CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 6, 2015

JJB Properties
1830 W. Harry St.
Wichita, KS 67213

Ruggles and Bohm
c/o Will Clevenger
924 N. Main St.
Wichita, KS 67203

RE: BZA2015-00003 – City Variance request to reduce the Zoning Code required minimum lot size (6,000 square feet to 5,100 square feet), minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development, located along the east side of South Edgemoor Drive, south of Kellogg (532, 538 and 544 S. Edgemoor Dr.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **March 5, 2015.** 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,

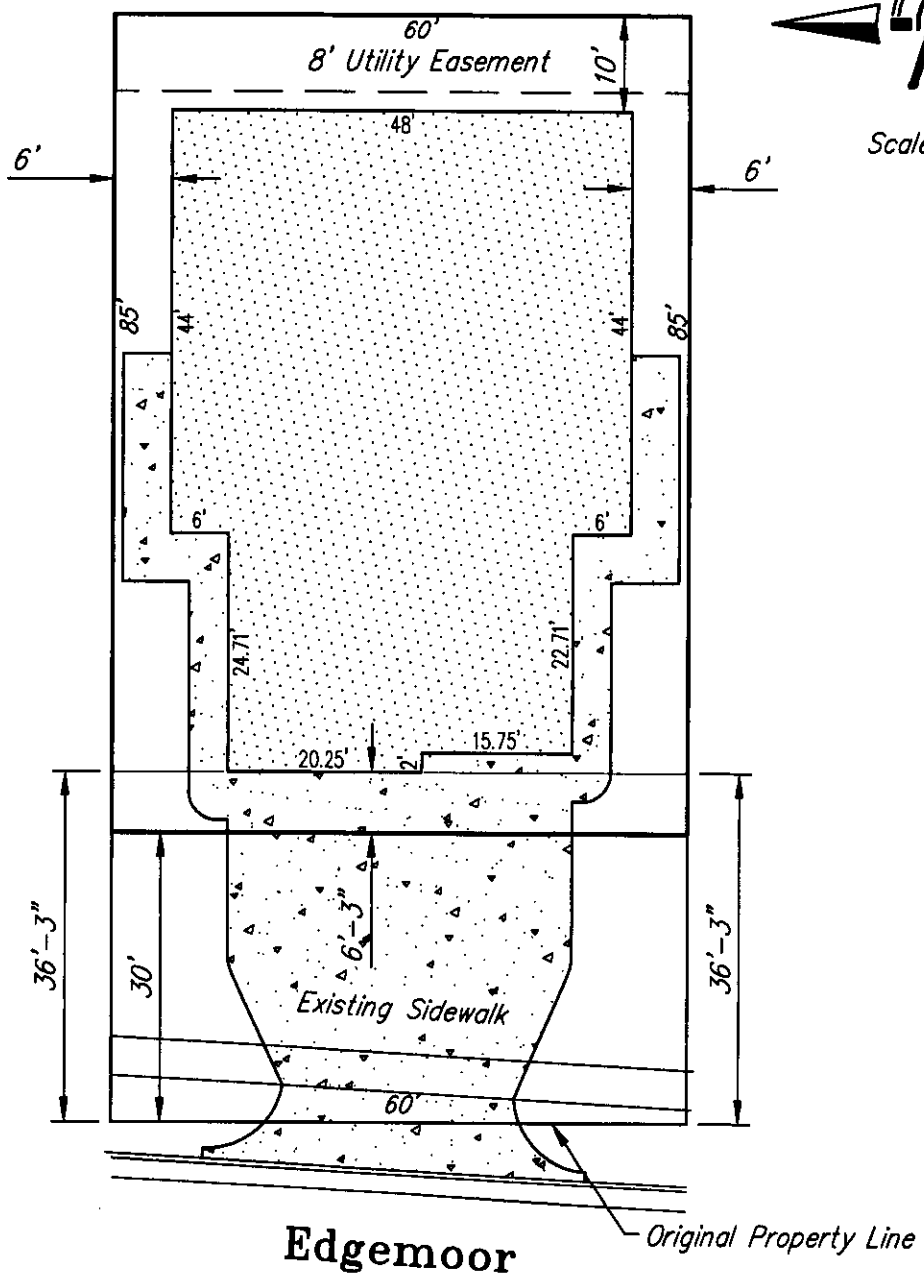
Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
James Clendenin, WCC III CM
Case Bell, CL III

RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67203 P (316) 264-6008 F (316) 264-4621
WWW.RBKANSAS.COM

4477F4
Nov. 24, 2014

Lot 4 Except the West 30' Thereof
Englewood Addition
Wichita, Kansas



Scale 1" = 20'

SITE PLAN

BZA RESOLUTION NO. BZA2015-00003

WHEREAS, JJB Properties (Owner/Applicant) and Ruggles and Bohm, c/o Will Clevenger (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request to reduce the Zoning Code required minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development; generally located along the east side of South Edgemoor Drive, south of Kellogg (532, 538 and 544 S. Edgemoor Dr.)

Legal Description: Lots 2, 3 and 4; Englewood 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 March 5, 2015, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique inasmuch that these three lots had thirty feet of right of way dedicated in the mid 2000's for road widening. This reduction left the property zoned TF-3 and undevelopable without the reduction of setbacks. Thirty to thirty-five feet of right-of-way exists between the curb of Edgemoor Drive and the applicant's property line, leaving between thirty-six and forty-one feet, adequate separation, between the proposed structures and the paved street. Most SF-5 and TF-3 zoned neighborhoods have 10 feet or less of right-of-way between the property line and paved street. The distance between the property line and paved curb, allows for more than adequate separation between buildings and the street. The rear setback reduction will leave between fifty-five to sixty feet of building separation between the residential structures to the west of the proposed development. This will be adequate separation between structures, especially since in most cases in similarly developed neighborhoods, the side setbacks only separate the structures by ten to twelve feet. No easement will be affected in the development.

WHEREAS, the Board of Zoning Appeals has found that the requested variances would not adversely affect the rights of adjacent property owners. The proposed setback reductions would not hinder visibility up and down Edgemoor Drive for adjacent property owners and would not negatively impact adjacent properties. The requested front setback reduction would line the future duplexes up with the existing residential structures to the south of the site.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested front and rear setback variances, the applicant could not feasibly improve the property with duplexes, as per the zoning which has been in place since at least 1974.

WHEREAS, the Board of Zoning Appeals has found that the requested variances for a front and rear setback reduction will not adversely affect the public interest, as further improving this property is in the

public interest, and the requested variance will have no impact on the public right of way and vehicular or pedestrian circulation.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a front and rear setback reduction does not oppose the general spirit and intent of the Zoning Code. Front and rear building setbacks are intended to ensure separation between structures and the public right of way. Adequate separation between the structure and other structures, along with the street, will be maintained.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request to reduce the Zoning Code required minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development; generally located along the east side of South Edgemoor Drive, south of Kellogg (532, 538 and 544 S. Edgemoor Dr.)

Legal Description: Lots 2, 3 and 4; Englewood Addition, Wichita, Sedgwick County, Kansas.

The variance is hereby <u>GRANTED</u>, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan(s).
2. The front and rear setback reduction shall apply only to the duplex development as shown on the site plan(s). Any other future development on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The duplex development shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structures 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 5th Day of March, 2015.

Carol Chapman Nugent

BZA Board Chair, ~~Matt Goolsby~~
Carol Chapman Nugent

ATTEST:

~~Derrick~~ Slocum
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 1
March 5, 2015

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00003

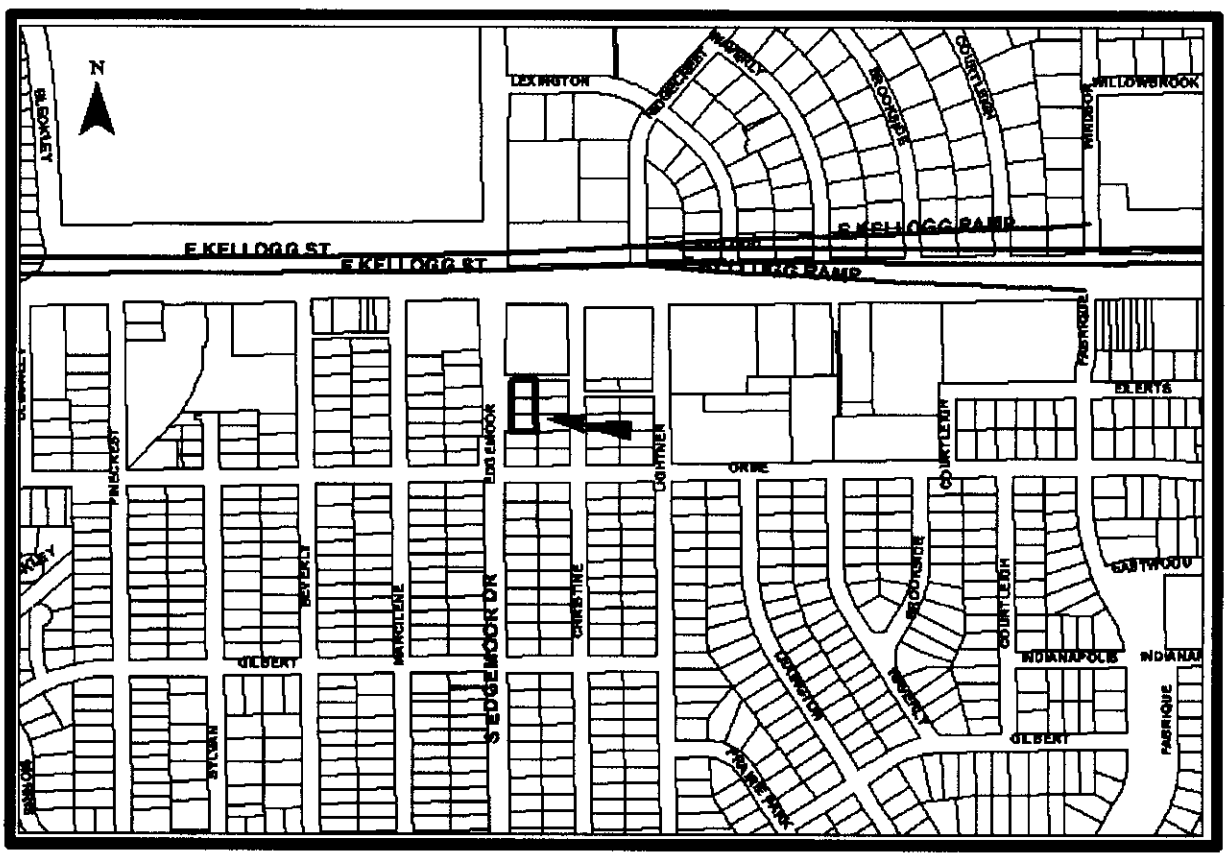
APPLICANT/AGENT: JJB Properties (Owner/Applicant)
Ruggles and Bohm, c/o Will Clevenger (Agent)

REQUEST: City Variance request to reduce the Zoning Code required minimum lot size (6,000 square feet to 5,100 square feet), minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development.

CURRENT ZONING: TF-3 Two-family Residential ("TF-3")

SITE SIZE: 0.353 acres

LOCATION: Located along the east side of South Edgemoor Drive, south of Kellogg (532, 538 and 544 S. Edgemoor Dr.)



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 applicant requests a variance to reduce the Unified Zoning Code (UZC) required minimum lot size (6,000 square feet to 5,100 square feet), minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development; see the attached site plan(s). After further research, the applicant will not need a variance on the minimum lot size. According to Article III, Section E, 1b(1) of the UZC "When an existing Lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum Lot Area for the District in which it is located, then that remaining Lot shall be deemed to comply with the minimum Lot Area standards of this Code." In this case, the right-of-way was dedicated to the City in the mid 2000's for road widening and the remaining lot area is 84%of the required minimum lot area for the TF-3 zone district.

Primarily due to the right-of-way dedication, the three application sites are requesting a variance for the front and rear setbacks. The properties were originally 115 feet deep, which would allow for the proposed duplex development without any need for the variance, however, with the 30-foot right-of-way dedication that made the three properties only 85 feet deep, any future development, single-family or duplex, would require a variance to develop the subject properties. The UZC requires a minimum front setback of 25 feet in the TF-3 zoning district. The UZC does allow an administrative adjustment to reduce a front setback by up to 20% (or five feet in this case) when the Code criteria for zoning adjustments are met, however, anything greater than the 20% reduction would require a variance. The South Edgemoor Drive right of way is 35 feet containing grass and sidewalk, between the subject properties west (front) property line and the paved curb.

The applicant is also requesting a variance of the existing rear setback (see the applicant's attached site plan). The site's rear property line is not encumbered by a utility easement, water is located in the street right-of-way and sewer runs through the properties abutting the subject sites east property lines. Arial photographs appear to demonstrate that the properties were once developed with single-family residences. However, it appears that with the 30-foot right-of-way dedication and widening of Edgemoor,

Property to the north of the subject sites is zoned LC Limited Commercial and is developed with a strip store center (strip mall.) All other property east, west and south of the subject sites are zoned TF-3 Two-family Residential and are developed with single-family residences, with the exception of property directly west of the northern most part of the subject site, and that property is developed as a used car dealership. South Edgemoor Drive, at this location, is a paved, four-lane arterial, with a center turn lane, with 110 feet of right of way at this location.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Strip Store Center
SOUTH:	TF-3	Single-family residences
EAST:	TF-3	Single-family residences
WEST:	TF-3	Single-family residences/Used Car Lot

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 these three lots had thirty feet of right of way dedicated in the mid 2000's for road widening. This reduction left the property zoned TF-3 and undevelopable without the reduction of setbacks. Thirty to thirty-five feet of right-of-way exists between the curb of Edgemoor Drive and the applicant's property line, leaving between thirty-six and forty-one feet, adequate separation, between the proposed structures and the paved street. Most SF-5 and TF-3 zoned neighborhoods have 10 feet or less of right-of-way between the property line and paved street. The distance between the property line and paved curb, allows for more than adequate separation between buildings and the street. The rear setback reduction will leave between fifty-five to sixty feet of building separation between the residential structures to the west of the proposed development. This will be adequate separation between structures, especially since in most cases in similarly developed neighborhoods, the side setbacks only separate the structures by ten to twelve feet. No easement will be affected in the development.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variances would not adversely affect the rights of adjacent property owners. The proposed setback reductions would not hinder visibility up and down Edgemoor Drive for adjacent property owners and would not negatively impact adjacent properties. The requested front setback reduction would line the future duplexes up with the existing residential structures to the south of the site.

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 front and rear setback variances, the applicant could not feasibly improve the property with duplexes, as per the zoning which has been in place since at least 1974.

PUBLIC INTEREST: It is staff's opinion that the requested variances for a front and rear setback reduction will not adversely affect the public interest, as further improving this property is in the public interest, and the requested variance will have no impact on the public right of way and vehicular or pedestrian circulation.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a front and rear setback reduction does not oppose the general spirit and intent of the Zoning Code. Front and rear building setbacks are intended to ensure separation between structures and the public right of way. Adequate separation between the structure and other structures, along with the street, will be maintained.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback requirement from 25 feet to 6 feet and the rear setback requirement form 20 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:

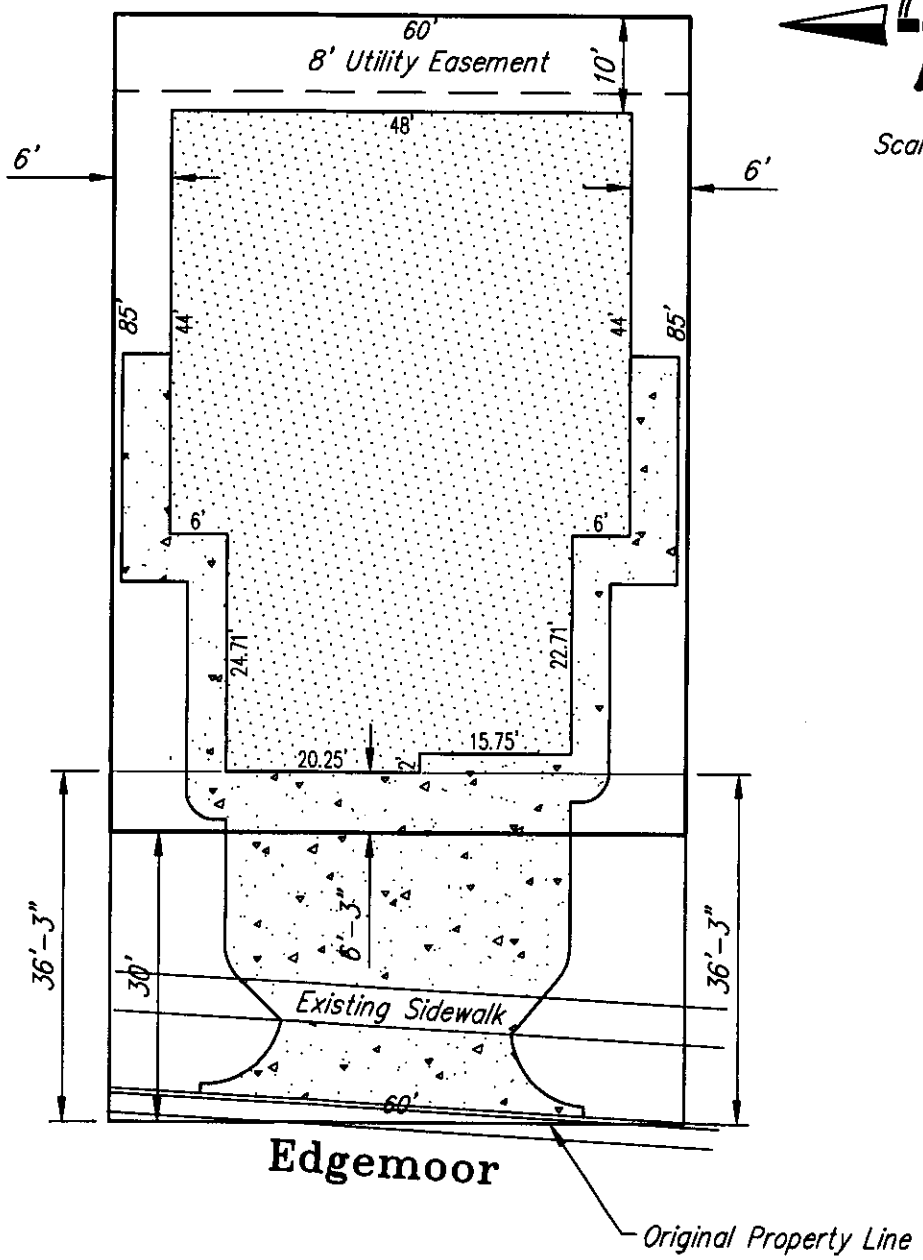
1. The site shall be developed in conformance with the approved site plan(s).
2. The front and rear setback reduction shall apply only to the duplex development as shown on the site plan(s). Any other future development on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.

3. The duplex development shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structures 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.

RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67208 P (316) 264-8008 F (316) 264-4621
WWW.RBKANSAS.COM

4477F2
Nov. 24, 2014

Lot 2 Except the West 30' Thereof
Englewood Addition
Wichita, Kansas



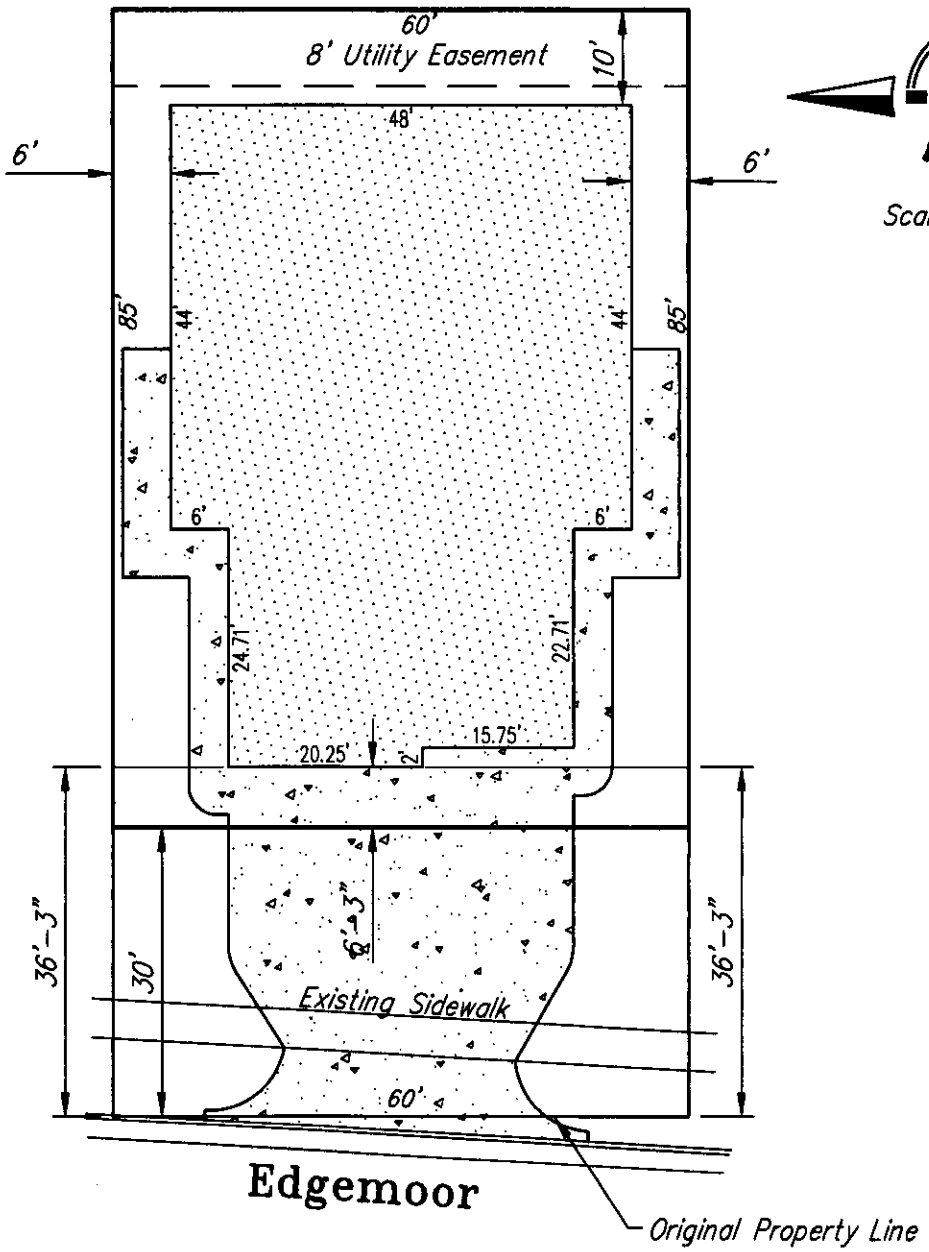
Scale 1" = 20'

SITE PLAN

RUGGLES BOHM
ENGINEERING | SURVEYING | LANDSCAPE ARCHITECTURE | GOVERNMENT
924 NORTH MAIN WICHITA, KANSAS 67208 P (316) 264-6008 F (316) 264-4621
WWW.RBKANSAS.COM

4477F3
Nov. 24, 2014

Lot 3 Except the West 30' Thereof
Englewood Addition
Wichita, Kansas



Scale 1" = 20'

SITE PLAN