CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 28, 2011

Woodrow Wade
960 Chipper Ln.
Wichita, KS 67212

RE: **BZA2011-00006 – City variance to reduce a street side setback for a key lot from 30 feet to 15 feet; generally located northeast of the intersection of N. Maize Road and W. Central Avenue (960 North Chipper Lane).**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **APRIL 26, 2011.** 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,

Derrick Slocum, Asst BZA Secretary
Current Plans Division

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
Craig Pate, 7732 W. Central Park, Wichita, KS 67205
Jeff Longwell WCC V Mailstop 1-13
Megan Buckmaster, WCCV NA, Mailstop 1-13

BZA RESOLUTION NO. BZA2011-00006

WHEREAS, Woodrow Wade (owner/applicant), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to the side yard street setback from 30 feet to 15 feet, generally located on the southeast corner of North Chipper Land and West Kenny Lane. (960 Chipper Ln.)

Lot 11, Block 8; Westlink 2nd 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 April 26, 2011, 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 this property is unique, inasmuch as the principal structure is currently set back 15 feet from the north property line and if the proposed accessory structure was attached by a breezeway, then it would be allowed to be 15 feet from the north property line. However, since the proposed structure is not attached to the principal structure it would then have to be setback 30 feet. Setting the proposed structure back 30 feet will place the structure in the middle of the backyard of the subject site, essentially eliminating any use of the backyard of this lot

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the house on the adjacent property to the east is oriented such that the front living space of the house faces to the north and would be mostly shielded from the view of the proposed structure by their own attached garage. Such an orientation of the house and trees and bushes along the east property line helps alleviate the potential negative impact of having two structures along the street with significantly different setbacks.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations will constitute an unnecessary hardship upon the applicant, inasmuch as requiring the proposed garage to be set back 30 feet will considerably decrease the size of the backyard on the subject site without any corresponding benefit to the public good.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, inasmuch as the proposed garage will be designed and constructed in the same manner as the house on the subject property and therefore will be harmonious with the development of the neighborhood.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested would not oppose the general spirit and intent of the Code inasmuch the intent of Section III-D.7.e.(5) of the Unified Zoning Code to prevent accessory structures from protruding in front of principal structures

along a street. Since the subject site is mostly screened, the principal structure is setback 15 feet and the platted setback is 15 feet, allowing a Variance to place the proposed garage closer to the street will not have a detrimental impact on the surrounding properties.

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 the side yard street setback from 30 feet to 15 feet, generally located on the southeast corner of North Chipper Land and West Kenny Lane. (960 Chipper Ln.)

Lot 11, Block 8; Westlink 2nd Addition; Wichita; Sedgwick County, Kansas.

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

1. The street side setback for one accessory structure on the subject property shall be reduced from 30 feet to 18 feet.
2. The accessory structure shall be limited to a 26-foot by 20-foot garage that shall be located on the subject property in general conformance with the approved site plan.
3. The accessory structure shall have the same vertical siding, same color shingles and same paint scheme as the principal structure.
4. The applicant shall obtain all permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
5. 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 26th Day of April, 2011.

BZA Board Chair, Dwight Greenlee

ATTEST:

Derrick Stocum
Assistant BZA Secretary