

**BOARD OF ZONING APPEALS  
CITY OF PRAIRIE VILLAGE, KANSAS  
MINUTES  
TUESDAY, JANUARY 7, 2025**

**ROLL CALL**

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, January 7, 2025, at 6:30 p.m. in the Council Chambers of the Municipal Building at 7700 Mission Road. Vice-Chair Melissa Brown called the meeting to order at 6:30 p.m. with the following members present: James Kersten, 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**

Ms. Temple moved for the approval of the minutes of the December 3, 2024, Board of Zoning Appeals meeting as presented. Mr. Kersten seconded the motion, which passed 4-0.

**PUBLIC HEARINGS**

BZA2024-09            Side setback variance  
                             7714 Mohawk Drive  
                             Zoning: R-1A  
                             Applicant: Devon Coffey

Mr. Brewster stated that the applicant was requesting a variance for a side setback from 7' to 4' - 2" resulting in a variance of 2' - 10", along with a related request for a building separation of approximately 12' - 3" rather than the required 14'. The application is for the replacement of an existing carport and enclosed storage area with a two-car garage with storage located at the rear of the garage.

The property is zoned R-1A and is located mid-block on Mohawk Drive between 79<sup>th</sup> Street on the south and 77<sup>th</sup> Street on the north. The lot is 70' wide; most lots on the block are also 70' wide, with a few approaching 75'. Mr. Brewster noted that R-1A districts required 80' wide lots; however, these lots are in an area with many legal nonconforming lots based on lot widths. Additionally, the grade of the block results in some houses stepping down to the next house with the grade falling to the south. In this case, the grade of the house immediately to the north is above the elevation of the subject house and

separated by a retaining wall. All property in the vicinity is zoned R-1A and used for residential uses.

Mr. Brewster said that R-1A districts require the following side setbacks:

- 7' minimum each side
- 20% of the lot width minimum between both sides
- At least 14' between adjacent buildings

The proposed addition would be approximately 32' in length, and replace an existing one-car carport and enclosed storage area on the north side with a two-car garage with storage at the rear of the garage. The garage would be 22' wide from the exterior wall of the garage to the exterior wall of the existing house. This area of the lot abuts the side yard of the house to the north; with the variance, the building would be approximately 12' - 3" from the adjacent building rather than the required 14'. The existing setback on the south side is just over 13', so the lot would maintain the required 20% cumulative side setback (a 70' wide lot requires at least 14' cumulative side setback).

Mr. Brewster said that Section 19.54.030 of the zoning regulations required 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 lot is similar to many other lots in the area. However, it is a legal nonconforming lot due to the width of 70' though an 80' width is required in R-1A districts. Despite this, the proposal would still meet the required cumulative side setbacks for an 80' wide lot (13.5' on the south and 4.16' on the north is greater than 20% of 80') and easily meets it for a 70' wide lot (minimum 14' cumulative between both sides required). Additionally, the lot is at a lower grade than the immediate adjacent house to the north and is separated by a low retaining wall, resulting in a lower scale profile immediately adjacent to the house. This existing situation is also causing some drainage issues with the current car port and driveway, which will be corrected with the proposed plan.

#### **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 the proposed addition will be closer to the house to the north, there is a lesser impact on this house than what could otherwise be built within the setbacks due to (1) the grade of the subject house being approximately 3' lower; and (2) the proposed addition retaining the one-story profile and low-pitched roof, resulting in a very small overall elevation within the side setback.

### **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 carport (replaced with enclosed garage). Under this plan, the only way to expand a one-car garage to a two-car garage is to the north as proposed. The plan results in a garage width of just under 22' wide (exterior to exterior), which is sufficient and typical of a smaller two-car garage. The project also retains the one-story and low roof pitch of the existing home on all elevations. The grading of the block and lot also causes some drainage issues with the current car port and driveway, which will be corrected with this proposed plan.

### **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 greater utility of a two-car garage within the scale and character of the surrounding neighborhood, and will address an existing drainage issue on the subject lot.

### **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 limited due to the drop in grade, the proposal of a one-story elevation, and the matching of the low pitch roof profile. Additionally, the requested variance is minimal considering the nature of the project and permits a sufficient two-car garage. The application will meet all applicable lot development and neighborhood design standards, particularly the standards intended to limit the scale and visibility of garages and driveways along lot frontages.

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

Property owner Devon Coffey was present to discuss the application. She stated that she agreed with the proposed conditions.

Mr. Kersten asked whether Ms. Coffey had spoken to any of her neighbors about the proposal. She said that she had submitted multiple letters of support from neighbors with her application, including the property owner to the north.

Ms. Brown opened the public hearing at 6:44 p.m. With no one present to speak, Ms. Brown closed the public hearing at 6:45 p.m.

**Ms. Temple made a motion to approve the variance with the conditions recommended by staff. Mr. Kersten seconded the motion, which passed 4-0.**

## **OTHER BUSINESS**

Election of Chair, Vice-Chair and Secretary

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

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

**Ms. Temple seconded the motion, which passed 4-0.**

## **ADJOURNMENT**

Vice-Chair Melissa Brown adjourned the meeting of the Board of Zoning Appeals at 6:48 p.m.

Adam Geffert  
City Clerk/Board Secretary