

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, JUNE 4, 2024**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, June 4, 2024, at 6:30 p.m. in the Council Chambers of the Municipal Building at 7700 Mission Road. Chair Jonathan Birkel called the meeting to order at 6:30 p.m. with the following members present: James Breneman, James Kersten, Greg 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; Mitch Dringman, Building Official; Adam Geffert, City Clerk/Board Secretary.

**APPROVAL OF MINUTES**

**Mr. Breneman moved for the approval of the minutes of the May 7, 2024, Board of Zoning Appeals meeting as presented. Ms. Brown seconded the motion, which passed 5-0, with Mr. Wolf and Mr. Valentino in abstention.**

**PUBLIC HEARINGS**

BZA2024-05            Variance of required side setback for construction of deck  
                                 2214 W. 72<sup>nd</sup> Street  
                                 Zoning: R-1B  
                                 Applicant: Margaret Walsh

Mr. Brewster stated that the applicant was requesting a side setback variance from 6' to approximately 5' on the west side lot line to allow for the replacement of an existing deck. The proposed deck would be approximately 8' wide and 13' deep and sit within a reverse corner on the northwest side of the home. The 8' width would place the deck approximately 5' from the west property line. The deck would also extend to the rear of the house along the side setback for approximately 13', which is slightly larger than the current deck. The adjacent house is approximately 9' from the existing house, but the deck is more than 12' from any structure due to the floor plan of the adjacent house.

The property is a 60' wide by 130' deep lot, which is typical of most lots on the block, with some variation. The house was built prior to adoption of the zoning regulations, and both it and the deck are legal non-conforming structures situated approximately 5' from the west property boundary. Mr. Brewster noted that the R-1B zoning district was amended

in 2018 to change the minimum side setback from 4' to 6'. A replacement that complies with the required setback would either involve shortening the deck to approximately 7' in width, lowering it two steps down from the doorway, or cantilevering it over foundational elements that comply with the setback.

Mr. Brewster said that side setbacks were intended to manage the relationship of adjacent buildings. In this case, the buildings will maintain a relationship similar to the existing condition. The deck is proposed as a continuation of the side setback line of the principle structure, and will not encroach into the setback more than the principal structure or existing deck. It will also sit at or below the first-floor elevation of the existing home and will remain open and unenclosed.

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 approved 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.
2. The variance, if approved, shall be recorded with the County Register of Deeds within one year of approval.

Margaret Walsh, resident and owner of the property, was present at the meeting.

Mr. Birkel opened the public hearing at 6:36 p.m. With no one present to speak, the public hearing was closed at 6:37 p.m.

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

**OTHER BUSINESS**

None.

## **ADJOURNMENT**

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 6:38 p.m.

Adam Geffert  
City Clerk/Board Secretary