

The public may attend the meeting in person or view it online at
<http://pvkansas.com/livestreaming>.

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE
TUESDAY, DECEMBER 3, 2024
7700 MISSION ROAD
COUNCIL CHAMBERS
6:30 P.M.**

I. ROLL CALL

II. APPROVAL OF BZA MINUTES - November 12, 2024

III. PUBLIC HEARINGS

BZA2024-08 Side setback variance
7309 Windsor Street
Zoning: R-1B
Applicant: Mark and Denise Dickerson

IV. OTHER BUSINESS

V. 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.**

**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

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Multistudio, Planning Consultant
DATE: December 3, 2024 Board of Zoning Appeals Meeting

Application: BZA 2024-08

Request: Variance to the side setback to allow a building to be located 5' from the side lot line rather than the required 6'.

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: 7309 Windsor Street

Applicant: Richard Woods, WGN Architects / Mark & Denise Dickerson, Owner

Current Zoning & Use: R1-B Single-Family Residential – Single-family house

Surrounding Zoning & Use: **North:** R-1B Single-Family Residential – Single-family house
East: R-1B Single-Family Residential –Single-family house)
South:R-1B Single-Family Residential – Single-family house
West: R-1B Single-Family Residential – Single-family house

Legal Description: PRAIRIE HILLS LOT 9 BLK 16 PVC-0577 0096

Property Area: 0.22 acres (9,724.80 s.f.)

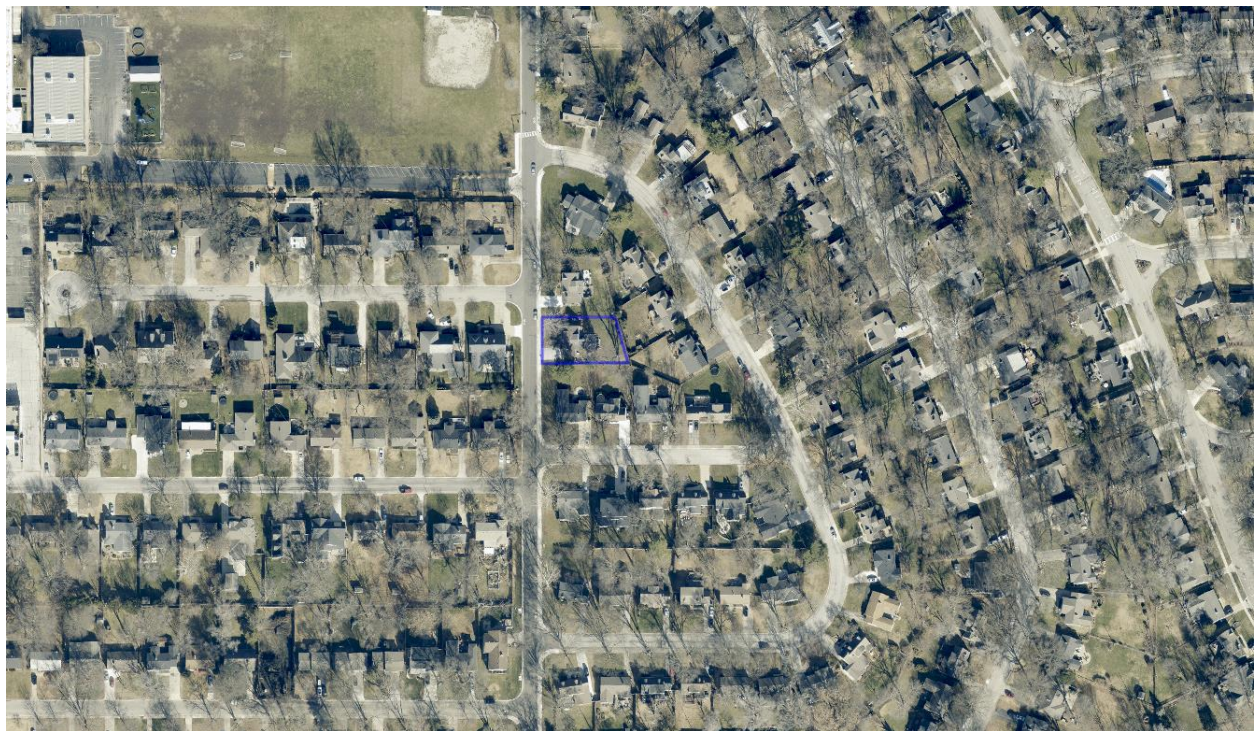
Related Case Files: None;

Attachments: Application, variance request form, site & building plans

General Location – Map



Aerial Map



Aerial Site



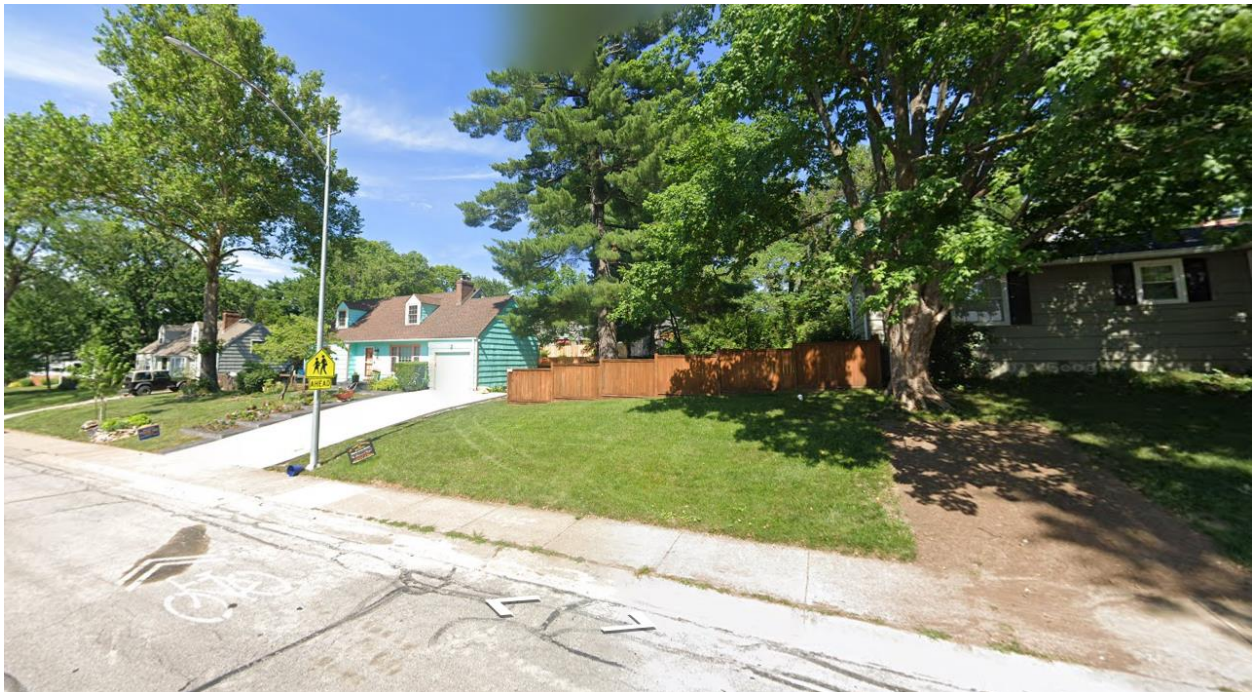
Birdseye View



Street View



Looking east from Windsor – Variance requested for area on right (south).



Looking northeast from Windsor – side elevation where variance is requested

SUMMARY:

This application requests a variance for a side setback from 6 feet to 5 feet. The application is for the rehabilitation and expansion of an existing home, and specifically the extension of an existing one-car garage to a two-car garage. The variance is part of an overall rehabilitation that will add space to the rear and on the second level, but one foot of the garage extension and space above the garage is the only portion that does not comply with the zoning ordinance and neighborhood design standards.

DETAILS:

The property is zoned R-1B and located mid-block on Windsor Street between 73rd Terrace on the south and Falmouth Street on the north. This results in an irregularly shaped block. This house and the house immediately to the north are the only lots that front on Windsor Street. The house to the south is a reverse corner lot that fronts on 73rd Terrace resulting in the side yard of the subject house abutting the rear hard of the adjacent house. Additionally, houses across Windsor Street orient to the side streets resulting in side yards along Windsor Street. All property in the vicinity is zoned for R-1B and used for residential uses.

R-1B which requires the following side setbacks:

- 6 feet minimum each side
- 20% of the lot width minimum between both sides; and
- At least 12' between adjacent buildings

[\[19.08.015\(a\) / Table 19.08.A\]](#)

The applicant is requesting a variance from the side setback to allow the construction of an addition to the existing house 5 feet from the south side lot line. The addition would be approximately 22 feet in length, allow the expansion of an existing one-car garage to a two-car garage, and have a 1.5 story profile for space above the garage. All other portions of the addition to the rear comply with the setbacks and are stepped back from this part of expansion.

This area of the lot abuts the rear yard of the house to the south and with the variance would still be over 40 feet from the adjacent house. The setback on the north side is just over 11 feet so the lot would maintain the required 20% cumulative side setback.

The applicant had a neighborhood meeting on November 17, 2024, as required by the Prairie Village Resident Participation Policy and has supplemented the application with background on that meeting.

VARIANCE ANALYSIS (BOARD OF ZONING APPEALS):

[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 any 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.

The property is on an irregular block and one of only two houses in the vicinity facing Windsor Street. All other houses have a side orientation to Windsor Street and the specific location of the variance request is a side yard to rear yard relationship due to the reverse corner lot to the north.

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 variance is relatively small in depth and extent – it requests a 1-foot encroachment and only for an approximately 22 feet length and 1.5 story profile, which is a small part of the overall addition.

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 project is a rehabilitation of an existing home, retaining the majority of the current footprint, including the placement and elevation of the existing garage. Under this plan the only way to expand a one-car garage to a two-car garage would be to the west as proposed. The plan results in a garage width of just under 20 feet wide, which is sufficient and typical of a smaller two-car garage. The project also retains a lot of the 1-story and 1.5-story elements of the existing home on the front and side elevations.

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 retains many of the design and scale elements of the existing house, and presents a home expansion and greater utility of a 2-car garage within the scale and character of the surrounding neighborhood.

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 side setback standards are intended to manage relationships to adjacent lots and buildings. In this case the relationship to the adjacent building is distant due to

the rear yard and reverse corner not. Additionally, the requested variance is minimal considering the nature of the project and the amount and extent of the encroachment.

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 with the submitted application and based on submitted plans.
2. The Board notes that there is a 5-foot easement on the south side of this lot, and this variance does not authorize any encroachment into the basement. The applicant shall verify that there is no interference with the easement or any facilities in the easement through construction.
3. The variance, if approved, shall be recorded with the County Register of Deeds within 1 year of approval.

Details

Project Description

Requested Action*

Variance

Legal Description*

PRAIRIE HILLS LOT 9 BLK 16 PVC-0577 0096

Applicant Information

What are you applying for?

BZA

Applicant Name*

Richard Woods

Address*

4051 Broadway Blvd. Ste. 1 K.C., MO 64111

Phone Number*

(816) 456-9921

E-Mail*

wgnarchitects@gmail.com

Owner Name*

Mark and Denise Dickerson

Location of Property*

7309 Windsor St. Prairie Village, KS 66208

Owner Phone Number*

(913) 744-7395

Owner E-Mail*

dlnaylor10@yahoo.com

Applicant requests consideration of the following: (Describe proposal/request in detail)*

We are seeking a side yard variance, on the South side of the property, for a proposed addition. A double wide garage requires that we extend the building footprint 12" beyond the required 6ft side yard setback. Therefore, we need a variance of 12" on the South side.

Acknowledgement

Applicant intends to file an application with the Prairie Village Planning Commission or the Prairie Village Board of Zoning Appeals of the City of Prairie Village, Kansas (City). As a result of the filing of said application, the City may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees. Applicant hereby agrees to be responsible for and to the City for all costs incurred by the City as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to Applicant. It is understood that no requests granted by City or any of its commissions will be effective until all costs have been paid. Costs will be owed whether or not Applicant obtains the relief requested in the application.

Applicant Signature*

Richard Crisman Woods

Nov 8, 2024

Date*

TOTAL SITE AREA = 9,724 SF
 TOTAL BLDG. AREA = 2,350 SF
 BLDG./SITE COVERAGE RATIO
 $2,350 / 9,724 = .241$

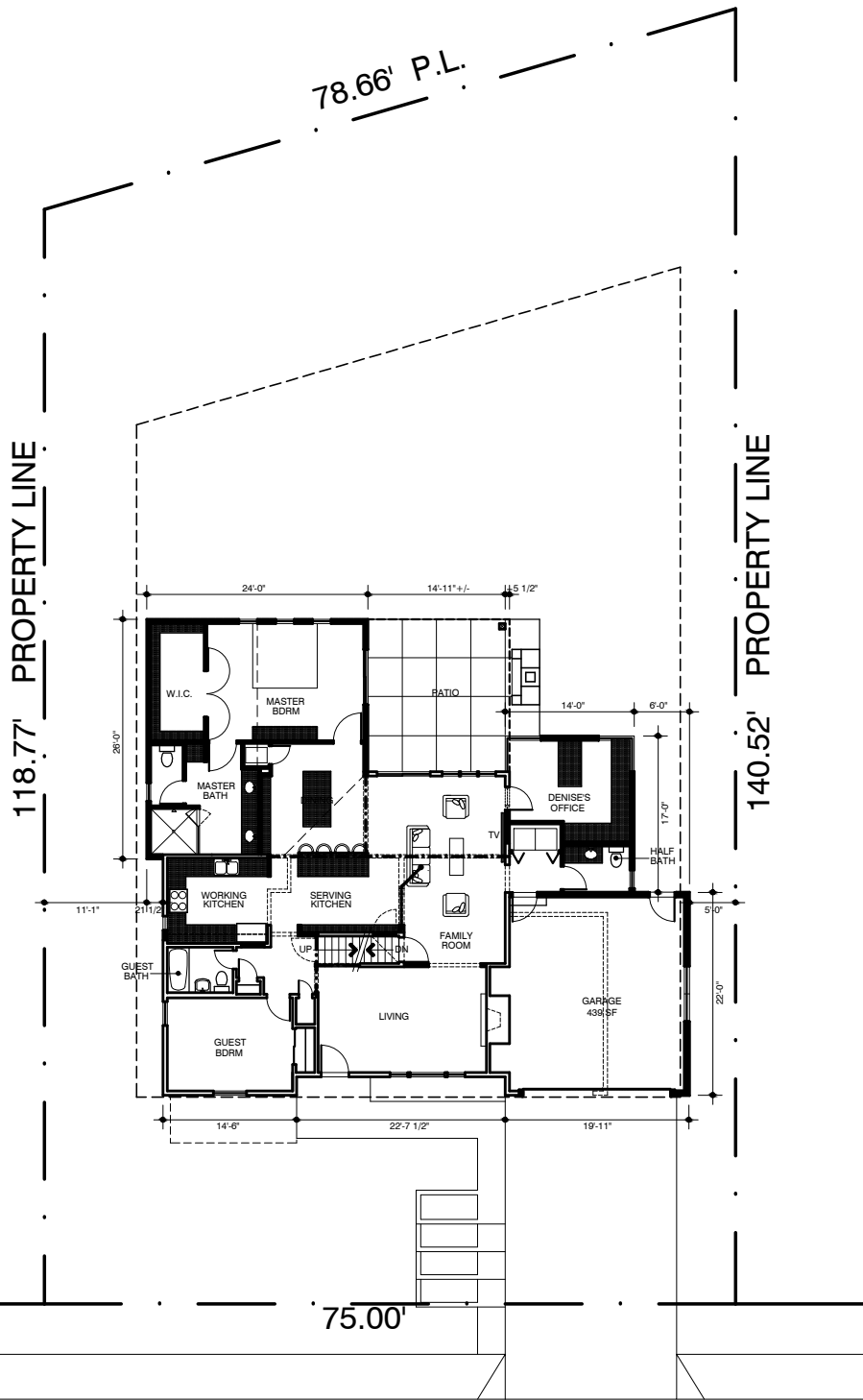
TOTAL IMPERVIOUS
 SURFACE COVERAGE
 BLDG 2,350 SF
 REAR PATIO 294 SF
 DRIVEWAY 421 SF
 FRONT PORCH,
 SIDEWALK &
 PLANTERS 201 SF
 TOTAL 3,266 SF

TOTAL PERVIOUS
 SURFACE COVERAGE
 $9,724 - 3,266 = 6,458$ SF

IMPERVIOUS & PERVIOUS RATIOS
 $\frac{3,266 \text{ SF}}{9,724 \text{ SF}} = .336$ $\frac{6,458 \text{ SF}}{9,724 \text{ SF}} = .664$

GARAGE WIDTH/TOTAL FRONT
 ELEVATION WIDTH RATIO
 $\frac{19'-11" \text{ LF}}{58'-10 \frac{1}{2}" \text{ LF}} = .339$

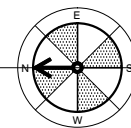
PROPOSED LF OF SIDEYARD WIDTH/
 TOTAL LF OF PROPERTY WIDTH RATIO
 $\frac{16'-1" \text{ LF}}{75'-0" \text{ LF}} = .214$



Q OF WINDSOR STREET

SITE PLAN

1" = 20'-0"



SHEET INDEX

- A1 - SITE PLAN, SHEET INDEX, CODE & PROJECT INFORMATION
- A2 - 1ST FLR PLAN; 1ST FLR FRAMING
- A3 - 2ND FLR PLAN; 2ND FLR FRAMING
- A4 - ELEVATIONS
- A5 - ELEVATIONS

PROJECT & CODE INFORMATION

ADDRESS: 7309 WINDSOR ST., PRAIRIE VIKLLAGE, KS.

LEGAL DESCRIPTION: CARDINAL RIDGE 2ND PLAT LOT 7

APPLICABLE CODE: 2018 INTERNATIONAL RESIDENTIAL CODE

ZONING: R-1.5

AREA CALCS:

1ST FLOOR:	NEW LIVING SPACE	SF
	NEW GARAGE	SF
	EXIST'G REMODELED	SF
2ND FLOOR:	NEW LIVING SPACE	SF
	EXIST'G REMODELED	SF

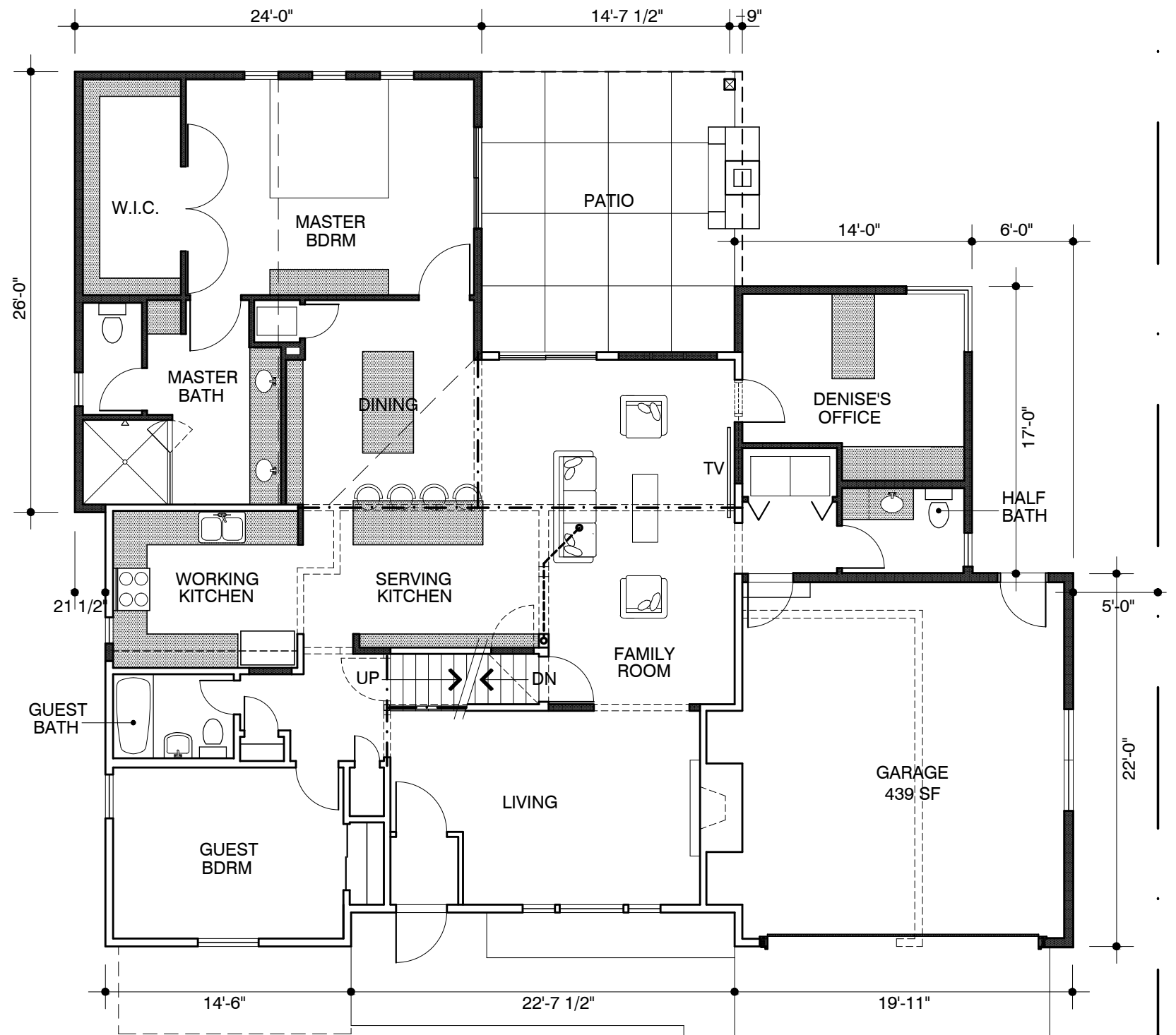
AN ADDITION & REMODELING PROJECT
 OF A SINGLE-FAMILY RESIDENCE FOR
DENISE & MARK DICKERSON
 AT 7309 WINDSOR STREET, PRAIRIE VILLAGE, KS.

wgn
ARCHITECTS
 4051 BROADWAY
 KANSAS CITY, MISSOURI 64111
 (816) 931-2820

DATE: 11/8/24

REVISED:

A1



1ST FLOOR PLAN

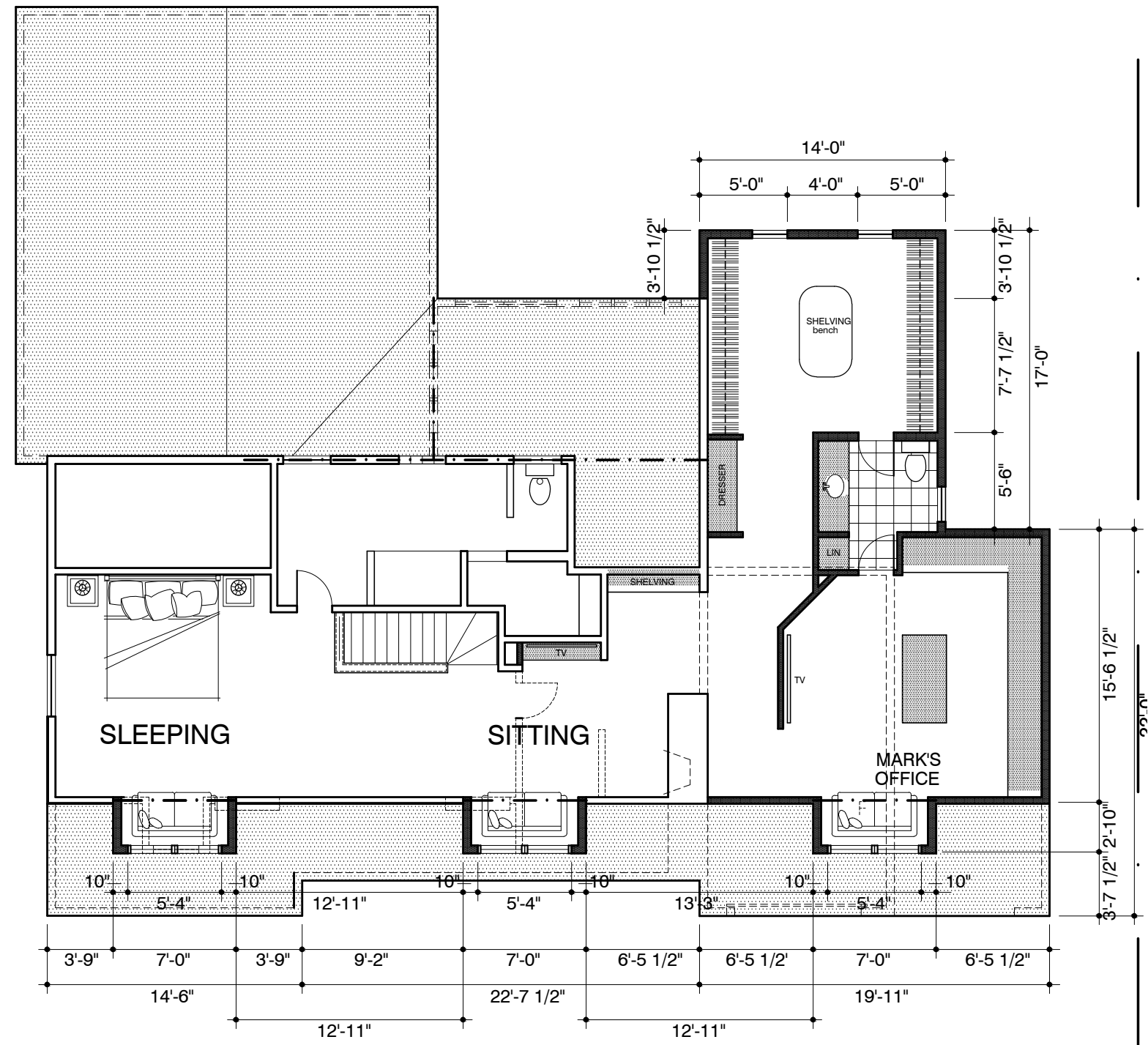
1/8" = 1'-0" WHEN PRINTED ON 11" X 17"
 1/4" = 1'-0" WHEN PRINTED ON 22" X 34"

AN ADDITION & REMODELING PROJECT
 OF A SINGLE-FAMILY RESIDENCE FOR
DENISE & MARK DICKERSON
 AT 7309 WINDSOR STREET, PRAIRIE VILLAGE, KS.

wgn
 ARCHITECTS
 4051 BROADWAY
 KANSAS CITY, MISSOURI 64111
 (816) 931-2820

DATE: 11/8/24
 REVISED:

A2



2ND FLOOR PLAN

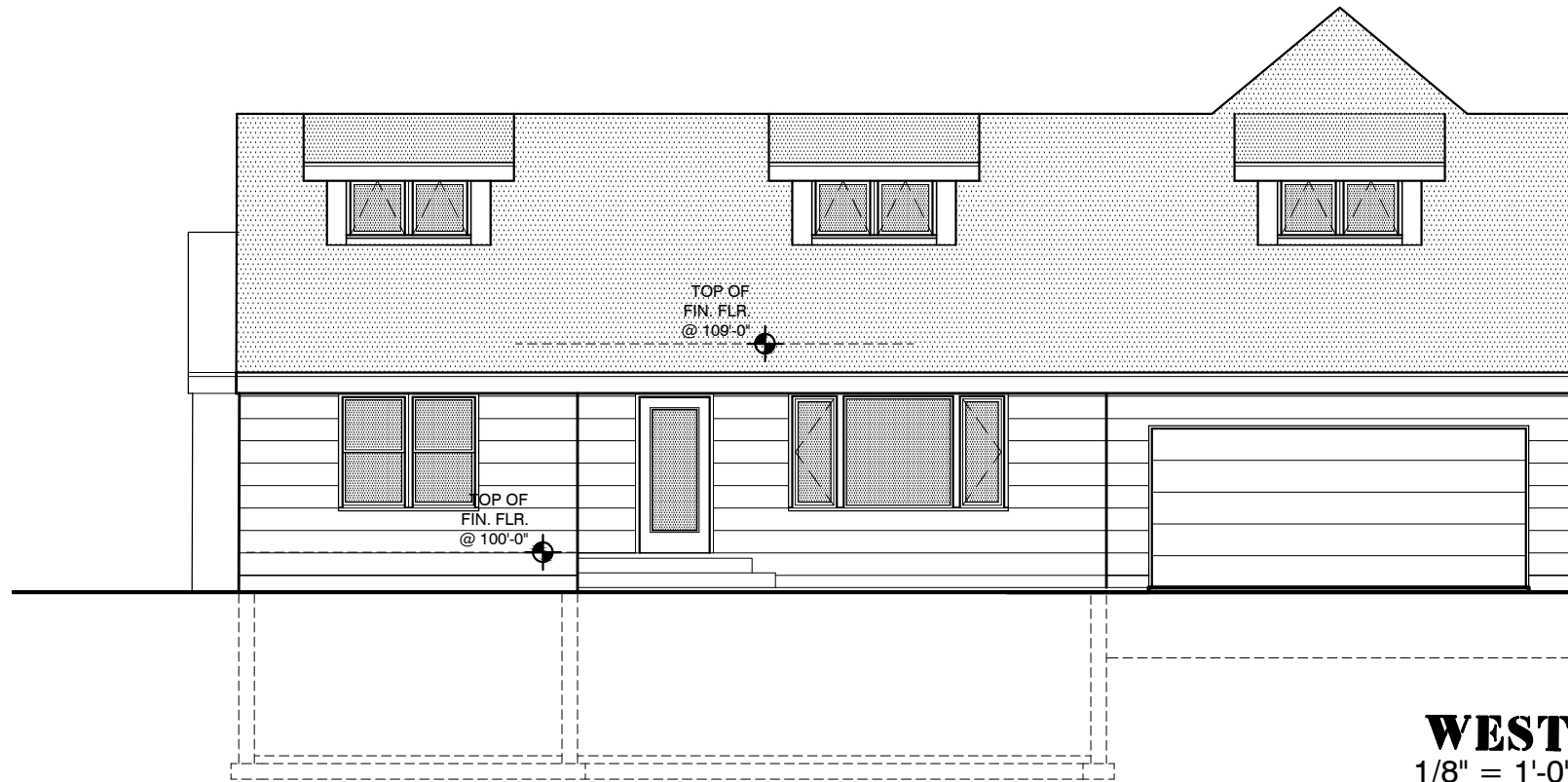
1/8" = 1'-0" WHEN PRINTED ON 11" X 17"
 1/4" = 1'-0" WHEN PRINTED ON 22" X 34"

AN ADDITION & REMODELING PROJECT
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DENISE & MARK DICKERSON
 AT 7309 WINDSOR STREET, PRAIRIE VILLAGE, KS.

wgn
 ARCHITECTS
 4051 BROADWAY
 KANSAS CITY, MISSOURI 64111
 (816) 931-2820

DATE: 11/8/24
 REVISED:

A3



WEST
1/8" = 1'-0"



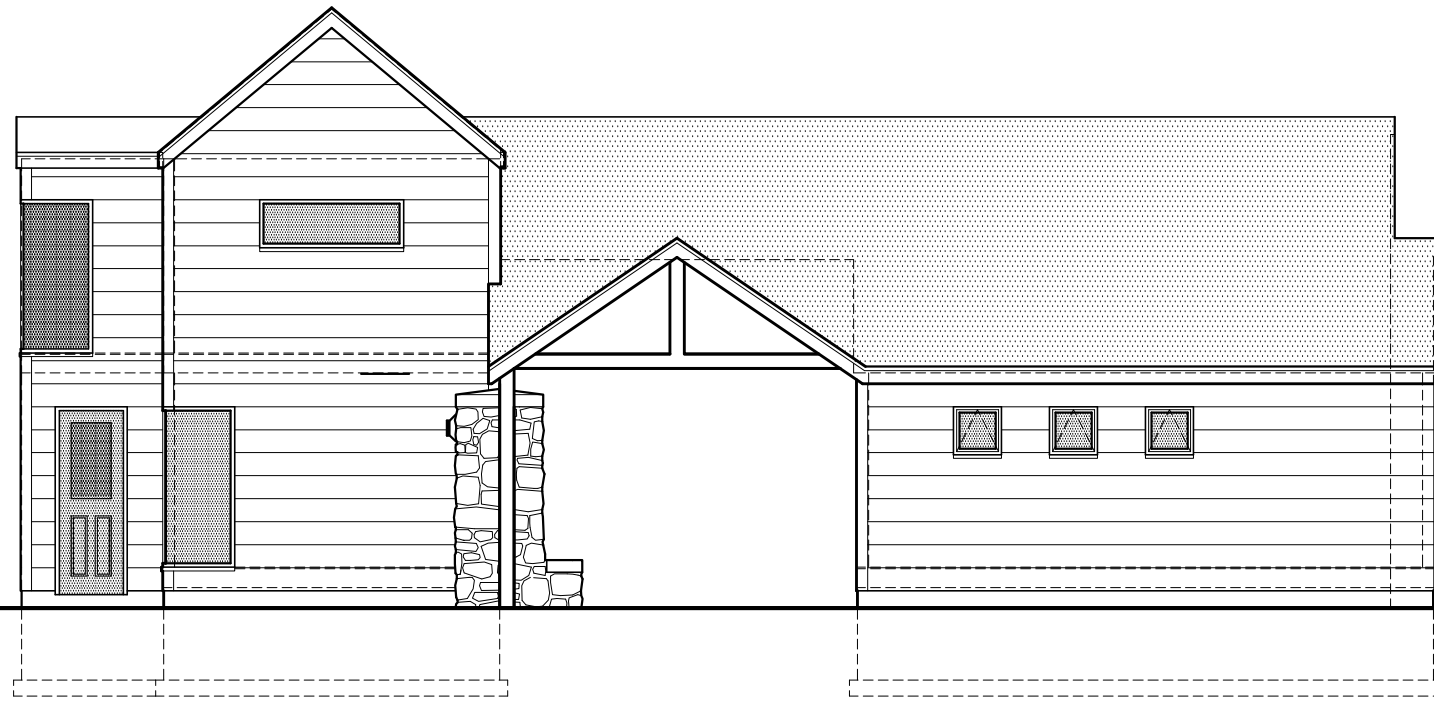
NORTH
1/8" = 1'-0"

AN ADDITION & REMODELING PROJECT
OF A SINGLE-FAMILY RESIDENCE FOR
DENISE & MARK DICKERSON
AT 7309 WINDSOR STREET, PRAIRIE VILLAGE, KS.

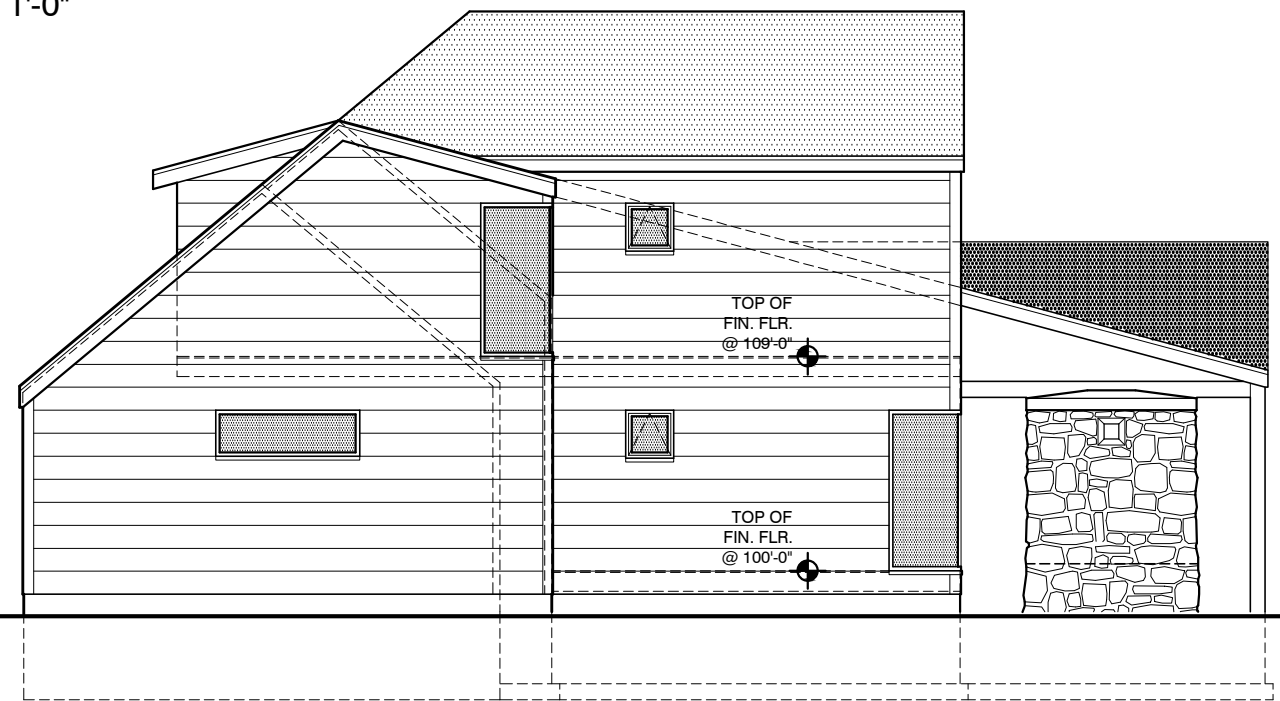
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ARCHITECTS
4051 BROADWAY
KANSAS CITY, MISSOURI 64111
(816) 931-2820

DATE: 9/22/23
REVISED:

A4



EAST
1/8" = 1'-0"



SOUTH
1/8" = 1'-0"

AN ADDITION & REMODELING PROJECT
OF A SINGLE-FAMILY RESIDENCE FOR
DENISE & MARK DICKERSON
AT 7309 WINDSOR STREET, PRAIRIE VILLAGE, KS.

wgn
ARCHITECTS
4051 BROADWAY
KANSAS CITY, MISSOURI 64111
(816) 931-2820

DATE: 11/8/24
REVISED:

A5

Mark and Denise Dickerson
7309 Windsor Street
Prairie Village, KS 66208

November 18, 2024

RE: Resident Participation Documentation and Request for 12 inch variance at 7309 Windsor Street

Dear Secretary of the Planning Commission,

Pursuant to the Resident Participation process outlined on the City of Prairie Village's Planning Commission website, on Saturday November 9th we hand delivered letters to property owners within 200 feet of our property line notifying them of a meeting to review and discuss our request for a 12 inch variance on the South side of our home to accommodate a planned remodel and expansion of our garage. A copy of the letter along with copies of envelopes and a list of neighbors we delivered the letters to is included with this letter.

Our meeting was held on Sunday November 17th at 1 PM CST. Neighbors in attendance at the meeting were William and Denise Marshall (7300 Falmouth), Stuart and Rebecca Jones (7316 Falmouth) and Alli White and Adam Nachbar (7305 Windsor). We shared the drawings of our remodel and reviewed the specifics of the placement of our garage and the requested variance. No concerns whatsoever were brought to our attention by the attendees and rather everyone was excited about our plan to remodel and preserve and update our current home.

I am also attaching a letter of support from our neighbors Krithika Ganesh and Abhiram Dasarathy directly South of our house (3414 W. 73rd Terrace) and who we share a property line with.

Please let us know if you have any questions or if you need additional information 913-744-7395
dlnaylor10@yahoo.com

Thank you,

Mark and Denise Dickerson

Mark and Denise Dickerson

Mark and Denise Dickerson
7309 Windsor Street
Prairie Village, KS 66208

November 9, 2024

Hello Neighbor!

This letter is to make you aware of plans to remodel and add on to our house located at 7309 Windsor Street. The remodel consists of expanding our current 1 car garage to a 2 car garage on the South side of our house, along with extending the back of the house to be even with the current tv room, replacing the shake shingle siding, adding a covered patio and updates to the upstairs bedroom space.

The survey of our property in preparation for the remodel indicates we need an additional 12 inches of clearance to support the 2 car garage (South side of our house).

We have applied to the City of Prairie Village Planning Commission for approval of the 12 inch variance to accommodate the expansion of our garage. The Planning Commission requires us to reach out to all neighbors within 200 feet of our property line and provide an opportunity to review our request and discuss any questions or concerns regarding the expansion of the garage.

This letter is to make you aware of a meeting at our house, **7309 Windsor Street on Sunday November 17th at 1 PM CST** to review our request. You are invited, but not required, to attend to ask questions and share any concerns you may have. Refreshments will be provided! We will submit a summary of the meeting to the Prairie Village Planning Commission that will identify attendees and document any concerns that were brought to our attention.

Please text Denise at 913-744-7395 or email dlnaylor10@yahoo.com if you have any questions or would like additional information about the meeting.

Regards,

Mark and Denise Dickerson

Krithika Ganesh and Abhiram Dasarathy
3414 W. 73rd Terrace
Prairie Village, KS 66208

August 12, 2024

City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

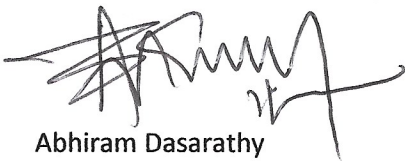
To whom it may concern at the City of Prairie Village:

Our names are Krithika Ganesh and Abhiram Dasarathy. We moved to Prairie Village in July of 2023. Our neighbors Mark and Denise Dickerson live to the north of our house at 7309 Windsor Street. Our house is on the SW corner of 73rd Terrace and Windsor and the Dickerson's house is on Windsor which is 41.5 feet from our shared property line and around 47 feet from house to house. While our lots back up to each other our houses sit on completely opposite ends of our respective lots. The Dickerson's are planning a remodeling project to begin in late Fall and recently had a survey in preparation for the remodel. As part of their remodeling project they are seeking an additional 24 inches of clearance for the project. As neighbors, we are in support of their request and ask you grant them the additional clearance for their project.

Sincerely,



Krithika Ganesh



Abhiram Dasarathy