CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 28, 2017

Wichita Habitat for Humanity
Attn: Jerry Warren
PO Box 114
Wichita, KS 67201

Ruggles & Bohm
Attn: Will Clevenger
924 N. Main
Wichita KS 67203

RE: **BZA2016-00052** – City variance to reduce the required side street setback to 7' for the property at 1055 N. Poplar.

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on February 9, 2017. This resolution reflects the official action of the Board and is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

David M. Clements

David M. Clements, AICP
BZA Secretary

DMC/mc
Attachment – Resolution

Cc: MABCD
Lavonta Williams, WCC I
Kameelah Alexander, CSR I

BZA RESOLUTION NO. BZA2016-00052

WHEREAS, Wichita Habitat for Humanity (owner/applicant) and Ruggles and Bohm (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce the side street setback at 1055 N. Poplar.

Legal Description: Lots 42 and 44 Block 1 in Esterbrook Addition, Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of February 9, 2017, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that the subject property is a narrow fifty-foot corner lot. Corner lots can present unique development challenges. It is difficult to construct a new home on such a lot and meet all the setback requirements without impacting the square footage of the home and its floor plain and design. Granting the variance would allow a larger home with more square footage and help provide desired infill development in this neighborhood.

WHEREAS, the Board of Zoning Appeals has found that the variances requested will not adversely affect the rights of adjacent property owners. Similar variances have been granted in the immediate vicinity providing precedent for this application and demonstrating the issues of new development on corner lots. Similar street side setback variances have been approved at 1101 North Poplar Street, 1157 North Poplar Street, 1201 North Green Street and 1201 North Ash Street. There is no evidence that these variances have had any negative impact on adjacent property.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations would constitute an unnecessary hardship upon the applicant. Meeting the required fifteen- foot street side setback would require a change in the home floor plain and design, and would reduce square footage and make the home a less marketable entry level home.

WHEREAS, the Board of Zoning Appeals has found that the requested variances are not adverse to the public interest, inasmuch as the public has an interest in supporting continued reinvestment in residential properties, including the approval of similar variances to facilitate new construction in this neighborhood.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances do not oppose the general spirit and intent of the zoning regulations, would not be opposed to the

general spirit and intent of the zoning regulations. The primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light and air, and the requested variance does not negatively impact this intent. The location of the home will not interfere with site lines at the intersection.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to eliminate the parking requirement, generally located south of 13th Street North and west of River Boulevard at 1059 N. Porter.

Legal Description: Lots 42 and 44 Block 1 in Esterbrook Addition, Wichita, Sedgwick County, Kansas.

The variances are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The side street setback reduction shall only apply to the principal structure on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 9th Day of January 2017.

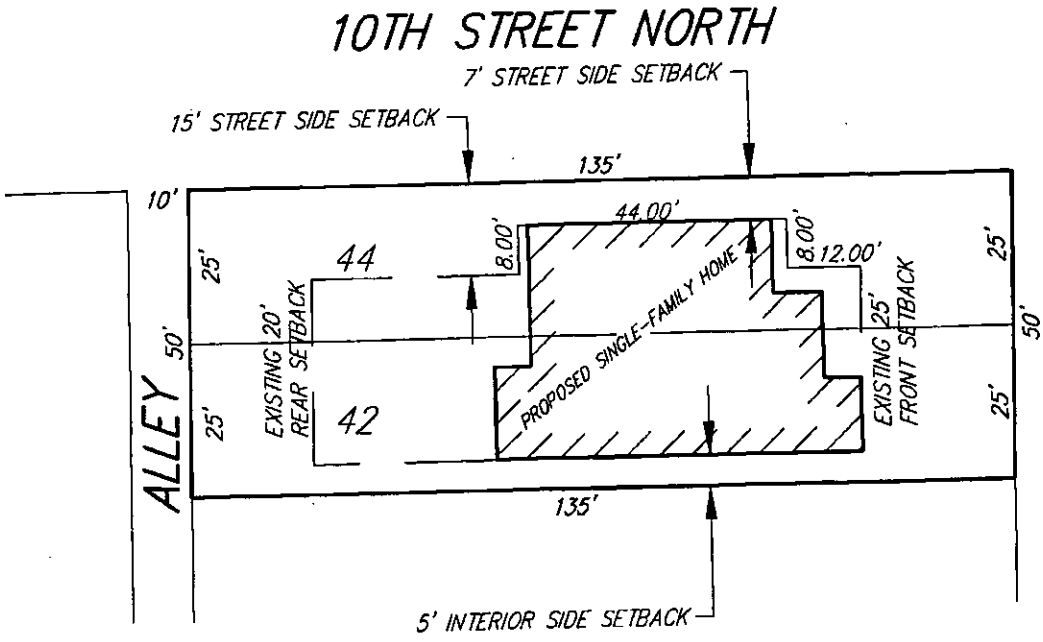
BZA Board Chair, David W. Foster

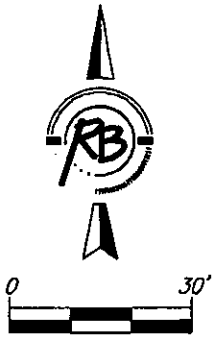
ATTEST:

David M. Clements

David M. Clements, AICP
BZA Secretary

4707S
December 27, 2016
'Monroe'





RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-4621
WWW.RBKANSAS.COM

SITE PLAN

Lots 42–44, Block 1,
Esterbrook Add
Wichita, Kansas