

**BOARD OF ZONING APPEALS
CITY OF PRAIRIE VILLAGE, KANSAS
MINUTES
TUESDAY, MAY 5, 2026**

ROLL CALL

The meeting of the Board of Zoning Appeals of the City of Prairie Village, Kansas was held on Tuesday, May 5, 2026, 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, 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; Nathan Vallette, Council Liaison; Mitch Dringman, Building Official; Cliff Speegle, Public Works Project Manager; Adam Geffert, City Clerk/Board Secretary.

APPROVAL OF MINUTES

Mr. Wolf moved for the approval of the minutes of the November 10, 2025, Board of Zoning Appeals meeting as presented. Ms. Temple seconded the motion, which passed 4-0, with Mr. Birkel in abstention.

PUBLIC HEARINGS

BZA2026-01 Variance increase to the permitted building coverage from 30% to 31.78%
5225 W. 69th Terrace
Zoning: R-1A
Applicant: Kevin Tran

Mr. Brewster said that the applicant was requesting a variance for building coverage standards from 30% to 31.78%. The property was a teardown/rebuild, built in 2022. The new house covers approximately 2,531 s.f., which is 25.70% of the total lot, and includes a small, covered porch and a concrete patio pad. In July 2024, a contractor built the deck that extended from the covered porch and over the concrete patio pad but did not get a permit. The deck is 748.02 s.f., is approximately 35" to 48" above grade, and is more than 30" above grade at all points. Therefore, the entire deck, including the uncovered portions, is counted towards the lot's total impervious coverage. The house and deck exceed the building coverage permitted on this lot by 1.78%.

The property is zoned R-1A and includes a single-family detached house. The lot is 9,846.5 s.f. and is approximately 70' wide by 141' deep. It is situated mid-block on the south side of 69th Terrace between Fonticello Street and Nall Avenue. All properties in the vicinity are zoned R-1A and used for single-family homes.

R-1A requires the following coverages:

- 30% building coverage
- 40% impervious coverage

The building coverage limit addresses building scale and massing in relation to the lot and includes all structures over 30" (principal and accessory); the impervious coverage limit addresses drainage in relation to the lot and includes all impervious surfaces.

Mr. Brewster noted that the application proposed the following structures:

- House 2,381.12 s.f.
- Deck (existing, including covered porch) 748.02 s.f.
- Total building coverage 3,129.14 s.f.

This results in 31.78% building coverage, exceeding the 30% limit by 1.78% or 175.19 s.f.

[Note: the proposed impervious coverage is 4,184.6 s.f. and under the permitted impervious coverage limit for this lot, which is 4,238.6 s.f. (40% of lot, plus 300 s.f. exemption for lots under 10,000 square feet.)]

Mr. Brewster stated 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 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 zoned R-1A and is 70' by 141'. It is a legal non-conforming lot as it does not meet the 80' minimum lot width for R-1A districts (80' x 25' is the minimum). This is common in this area as a majority of lots on the block and the opposing block facing to the north and south are 70' wide. Mr. Brewster said that the lots were platted in 1946 and predate the zoning ordinance designating the area R-1A. The lot is situated mid-block among similar lots on both sides of the street that are generally

rectangular with similar proportions, except for corner lots. The primary differences in widths or depths occur at transitions to R-1B zoning districts to the south and east, or larger and irregular blocks and lots several blocks to the north. Based on standard setbacks, this lot results in an approximate 4,816 s.f. buildable area, of which up to 2,953.95 s.f. can be utilized due to the 30% building coverage limit.

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 properties, and this 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 deck which is proposed to be retained with the variance also meets setbacks applicable to accessory structures. It is located at the central portion of the lot and tapers back to the center of the lot at its deepest portion of the house. At its closest points, it is approximately 12.5' from the property line to the east, approximately 29' from the property line to the south, and approximately 18' from the property line to the west. It is uncovered for a substantial part of the deck (other than the covered porch permitted with the initial home construction which is approximately 175 s.f.) and is between 35" and 48" above grade.

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 2,953.95 s.f. of buildable area based on a total lot size of 9,846.5 s.f. Based on the proposed plan, to meet the 30% building coverage standard the applicant would need to remove 175.19 s.f. The principal building has a 2,381.12 s.f. footprint. Other new homes in the area have a similar or larger footprint than this house; however, those that are larger tend to be on larger lots or have decks or patios that are lower to the grade and do not count to the building coverage standards.

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 teardown/rebuild of an existing structure. Prairie Village ordinance regulates a balance between necessary reinvestment in neighborhoods with impacts on the character of the neighborhood and general community. The initially permitted building meets all standards, and with the except of the unpermitted deck exceeding building coverage standards, is compliant with all ordinances. Granting the variance would allow the applicant to retain an existing deck; denial of the variance would

require the applicant to remove at least 175.19 s.f. of deck or significantly alter the deck structure so that at least 175.19 s.f. is built at less than 30" above grade.

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, and it applies to any structure over 30" in height. This standard works independently of setbacks and impervious cover standards to limit the extent of vertical structures on a lot 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 properties. The existing condition has 31.78% coverage. Covered structures make up approximately 25.7% of that (including the covered portion of the deck) and uncovered structures above 30" make up approximately 6.08%, resulting in it exceeding the building coverage standard by 1.78%.

Mr. Brewster said 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 applicant shall revise all drainage permit application materials to show all approved and proposed impervious surfaces.

Mr. Wolf asked how the deck had been built since it did not meet the coverage standards. Mr. Dringman stated that neither the homeowner nor the contractor knew that a permit was needed to build a deck.

Applicant and property owner Kevin Tran was present to discuss the application. He noted that the deck had been built to ensure his children could play safely, as the concrete slab below had a significant drop off.

After further discussion, Mr. Birkel opened the public hearing at 6:16 p.m. With no one present to speak, the public hearing was closed at 6:17 p.m.

Mr. Wolf made a motion to approve the application with the conditions recommended by staff. Ms. Temple seconded the motion, which passed 5-0.

BZA2026-02 Variance to the cumulative side setback from 16' to 14.15'
2000 W. 71st Street
Zoning: R-1B
Applicant: Travis Townsley

Mr. Brewster said that the applicant was requesting a variance for a side setback from 11.5' to 9.66', totaling 1.85'. The application is for a major addition to a smaller home and the replacement of an existing one-car garage with a two-car garage. The requested east side setback of 9.66' would be greater than the required 6' side setback; however, the west side of the existing home is approximately 4.5' from the west side lot line. The property is 80' wide and requires a 16' cumulative side setback between both sides, necessitating a larger side setback on the west side where the addition is proposed, which does not meet the cumulative side setback.

The property is zoned R-1B and located two houses west of the corner of 71st Street and State Line Road. The lot is 80' wide and 129' deep. Lots on this block vary between 60' and 100' wide. All property in the vicinity is zoned R-1B and used for residential uses. Properties abutting the rear lot line are located in the City of Mission Hills and are zoned R-1, which is comparable to this zoning and not significantly impacted by the requested variance.

R-1B requires the following lot standards and side setbacks:

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

In this case, the 80' wide lot requires 16' of cumulative side setback. The existing home (which a portion will be retained) has a 4.5' side setback on the west side and is a legally nonconforming situation (the house was built prior to the zoning ordinances and prior to the side setbacks increasing from 4' to 6' in R-1B districts. As a result, the east side is required to have a side setback of 11.5'. In order to retain the existing home, build an addition to the rear and west, and incorporate a two-car garage to replace the existing single car garage, the applicant is proposing an east side setback of 9.66', rather than the required 11.5', resulting in a variance of approximately 1.85'. The proposed addition would be the required building separation of at least 12' from the existing home to the west.

Mr. Brewster stated 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 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.

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 one of the wider lots on the block, with many meeting the 60' minimum for R-1B, and several others being between 80' and 100' as this lot is. Additionally, this property has a legal non-conforming side setback of the existing residence being 4.5' from the west side lot line. This side is the primary living area of the existing home and proposed to be retained, while the garage side which is proposed for significant renovations and expansion has a larger side setback. As a result, the side with the most room and most applicable for expansion of the garage is required to have a larger side setback to meet the required cumulative side setback of 16'.

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 is closer than the house to the east, there is a lesser impact on this house than what could otherwise be built within the setbacks due to (1) each house mirroring the driveway and garage / carport sides of the house on this common lot line; (2) the majority of the east elevation is stepped back 2.9' and complies with the side setback; and (3) the proposed addition retaining the 1.5 story profile and side-pitched roof and gable, resulting in a lower-scale building elevation along this side setback. Additionally, this side would still exceed the required minimum setback of 6' and required building separation minimum of 12'. The majority of the addition on this side is offset an additional 2.9' and complies with the required cumulative side setback, and it is only the garage portion of the elevation (approximately 25 linear feet) that exceeds the cumulative 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 and expansion of an existing home, retaining a large portion of the current footprint, including the placement and west elevation that has the smallest side setback. Under this plan the only way to expand a one-car garage to a two-car garage would be to the east as proposed. The plan results in a garage width of 23' wide (exterior to exterior), which is sufficient and typical of a two-car garage.

The project also retains a predominantly 1.5 story scale and low roof pitch of the existing home on all 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 greater utility of a two-car garage within the scale and character of the surrounding neighborhood. It also retains the current access and garage/utility side of the home which mirrors that of the existing house to the east on the requested variance side. While the cumulative side setback is not met, the minimum single side setback and building separation is met for all proposed new construction.

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 mirroring of the driveways and garage/carports on each lot, the limited extent of the setback violation along the elevation, and the proposal of a 1.5 story elevation. Additionally, the requested variance is minimal considering the nature of the project and permits a sufficient two-car garage. The application will meet all lot development and neighborhood design standards applicable to the lot, and particularly the standards intended to limit the scale and visibility of garages and driveways along lot frontages.

Mr. Brewster said that 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 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.

Applicant and property owner Travis Townsley was present with his architect, William Trakas, to discuss the project.

Mr. Kersten asked whether Mr. Townsley had spoken to the neighbor on the other side of the property to get their opinion on the addition. Mr. Townsley said the property was a rental and that the owner lived out of state, and that he had not had an opportunity to speak with him.

Mr. Birkel opened the public hearing at 6:28 p.m. With no one present to speak, the public hearing was closed at 6:29 p.m.

Mr. Wolf made a motion to approve the application with the condition recommended by staff. Ms. Temple seconded the motion, which passed 5-0.

BZA2026-03 Variance to the cumulative side setback from 18.4' to 12.9'
5112 W. 67th Street
Zoning: R-1A
Applicant: Megan Thomas

Mr. Brewster said that the applicant was requesting a variance for a side setback from 18.4' to 12.9', totaling 5.5'. The application is to expand an existing outbuilding and attach it to the main structure with a pergola. By attaching to the main structure, all portions of the main building must meet the setbacks for principal buildings, including the cumulative side setbacks. In this case, the current outbuilding is 6.2' from the east property line and the current principal building is 6.7' from the west property line at their closest points, for a cumulative side setback of 12.9'. The lot is 92' wide and requires a cumulative side setback of 18.4' (20% of the lot width).

The property is zoned R-1A, and the application proposes attaching an existing detached accessory building to the main building through a trellis. With the attachment, the building is no longer limited to accessory building standards in terms of its use or dimensions; however, all portions of the buildings are required to meet the dimensional standards of the principal building. The principal building is 6.7' from the east property line, and the outbuilding is 6.2' from the west property line. The principal building was constructed in 2005 and is a legal non-conforming use. The outbuilding meets all accessory building standards. The outbuilding is also proposed to be expanded to the north, but all portions of the expansion are greater than 6.2' from the west property line due to the skew of the building and the lot. When the outbuilding is attached by the pergola, it is no longer subject to the limitations of use or dimensions of accessory buildings and must meet all standards of the principal building.

The expansion of the current outbuilding involves increasing its footprint from 573.6 s.f. to 993.52 s.f., a 419.92 s.f. expansion to the rear (north). The pergola is proposed to attach the principal building and this structure at the rear of the existing garage and the side of the existing outbuilding and would be 132 s.f. This would bring the total building coverage for the lot to 27.5%, which is within the 30% coverage limit allowed in R-1A.

The proposed construction would meet all development and dimension standards except the cumulative side setback, due to the attachment of the outbuilding and the existing placement at 6.2' from the east side lot line. This results in a cumulative side setback of 12.9' rather than the required 18.4'. [Note: This is accounting for the fact that the front portion of the principal structure is 6.7' from the west lot line and is a legal non-conforming situation. The rear section of the principal building is 8' from the west lot line, and the proposed addition to the outbuilding will be between 6.5' and 7' from the east lot line.]

The property also exceeds the impervious requirements due to existing conditions of the driveway, which is a legal non-confirming situation. However, any additions of structures - even if they meet approved zoning ordinance development standards, would increase this non-conformance. In this case, the existing impervious surface cover on this lot is 45%. The addition of the pergola (132 s.f.) and the expansion of the building (419.92 s.f.) would increase this to 47.5%, a 2.5% increase in impervious coverage. This requires a separate planning commission exception based on public works analysis and recommendations. Public works has requested a drainage study to analyze if the additional 2.5% building coverage will impact any drainage on the property and to determine if the property is eligible for an exception based on the criteria in city's zoning regulations. If the board finds that the request meets the criteria for a variance, it should be conditioned on the planning commission granting an exception to the impervious surface coverage in a separate action.

The existing detached building is approximately 573 s.f. and the proposed building is approximately 777 s.f., with an additional 229 s.f. covered patio. The building is 20' tall at the highest peak and has a 1.5 story profile with a loft included in the pitched roof. It is approximately 6.33' from the east (side) property line and 26.33' from the north (rear) property line.

R-1A requires the following for principal buildings:

- Front setback 30'
- Rear setback 25'
- Side setback: 7' each side
- 20% of lot width between both sides
- At least 14' between adjacent buildings
- 30% building coverage
- 40% impervious coverage

Mr. Brewster stated 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 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 zoned R-1A which requires a minimum of 10,000 s.f. and minimum 80' wide. The lot is 92' by 227', and approximately 20,889 s.f. It is situated on a block with a wide variety of lot patterns ranging from 10,600 s.f. to 37,400 s.f. The property is an unplatted original parcel that predates the city's subdivision regulations and zoning regulations; however, the existing principal building was constructed on the lot in 2005 to replace an older home. The existing accessory building is approximately 585 s.f. and is situated approximately 175' from the street.

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 building expansion (north of the current accessory building) is approximately 90' from the nearest building to the east, and approximately 50' from the nearest building to the north (rear to rear orientation). The expanded portion would continue the current relationship to the east lot line, and due to the skew of the lot would be between 6.5' and 7' from the east lot line (the current building's closest point is 6.2'). The attachment of the two buildings by way of a trellis is internal to the lot and located behind the main building and has no material impacts on the adjacent property other than what is proposed as a result for the expansion of the current accessory building. The current outbuilding building has a 1.5 story profile along this east elevation with the highest roof point being 20' tall. The building would be extended 17.5' further than the current wall, with 8' of that being a building addition and 9.5' being a single-story screened porch. This retains a low-scale impact on the adjacent property boundary relative to the entire extent of the side lot line where the majority of the principle building is set back more than 30'.

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 is a very large older lot that permits a building capacity beyond what is on the lot currently, according to setbacks and building coverage standards. The property includes a large principal building (approximately 4,600 s.f.), attached garages, and an existing major accessory building (approximately 585 s.f.). There is additional capacity on this lot to expand the main building within the development standards or add minor accessory buildings. However, by attaching the current accessory building to the main building, it is no longer subject to the use and dimension limitations for accessory buildings but is required to meet the standards for the principal building. This results in the application of the cumulative side setback to all structures that are connected to the principal building.

D. Public Interest

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

The proposed application is to add to an existing accessory building with a design in keeping with the principal house and existing structure, and to attach two existing buildings by a complimentary architectural feature. Other than the cumulative side setback, the application meets all of the physical and design requirements for accessory structures and major accessory buildings. The proposed construction would meet all development and dimension standards except the cumulative side setback, although there is a related impervious cover issue due to the legal non-conforming status of the current impervious cover on the lot. This is noted to be analyzed as a related, but independent issue as a condition of granting any variance.

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 of adjacent buildings is not changing, other than the expansion of the current accessory building to the north. While this is comparable to what would be permitted for accessory buildings or principal buildings, it does not meet the cumulative side setback. The cumulative side setback is intended to address the scale of buildings in relation to adjacent lots and streetscapes, and put increasing standards on wider lots that cause buildings to vary the footprint of buildings and/or the position of buildings on lots, and to address the rhythm and spacing of building frontages along the streetscape (i.e. the cumulative setback increases proportionately with the lot, even though the absolute setbacks are the same from each side lot line).

In this case, and due to variations in the building footprint, no portion of the building occupies more than 20% of the lot width except at the location where the trellis connects to the existing accessory building. The front portion of the lot with the principal building occupies approximately 62% of the lot (58' wide building; the mid-portion of the lot with the rear of the main building and garage occupies approximately 33% - 43% of the lot (40' wide building and 30' wide garage); and the rear portion of the lot with the outbuilding occupies approximately 28% of the lot (26' wide out building).

Mr. Brewster said 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, including the additional limitation on the use of the buildings.
3. Any variance is conditioned on the planning commission granting an exception to the impervious cover standard by a separate action, and public works analyzing and approving a drainage study related to the 2.5% impervious cover increase proposed in this application.

Mr. Wolf asked if the out-building could be legally occupied if it were connected by the trellis. Mr. Brewster said that yes, once the out-building is attached to the main structure, the only requirements that need to be met are setbacks and building coverage, which this property does meet. Mr. Brewster added that the impervious surface coverage did exceed the maximum 40% due to a large driveway apron, and that when the home was built, there was no impervious surface coverage standard. He noted that if this application was approved, a separate planning commission application would need to be made for the excess coverage.

Mr. Herron asked what type of roof would need to be placed on the trellis. Mr. Dringman stated that his interpretation of the code did not require the attaching structure to have a roof.

Applicant and property owner Meghan Thomas was present with her architect, William Trakas, to discuss the project.

Mr. Wolf asked if the trellis led to an entry in the garage. Ms. Thomas stated that the proposal did not include a direct entrance to the garage from the trellis, but that the garage door was immediately adjacent to it.

Mr. Birkel opened the public hearing at 6:43 p.m. With no one present to speak, the public hearing was closed at 6:44 p.m.

Mr. Wolf made a motion to approve the application with the conditions recommended by staff. Mr. Herron seconded the motion, which passed 5-0.

BZA2026-04 Variance to the cumulative side setback from 16' to 9.9'
7808 Cambridge Street
Zoning: R-1B
Applicant: Wade Holtkamp

Mr. Brewster said that the applicant was requesting a variance for side setback from 12.6' to 6.5', a variance of 6.1'. The application is for an addition to the rear and side of an existing home. The requested south side setback of 6.5' would be greater than the required 6' side setback; however, the north side of the existing home is approximately 3.4' from the north side lot line. This property is 80' wide and requires a 16' cumulative side setback between both sides, necessitating a larger side setback on the south side

where the addition is proposed. The proposed building does not meet the cumulative side setback

The property is zoned R-1B and located on the end grain of a block facing Cambridge Street, between 79th Street and 79th Terrace. The lot is 80' wide and approximately 151' deep. Lots in this area vary between 70' and 85' wide, with most either 70' or 75' wide, and wider lots on irregular shaped blocks or at the end grain of the block. All property in the vicinity is zoned R-1B and used for residential uses.

R-1B requires the following lot standards and side setbacks:

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

In this case, the 80' wide lot requires a 16' cumulative side setback. The existing home is situated further to the north side lot line, leaving a larger side yard on the south side. The side setback on the north side is 3.4' - a legal non-conforming situation as the home was built in 1949 prior to adoption of the zoning regulations and designation of this area as R-1B, and prior to the change in R-1B side setbacks from 4' to 6'. The north side of the building where the nonconformance exists is only the single-story, two-car garage and does not include any living space for the property.

The applicant is proposing to build an addition over an existing single-story area to the rear and south side of the structure that includes an expansion wing in this larger side yard area. The existing house is approximately 18.25' from the side property on the south side. As a result of the existing situation, the property would be required to maintain a side setback of 12.6' on the south side lot line unless the existing garage were altered or removed. The applicant proposes a side yard setback of 6.5' on the south side, rather than the required 12.6' - a variance of approximately 6.1'. This would meet the R-1B required minimum side yard setback but would not meet the cumulative requirement of 16' due to the 80' wide lot and due to the existing garage situated 3.4' from the north side lot line.

Mr. Brewster stated 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 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.

This lot is at the “end grain” of a block which means it faces the side street while most of the other lots on the block face the other streets oriented to the longer sides of the block. This block is curved and the east end is wider, allowing for two lots (including this one) to face Cambridge Street and some resulting irregular internal lot lines that skew the lots and houses slightly. However, all lots in this area are larger than typical R-1B lots with most being wider and deeper than required. Additionally, because of the “end grain” arrangement of this lot, the south side lot line where the variance is requested is the functional rear lot line of the house on the south corner of the block. Rather than a conventional side-to-side yard relationship, there is a rear-to-side yard relationship.

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 lot is at the “end grain” of a block which means it faces the side street (Cambridge Street) while the lot immediately to the south faces a different street (79th Terrace). The lot to the north is also an “end grain” lot so it shares a conventional side-to-side relationship with the subject property. In this case, the house immediately to the south (the side where the variance is proposed) has the rear of the house situated nearest the subject property. However, it does not have a typical rear yard at the back of the house; instead, the larger rear yard is to the west of the home. The area where the addition is proposed shares more of a side-to-side relationship with the existing building to the south. The extent of the proposed addition that would encroach into the required side setback is relatively small (approximately 12 linear feet and a two-story profile) and the remainder of the rear yard further west and internal to the block and lot remains open and unbuilt, comparable with the yard area of the property to the south.

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.

Due to the cumulative side setbacks, wider lots are required to have larger setbacks on one or both sides, which in this case is 16’ rather than just the minimum 6’ on each side. The project is a rehabilitation and expansion of an existing home, retaining all the existing structure. A large portion of the cumulative side setback (approximately linear 24’) is occupied by only the existing two-car garage on the north side and does not include any living space. Based on these two factors, adding livable space within

the setbacks could only occur in a smaller extent to the south or into the rear yard area.

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 an expansion of the living area of the existing home, which is oriented to the south of the existing structure. Since the expansion is on the rear portion of the lot and over an existing one-story rear wing, it maintains a very similar scale and orientation of the existing home. The portion of the proposal that does not comply with the standards is limited to approximately 6.1' deep by 14' wide two-story wing on the south side, which is shifted back more to the rear of the home. The plan retains the north side of the home exclusively for the garage and generally maintains a similar relationship to the public streetscape as the existing home. While the cumulative side setback is not met, the minimum single side setback and building separation is met for all proposed new construction.

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 a side-rear relationship due to the corner lot orientation of the home to the south. Additionally, this expansion is not nearest the functional rear yard of the home to the south, which is shifted more to the west side of this lot. The application will meet all lot development and neighborhood design standards applicable to this lot, and particularly the standards intended to limit the scale and visibility of garages and driveways along lot frontages.

Mr. Brewster said that 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 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.

Applicants Wade and Carrie Holtkamp were present to discuss the project.

Mr. Birkel asked if the applicants had considered putting the proposed master bedroom on the west side of the home rather than the south side. Mr. Holtkamp said that that a large section of the existing basketball court in the rear of the house would need to be

removed to place the addition on the west side, and that the roots of the existing ash tree would be affected as well. Mr. Birkel asked if placing the addition over the garage had been considered. Mr. Holtkamp said that an engineering study had determined that the garage would be unable to support such an addition.

After further discussion, Mr. Birkel opened the public hearing at 7:00 p.m.

- Meghan Alt, 2206 W. 79th Terrace, read a statement in support of the application from Ashley Groepper, 7807 Cambridge Street.
- Ashley Felton, 2100 W. 79th Terrace, whose property sits to the south of the subject property, shared her concern with the proposal, as the addition would feel imposing and negatively impact the use of her rear yard.
- Applicant Wade Holtkamp disputed Ms. Felton's claim, stating that additions had already been made to her home, which had reduced the amount of green space in the backyard. He added that there was an existing six foot fence separating the properties.
- Paul Tiedt, 7804 Cambridge Street, noted his support for the project.
- Applicant Carie Holtkamp said the family wished to keep the 70 year old Ash tree in the rear yard, along with the basketball court. She added that the existing sunroom located where the planned addition would be built had to be torn down anyway because of its condition.

With no one left to speak, the public hearing was closed at 7:25 p.m.

Mr. Wolf stated that he felt that an addition that would require the applicants to remove the large Ash tree met the hardship factor. He added that he did not believe the 6.5' side setback was too large of an encroachment on the neighboring property to the south.

Mr. Birkel said that he felt the variance impacts the rear of this home of 2100 W 79th Terrace as it sits on a corner lot. Since 2100 has two large front setbacks and these properties are pushed to the rear of the property, creating a small rear yard, "a side yard dimension condition", this limits the use and separation between homes. The cumulative required setback is intended to keep a proportion of greenspace between homes and limit encroachments to adjacent neighboring properties. The planning commission and BZA have encouraged expansion of existing homes and consider those encroachments regarding the impact on adjacent properties. In this case, the cumulative setback requirement seems appropriate to adhere, since one of the yards is a small back yard, and not a side yard, which is typically the case.

Mr. Wolf made a motion to approve the application with the condition recommended by staff. Mr. Kersten seconded the motion.

After further discussion, the motion failed 3-2, with Mr. Birkel, Mr. Herron and Ms. Temple in opposition.

OTHER BUSINESS

None.

ADJOURNMENT

Chair Jonathan Birkel adjourned the meeting of the Board of Zoning Appeals at 7:32 p.m.

Adam Geffert
City Clerk/Board Secretary