CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 24, 2017

Randall Steiner
333 N. Waco
Wichita, KS 67202

Kim Pelton
1035 N. McLean #302
Wichita, KS 67206

RE: BZA2017-00002 – City variance to reduce the required side street setback to 1' to allow a carport to be rebuilt in its original location at 1035 N. McLean.

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on February 23, 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

CMC/mc
Attachment - Resolution

cc: MABCD
Janet Miller, WCC VI
Brandon Findley, CSR VI

BZA RESOLUTION NO. BZA2017-00002

WHEREAS, LaRiver Condominium Association, Kim Pelton (President/Applicant); Randall Steiner, Architect (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce the side street setback at 1035 N. McLean Boulevard, to allow a carport destroyed by fire to be rebuilt in its original location.

Legal Description: Lot 61, Park Vista 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 23, 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 circumstances of this application are unique, and would not be generally applicable to other property in the city. Approval of this reduced side street setback would be because the original carport was destroyed by fire, therefore minimizing a precedent for other property in the city.

WHEREAS, the Board of Zoning Appeals has found that the variances requested will not adversely affect the rights of adjacent property owners. The original carport had been in its location since the condominium project was developed. The replacement carport in the same location would have no more impact on adjacent property than the original structure.

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. Due to the location of existing driveways, the condominium buildings and other carports, there is no location on the site that would allow a new carport to be constructed and meet the 20-foot side street setback requirement.

WHEREAS, the Board of Zoning Appeals has found that allowing the new carport to be constructed in the same location as the original structure would not be contrary to the public interest. The carport location would not be a factor with sight lines at the driveway entrance to the street.

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. There is a certain reasonableness to allow the new carport to be constructed in the original location due to the circumstances of the fire. Inasmuch as there is no alternative location to build a new carport that meets the side street setback requirement, rebuilding the carport in its original location is

reasonable and would not violate the spirit and intent of the non-conforming provisions of the UZC.

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: Lot 61, Park Vista Addition, Wichita, Sedgwick County, Kansas.

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

1. The new carport shall be constructed in substantial conformance with the approved site plan.
2. The side street setback reduction shall only apply to the carport on the approved site plan.
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 23th Day of February 2017.

BZA Board Chair, David W. Foster

ATTEST:

David M. Clements

David M. Clements, AICP
BZA Secretary

BOARD OF ZONING APPEALS
City of Wichita, KANSAS

AGENDA ITEM NO. _____
February 23, 2017

SECRETARY'S REPORT

CASE NUMBER: BZA2017-00002

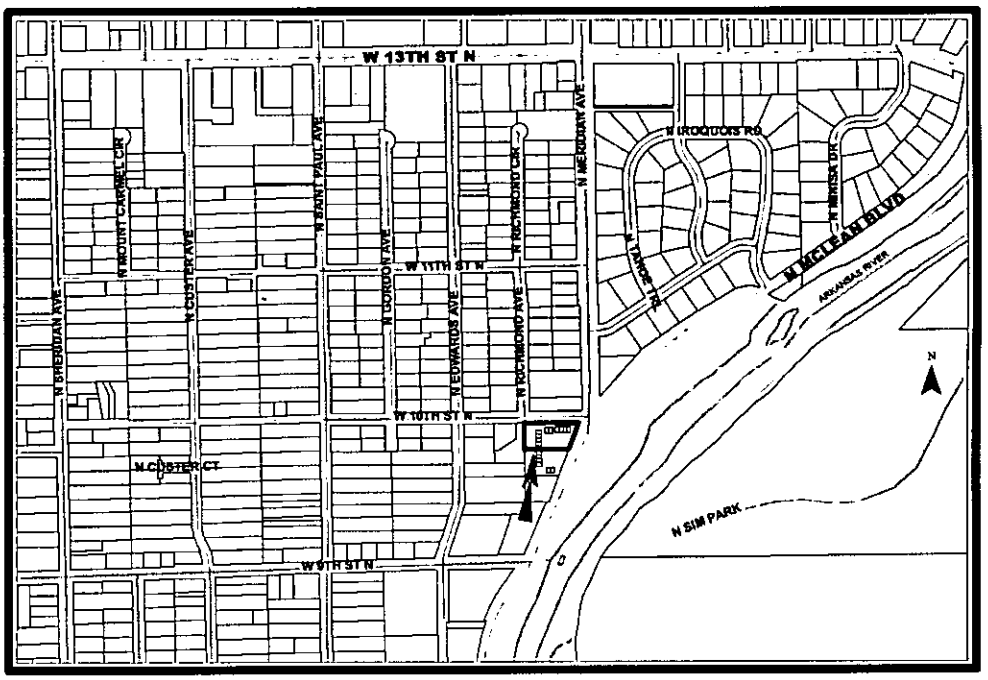
APPLICANT/AGENT: LaRiver Condominium Association, Kim Pelton (President/Applicant); Randall Steiner, Architect (Agent)

REQUEST: Variance to reduce the side street setback from twenty (20') feet to one-foot (1')

CURRENT ZONING: MF-29 Multi-Family Residential District (MF-29)

SITE SIZE: .79 acres

LOCATION: The northwest corner of West 10th Street North and North McLean Boulevard (1035 North McLean Boulevard)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: This application was filed in order to rebuild a detached carport at the La River Condominium community. The original carport was destroyed by a fire in June of 2015, and the approval of this application would allow a new carport to be constructed in the same location as the original

structure. The original carport was constructed with a 1-foot side street setback from West 10th Street North

The MF-29 Multi-Family District requires a 20-foot side street setback.

Article VIII-Non-Conformities of the *Unified Zoning Ordinance (UZC)* provides that *"any building so damaged more than 50 percent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for building in the district in which it is located...."* This non-conforming section of the *UZC* would require the carport to be built in compliance with the current ordinance requirements, meeting the 20-foot side street setback requirement.

The new carport is proposed to be constructed of a similar design and materials to other carports at the condominium project.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5" Single family residence
SOUTH	"SF-5" Single-family residence
EAST	open space/Arkansas River
WEST	"MF-29" Multi-Family

UNIQUENESS: The circumstances of this application are unique, and would not be generally applicable to other property in the city. Approval of this reduced side street setback would be because the original carport was destroyed by fire, therefore minimizing a precedent for other property in the city.

ADJACENT PROPERTY: Allowing the carport to be reconstructed in its original location would have no negative impact on surrounding properties. The original carport had been in its location since the condominium project was developed. The replacement carport in the same location would have no more impact on adjacent property than the original structure. It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners.

HARDSHIP: Relocating the new carport to a location that meets the 20-foot side street setback would cause a hardship to the applicant. Due to the location of existing driveways, the condominium buildings and other carports, there is no location on the site that would allow a new carport to be constructed and meet the 20-foot side street setback requirement.

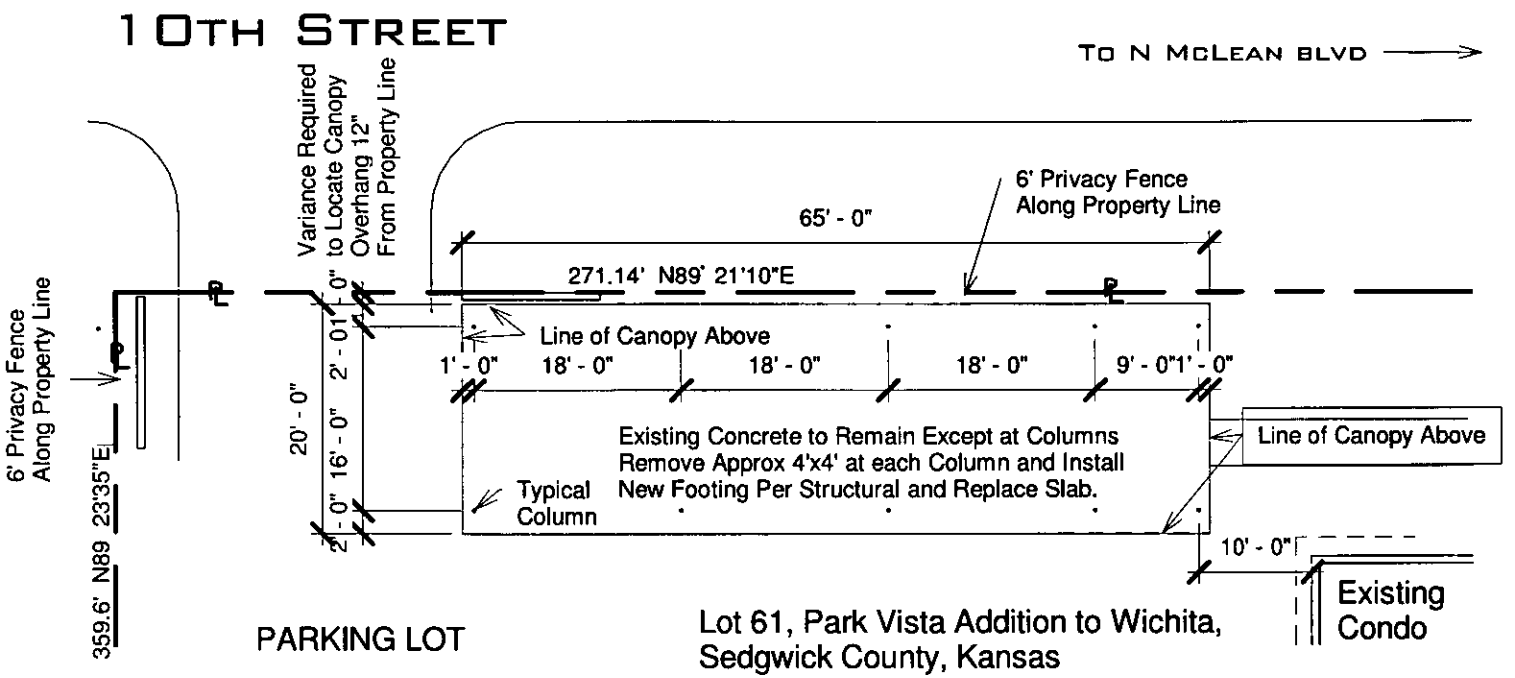
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest. Allowing the new carport to be constructed in the same location as the original structure would not be contrary to the public interest. The carport location would not be a factor with sight lines at the driveway entrance to the street.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations. There is a certain reasonableness to allow the new carport to be constructed in the original location due to the circumstances of the fire. Inasmuch as there is no alternative location to build a new carport that meets the side street setback requirement, rebuilding the carport in its original location is reasonable and would not violate the spirit and intent of the non-conforming provisions of the *UZC*.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce the side street setback from twenty feet to one-foot be *GRANTED*, subject to the following conditions:

1. The new carport shall be constructed in substantial conformance with the approved site plan.
2. The side street setback reduction shall only apply to the carport on the approved site plan.
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.

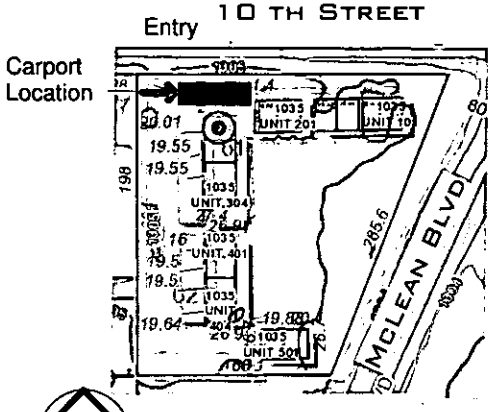
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PLAN / SITE PLAN

1/16" = 1'-0"

DESIGN INTENT IS TO PLACE NEW CARPORT AT LOCATION OF CARPORT DESTROYED BY FIRE. DESIGN, COLOR AND ROOFING MATERIAL SIMILAR TO EXISTING CARPORT. ROOF STYLE MAY BE GABLE TO MEET BUDGET AND GUTTER WILL BE ADDED TO CONTROL RAIN RUN-OFF.



CARPORT LOCATION

Zoning:	MF-29
Construction Type:	Type 5B
Occupancy Classification: U (Carport)	

ADA	2010 ADA Standards for Accessible Design
Building	2012 International Building Code
Electrical	2014 National Electrical Code
Mechanical	2012 International Mechanical Code
Plumbing	2012 Uniform Plumbing Code
Fire	2012 International Fire Code
Zoning	Wichita-Sedgwick County Unified Zoning Code - July 9, 2009

Signage City of Wichita Sign Code - November 2004

Where a Conflict Between Codes Exists the Most Stringent Shall Apply

ISSUED FOR ZONING VARIANCE APPLICATION
January 12, 2017

RANDAL STEINER ARCHITECT, P.A.
229 E WILLIAM
SUITE 305
WICHITA, KS 67202
PHONE: 316-265-3222
RANDAL@RSAARCHITECT.COM
WEB: RSAARCHITECT.COM

Revision Schedule	
Rev #	Revision Date

Updated Feb 10, 2017

La River Condominiums
Replacement Carport
1035 N McLean
Wichita, Ks 67203

SHEET
A1.0-A
Addenda A

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