CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 20, 2014

Clinton May
2902 S. Edwards
Wichita, KS 67217

Ruggles & Bohm, PA
Attn: Will Clevenger
924 N. Main
Wichita, KS 67203

RE: BZA2014-03 – City variance request of the Zoning Code to reduce the street side building setback from 15 to 10 feet for a house in SF-5 Single-family Residential zoning, generally located north of 17th Street North and east of Green (1802 N. Green).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **February 20, 2014.** This resolution reflects the official action of the Board, it is forwarded for your information and files.

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

Sincerely,

Jess McNeely, AICP
Asst. BZA Secretary
Current Plans Division

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Lavonta Williams, WCC I CM

BZA RESOLUTION NO. BZA2014-03

WHEREAS, Clinton J. May, Jr. (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 building setback from 15 to 10 feet for construction of a house; generally located north of 17th Street North and east of North Green Street (1802 N. Green St.).

Legal Description:

Lot 47, Block 6, Westmoreland Addition to Wichita, KS

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 February 20, 2014, 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. The property was platted and originally developed prior to the current zoning code setback requirements. This property is also unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Re-establishment Area", the Plan recommends setback flexibility within this area. The property is further unique in that the south property line of this block has a 25-foot separation from the property line to the paved curb for landscaping and the public sidewalk; most properties do not have this amount of buffer space between property lines and paved streets.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not impact adjacent property. All surrounding properties do not meet the 15-foot street side setback requirement.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested street side setback variance, the applicant could not feasibly improve the property with a single-family house.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate redevelopment that serves the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Street side building setbacks are intended to ensure adequate separation between structures and the public right of way. In this case, the right of way has 25 feet of separation between the private property line and the paved street.

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 street side building setback from 15 to 10 feet for construction of a house; generally located north of 17th Street North and east of North Green Street (1802 N. Green St.).

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 street side building setback reduction shall apply to the house shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The site shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 20th Day of February, 2014.

Don Klausmeyer
BZA Chair, Don Klausmeyer

ATTEST:
Jess McNeely, AICP
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
February 20, 2014

SECRETARY'S REPORT

CASE NUMBER: BZA2014-03

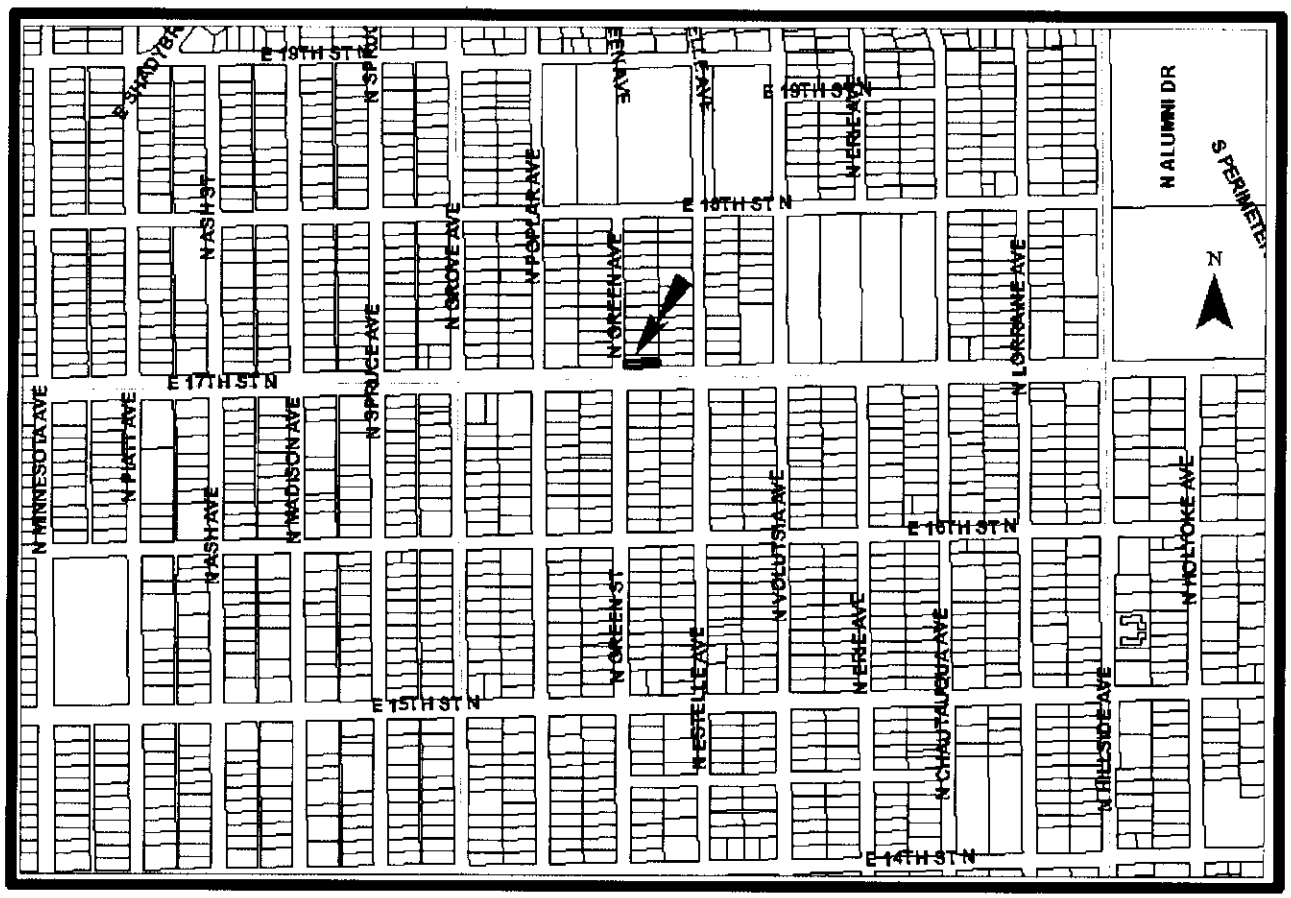
APPLICANT/AGENT: Clinton May (owner); Ruggles and Bohm, PA c/o Will Clevenger (agent)

REQUEST: City BZA Variance request to reduce the street side building setback from 15 to 10 feet for a single-family house

CURRENT ZONING: SF-5 Single-family Residential (SF-5)

SITE SIZE: .08 acres

LOCATION: East of Green and north of East 17th Street North (1802 N. Green)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The 50 by 140-foot application area is currently vacant; the Unified Zoning Code (UZC) requires a 15-foot street side setback along the 17th Street frontage and a 6-foot setback along the north side property line. The applicant desires to build a 34-foot wide house on this 50-foot wide site, which is only possible with a setback reduction of five feet. Therefore, the applicant requests a variance to reduce the street side setback from 15 to 10 feet (see the attached applicant's letter and site plan). A 1997 aerial photo shows a single-family home on the site, sitting approximately 6 feet from the south or street side property line. A 2000 aerial photo shows the site vacant; staff assumes that the original house on this site was demolished sometime between 1997 and 2000. All immediate surrounding properties (at the other three corners of 17th Street N. and Green, and the abutting property to the east) are developed within 10 or fewer feet of the 17th Street N. right of way. Most surrounding properties were developed between 1930 and 1950, prior to the current zoning code setback requirements.

All immediately surrounding properties are zoned SF-5 Single-family Residential or TF-3 Two-family residential and developed with single-family residences, except for the southeast corner of 17th Street N. and Green which is developed with a church. The surrounding blocks are primarily a residential neighborhood with intermixed school and church uses. One block to the west, the Poplar Avenue and 17th Street N. intersection is zoned LC Limited Commercial and developed with mixed commercial uses. 17th Street N. is a paved, four lane minor arterial street with a 100-foot right of way at this location. This section of 17th Street was improved in recent years. The right of way adjacent to the application area includes 25 feet of space between the property line and the paved curb, this area contains a 5-foot sidewalk and landscaping. The application area is within Central Northeast Area Plan which encourages new, infill housing but does not address building setbacks. The site is within the Wichita/Sedgwick County Comprehensive Plan designated "Re-establishment Area," the Plan recommends setback flexibility within this area.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	TF-3	Church, single-family residences
EAST:	SF-5	Single-family residences, church
WEST:	TF-3, LC	Single-family residences, retail

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique. The property was platted and originally developed prior to the current zoning code setback requirements. This property is also unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Re-establishment Area", the Plan recommends setback flexibility within this area. The property is further unique in that the south property line of this block has a 25-foot separation from the property line to the paved curb for landscaping and the public sidewalk; most properties do not have this amount of buffer space between property lines and paved streets.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not impact adjacent property. All surrounding properties do not meet the 15-foot street side setback requirement.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested street side setback variance, the applicant could not feasibly improve the property with a single-family house.

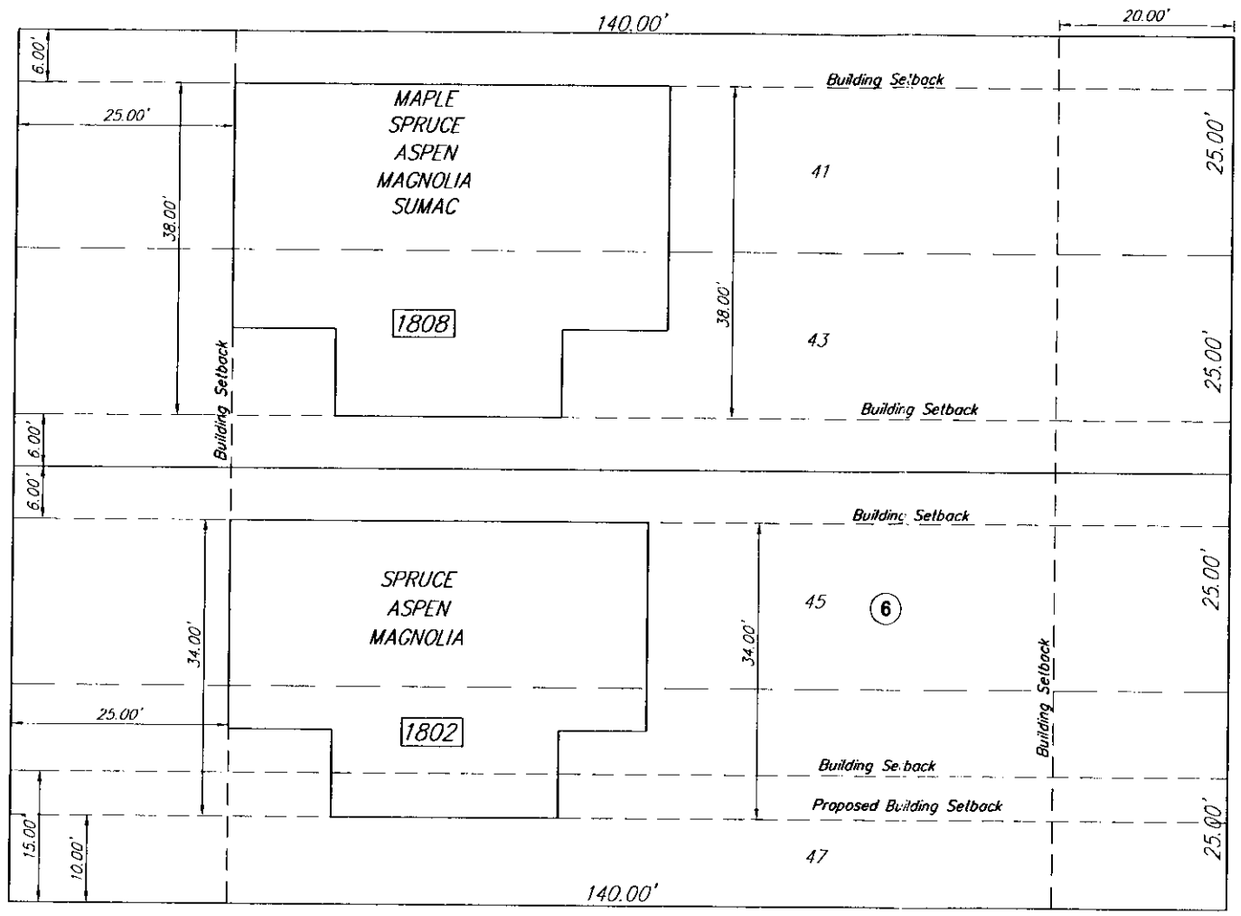
PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate redevelopment that serves the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Street side building setbacks are intended to ensure adequate separation between structures and the public right of way. In this case, the right of way has 25 feet of separation between the private property line and the paved street.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the street side setback requirement from 15 feet to 10 feet is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

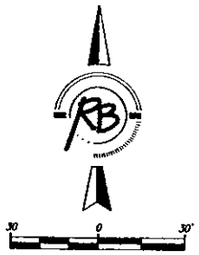
1. The site shall be developed in conformance with the approved site plan.
2. The street side building setback reduction shall apply to the house shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The site shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

Westmoreland Addition



Green

17th Street



1802 N Green; 1808 N Green
Lots 41-43-45-47, Block 6
Westmoreland Addition
ZONING SF-5
Front Setback: 25'
Rear Setback: 20'
Interior Side Yard: 6'
Street Side Setback: 15'

BZA 2014-03 SITE PLAN
APPROVED
Date: 2-20-14

Habitat for Humanity 2014
1802/1808 N GREEN

RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-8008 F (316) 264-8621
WWW.RUGGLESBOHM.COM

PROJECT NUMBER | RB JOB NO | DWG SCALE | SHEET
DRAWING TITLE

DATE | DESIGN | DRAWN | REVIEW

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