



Wichita-Sedgwick County Metropolitan Area Planning Department

September 3, 2015

BATC LLC
1890 W. Harry
Wichita, KS 67213

Armstrong Land Survey, PA
1601 E. Harry
Wichita, KS 67211

RE: BZA2015-00029 – City variance request to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 9 feet for the construction of duplexes, generally located south and east of the intersection of North Ridge Road and West Central Avenue.

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on September 3, 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
Brian Frye, WCC V CM
Martha Sanchez, CL V

BZA RESOLUTION NO. BZA2015-00029

WHEREAS, BATC, LLC (owner), Armstrong Land Surveying, c/o Don Armstrong (agent) pursuant Kansas Statutes Annotated 12-759, request to reduce the rear yard setback on Lots 1, 3 and 25 from 2 feet to 9 feet for the construction of duplexes on TF-3 Two-family Residential zoned property; general located South and east of the intersection of North Ridge Road and West Central Avenue.

Legal Description: Part of Lots 1, 3 and 25; Block E, Country Acres 6th 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 September 3, 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; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique, inasmuch the property was rezoned to TF-3 with a lot split providing lots large enough for duplexes. However, due to the zoning setback requirements in the TF-3 zone district, those with side street frontage have a narrow buildable area, thus redesigning the duplexes to fit the lots. Lot 25 has a unique design with the width of the lot reducing from the front to the rear.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for rear yard setback reductions for the three lots would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to the related lots and would not impact adjacent property or other developments. All surrounding properties do meet the 15-foot street side setback requirement, but these three lots in question will match in rear 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, inasmuch without the requested rear yard setback variance, the applicant could not feasibly improve the property with a two-family dwelling

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 setback variance will not encroach into any public right-of-ways or easements.

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. Rear yard building setbacks are intended to ensure adequate separation between structures. In this case, the structures will still not encroach into the utility setback in the rear yards and will still provide 18 feet of separation between structures.

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, request to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 10 feet for the construction of duplexes on TF-3 Two-family Residential zoned property; generally located South and east of the intersection of North Ridge Road and West Central Avenue.

Legal Description: Part of Lots 1, 3 and 25; Block E, Country Acres 6th Addition, Wichita, Kansas, Sedgwick County, Kansas.

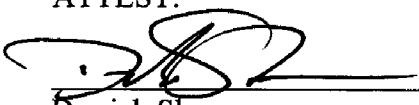
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The rear yard building setback reduction shall apply to Lots 1, 3 and 25 shown on the site plan only. Any future buildings shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The site 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.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 3rd Day of September, 2015.


BZA Board Chair, Matt Goolsby

ATTEST:


Derrick Slocum
Asst. BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00029

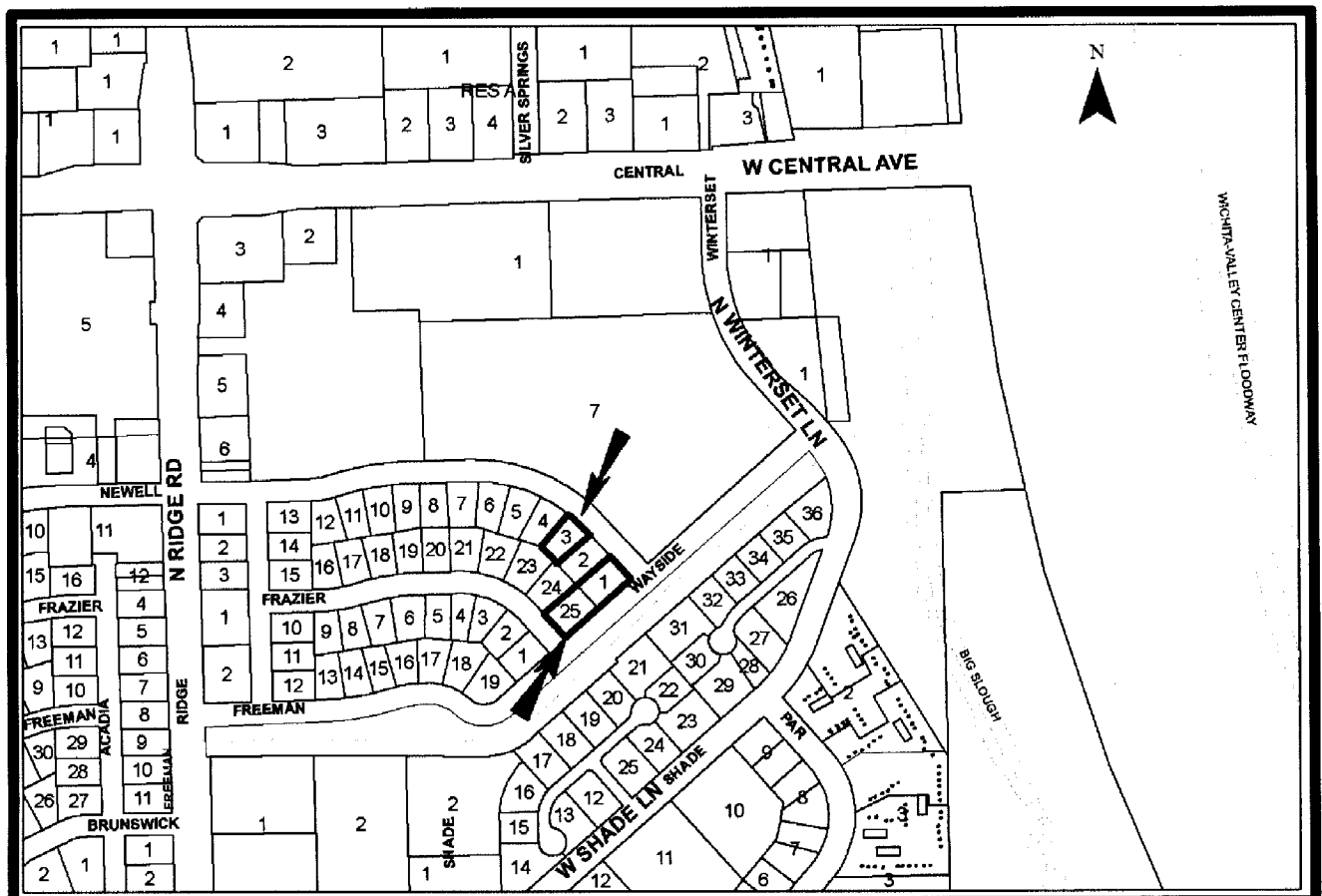
APPLICANT/AGENT: BATC, LLC (owner)
Armstrong Land Surveying, c/o Don Armstrong (agent)

REQUEST: City BZA Variance request to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 9 feet for the construction of duplexes.

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

SITE SIZE: 0.24 acres

LOCATION: South and east of the intersection of North Ridge Road and West Central Avenue.



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 three subject lots are currently vacant. Lots 1 and 25 are 59 feet x 119 feet and Lot 3's northeast property line is 71 feet, southeast line 119 feet, southwest line 49 feet and northwest line at 114 feet. In the TF-3 Two-family Residential zoning district, the Unified Zoning Code (UZC) requires a rear setback of 20 feet, a 6 foot interior side setback and a 15 foot street side setback, which for Lots 1 and 25, would be the Wayside Lane frontage. The applicant desires to build 38-foot wide by 85-foot long duplexes on these three lots, which is only possible with a rear setback reduction of eleven feet. For Lots 1 and 25, the fifteen foot side yard street setback reduces the amount of space to build to the side, thus the additional length of the structure and the request of the rear setback reduction. For Lot 3, the lot has a unique shape where the widest part of the lot fronts the road and then tapers down 22 feet in the rear creating a site for a narrower and longer structure, thus the need for the rear yard setback reduction on Lot 3. Therefore, the applicant requests a variance to reduce the rear yard setback from 20 feet to 9 feet (see the attached applicant's letter and site plan). The lots in question, planned for the duplex development, have always been undeveloped, with the earliest aerial pictures of that area showing the sites as being undeveloped.

Immediately surrounding properties are zoned SF-5 Single-family Residential, TF-3 Two-family Residential or MF-18 Multi-family Residential to the west and south and developed with single-family residences and duplex dwellings. Properties to the east and north are zoned TF-3, MF-18 and LC Limited Commercial and are developed with a YMCA, duplexes or undeveloped land.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	YMCA, fitness center
SOUTH:	MF-18	Duplexes
EAST:	MF-18	Duplexes
WEST:	SF-5	Single-family residences

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique. The property was rezoned to TF-3 with a lot split providing lots large enough for duplexes. However, due to the zoning setback requirements in the TF-3 zone district, those with side street frontage have a narrower buildable area, thus redesigning the duplexes to fit the lots. Lot 25 has a unique design with the width of the lot reducing from the front to the rear.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for rear yard setback reductions for the three lots would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to the related lots and would not impact adjacent property on other developments. All surrounding properties do meet the 15-foot street side setback requirement, but these three lots in question will match in rear setback.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested rear yard setback variance, the applicant could not feasibly improve the property with a two-family dwelling.

PUBLIC INTEREST: It is staff's opinion 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 setback variance will not encroach into any public right-of-ways or easements.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Rear yard building setbacks are intended to ensure adequate separation between structures. In this case, the structures will still not encroach into the utility setback in the rear yards and will still provide 18 feet of separation between structures.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 9 feet for the construction of duplexes is appropriate for these sites. 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.
2. The rear yard building setback reduction shall apply to Lots 1, 3 and 25 shown on the site plan only. Any future buildings shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The site 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.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

UTILITY MAP

*REQUEST REAR LINE SETBACK FROM 20 FEET TO 9 FEET ON PART OF LOTS 1, 3 ~~4~~ 25

