CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 2, 2010

River Bend Office Park, LLC
Attn: John Harris
1345 N Shefford
Wichita KS 67203

Max Christensen, Architect
8811 W 47th Street
Derby KS 67037

RE: BZA2010-00026 – City Variance of the Zoning Code to reduce the street side setback from 15 feet to zero feet, the rear yard setback on the north property line from 10 feet to five feet, and the compatibility setback on the west property line to zero feet on property zoned GO General Office, generally located on the northwest corner of the intersection of West 13th Street North and McLean Boulevard (2014 West 13th Street North).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **JULY 27, 2010.** 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,

Donna Goltry, Asst BZA Secretary
Current Plans Division

DG/yja

cc: Kurt Schroeder, Office of Central Inspections, 1-72
Paul Hays, Office of Central Inspections, 1-72
J R Cox Office of Central Inspection, 1-72
Janet Miller WCC VI 1-13

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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BZA RESOLUTION NO. 2010-00026

WHEREAS, River Bend Office Park, LLC c/o John Harris (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to reduce the street side setback from 15 feet to zero feet, the rear yard setback on the north property line from 10 feet to five feet, and the compatibility setback on the west property line to zero feet, generally located on the northwest corner of 13th Street North and McLean Boulevard (2104 West 13th Street North), described as:

Lot 1; Kaelson 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 July 27, 2010, 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, inasmuch as the property was developed before the widening of McLean Boulevard. When the property was platted March 8, 1976 the building and its parking already encroached into the City's intended right-of-way, evidenced by the contingent dedication of a 2.0-foot strip of right-of-way along McLean Boulevard where the overhang of the existing building encroaches slightly into what would have been the full-width of the right-of-way without the contingency. Similarly, along 13th Street North the contingent dedication of 32 to 34 feet in width is to allow continued use of the property for parking to support the office use on the tract, so long as the office use is maintained upon the site. The property is an awkward, roughly triangular tract that tapers to only 15 feet in width at its northern (rear) setback.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, inasmuch as the rear setback for which the Variance is requested is isolated from the apartment complex to the north by the narrow tip of the parallelogram-shaped un-platted lot to the west of the Variance request. The un-platted lot has three structures (a house, a large garage, and the old neighborhood store) plus smaller out buildings; however, all of these structures are at least 70 feet from the common property line and a grove of trees separates the lot from the residence. The lot width at the widest point of the addition is less than 75 feet, normally requiring the minimum compatibility setback of 15 feet, and this compatibility setback could have been adjusted through an administrative adjustment rather than a Variance if the applicant had not pursued the setback Variances for the other property lines. The building addition follows the same street wall line along McLean Boulevard as the existing building, so does not encroach any more or change the general appearance of the structure along McLean Boulevard. The north (rear) setback reduction is situated at a curve on McLean Boulevard so does not really affect the visibility or use of the apartment lot to the north.

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, inasmuch as requiring the applicant to comply with the setbacks would make the residual land too narrow to pursue an addition, without resulting in significant public benefit.

WHEREAS, the Board of Zoning Appeals has found that the variance request for setback reductions do not adversely affect the public interest. inasmuch as the addition conforms along McLean Boulevard to the existing setbacks and encroachments. The Variance does not alter the overall character of development for the site. The proposed elevations show decorative façade treatments and an architectural feature on the north end to allow the building to look attractive and unified along McLean Boulevard.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for the setback reductions do not oppose the general spirit and intent of the Zoning Code, inasmuch as while the reduced setbacks lack the normal property line separation and light and air circulation, it is next to an area that will remain as open space on the north and east as right-of-way and will not visually encroach more than the existing building configuration. The zero-lot setback on the west property line potentially poses a larger impact on the adjoining residential lot, however the length of compatibility setback being reduced to zero will be approximately 90 feet in length and the remainder of the west property line will continue to have a compatibility setback as required by the Unified Zoning Code. In effect, the west façade of the building will serve as a screening wall along this common property line instead of the typical fence. The Variance will not affect pedestrian access.

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 of the Zoning Code to reduce the rear yard setback from 20 feet to 11 feet and adjustment to reduce the street side yard setback from 15 feet by up to 20 percent, generally located west of Woodlawn Boulevard, south of 21st Street North, southwest corner of 19th Street North and Beaumont Street (5713 East 19th Street North).

Lot 1; Kaelson Addition, Wichita, Sedgwick County, Kansas. .

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

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The setback reduction shall apply only to the "addition" 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 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 Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th Day of April, 2010.

BZA Board Chair, Dwight Greenlee

ATTEST:

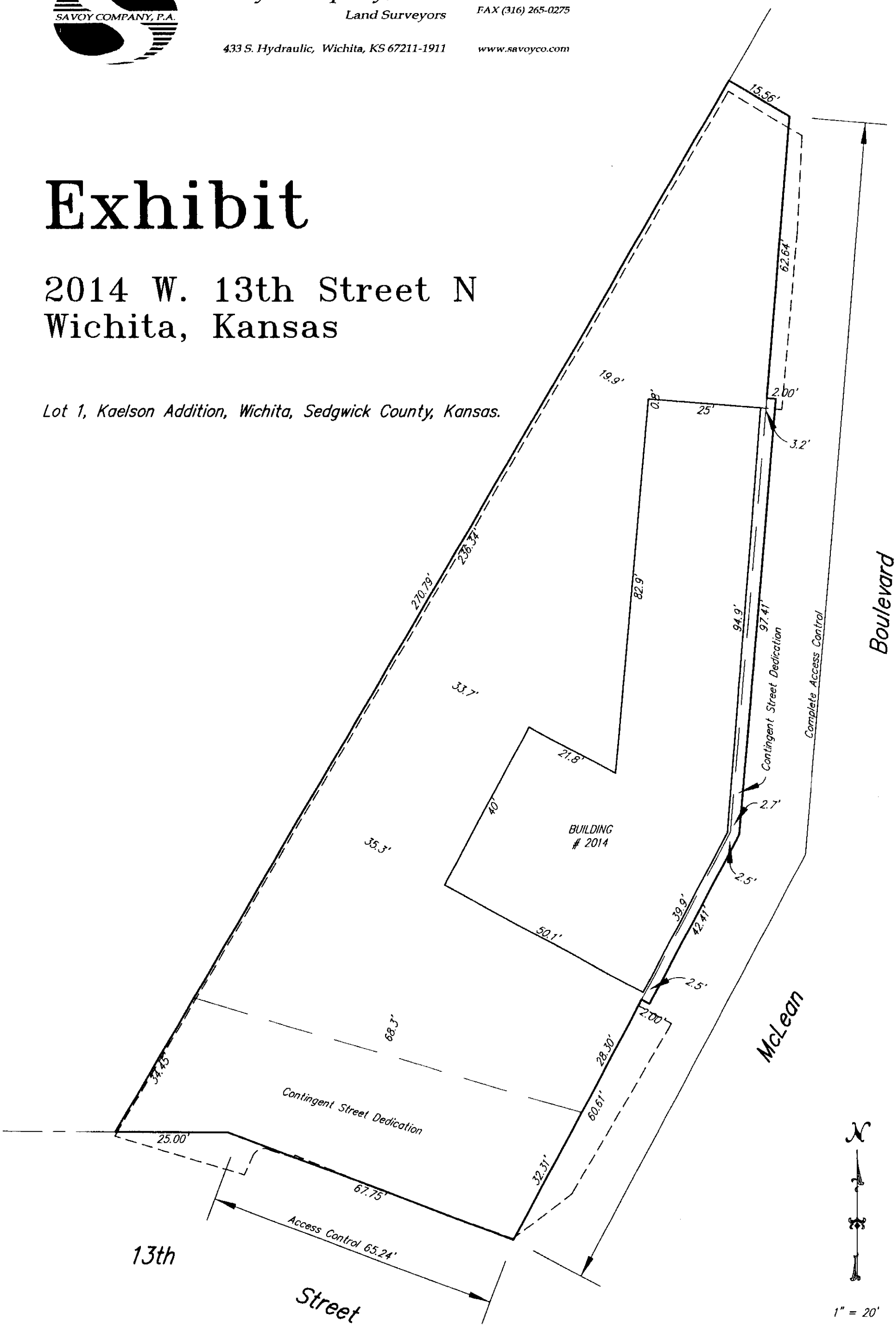
Dale Miller
BZA Secretary

Savoy Company, P.A.
Land Surveyors
433 S. Hydraulic, Wichita, KS 67211-1911
PH (316) 265-0005
FAX (316) 265-0275
www.savoyco.com

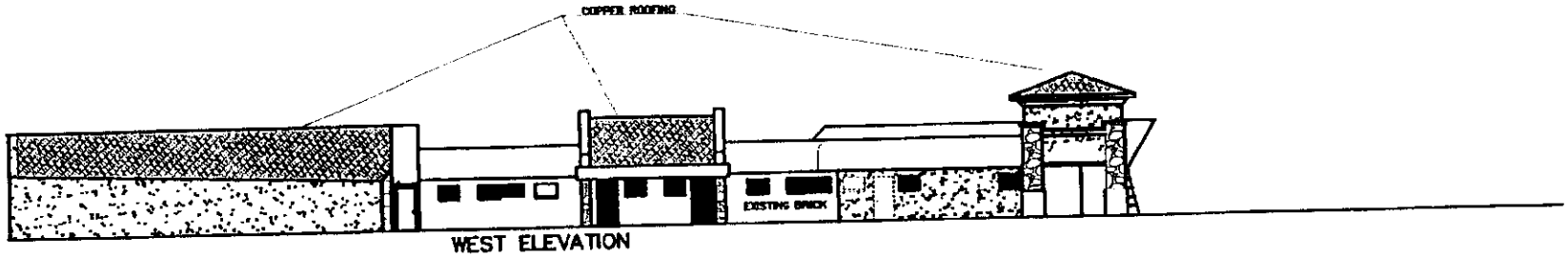
Exhibit

2014 W. 13th Street N
Wichita, Kansas

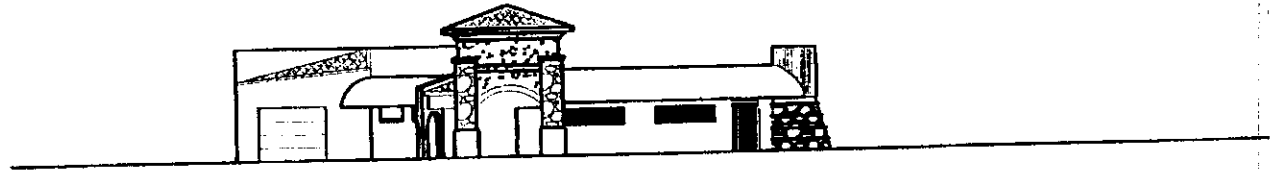
Lot 1, Kaelson Addition, Wichita, Sedgwick County, Kansas.



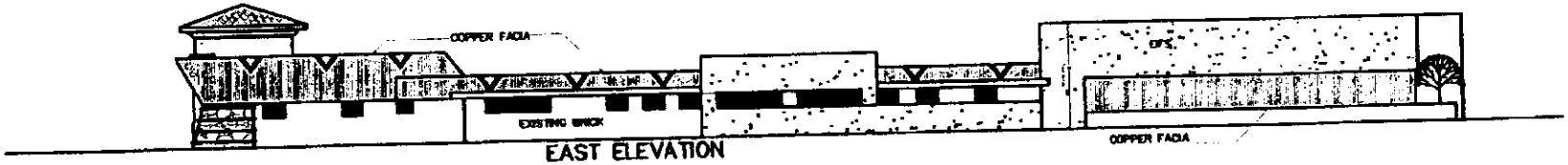
PROJECT NO. 10EE11521 B



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

REMODEL of RIVERSIDE OFFICE PARK

for MR. JOHN HARRIS
2014 WEST 13th STREET
WICHITA, KANSAS

MA
MAX CHRISTENSEN ARCHITECT

DATE 7-20-10

SHEET NUMBER
OF

SHEET NUMBER: A1	SITE PLAN	DATE: 7-20-10	REMODEL of RIVERSIDE OFFICE PARK for MR. JOHN HARRIS 2014 WEST 13th STREET WICHITA, KANSAS

MAX CHRISTENSEN ARCHITECT
9811 E. 47th St. So.
Derby, Kansas
(316) 945-7730