot line. However, the front portion where the garage is located would extend 0.83' into the side setback due to the positioning of the house on the lot.

The property is zoned R-1B which requires the following for side setbacks:

- 6' minimum on each side
- 20% of lot width minimum between both sides
- At least 12' between adjacent buildings

The garage addition would extend approximately 20' along the side setback line with a 1.5 story gabled elevation. The proposal would add approximately 4' from the exterior of the current building, and is associated with an expansion of the rear living space. Mr. Brewster said that this would comply with the required side setback at the rear of the building, due to the positioning of the house on the lot. However, extending 4' at the garage would result in a 0.83' encroachment into the side setback at the front lot line. The proposal would increase the interior garage space width from approximately 10' to approximately 14.5'.

The addition would also be more than the required 12' from the adjacent structure (17.25'). The home on the adjacent lot is approximately 12.17' from the side lot line. The subject house would also meet the required 20% cumulative setbacks as it is 9.83' from the side setback on the opposite side lot line (15' total side setbacks equals 23.08% of the 65' lot width).

Mr. Brewster noted that Section 19.54.030 of the zoning regulations required the Board to find that all five of the following "golden factors" be met to grant a variance:

1. 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.
2. Adjacent Property - That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

3. 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.
4. Public Interest - That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. 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.

He added that if the Board did approve the variance, it should be subject to the following conditions:

1. That the variance be granted only to the extent shown with the submitted application and based on submitted plans and elevations.
2. The variance, if approved, be recorded with the County Register of Deeds within one year of approval.

Applicant Garry Calvin, 5910 Reinhardt Road, Fairway, KS, was present to discuss the application.

Mr. Birkel opened the public hearing at 6:45 p.m. With no one present to speak, Mr. Birkel closed the hearing at 6:46 p.m.

Board members reviewed the golden factors and determined that the proposal met all requirements.

**Mr. Wolf made a motion to approve the variance with the conditions recommended by staff. Mr. Breneman seconded the motion, which passed unanimously.**

## **OTHER BUSINESS**

Election of Chair, Vice-Chair and Secretary

**Mr. Wolf made a motion to elect the following slate of officers:**

- **Mr. Birkel, Chair**
- **Ms. Brown, Vice-Chair**
- **Mr. Geffert, Secretary**

**Mr. Breneman seconded the motion, which passed 5-0, with Mr. Birkel and Ms. Brown in abstention.**

## **ADJOURNMENT**

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 6:48 p.m.

Adam Geffert  
City Clerk/Board Secretary