



Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2016

Derek T. Reynolds
2204 W. Greenfield
Wichita, KS 67217

RE: BZA2016-00043 – City variances to reduce the front side setback from 25 feet to 4.5 feet and to reduce the side yard setback from 6 feet to 10 inches, generally located north of 31st Street South and east of Meridian at 2204 W. Greenfield

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 17, 2016**. This resolution reflects the official action of the Board and is forwarded for your information and files.

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

Sincerely,

A handwritten signature in cursive script that reads 'Dale Miller for'.

Scott Knebel, AICP
BZA Secretary

cc: Kyle McLaren, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Jeff Blubaugh, WCC IV CM
Rebecca Fields, CL IV

BZA RESOLUTION NO. BZA2016-00043

WHEREAS, Derek T. Reynolds (owner/applicant) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request Variances to reduce the front side setback from 25 feet to 4.5 feet and to reduce the side yard setback from 6 feet to 10 inches, generally located north of 31st Street South and east of Meridian at 2204 W. Greenfield.

Legal Description: Lot 16, Block 7, First Addition to Southwest Village, 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 November 17, 2016, 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 as the property is in a neighborhood of homes constructed in the 1950s with single car garages. In such neighborhoods, there are limited opportunities to provide protect parking for multiple vehicles that is commonly desired today by residents. The Unified Zoning Code (UZC) has provisions for administrative adjustments that allow flexibility in setbacks for carports on such properties. Such flexibility could have been factored into the design of the applicant's project had the applicant's contractor applied for a building permit.

WHEREAS, the Board of Zoning Appeals has found that the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent property owners have indicated in writing that they do not object to requested variances.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the applicant relied upon their contractor to acquire the necessary permits.

WHEREAS, the Board of Zoning Appeals has found that the requested variances are not adverse to the public interest inasmuch as the public has an interest in supporting continued reinvestment in residential properties, including permitting upgrades of existing properties through the approval of variances.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances do not oppose the general spirit and intent of the zoning regulations, inasmuch as the primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light and air. The applicant has indicated that a

firewall will be constructed adjacent to the side property line where required by the building code to provide necessary fire safety.

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.

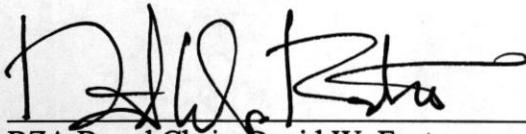
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request Variances to reduce the front side setback from 25 feet to 4.5 feet and to reduce the side yard setback from 6 feet to 10 inches, generally located north of 31st Street South and east of Meridian at 2204 W. Greenfield.

Legal Description: Lot 16, Block 7, First Addition to Southwest Village, Wichita, Sedgwick County, Kansas.

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

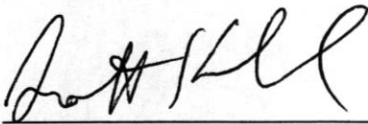
1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to a carport. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 17th Day of November, 2016.



BZA Board Chair, David W. Foster

ATTEST:



Scott Knebel
Acting BZA Secretary

JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions 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: The applicant is in the process of constructing a carport in front of a single-family residence located on the subject property (see attached site plan). According to the applicant (see attached written justification), a contractor was hired to construct the carport. The contractor indicated that the necessary building permit had been acquired. During construction a stop work order was issued by the Metropolitan Area Building and Construction Department because a building permit had not been acquired. Upon application for a building permit, the applicant discovered that the carport encroaches into the required front and side setbacks of the SF-5 Single-Family Residential zoning district.

The SF-5 zoning district requires a 25-foot front setback and a 6-foot side setback. As constructed, the carport is located 4.5 feet from the front property line and 10 inches from the side setback. Variances are required to reduce the front and side setbacks to permit the partially constructed carport to be completed.

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

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is in a neighborhood of homes constructed in the 1950s with single car garages. In such neighborhoods, there are limited opportunities to provide protect parking for multiple vehicles that is commonly desired today by residents. The Unified Zoning Code (UZY) has provisions for administrative adjustments that allow flexibility in setbacks for carports on such properties. Such flexibility could have been factored into the design of the applicant's project had the applicant's contractor applied for a building permit.

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 adjacent property owners have indicated in writing (see attached) that they do not object to requested variances.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the applicant relied upon their contractor to acquire the necessary permits.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting continued reinvestment in residential properties, including permitting upgrades of existing properties through the approval of variances.

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 primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light and air. The applicant has indicated that a firewall will be constructed adjacent to the side property line to provide necessary fire safety.

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 variances to reduce the front setback from 25 feet to 4.5 feet and the side setback from 6 feet to 10 inches be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to a carport. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The carport shall be constructed with siding that has a minimum one hour fire rating on west side of the structure.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

House 2204 W. Greenfield

30ft

37ft

5ft 6.5in

VARIANCE REQUEST

20ft

18ft

4.5ft

4ft

Sidewalk

APPROVED

BZAZ016-00043

Date: 11-17-16 SK

Greenfield St.

Approximate property line

10"

DATE: 11-17-16