

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, NOVEMBER 12, 2024**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, November 12, 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; Mitch Dringman, Building Official; Terry O'Toole, Council Liaison; Adam Geffert, City Clerk/Board Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the October 1, 2024, Board of Zoning Appeals meeting as presented. Mr. Wolf seconded the motion, which passed unanimously.

PUBLIC HEARINGS

BZA2024-07 Variance to increase permitted building coverage from 30% to 31%
 3921 W. 63rd Street
 Zoning: R-1A
 Applicant: Consolidated Fire District #2

Mr. Brewster stated that the applicant was requesting a variance for building coverage standards from 30% to 31%. The application is for the expansion of the existing fire station for Consolidated Fire District No. 2 and is associated with related requests for site plan approval for the expansion of the building and a modification of the platted 35' front building line, which require Planning Commission approval.

The property is zoned R-1A and is used as a fire station, which is a permitted use in the district. The property is a combination of a platted lot and a metes and bounds portion of another lot in the Indian Fields subdivision, platted in 1952. The lot is situated within a larger 17-acre campus that includes Indian Hills Middle School and shared parking areas and athletic fields. Although the station and existing building are set back from the corner of 63rd Street and Mission Road to the east, a portion of the lawn area is part of the school's lot and is not the fire district parcel (the proposed addition is to the east of the

building in this area). All property in the vicinity is zoned residential: R-1B in Prairie Village north of 63rd Street; R-1 in Mission Hills east of Mission Road; and R-1A in Prairie Village for this property and all property to the west and south.

Mr. Brewster said that the existing building was approximately 13,180 square feet (24.5% of property), and the addition of 3,500 square feet would bring the total to 16,680 (approximately 31% of the property). The addition is to support expanded operations at the facility (administration, conference room, upgraded mechanical / electrical systems).

The current building edge is 42.2' from the east property line and the proposed addition will extend into this area and be 14.58' from the east property line, with a second smaller portion expanded on the west and internal to the site. The proposed application meets all other zoning standards. The existing building is 30' from the front property line, meeting the required zoning setback. However, the property also has a 35' platted building line which the existing building and proposed addition does not meet.

Mr. Brewster noted that modifications to a platted building line required approval by the planning commission, which would be considered in coordination with the site plan review for the building. He added that Section 19.54.030 of the City's zoning regulations 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 any one of the 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.

The property is approximately 165' deep (from 63rd Street) and 350 feet wide (along 63rd Street). It is situated entirely within a larger 17-acre campus that includes a middle school. There are large lawn areas on the campus, including directly to the east between this building and Mission Road, where the expansion is proposed. Although this is not part of the applicant's property, it does impact how the building is viewed within its setting, and the building otherwise meets all required zoning setbacks. The property also includes shared parking and access for the fire district, school, and athletic fields on the west side.

B. Adjacent Property

That the granting of the permit for the variance would not adversely affect the rights of adjacent property owners or residents.

Although all the surrounding property is zoned residential, the property immediately across the street is also a civic use (church), the property to the west and south is part of the school district campus, and the property to the east is the large lawn area of the school property (immediate southwest corner of 63rd and Mission Road). The nearest residential

properties are at the northwest corner and southeast corners of 63rd and Mission Road and are 150' and 200' from the proposed addition, respectively.

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 property is a combination of lots and tracts originally platted in 1952. Due to the shared use of the overall site, the addition is most practical on the east side of the building. This location is also the most practical based on internal operations of the facility. These circumstances present fewer options for the applicant to expand with current outside conditions.

D. Public Interest

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

The proposed addition is to expand operations and allow better utilization of an existing fire station. The station provides 24 hour emergency services to the surrounding areas, and serves administrative functions for a broader area. Additionally, with respect to building and development standards, the application will meet all standards other than the increase in building coverage.

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 building coverage standard is intended to regulate the scale and mass of residential buildings in relation to lots. Although the standard also applies to civic or other non-residential buildings for the same intent, it can sometimes lead to unintended results. In this case, the minimal degree of the variance (only slightly above the required 30%) and the proposed addition and existing building setting within a larger campus result in significant open areas.

Mr. Brewster said that if the board finds that all five conditions can be met as required by state statutes and Section 19.54.030 of the City's zoning regulations, 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 with the submitted application and based on submitted plans.
2. The variance be conditioned upon the coordinate approval of the site plan; should the site plan not be approved by the Planning Commission for any reason, this

variance shall not apply or shall require separate review with any amendments or additions to the site plan.

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

Mr. Valentino asked if fire stations were typically located in residential zones. Mr. Brewster said that civic uses, such as fire stations, schools, and churches, were commonly located in residential areas in Prairie Village.

Lindsay Tatro with SFS Architecture, 2100 Central Suite, Suite 31, Kansas City, MO, was present to speak about the application. She noted the addition would include more office and meeting space as well as expanded living and fitness areas.

Mr. Birkel opened the public hearing at 6:40 p.m. With no one else present to speak, Mr. Birkel closed the public hearing at 6:41 p.m.

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

None.

ADJOURNMENT

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 6:42 p.m.

Adam Geffert
City Clerk/Board Secretary