WICHITA — SEDGWICK COUNTY

W.SC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

August 25, 1999

FILE COPY

Jeff Potter
534 Munro Ave.
Rifle, CO 81650

RE: BZA 22-99 –Variance to allow encroachment into front and street-side setbacks. Generally located on the southwest corner of Second Street and Battin (257 N. Battin).

Dear Mr. Potter:

At its regular meeting on August 24, 1999, the Board of Zoning Appeals considered the above-captioned request. The action of the BZA was to APPROVE the request.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 22-99. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Lisa Verts
BZA Assistant Secretary

LV/rs

Cc: Spangenberg Phillips Architecture, %Emily Koenig, 224 E Douglas, #500, Wichita, KS 67202
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Yolanda Anderson
File

BZA RESOLUTION NO. 22-99

WHEREAS, Jeff Potter (applicant/owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow encroachment into front and street-side setbacks on property zoned "SF-6" Single-Family Residential and legally described as follows:

The North 64 feet of Lot 1, except the East 30 feet and the North 64 feet of Lot 2, Block 1, Nicholas Place, Sedgwick county, Kansas, and the North 64 feet of the East Half of Coronado Place, vacated by Ordinance 11-499, adjoining said Lot 2 on the West. Generally located at the southwest corner of Second Street and Battin (257 N. Battin).

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 August 24, 1999, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance 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 owners or the applicant. It is the opinion of staff that this property is unique inasmuch as the home was built prior to current setback regulation. The home additions on the north do not protrude into the street side setback as much as the existing home. The bay window on the east to be added is 9 feet wide and protrudes into the setback an additional 2 feet and 9 inches. Both of these features will add functionality to the home.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as both additions abut the streets to the north and east. The addition on the east should not affect any site lines of the home to the south.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the home was originally built without the current zoning setback requirements in place. The proposed additions to the home are designed to add increased functionality to the home with minimal impact to the current setback requirements.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the front yard and street side building setback and therefore there will be no effect on the general public.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. 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, inasmuch as the reduced setbacks will continue to provide for fire protection, separation, light and air circulation, and pedestrian access. The reduced setbacks will not limit sight distance for travelers along Second Street or Battin.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to allow encroachment into front and street-side setbacks on property zoned "SF-6" Single-Family Residential and legally described as follows:

> The North 64 feet of Lot 1, except the East 30 feet and the North 64 feet of Lot 2, Block 1, Nicholas Place, Sedgwick county, Kansas, and the North 64 feet of the East Half of Coronado Place, vacated by Ordinance 11-499, adjoining said Lot 2 on the West. Generally located at the southwest corner of Second Street and Battin (257 N. Battin).

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 be granted, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 25 feet to 16 feet 3 inches on the east side and the street side setback shall be reduced from 15 feet to 8 feet 5 inches on the north side of the property. These setback reductions shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The additions shall be constructed in general conformance with said site plan.

2. The applicant shall obtain all local permits necessary to construct the indicated improvements and all improvements shall be completed within one year following the BZA approval of the variance or resolution unless such time period is extended by the BZA.

3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1999.

Floyd Pitts, President

ATTEST:

Lisa Verts, Assistant Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
August 24, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 22-99

OWNER/APPLICANT: Jeff Potter

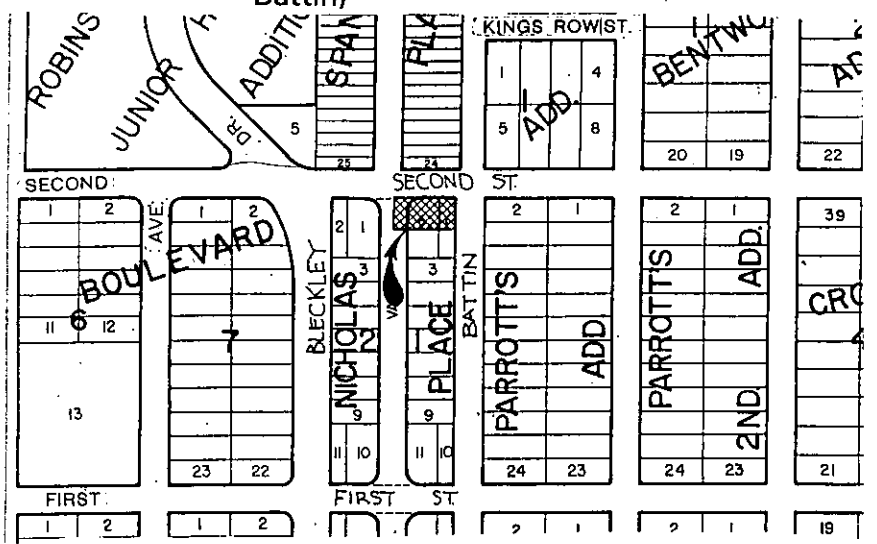
AGENT: Spangenberg Phillips Architecture

REQUEST: Variance to allow encroachment into front and street-side setbacks

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 0.19 acres

LOCATION: Southwest corner of Second Street and Battin (257 N. Battin)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a variance to reduce the front yard setback from 25 feet to 16 feet 3 inches on the east side of the property and to reduce the street-side setback from 15 feet to 8 feet 5 inches on the north side of the property. The application area (64 feet by 130 feet) is located south of Second Street and west of Battin and is zoned "SF-6" Single-Family Residential. The applicant is requesting this variance to allow for the construction of a bay window on the front (east side) of the home and an area addition on the north side of the home (see attached site plan). This house was built in 1938, before zoning setbacks were established. The north and east sides of the house already encroach into the current city zoning setbacks. The home additions built into these setbacks trigger the need for a variance request to be heard by the Board of Zoning Appeals.

The single-family residence is surrounded on all sides by single-family homes.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6" – Single-Family Residential
SOUTH	"SF-6" – Single-Family Residential
EAST	"SF-6" – Single-Family Residential
WEST	"SF-6" – Single-Family Residential

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the home was built prior to current setback regulation. The home additions on the north do not protrude into the street side setback as much as the existing home. The bay window on the east to be added is 9 feet wide and protrudes into the setback an additional 2 feet and 9 inches. Both of these features will add functionality to the home.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as both additions abut the streets to the north and east. The addition on the east should not affect any site lines of the home to the south.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the home was originally built without the current zoning setback requirements in place. The proposed additions to the home are designed to add increased functionality to the home with minimal impact to the current setback requirements.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not

adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the front yard and street side building setback and therefore there will be no effect on the general public.

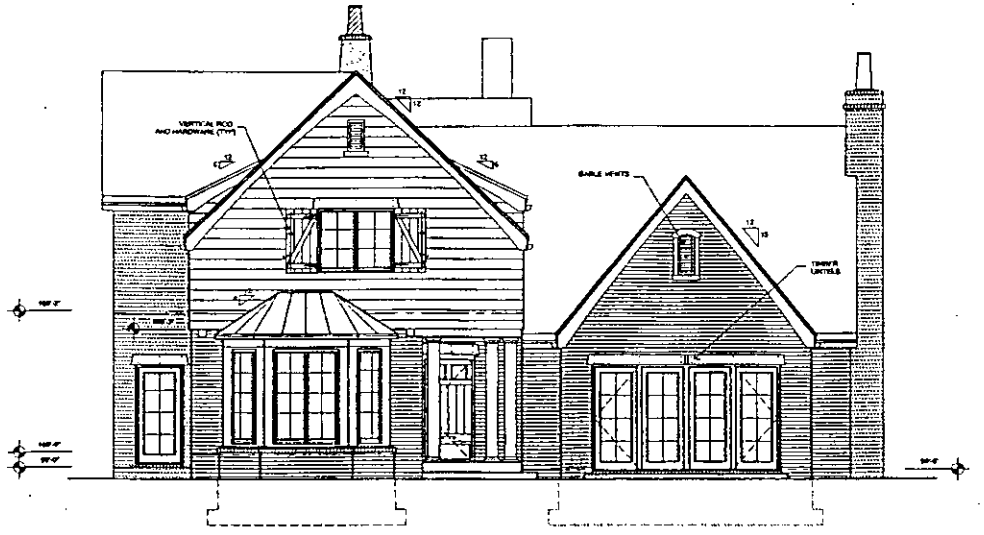
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the reduced setbacks will continue to provide for fire protection, separation, light and air circulation, and pedestrian access. The reduced setbacks will not limit sight distance for travelers along Second Street or Battin.

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 be granted, subject to the following conditions:

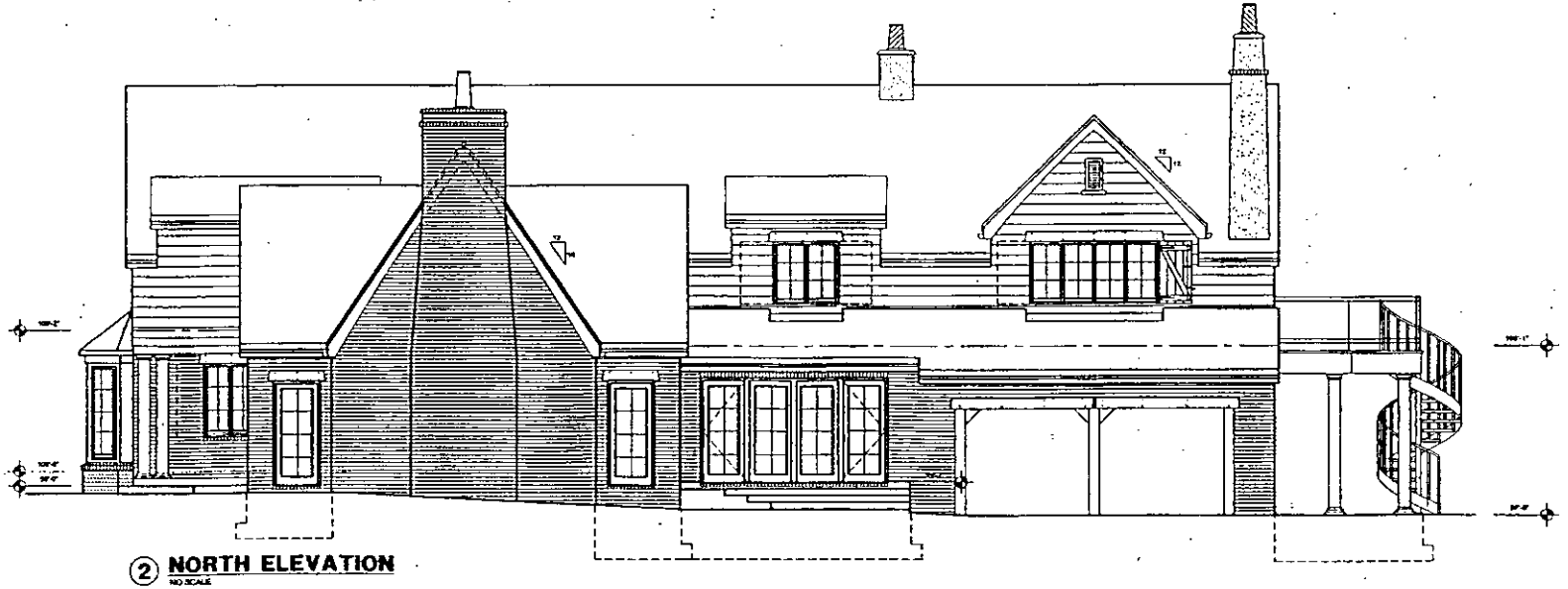
1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 25 feet to 16 feet 3 inches on the east side and the street side setback shall be reduced from 15 feet to 8 feet 5 inches on the north side of the property. These setback reductions shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The additions shall be constructed in general conformance with said site plan.

2. The applicant shall obtain all local permits necessary to construct the indicated improvements and all improvements shall be completed within one year following the BZA approval of the variance or resolution unless such time period is extended by the BZA.

3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.



① EAST ELEVATION
NO SCALE



② NORTH ELEVATION
NO SCALE

SPANGENBERG • PHILLIPS
ARCHITECTURE
214 E. Douglas, Fifth floor Wichita, KS 67202 T 316.267.4012 F 316.267.1599

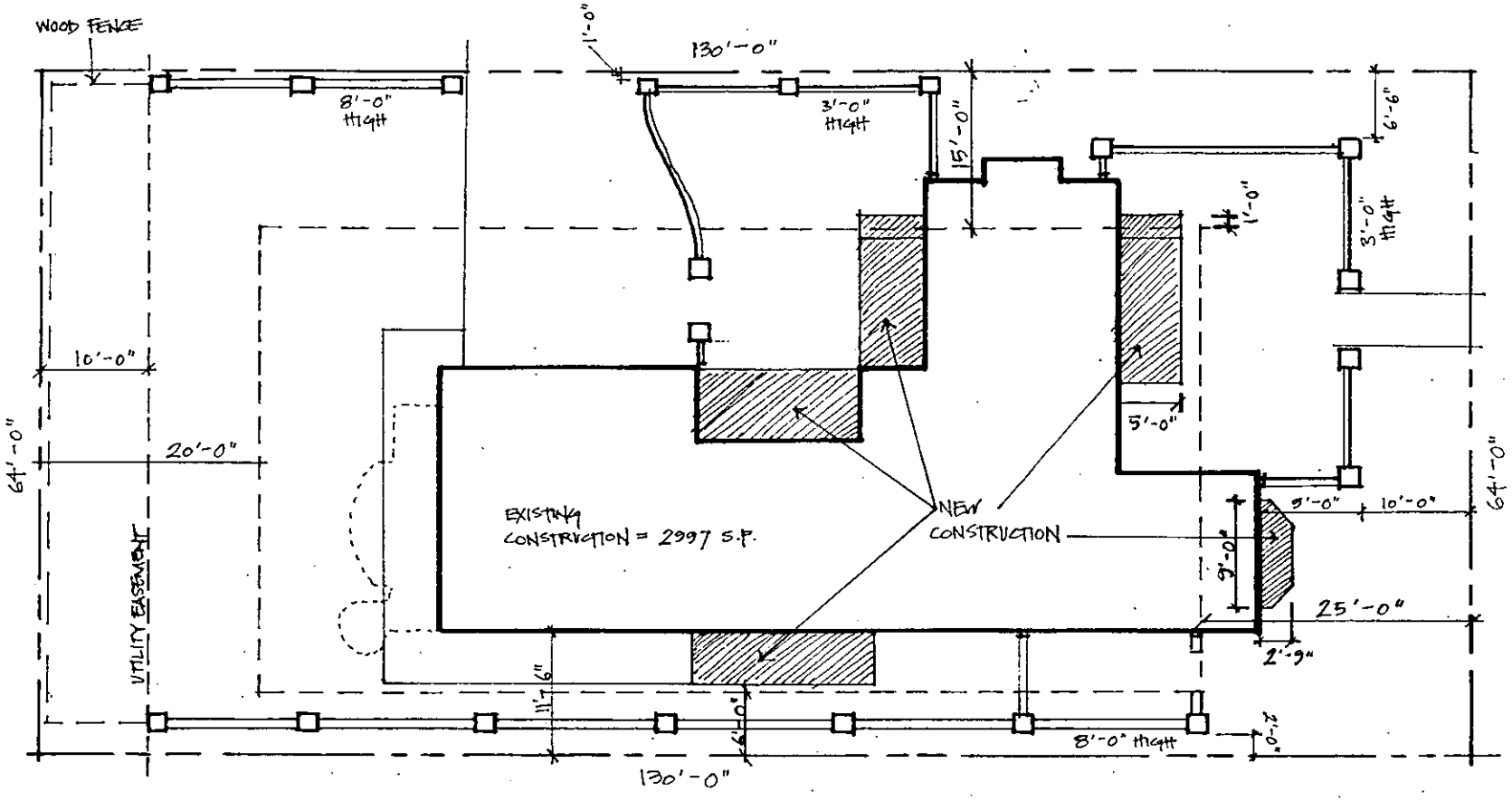
BATTIN RESIDENCE

SECOND AND BATTIN
WICHITA, KANSAS

ISSUE	DATE

NORTH AND EAST ELEVATIONS

A1.1



SITE PLAN (257 N. BAITIN)
1/16" = 1'-0"

LEGAL DESCRIPTION: THE N. 1/2 of LOTS 1 & 2, and 1/2 of VACATED STREET ADJACENT to LOT 2; EXCEPT the E. 30 FT. of LOT 1 for STREET; BLOCK 1, NICHOLAS PLACE, SEDGWICK COUNTY, KANSAS.

SPANGENBERG ▪ PHILLIPS
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