CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 10, 2009

Refugio DeLoera
3153 E Range Road
Wichita, KS 67216

Certified Engineering Design, PA c/o Harlan Foraker
810 W Douglas, Suite C
Wichita, KS 67203

RE: BZA2009-29 City variance for a reduction of the front setback from 25 feet to nine feet for an existing garage in SF-5 Single-family Residential zoning, generally located midway between Pawnee and 31st Street South, on the west side of Hillside Avenue (3153 E. Range Rd.).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on September 9, 2009. Also enclosed is an approved site plan. Please contact the Office of Central Inspections to follow through on a building permit as required by condition #3. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc Jeff Vanzandt, Law Dept, 1-132
JR Cox, OCI
Mike Gable, OCI
Jim Skelton, CM District III

BZA RESOLUTION NO. 2009-29

WHEREAS, Refugio De Loera (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to permit a reduction of the front setback from 25 feet to nine feet for an existing garage, generally located midway between Pawnee and 31st Street South, on the west side of Hillside Avenue (3153 E. Range Rd.).

Lot 7, Replat of Block 14, Pawnee Ranch 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 25, 2009, 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 conditions that are unique. The property did not have garage space when purchased, and does not have a reasonably accessible rear yard as a garage location alternative.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. The fence along the front and side property line is permitted on the applicant's property by right, and has the same effect as the garage setback encroachment by limiting neighbor's views. The property to the east faces Hillside and is therefore not visually affected by the setback encroachment.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code could constitute a hardship upon the applicant, as this property does not have other reasonable options to be improved with construction of a garage.

WHEREAS, the Board of Zoning Appeals has found that the variance request for a front setback reduction does not adversely affect the public interest, as improvement of this property is in the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a front setback reduction does not oppose the general spirit and intent of the Zoning Code, as the requested variance is the only reasonable way to improve the property with a garage. A purpose of the Code is to allow compatible use and improvement of property.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to permit a reduction of the front setback from 25 feet to nine feet for an existing garage, generally located midway between Pawnee and 31st Street South, on the west side of Hillside Avenue (3153 E. Range Rd.).

Lot 7, Replat of Block 14, Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in conformance with the approved site plan.
2. The setback reduction shall apply only to the attached garage as illustrated 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 for the improvements within one year of the granting of the variance.
4. The structure on the site shall conform to all other codes, to include but not limited to building and fire codes.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

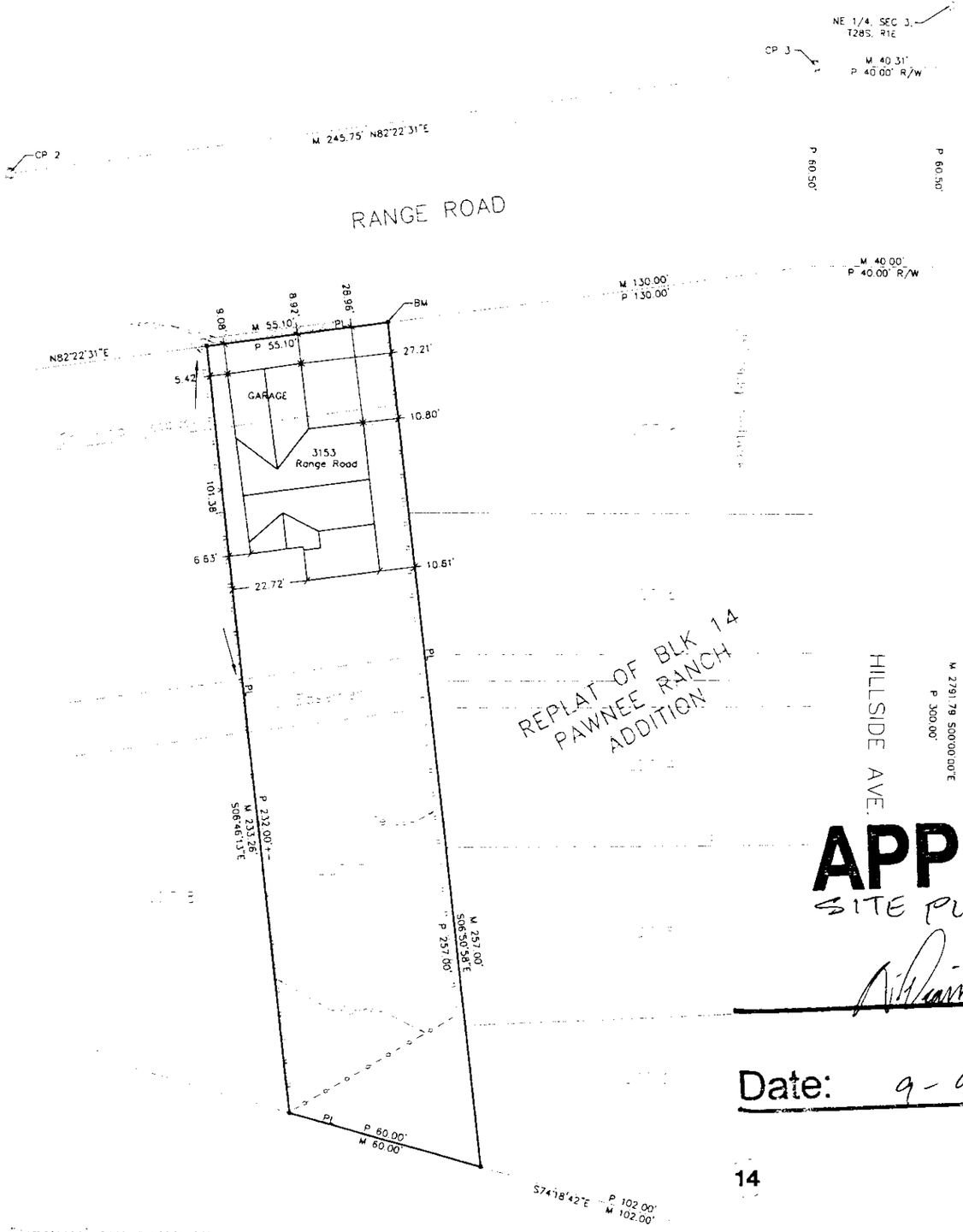
ADOPTED AT WICHITA, KANSAS, this 25th Day of August, 2009.

BZA Board Chair, Dwight Greenlee

ATTEST:

Jess McNeely, AICP
BZA Secretary

Site Plan
3153 Range Road
NE Quarter Sec. 3,Township 28 South, Range 1 East, Sedgwick County, Kansas

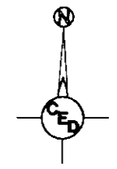


● = "Survey" Found Rebar
○ = 1/2" Iron Pipe
◇ = #4 Rebar Found
M = Measured Distance
P = Plat Distance

APPROVED
SITE PLAN BZA 2009-29

Date: 9-9-09

14



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

LEGAL DESCRIPTION:
Lot 7, Replat of Block 14, Pawnee Ranch Addition, Sedgwick County, Kansas

BENCHMARK:
Top of bar at the Northwest Corner of Lot 7, Block 14, Pawnee Ranch Addition, Wichita, Sedgwick County, Kansas.
Elev. = 1189.61 NGVD

ZONING:
SF 5 – Single Family

AREA OF LOT:
0.31 Acres(Gross)

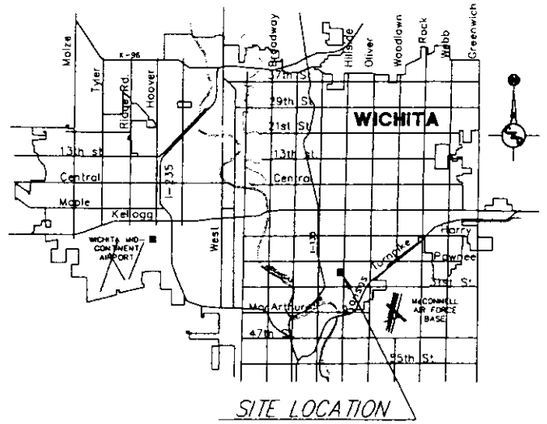
DATE SURVEYED:
April 23, 2009

SURVEYOR:
Donald C. Armstrong LS #780
Armstrong Land Survey P.A.
1601 E Harry
Wichita, KS 67211
(316) 263-0082

ENGINEER:
Harlan Foraker, P.E.
Certified Engineering Design, P.A.
810 W Douglas, Suite C
Wichita, KS 67203
(316) 262-8808

OWNER AND SUBDIVIDER:
Refugio & Ernestina De Loera
3153 E. Range Road
Wichita, KS 67216

CONTROL NO
168368



SITE LOCATION

Control Points			
CP1	1000.00	1000.00	1/2" Iron Pipe
CP2	1795.64	716.10	#4 Rebar
CP3	1828.24	959.68	#4 Rebar

SURVEY DISCLAIMER
TOPOGRAPHIC SURVEY AND CONTOUR MAP USED IN PREPARING PLANS WAS PROVIDED BY ARMSTRONG LAND SURVEYING PA 601 E HARRY STREET, WICHITA, KS. ENGINEER DOES NOT GUARANTEE SURVEY ELEVATIONS FOR ACCURACY. CONTRACTOR SHALL VERIFY ELEVATIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

SITE PLAN
3153 RANGE ROAD

PROJ. NO.: 20091804

CERTIFIED ENGINEERING DESIGN, P.A.
810 WEST DOUGLAS, SUITE C
WICHITA, KANSAS 67203
PH.(316)262-8808 FAX.(316)262-1669

DESIGNED: HDF	SCALE: 1" = 20'	SHEET 1
DRAWN: CC	DATE: July 2009	
CHECKED: HDF	CED FILE: 3153RR_Base	TOTAL 1