



Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2019

REVISED January 28, 2019

John and Judith Ferguson
5606 Sullivan
Wichita, KS 67204

BZA2018-00062- City Variance of side yard setback from 6 feet to 1 foot and variance to allow construction of a garage in front of the main structure, generally located one half mile east of North Meridian Avenue and one quarter mile north of West 53rd Street North (5617 N. Sullivan)

Dear Applicant:

At its regular meeting on December 6, 2018, the Wichita - Sedgwick County Board of Zoning Appeals (BZA) considered the above captioned request. The action of the BZA was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD

BZA RESOLUTION NO. BZA2018-00062

WHEREAS, Danny and Debbie Holloway (Applicants); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the interior side yard setback from six feet to one foot and permit an accessory building to be constructed in front of the principal structure for a detached garage structure at 5617 North Sullivan Avenue and legally described as follows:

Legal Description: The South 114 feet of Lot 93; Van View, Sedgwick County, Kansas, EXCEPT
That part beginning 209.3 feet West of the Southeast corner of Lot 93;
Thence North 13 feet; thence West 25 feet; thence South 13 feet; thence
East 25 feet, to the point of beginning.

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 December 6, 2018, 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, there should not be any adverse harm to nearby properties. The construction will not alter the flow of water, and there is still a notable, if reduced, buffer between this structure and the adjacent property; and

WHEREAS, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, 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, a Variance to reduce the interior side yard setback from six feet to 2.5 feet for a carport structure at 5617 North Sullivan Avenue and legally described as follows:

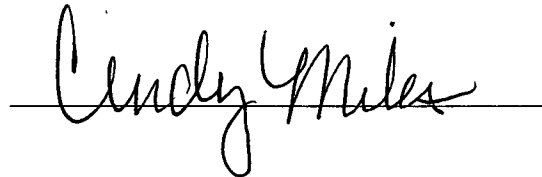
Legal Description: The South 114 feet of Lot 93; Van View, Sedgwick County, Kansas, EXCEPT
That part beginning 209.3 feet West of the Southeast corner of Lot 93;
Thence North 13 feet; thence West 25 feet; thence South 13 feet; thence
East 25 feet, to the point of beginning.

The variances are hereby GRANTED, subject to the following conditions:

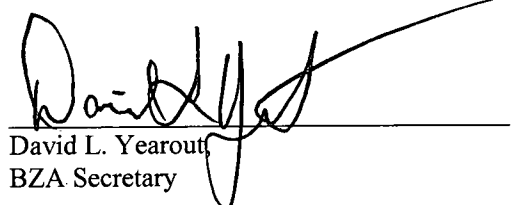
1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. The interior side setback reduction shall only apply to the detached garage structure on the site plan.
3. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.

ADOPTED AT WICHITA, KANSAS, this 6th Day of December, 2018.

BZA Board Chair, Cindy Miles



ATTEST:



David L. Yearout
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2018-00062

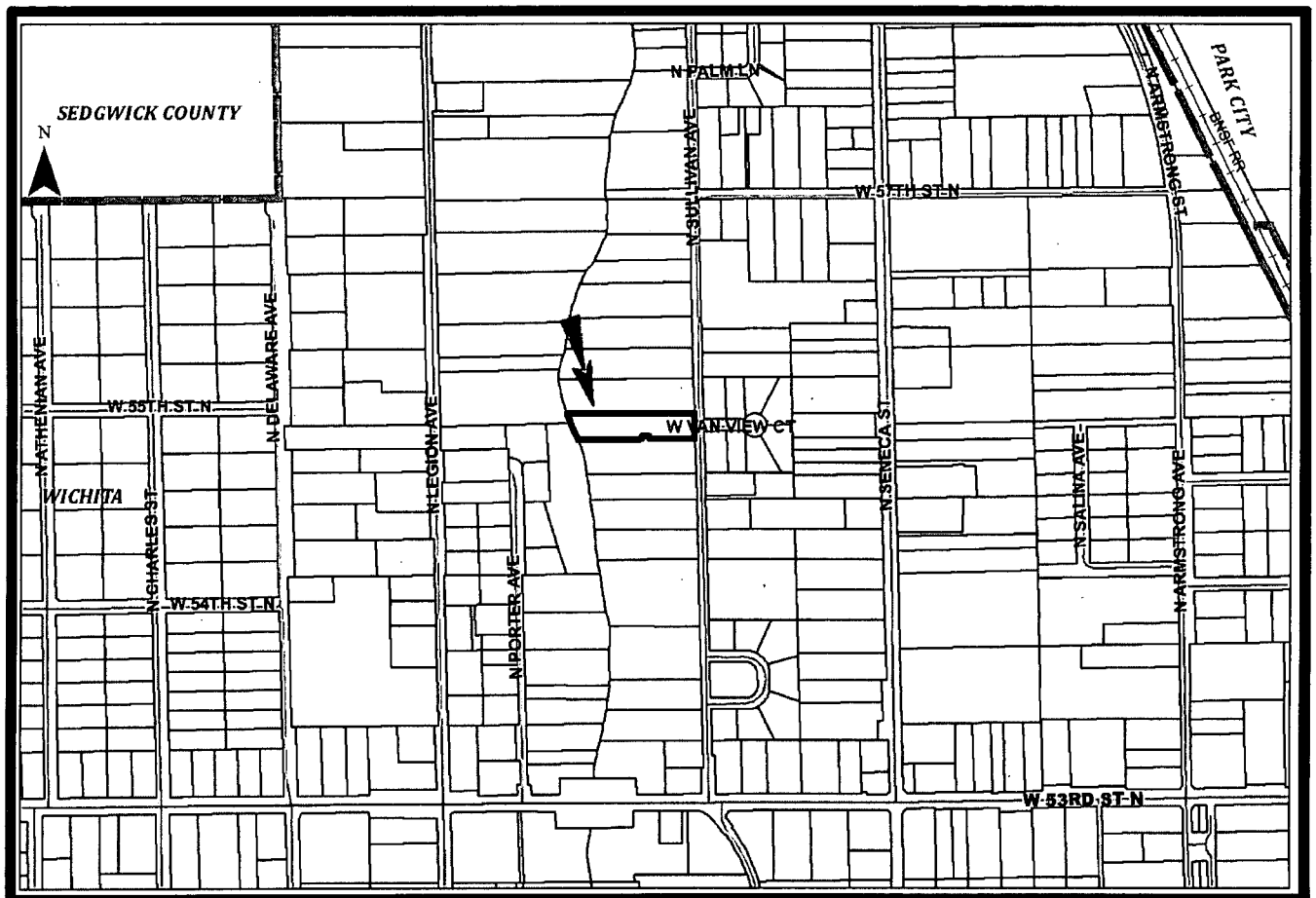
APPLICANT: Danny and Debbie Holloway

REQUEST: Variances to reduce the interior side setback from six feet to one foot for a new garage structure and locate the structure in front of the main structure

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 1.4 acres

LOCATION: Generally located one-half mile east of N. Meridian Ave. and one-quarter mile north of W. 53rd Street North (5617 North Sullivan).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V.G of the Unified Zoning Code for Wichita/Sedgwick County, and as outlined in Kansas Statutes Annotated 12-759 et. seq. The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: This application requests the variances to reduce the side yard setback from six feet to one foot to build a new detached garage structure located along the north property line in front (east) of the primary structure. The detached garage will be setback 107 feet from the front property line.

Staff has received questions from nearby property owners, including the property owner directly to the north, regarding this case. When the case was explained, no opposition was expressed.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single Family Residence
SOUTH	SF-5	Single-Family Residence
EAST	SF-5	Single Family Residence
WEST	SF-5	Single-Family Residence

CASE HISTORY: This property is zoned SF-5 Single-Family Residential (SF-5) and platted as the Van View Addition in 1992.

UNIQUENESS: The existing structures on the property, built prior to the current owner are not in compliance with side yard setbacks. This property is approximately 60,000 square feet, 12 times the minimum lot size for the zoning district, and the main structure is setback 150 feet from the front property line. The family has a differently-abled daughter who is confined to a wheel chair. The location of the new garage would facilitate ease in transporting her to the vehicle from the house.

ADJACENT PROPERTY: The property owner on the north has confirmed with the applicant that the side yard reduction will not adversely affect his property rights.

HARDSHIP: The setback restrictions would require the applicant to relocate the structure nine feet to the south, which would require the removal of a mature, healthy tree or reduce the depth/size of the structure. Reduction of the size of the garage would not meet the needs for storage of vehicles and equipment required by the applicant.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, health, safety or welfare. Allowing this addition will improve the overall quality and value of the property and, by extension, the neighborhood.

SPIRIT AND INTENT: The intent of the setback requirements of the zoning code is to provide for a fair and reasonable buffer between neighboring structures in such a way that one does not have an adverse effect on the other. In staff's opinion this is not an issue in this case due to the size of adjacent lots. Because of the conditions at this location, granting the variances remain in the spirit and intent of minimizing construction in relation to conditions on the ground.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, the recommendation of Staff that the variance to reduce the

interior side setback from six feet to one foot and the variance to allow the new garage to be located in front of the main structure be **GRANTED**, subject to the following conditions:

1. The building shall be constructed in substantial conformance with the approved site plan.
2. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
3. The interior side setback reduction and placement of a structure in front of the main structure shall only apply to the new garage structure on the site plan.
4. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.

Report Attachments:

1. Site Plan
2. Applicants Narrative
3. Variance Request Statement

