



Wichita-Sedgwick County Metropolitan Area Planning Department

November 7, 2013

Journey Waters, LLC c/o Ken Kern
7077 E. Central Unit 13
Wichita, KS 67206

RE: BZA2013-38 – City variance request of the Zoning Code to reduce the street side building setback from 15 to two feet for an attached garage addition in SF-5 Single-family Residential zoning; generally located at the southwest corner of First Street and Bluff Avenue (155 N. Bluff).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **November 7, 2013**. 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
Lavonta Williams, WCC I CM

BZA RESOLUTION NO. BZA2013-38

WHEREAS, Ken Kern (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 15 to two feet for an attached garage addition; generally located at the southwest corner of First Street and Bluff Avenue (155 N. Bluff).

Legal Description:

Lots 1 & 3, Bluff Ave., Wallingford 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 November 7, 2013, 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 the property was platted and developed prior to the current zoning code setback requirements. The existing house on the property does not meet the required street side setback, nor do other buildings in the immediate area. This property is also unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Conservation Area". The Plan recommends setback flexibility for building enhancements. The property is further unique in that the north property line of this block has a six-foot separation from the public sidewalk; most properties are platted with a property line located at the sidewalk.

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 existing house on the site, along with many surrounding structures, is not in conformance with the street side setback. The nearest property to the west has a detached garage six inches from the property line, much closer than the requested variance for a two-foot 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 an attached 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. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate redevelopment that serves the public interest.

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 separation between structures and the public right-of-way. In this case, the right-of-way has an additional six feet of separation between the sidewalk and the private property line.

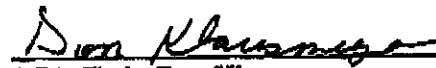
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

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 two feet for an attached garage addition; generally located at the southwest corner of First Street and Bluff Avenue (155 N. Bluff).

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 elevations approved by staff, consistent with elevations submitted with the variance application.
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 7th Day of November, 2013.


BZA Chair, Don Klausmeyer

ATTEST


Jess McNeely, AICP
Asst. BZA Secretary

Fence/Sidewalk

Property line

2'
BLDG
SETBACK

4.0'

± 30'

1.8
Current
Conc. Footer

proposed Variance
extension of concrete
footer

Garage Addition in progress

19.1'

32.6'

9.7'

EXISTING HOUSE

16.6'

7.78'

2.15'

4.4'

3.25'

0.70'

4.75'

7.4'

6.16'

24.2'

3.65'

BZA 2013-38 SITE PLAN

APPROVED

William J. Van Vleet

Date 11-8-13