

WICHITA - SEDGWICK COUNTY

FILE COPY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

March 25, 1999

Scott Developers, L.L.C.
21 Scotsdale
Wichita KS 67230

RE: BZA 6-99 - Variance request to allow a 15 foot reduction in the front yard setback on property zoned "SF-6" Single-family Residential and generally located south of east Central Avenue and east of Bridgefield.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on March 23, 1999. This resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

Enclosure

cc: Baughman Company, %Russ Ewy, 315 Ellis, Wichita, KS 67211
J.R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)
CPO

BZA RESOLUTION NO. 6-99

WHEREAS, Scott Developers, L.L.C., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow a 15 foot reduction in the front yard setback on property zoned "SF-6" Single-family Residential and legally described as follows:

Reserve "G", Bridgefield Addition, Wichita, Sedgwick County, Kansas.
Generally located south of east Central Avenue and east of Bridgefield.

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 23, 1999, 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 the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant inasmuch as it is an odd shaped triangular piece of property and the lot layout for the block in which the property is situated has left the application area as the only property in that block to front Bridgefield. The other lots adjacent to the site either side or back onto the application area, so there should not be any conflict between buildings sticking further out in front of other buildings. The applicant has also stated that the lot needs to be developed as shown on the site to avoid removing a row of trees located along the reserve's east line.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduced setback should not affect lots across the street since only a small portion of the area to be vacated will contain a building. The rest of the area is pool apron and open space. The lots across the street are currently vacant and any prospective home builder would have opportunity to know about the reduced building setback.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the area has been platted. All other land in the area has been platted as residential lots and the applicant would need to reconfigure a number of lots to create an area that could serve as a pool area. To reconfigure the plat would be a major disruption to the applicant, and some of the lots have been sold depicting the current layout.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, inasmuch as the neighborhood pool would enhance the quality of life of the residents of the subdivision.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the development of the pool and the limited scale of buildings associated with the pool will not damage the goal of these regulations of preserving access to light, air and open space.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

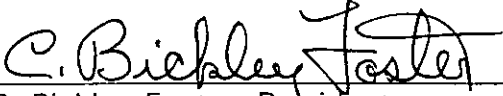
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to allow a 15 foot reduction in the front yard setback on property zoned "SF-6" Single-Family Residential and legally described as follows:

Reserve "G", Bridgefield Addition, Wichita, Sedgwick County, Kansas.
Generally located south of east Central Avenue and east of Bridgefield.

subject to the following conditions:

1. An Administrative Adjustment be filed to reduce the front building setback line from 25 feet to 15 feet in the area needed for parking.
2. The site shall be developed in general conformance with the approved site plan.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1999.


C. Bickley Foster, President

ATTEST:


Dale Miller, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 6-99

OWNER/APPLICANT: Scott Developers. L.L.C. (Owner/Applicant),

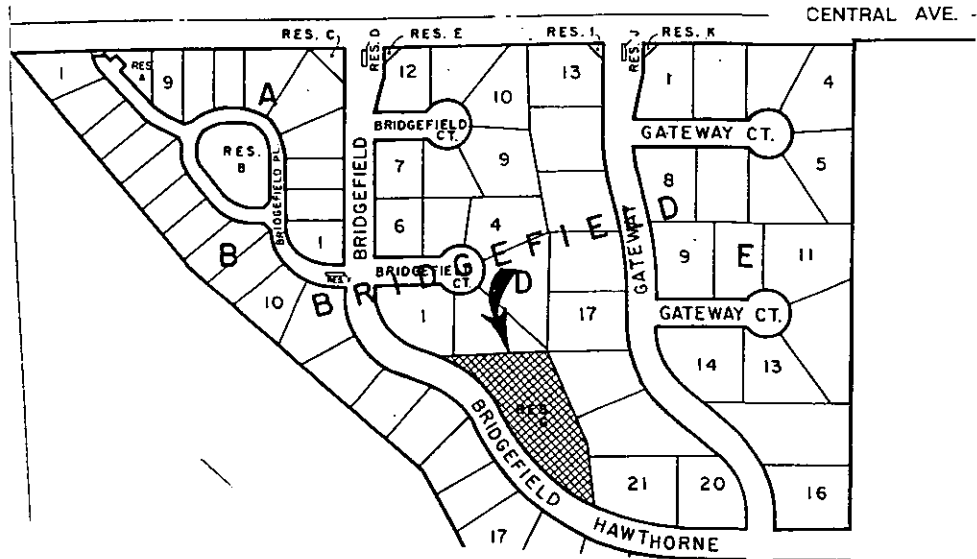
AGENT: Baughman Company (Russ Ewy, Agent)

REQUEST: Variance to allow a 15 foot reduction in the front yard setback

CURRENT ZONING: SF-6, Single-family Residential

SITE SIZE: 1,129.6 square feet of Reserve G, Bridgefield Addition

LOCATION: South of east Central Avenue and east of Bridgefield



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 application area, Reserve G of the Bridgefield Addition, is part of a developing subdivision and is to be the site of a neighborhood pool. The applicants have previously received approval for a Conditional Use (CU-497) to permit a neighborhood pool and a vacation case (V-2142) has been approved to reduce the platted building setback line along Bridgefield from 25 feet to 10 feet. However, this property is zoned "SF-6", Single-family Residential which has a 25 foot front yard setback requirement. Since the vacation case could only deal with the platted building setback, a zoning variance is necessary to reduce the zoning code required front yard setback from 25 feet to 10 feet.

The applicant's site plan shows a pool building and a portion of the pool apron are to be constructed within the required 25 foot building setback. The plan also shows parking is to be located within the zoning setback line not covered by this variance. Since this parking area was not included in the variance request, an "administrative adjustment" will be required to permit parking to be constructed as shown since parking is not permitted within the front setback line of property zoned "SF-6".

Due to the curvilinear nature of Bridgefield, Reserve G is the only property on the east side of Bridgefield that fronts Bridgefield. There are vacant platted lots across the street from the proposed pool which front Bridgefield. There is a home constructed on the corner lot located north of Reserve G, but it fronts Bridgefield Court. There is a mix of developed and undeveloped lots east and northeast of the reserve. There is also a hedgerow along the east line of the reserve.

ADJACENT ZONING AND LAND USE:

| | |
|-------|---|
| NORTH | "SF-6", Single-family; mix of developed and vacant residential lots |
| SOUTH | "SF-6", Single-family; vacant platted residential lots |
| EAST | "SF-6", Single-family; mix of developed and vacant residential lots |
| WEST | "SF-6", Single-family; vacant platted residential lots |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is an odd shaped triangular piece of property and the lot layout for the block in which the property is situated has left the application area as the only property in that block to front Bridgefield. The other lots adjacent to the site either side or back onto the application area, so there should not be any conflict between buildings sticking further out in front of other buildings. The applicant has also stated that the lot needs to be developed as shown on the site to avoid removing a row of trees located along the reserve's east line.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the reduced setback should not affect lots across the street since only a small portion of the area to be vacated will contain a building. The rest of the area is pool

apron and open space. The lots across the street are currently vacant and any prospective home builder would have opportunity to know about the reduced building setback.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the area has been platted. All other land in the area has been platted as residential lots and the applicant would need to reconfigure a number of lots to create an area that could serve as a pool area. To reconfigure the plat would be a major disruption to the applicant, and some of the lots have been sold depicting the current layout.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the neighborhood pool would enhance the quality of life of the residents of the subdivision.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the development of the pool and the limited scale of buildings associated with the pool will not damage the goal of these regulations of preserving access to light, air and open space.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. An Administrative Adjustment be filed to reduce the front building setback line from 25 feet to 15 feet in the area needed for parking.
2. The site shall be developed in general conformance with the approved site plan.