



Wichita-Sedgwick County Metropolitan Area Planning Department

Scott and Stephanie Harder
7922 W. Meadow Park Ct.
Wichita, KS 67205

November 12, 2019

RE: BZA2019-00036 – City Variance to reduce rear setback to zero feet (associated with VAC2019-00033 to vacate easements) to allow construction of a swimming pool on property generally located south of W. 29th Street North and west of North Ridge Road (7922 W. Meadow Park Ct).

Dear Applicant,

At its regular meeting on **October 24, 2019**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates one condition that must be met in order for the variance to take effect.

1. The portion of the rear setback shall only apply to accessory structures on the property.
2. A revised site plan shall be submitted to Planning for approval by the Planning Director. Construction shall strictly adhere to the approved site plan.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.
4. 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.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen
Associate Planner

Copies to: MABCD

BZA RESOLUTION NO. BZA2019-00038

WHEREAS, Scott and Stephanie Harder (Applicants); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the rear building setback from five feet to zero feet for an accessory structure, and legally described as follows:

Legal Description: Lot 19 & North 17 feet of Lot 20, Block 1, Reflection Ridge 8th 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 October 24, 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, the conditions of the request are unique to the subject property. In this case, the property line in question does not have residential neighbors. The property line is adjacent to a pond owned by a development, in reserve and not developed. In addition, the backyard of the property contains a 10-foot drainage easement restricting construction near the house.

WHEREAS, the conditions of the request will not adversely affect the rights of adjacent property owners. In this case, the requested variance does not run adjacent to any residential property. No residents will be effected as no residents have property adjacent to the property line in question.

WHEREAS, the strict application of the applicable Code will constitute unnecessary hardship. In this case, the applicant states that it restricts the square footage needed to construct the swimming pool. It is unnecessary as the variance request is next to property owned by a development and is a pond that will not be developed. In addition, there exists a 10-foot drainage easement immediately adjacent to the house, which does not allow for any development closer to the house. It forces all accessory structures to be built within the remaining 15 feet of the property.

WHEREAS, the conditions of the request will not adversely affect the public interest. In this case, the applicant states that the variance desired will not affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious develop of the community as it is next to the property owned by a development for a retention pond.

WHEREAS, the granting of the variance is not in opposition to the general spirit and intent of the applicable Code. In this case, the applicant states that this condition is met because the property is adjacent to a pond which is held in reserve by a neighboring development.

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 rear building setback from 5 feet to zero feet for an accessory structure, and legally described as follows:

Legal Description: Lot 19, Block 1, Reflection Ridge 8th Addition, Wichita,
Sedgwick County Kansas.

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

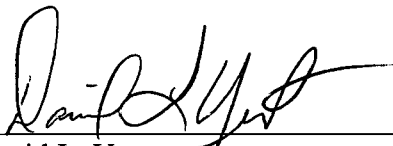
1. The portion of the rear setback shall only apply to accessory structures on the property.
2. A revised site plan shall be submitted to Planning for approval by the Planning Director. Construction shall strictly adhere to the approved site plan.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.
4. 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 October 2019.



Charles A. Warren, BZA Board Chair

ATTEST:



David L. Yearout,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2019-00038

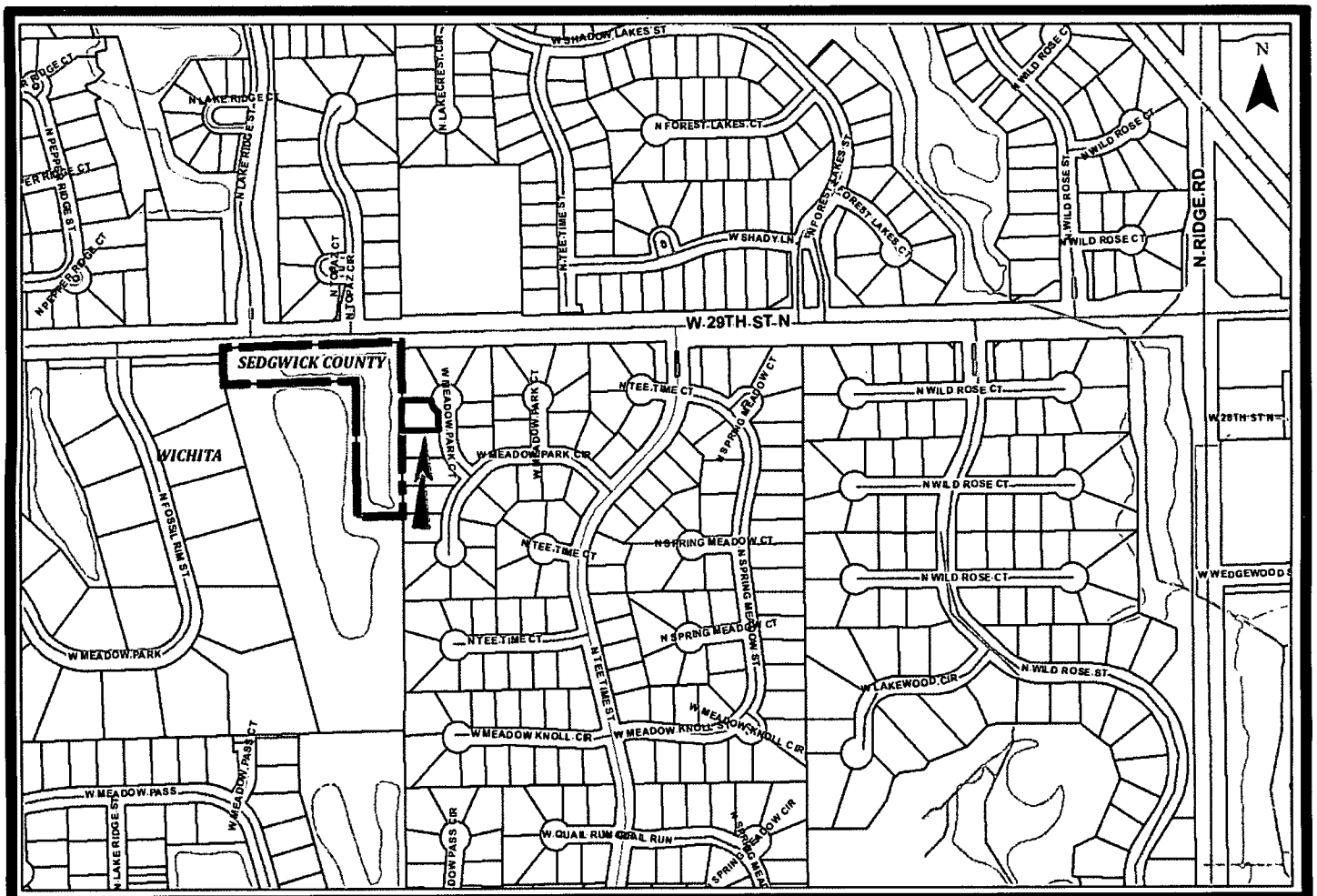
APPLICANT/AGENT: Scott and Stephanie Harder

REQUEST: Variance to reduce rear setback from five feet to zero feet for an in-ground swimming pool.

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 0.6 acres

LOCATION: Generally located south of West 29th Street North and one-half mile west of North Ridge Road (7922 W. Meadow Park Ct.)



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: The applicant is requesting the reduction of the rear setback for an accessory structure from five feet to zero feet on property addressed 7922 W. Meadow Park Ct., which is generally located south of West 29th Street North and one-half mile west of North Ridge Road. The purpose of this request is so the applicant can construct an in-ground swimming pool.

This case is being heard concurrently with VAC2019-00033 which request the vacation of a platted five-foot wall easement and a 10-foot utility easement in the backyard of the applicant's property. The backyard also contains a 10-foot drainage easement, recorded by separate instrument, which occupies the land immediately west of the house. If the vacation request is approved, the applicant intends to construct the pool utilizing the 15 feet between the west edge of the drainage easement and his property line. The applicant's property abuts a stormwater retention pond that has never been annexed into the City of Wichita. It is owned by Northridge Lakes HOA, the subdivision of which is located south and west of the applicant's property. The applicant would ultimately like to purchase a portion of the land behind his Lot to enlarge his property. If this is the case, the rear lot line would extend further west and the swimming pool would no longer be on the property line.

The Unified Zoning Code permits rear setbacks reduced to zero when the lot abuts a platted reserve. Though the retention pond is unplatted, the land acts in-kind to a platted reserve.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single-family residential
SOUTH	SF-5	Single-family residential
EAST	SF-5	Single-family residential
WEST	SF-20	Unplatted retention pond.

UNIQUENESS: The applicant states that the variance request is unique to the property in question as the property line in question does not have residential neighbors. The property line is adjacent to a pond owned by a development, in reserve and not developed. In addition, the backyard of the property contains a 10-foot drainage easement restricting construction near the house.

ADJACENT PROPERTY: The applicant states that granting the variance will not adversely affect the rights of adjacent property owners or residents. The requested variance does not run adjacent to any residential property. No residents will be effected as no residents have property adjacent to the property line in question.

HARDSHIP: The applicant states that the strict application of the code will induce unnecessary hardship upon the property owner as it restricts the square footage needed to construct the swimming pool. It is unnecessary as the variance request is next to property owned by a development and is a pond that will not be developed. In addition, there exists a 10-foot drainage easement immediately adjacent to the house, which does not allow for any development closer to the house. It forces all accessory structures to be built within the remaining 15 feet of the property.

PUBLIC INTEREST: The applicant states that the variance desired will not affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious develop of the community as it is next to the property owned by a development for a retention pond.

SPIRIT AND INTENT: The applicant states granting the variance desired will not be opposed to the general spirit and intent of the applicable Code as the property is adjacent to a pond which is held in reserve by a neighboring development.

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 rear setback from five feet to zero feet be **GRANTED**, subject to the following conditions:

1. The portion of the rear setback shall only apply to accessory structures on the property.
2. A revised site plan shall be submitted to Planning for approval by the Planning Director. Construction shall strictly adhere to the approved site plan.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.
4. 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.

Attachments:

1. Areal Map
2. Zoning Map
3. Site Plan
4. Correspondence from HOA



7922 W. Meadow Park Ct. Site Plan



SITE PLAN

APPROVED

10/25/19 BY *[Signature]*

← 14 →

Pool

← 36 →

7922

W MEADOW PARK CT

40.0

0

20.00

40.0 Feet

Map Created On: 10/25/19 8:48 AM

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

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