



Wichita-Sedgwick County Metropolitan Area Planning Department

April 10, 2014

Marlene Warren and Charles Mizer
705 N. Stratford
Wichita, KS 67206

SPT Architecture
Attn: Brad Teeter
121 N. Mead
Wichita, KS 67202

RE: BZA2014-18 – City variance request of the Zoning Code to reduce the street side building setback from 15 to 5 feet for a for a detached garage in SF-5 Single-family Residential zoning, generally on the northwest corner of Stratford and Cresthill Roads (705 N. Stratford Lane).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on April 10, 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
Pete Meitzner, WCC II CM
Alana Haynes, NA II

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BZA RESOLUTION NO. BZA2014-18

WHEREAS, Marlene Warren and Charles Mizer (owners), 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 5 feet for construction of a detached garage; generally located on the northwest corner of Stratford and Cresthill Roads (705 N. Stratford Lane).

Legal Description:

Lot 16 except the north 10 feet, Block R, 1st Addition to Woodlawn Village 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 April 10, 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 mature trees limit improvement options on the site. The property is further unique in that the platted right of way along Cresthill 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 southeast property line will screen the proposed garage from Cresthill and surrounding properties. Many surrounding properties, to include the one directly across Cresthill, have accessory structures which encroach into the street side setback.

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, preserving existing trees 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.

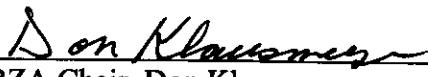
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

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 15 to 5 feet for construction of a detached garage; generally located on the northwest corner of Stratford and Cresthill Roads (705 N. Stratford Lane).

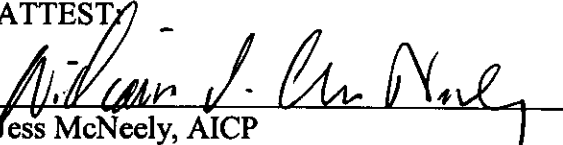
The variance is hereby **GRANTED**, subject to the following conditions:

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 garage shall be architecturally consistent in form, scale and materials with the existing home on the site and surrounding homes and buildings.
3. The street side building setback reduction shall apply to the garage 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 garage 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.

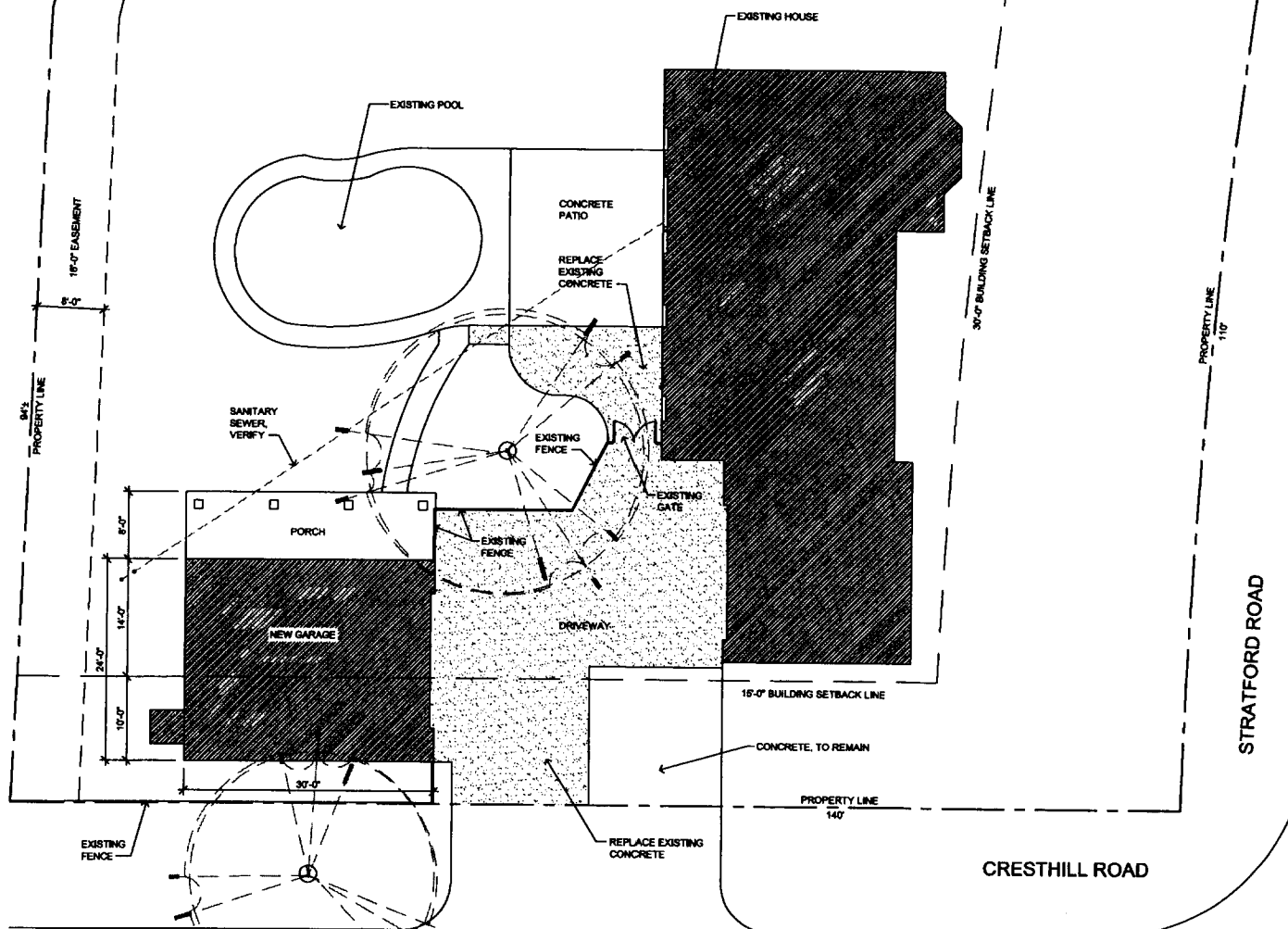
ADOPTED AT WICHITA, KANSAS, this 10th Day of April, 2014.


BZA Chair, Don Klausmeyer

ATTEST:


Jess McNeely, AICP
Asst. BZA Secretary

B2A 2014-18 SITE PLAN
APPROVED
William J. Tice
 Date: 4-10-14



1 SITE PLAN
 1"=10'
 0 10'