



Wichita-Sedgwick County Metropolitan Area Planning Department

August 9, 2019

Above and Beyond Roofing and Construction

RE: BZA2019-00027 – City Variance to reduce the interior side yard setback from five feet to three feet; generally located one –quarter mile west of North Edgemoor Drive on the south side of East Central Avenue (5201 East Central Avenue)

Dear Applicants,

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on August 9, 2019. This resolution reflects the official action of the Board with the following conditions:

The variance is hereby **GRANTED**, subject to the following conditions:

1. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.
2. The interior side setback reduction shall only apply to the proposed new structure and be built in conformance of the approved site plan.
3. 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.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Brandon Johnson, Council Member District I
Kameelah, CSR District I

Attachment – Resolution

BZA RESOLUTION NO. BZA2019-27

WHEREAS, Bell Management LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the interior side yard setback from five feet to three feet; legally described as follows:

Lot 1, L V Johnson 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 August 8, 2019, 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, there should not be any adverse harm to nearby properties. The construction will not alter the flow of water, and there is still a notable, if reduced, buffer between this structure and the adjacent property; and

WHEREAS, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community; and

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

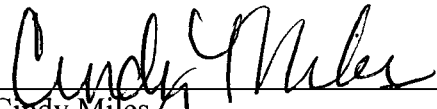
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the interior side yard setback from five feet to three feet; generally located one –quarter mile west of North Edgemoor Drive on the south side of East Central Avenue (5201 East Central Avenue) and legally described as follows:

Lot 1, L V Addition, Wichita, Sedgwick County, Kansas

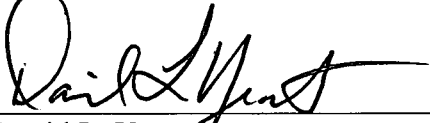
The variance is hereby **GRANTED**, subject to the following conditions:

1. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.
2. The interior side setback reduction shall only apply to the proposed new structure and be built in conformance of the approved site plan.
3. 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, 8th Day of August, 2019


Cindy Miles,
BZA Board Chair

ATTEST:


David L. Yearout,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2019-00027

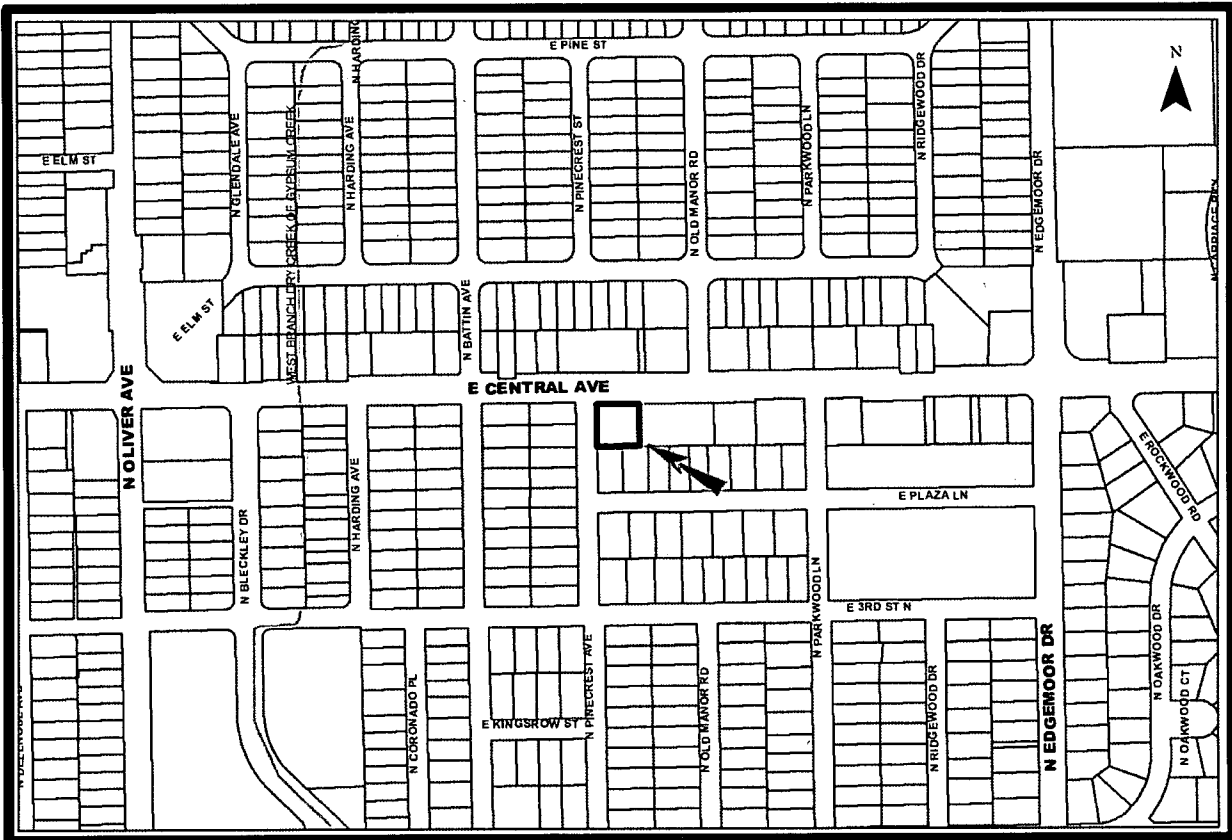
APPLICANT: Bell Management LLC

REQUEST: Variance to reduce the interior side setback from five feet to three feet for auto repair building

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.34 acre

LOCATION: Generally located one-quarter mile west of North Edgemoor Drive on the south side of East Central Avenue (5201 East Central Avenue).



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

BACKGROUND: This application requests the reduction of the side yard setback from five feet to three feet for an additional auto repair building adjacent to the existing building on a LC Limited Commercial zoning district.

LC development standards require a side yard building setback be zero or five feet from the property line. In order to accommodate the required width of the building for two service bays, the applicant is requesting a variance to construct the building three feet from the property line in order to manage storm water drainage on the lot.

Staff has received questions from property owners to the south of the subject site regarding this case. When the case was explained, no opposition was expressed.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Car Wash, Auto Repair
SOUTH	SF-5	Single-Family Residences
EAST	LC	Restaurant
WEST	SF-5	Single-Family Residences

UNIQUENESS: The business is expanding to meet the needs of the market area and requires the building setback variance to optimize the site potential.

ADJACENT PROPERTY: Constructing the building on the property line would increase storm water run-off which would impact the adjacent property.

HARDSHIP: The new auto repair structure is 31 feet in width to accommodate the service bays and requires another five feet to accommodate the passenger door on the west side of the structure. The five foot building setback requirement does not allow the ability to accommodate the machinery/equipment and the access doors for the business expansion.

PUBLIC INTEREST: The reduction of the side yard setback would benefit the neighborhood by maintaining parking and traffic circulation in a safe manner and manage storm water drainage with limited or no impact to the commercial and residential areas east and south of the subject site.

SPIRIT AND INTENT: The reduction of the side yard setback does not violate the spirit and intent of the code.

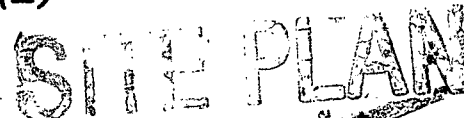
RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff that the variance to reduce the interior side setback from five feet to three feet be GRANTED, subject to the following conditions:

1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. The interior side setback reduction shall only apply to the proposed new structure and be built in conformance to the approved site plan.
 1. Applicant rationale for variance
 2. Site Plan

APPROVED: *M. J. [Signature]* 8-8-2019



EAST CENTRAL AVENUE



APPROVED 8-8-2019 *[Signature]*

SITE PLAN

$$1/32'' - 1'-0''$$