CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

February 20, 2014

Laurie S. McClay
329 S. Firefly Ct.
Wichita, KS 67235

Adam Henning
437 S. Scouller
Wichita, KS 67209

RE: BZA2014-02 – City variance request of the Zoning Code to reduce the street side building setback from 12 to 6.5 feet for an attached garage addition in SF-5 Single-family Residential zoning; generally located west of S. Firefly Court and south of Maple Street (329 S. Firefly Ct.).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City 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. Condition #2 requires planning staff to approve final elevation drawings; please submit the elevation drawings to planning staff when they are complete.

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
Jeff Longwell, WCC VI CM

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

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www.wichita.gov

BZA RESOLUTION NO. BZA2014-02

WHEREAS, Laurie McClay (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 12 to 6.5 feet for an attached garage addition; generally located west of S. Firefly Court and south of Maple Street (329 S. Firefly Ct.).

Legal Description:

Lot 8, Block A, Maple Valley 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 in that site topography limits improvement options on the site. The approximate 6-foot grade change from the west to east does not allow further improvements in the backyard due to site drainage issues. The property is further unique in that the platted right of way along S. Firefly has a full 15 feet of landscaping between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

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. The existing fence and landscaping along the east property line will screen the proposed addition from Firefly Street and surrounding properties.

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 applicants could not feasibly improve the property with a garage.

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, and the proposed setback reduction will not impact the public right of way.

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 15 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 12 to 6.5 feet for an attached garage addition; generally located west of S. Firefly Court and south of Maple Street (329 S. Firefly Ct.).

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 site shall be developed in conformance with building elevations approved by staff. The proposed addition shall be architecturally consistent in form, scale and materials with the existing home on the site.
3. The street side building setback reduction shall apply to the garage addition 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.
4. The addition 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.
5. 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.

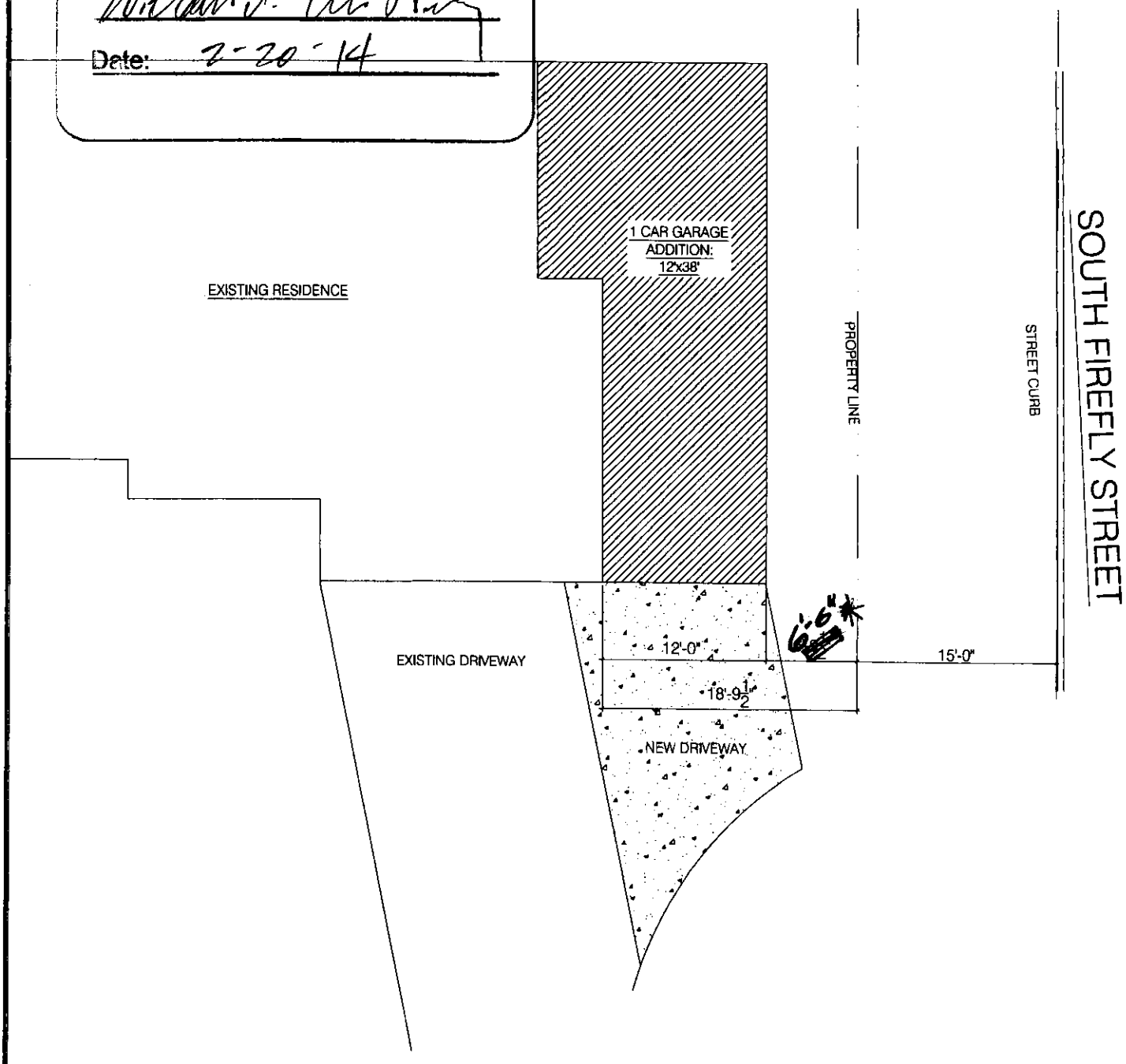
Don Klausmeyer
BZA Chair, Don Klausmeyer

ATTEST:
Jess McNeely, AICP
Asst. BZA Secretary

SITE PLAN BZA 2014-02

APPROVED

Date: 2-20-14



SINGLE CAR GARAGE ADDITION PLAN SHEET	DRAWN FOR: ADAM HENNING	1
329 FIREFLY CT. WICHITA, KS 3/32"=1'-0"		ADDENDUM PAGE NUMBER

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
February 20, 2014

SECRETARY'S REPORT

CASE NUMBER: BZA2014-02

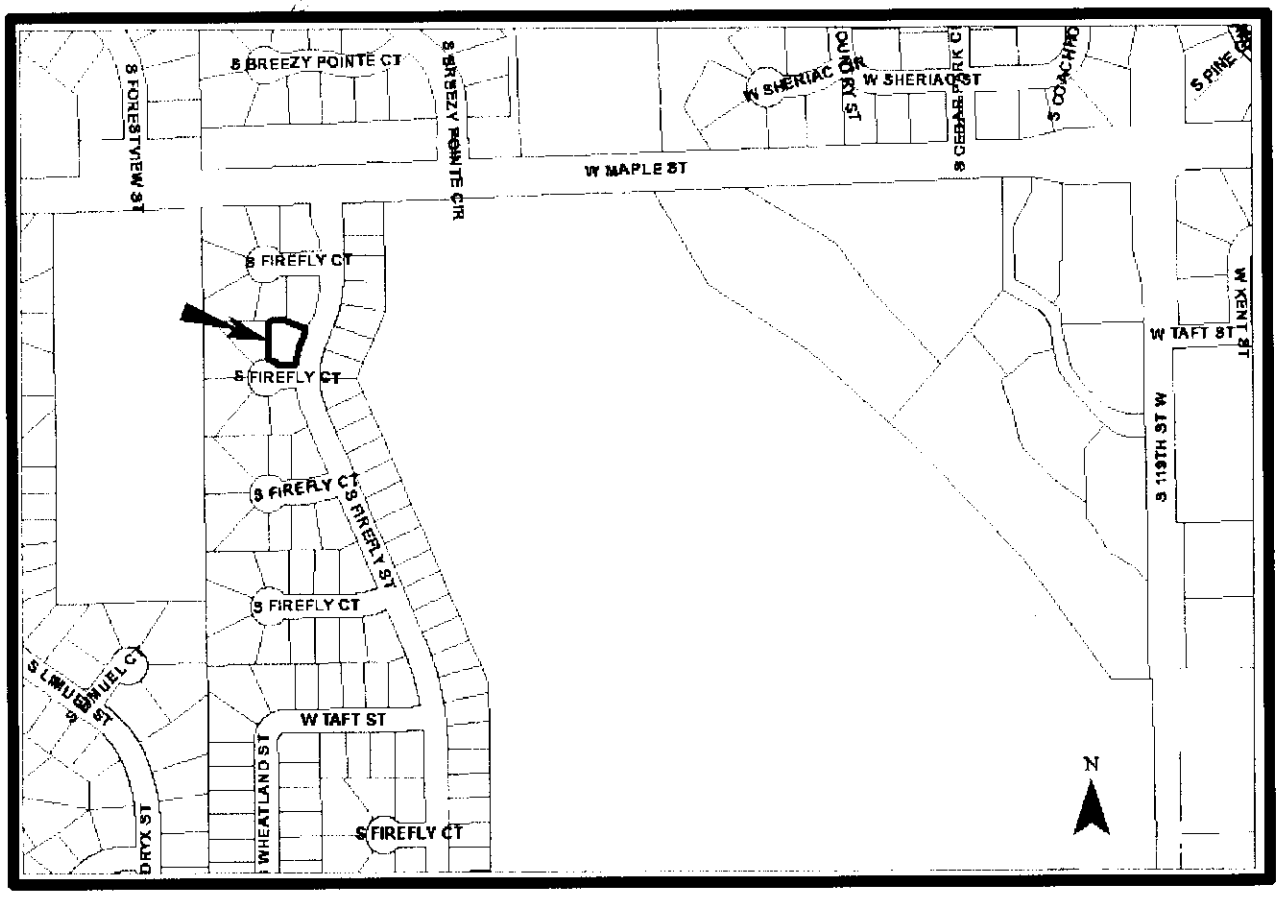
APPLICANT/AGENT: Laurie McClay (owner); Adam Henning (agent)

REQUEST: City BZA Variance request to reduce the street side building setback from 12 to 6.5 feet for an attached garage addition

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

SITE SIZE: .25 acres

LOCATION: West of S. Firefly Court and south of Maple Street (329 S. Firefly Ct.)



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 existing residence on the subject property was built in 1992 with an 18-foot separation from the east side of the house to the east property line along S. Firefly Street. The S. Firefly Street right of way has 15 feet of landscaping, including grass, evergreen trees and deciduous street trees, between the subject property's east property line and the paved curb; no sidewalk exists adjacent to the site. The site is within the Maple Valley Addition which platted 15-foot street side setbacks along Firefly. The applicant vacated the platted 15-foot setback on the property, re-establishing the setback at 12 feet, the minimum street side setback permitted under the Unified Zoning Code (UZC) without a variance. The applicant desires to add a 12-foot wide, attached, one-car garage to the site. The desired addition would be 6.5 feet from the east property line (see the attached site plan) requiring the requested variance of the current 12-foot street side setback.

All immediately surrounding properties are zoned SF-5 Single-family Residential and developed with single-family residences, several surrounding residences within the same subdivision have detached accessory structures in backyards. Approximately 180 feet east of the site is an SF-5 zoned city park and golf course; approximately 180 feet west of the site is an SF-5 zoned church. S. Firefly Street is a paved local street with a 64-foot right of way at this location.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences, park/golf course
WEST:	SF-5	Single-family residences, church

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

UNIQUENESS: It is staff's opinion that this property is unique in that site topography limits improvement options on the site. The approximate 6-foot grade change from the west to east does not allow further improvements in the backyard due to site drainage issues. The property is further unique in that the platted right of way along S. Firefly has a full 15 feet of landscaping between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

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. The existing fence and landscaping along the east property line will screen the proposed addition from Firefly Street and surrounding properties.

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

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, and the proposed setback reduction will not impact the public right of way.

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 15 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 12 feet to 6.5 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 site shall be developed in conformance with building elevations approved by staff. The proposed addition shall be architecturally consistent in form, scale and materials with the existing home on the site.
3. The street side building setback reduction shall apply to the garage addition 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.
4. The addition 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.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.