

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

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, October 7, 2025, at 6:00 p.m. in the Council Chambers of the Municipal Building at 7700 Mission Road. Chair Jonathan Birkel called the meeting to order at 6:00 p.m. with the following members present: David Herron, James Kersten, Gregory 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. Valentino moved for the approval of the minutes of the January 7, 2025, Board of Zoning Appeals meeting as presented. Ms. Temple seconded the motion, which passed 4-0, with Mr. Birkel, Mr. Herron and Mr. Wolf in abstention.

Mr. Birkel switched the order in which the two applications on the agenda since a planning commission application related to BZA2025-02 would be considered immediately after the board of zoning appeals meeting concluded.

PUBLIC HEARINGS

BZA2025-03 Variance increase to the permitted building coverage from 30% to 32.19%
6748 Fontana Street
Zoning: R-1B
Applicant: Doug LeVota

Mr. Brewster stated that the applicant was requesting a variance for building coverage standards from 30% to 32.19%. The application is for the tear down of an existing home and a rebuild of a new home. The combination of the proposed principal building along with retaining an existing deck with pergola and accessory shed would exceed the allowed 30% building coverage.

The property is zoned R-1B; the lot is 7,723.8 square feet and is approximately 65' wide by 120' deep. The lot is situated mid-block on the west side of Fontana Street between 67th Street and 69th Street. All properties in the vicinity are zoned R-1B and used for single-family homes.

Mr. Brewster stated that R-1B zones required a maximum of 30% building coverage and 40% impervious coverage. The building coverage limit addresses building scale and massing in relation to the lot and includes all structures over 30" in height (principal and accessory). The impervious coverage limit addresses drainage in relation to the lot, and includes all impervious surfaces.

This application proposes the following structures:

- House: 2,301 s.f.
- Existing shed: 121.92 s.f.
- Existing deck with pergola: 63.89 s.f.
- Total building coverage 2,486.81 s.f.

This results in a 32.19% building coverage, exceeding the 30% limit by 2.19% or 169.67 s.f. The proposed impervious coverage is 3,363.5 s.f., which is below the permitted impervious coverage limit for this lot, which is 3,389.52 s.f. (40% of lot, plus 300 s.f. exemption for lots under 10,000 s.f.).

Section 19.54.030 of the city's zoning regulations requires the board to find that all five of the following conditions are met 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.

Mr. Brewster noted that the property met the minimum requirements for R-1B lots and is 65' by 120' (60' x 100' is the minimum). It is situated mid-block among similar lots on both sides of the street, ranging from approximately 62' wide to 75' wide. The primary differences in width or depths occur at corner lots, or are due to a slight curve of the block. There is an irregular pattern of larger lots to the north that results from a cross-block drainage easement that passes in an east-west fashion across all blocks in this area.

Based on standard setbacks, this lot has approximately 3,380 s.f. of buildable area, of which up to 2,317.14 s.f. can be utilized due to the 30% building coverage limit. Additionally, any accessory structures over 30" high counts toward the building coverage limit. In this case, that includes an existing shed and deck with a pergola which are proposed to be retained.

B. Adjacent Property

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

Building setbacks are the primary standard that manages impacts on adjacent property, and the application meets all setback requirements (8.8' on the south where 6' is required; 6' on the north where 6' is required; and 14.8' combined where 13' is required). The existing shed, which is proposed to be retained, also meets setbacks applicable to accessory structures (4.5' from rear and 6.8' from side, where 3' is required). However, the combination of the proposed principal building (2,301 s.f.), deck with pergola (63.89 s.f.), and shed (121.92 s.f.) exceeds the 30% maximum cumulatively by 169.67 s.f., or 2.19%.

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 lot has approximately 2,317.14 s.f. of buildable area based on a total lot size of 7,723.8 s.f. To meet the 30% building coverage standard, the applicant would need to remove 169.67 s.f. This would require either removal of the shed and deck, or reduction in the footprint of the principal building. The proposed principal building has a 2,301 s.f. footprint, while the existing principal structure to be removed is approximately 1,600 s.f. Other new homes in the area have a similar or larger footprint than is proposed for this house; however, those that are larger tend to not have a shed or raised deck with a pergola, or are on slightly larger lots.

D. Public Interest

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

The application is a tear down and rebuild of an existing structure. Prairie Village zoning regulations regulate a balance between necessary reinvestment in neighborhoods with impacts on the character of the neighborhood and general community. The proposed new building meets all standards except the building coverage standard. Granting the variance would allow the applicant to retain an existing shed and a proposed deck with a pergola and not be required to reduce the footprint of the proposed house. This would allow 2.19%

more building coverage than permitted by the zoning regulations, or 169.7 s.f. All proposed improvements are under the impervious coverage limit for this 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 building coverage standard is intended to regulate the scale and mass of residential buildings in relation to lots. It applies in addition to the height, setback, and massing standards for the principal building, as well as any structure over 30" high. This standard works independently of setbacks and impervious coverage standards to limit the extent of vertical structures and preserve open areas on the lot. In this application, the structures meet all height, setback, and impervious coverage standards, and generally have an appropriate relationship to adjacent property, but exceed the building coverage standard by 2.19%.

Mr. Brewster noted that after reviewing the information submitted and considering the testimony during the public hearing, if the board finds that all five conditions are met as required by state statutes and Section 19.54.030 of the city's zoning regulations, then it may grant the variance. If approved, the variance 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 applicant shall revise all drainage permit application materials to show all approved and proposed impervious surfaces
3. The variance, if approved, shall be recorded with the County Register of Deeds within one year of approval

Applicant and property owner Doug LeVota was present to discuss the application.

Mr. Wolf asked when the shed had been built. Mr. LeVota said it was constructed in 2015, and added that he didn't realize the shed caused the project to exceed the building coverage limit until construction was already underway. Mr. Dringman noted that the plan presented by the project architects to staff did not include the pergola and shed, and as such, were not counted toward building coverage.

Mr. LeVota said that he chose to use a smaller veneer brick finish on the exterior of the new home than originally planned, which could potentially reduce the building's total coverage.

Mr. Wolf stated that he did not believe the request met the "uniqueness" factor, and suggested that the building coverage be remeasured to see if a variance was even necessary. Additionally, he advised Mr. LeVota to consider ways to demonstrate that the uniqueness factor was being met. Mr. Valentino added that he was interested in seeing photos of the structures on the property.

Mr. Wolf made a motion to continue the application to the next board of zoning appeals meeting. Mr. Valentino seconded the motion, which passed unanimously.

BZA2025-02 Variance to the cumulative side setback to allow an attached outbuilding to be located 10' from side, resulting in 19.7' cumulative side setback rather than the required 24'
6528 Granada Drive
Zoning: R-1A
Applicant: Sarah Clutter

Mr. Brewster said that the applicant was requesting a variance from the cumulative side setback requirement for 20% of the total lot frontage between both sides. The requested variance is to allow an attached outbuilding to be located 10' from the side lot line. The principal structure has a setback of 9.7' on the opposite side, resulting in a 19.7' cumulative side setback. The lot is 120' wide, so the required cumulative side setback is 24'.

This application is related to PC-25-05, an exception for lot impervious coverage approved by the planning commission in April 2025. That proposal included a detached garage on the southwest portion of the lot, approximately 16' by 24' and located 5' from the west property line. The size of the structure and the setback complied with the city's zoning regulations applicable to accessory structures, but exceeded impervious coverage limits, requiring the planning commission exception.

Since that approval, the applicant changed plans due to their homeowners' association requirements. The new proposal is to reduce the garage to 14' by 24', locate it 10' from the west property line, and attach it to the principal structure by a covered breezeway. Because the structure is now attached, it must meet the principal building side setback rather than the accessory structure side setback (7', rather than 3').

Mr. Brewster said that although the placement of the garage would meet the general side setback for principal buildings, the principal building is also subject to a cumulative side setback of 20% of the lot width. This lot is 120' wide; therefore, while either side may have a principal building placed as close as 7' from the lot line, the other side would be required to have a corresponding setback of 17' to achieve the cumulative 20%, or 24'. The east side of the principal building is 9.7' from the east lot line. To meet regulations, the attached outbuilding would need to be located 14.3' from the west property line, rather than the proposed 10'.

The property is located mid-block on the south side of Granada Street between Mission Road and Roe Avenue, and is zoned R-1A. The block features larger R-1A lots, generally 110' to 130' wide and approximately 16,000 to 20,000 s.f. The lots have principal buildings similarly situated to this lot and all have a 40' platted front building line and shallower rear yards. This building is situated further to the east on the lot resulting in a wider gap between the home to the west where the attached outbuilding is proposed.

All properties in the vicinity are zoned R-1A and used for residential uses. R-1A requires the following side setbacks:

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

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, the existing side setback on the west portion of the lot is much larger than the others (29.2'). A detached accessory structure can be placed in this larger side setback and meet zoning regulations, as was originally proposed. However, the revised proposal to attach the outbuilding by a covered walkway subjects the building to the principal building setback, and the cumulative setback requirement.

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 proposed attached outbuilding is further from the side lot line than would be permitted if the building were detached. A detached accessory structure may be placed as close as 3' from the side lot line because these buildings are smaller, lower-profile, and are typically on more remote portions of the lot. The prior approved plan had a detached building in a similar location 5' from the property line. This proposal is for a similarly scaled building, but 10' from the side lot line. The extent of this 10' side setback is for the 24 linear feet of the detached outbuilding, and is located towards the rear of the lot and not immediately adjacent to the principal building on the west. The remainder of the lot / principal building (closer to the adjacent building and front of the lot) remains 29.2' from the side lot line.

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 applicant is reducing the size of the proposed outbuilding and moving it further from the side lot line, but attaching it in response to homeowners' association input. Although this is a similar or possibly less impacting plan than originally approved, the fact that the building is attached subjects it to the stricter setback standards of the principal building. Additionally, although it meets the basic side setback for the principal building, it is also subject to a large cumulative side setback due to the relatively large width of the lot.

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, provides varied massing elements, reduces the scale of the overall building plan, and is located on a remote portion of the lot, with little impact on the character of the neighborhood. The application meets all other development and neighborhood design standards other than a prior exception to the impervious coverage which was granted on application PC-25-05, and an associated proposal for a rear elevation design exception which will be considered on application PC-25-15.

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. The cumulative side setback manages this in scale with the lot size and also presents a consistent and proportional front facade along the streetscape. In this case the relationship to the adjacent building is limited due the limited extent of the variance (only 24' of the outbuilding, while the bulk of the principal building is 29.2' from the side lot line). The proposed 10' setback is also further away from adjacent property than is permitted if the outbuilding were detached, and where a principal building could be placed absent the cumulative setback. Additionally, the primary mass of the principal building most visible to the street meets the cumulative side setback, as it is 29.2' from the west line (the impacted side of the variance) and 9.7' from the east lot line, for a cumulative side setback of 38.9' where 24' is required.

Mr. Brewster noted that after reviewing the information submitted and considering the testimony during the public hearing, if the board finds that all five conditions are 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, if approved, shall be recorded with the County Register of Deeds within one year of approval

Mr. Herron asked whether the accessory structure requirements would be met if the garage was not attached to the house. Mr. Brewster said that they would.

Mr. Wolf asked whether the proposal would even need approval from the board of zoning appeals if the connection between the garage and house did not exist. Mr. Brewster said it would not.

Applicant and property owner Brad Clutter was present to discuss the application. He noted that the homeowner's association required the garage to be attached via a breezeway.

Mr. Birkel suggested that a condition of approval should be added stating that the breezeway could not be enclosed.

Mr. Birkel opened the public hearing at 6:38 p.m. With no one present to speak, Mr. Birkel closed the public hearing at 6:39 p.m.

Mr. Wolf made a motion to approve the application with the conditions recommended by staff, along with the additional condition that the breezeway could not be enclosed. Ms. Temple seconded the motion, which passed unanimously.

OTHER BUSINESS

ADJOURNMENT

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 6:39 p.m.

Adam Geffert
City Clerk/Board Secretary