

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, DECEMBER 3, 2024**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, December 3, 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, and Melissa Temple.

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. Wolf moved for the approval of the minutes of the November 12, 2024, Board of Zoning Appeals meeting as presented. Mr. Breneman seconded the motion, which passed 6-0.

PUBLIC HEARINGS

BZA2024-08 Variance to side setback
 7309 Windsor Street
 Zoning: R-1B
 Applicant: Mark and Denise Dickerson

Mr. Brewster stated that the applicant was requesting a variance for a side setback from 6' to 5' for the rehabilitation and expansion of an existing home, 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 1' 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.

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 yard of the adjacent house. Additionally, houses across Windsor Street orient to the side streets

resulting in side yards along Windsor Street. All properties in the vicinity are zoned R-1B and used for residential uses. R-1B zones require the following side setbacks:

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

Mr. Brewster said that the applicant was requesting a variance from the side setback to allow the construction of an addition to the existing house 5' from the south side lot line. The addition would be approximately 22' 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' from the adjacent house. The setback on the north side is just over 11' so the lot would maintain the required 20% cumulative side setback.

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 on an irregular block and is 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' encroachment and an approximately 22' 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' wide, which is sufficient and

typical of a smaller two-car garage. The project also retains a lot of the one-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 two-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 lot. Additionally, the requested variance is minimal considering the nature of the project and the amount and extent of the encroachment.

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. That there is a 5' easement on the south side of this lot, and the 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 one year of approval.

Property owners Mark and Denise Dickerson were present with architect Chris Woods, WGN Architects, 4051 Broadway, Suite #1, Kansas City, Mo. Mr. Woods noted the easement was used for a sewer line, but that the expansion of the garage would not be close enough to the easement to cause any issues.

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

Mr. Wolf made a motion to approve the variance with the conditions recommended by staff. Ms. Temple seconded the motion, which passed 6-0.

OTHER BUSINESS

None.

ADJOURNMENT

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 6:47 p.m.

Adam Geffert
City Clerk/Board Secretary