



Wichita-Sedgwick County Metropolitan Area Planning Department

January 30, 2001

George V. Bever
Glady's Hoefler
P. O. Box 47354
Wichita, KS 67201-7354

RE: BZA 2000-00070 – A variance to reduce the side yard setback from 6 feet to 1.5 feet for home expansion. Generally located north of 17th Street North and west of market (1833 N. Market).

Dear Glady's and George:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 23, 2001, this resolution reflects the official action of the Board to grant 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,

Scott Knebel
Assistant BZA Secretary

SK/rs

cc: City Council Member District VI, Joan B. Cole, Mail Stop 1-13
D.A.B. VI, Terri Dozal, Mail Stop 1-135
Historic Midtown, Alan Fereay, 1323 N. Emporia, Wichita, KS, 67214
Kurt Schroeder, OCI 1-72
J.R. Cox, OCI, 1-72
Paul Hays, OCI 1-72
Randy Sparkman, OCI 1-72

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BZ RESOLUTION NO. 2000-00070

WHEREAS, Gladys Hoefler and George V. Bever (Owner)/(Applicant), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the side yard setback from 6 feet to 1.5 feet for home expansion on property zoned "B" Multi-Family Residential legally described as follows:

Lots 26 and 28, Block 5, Fairview Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of 17th Street North and west of market (1833 N. Market).

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 January 23, 2001, 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. It is the opinion of staff that this property is unique inasmuch as the structure is already built. The lot is compact and additions to the structure would have to occur in the requested location.

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. It is the opinion of staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the addition to the structure would be internal to the subject property. No additional encroachment would occur along the north boundary of the subject property that is in excess of the existing placement of the structure. The addition to the structure would abut the existing driveway of the property to the north, and the separation between the structure on the subject property and the structure on the property to the north would be approximately 20 feet.

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. It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the lot space is limited and any logical addition to the structure would require building into the existing zoning setback.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction of the side yard building setback and therefore there will be no effect on the general public.

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. 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 reduced setbacks will continue to provide for fire protection, separation, light and air circulation, and pedestrian access.

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 reduce the side yard building setback from 6 feet to 1.5 feet for home expansion on property zoned "B" Multi-Family Residential described as follows:

Lots 26 and 28, Block 5, Fairview Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of 17th Street North and west of market (1833 N. Market).

RECOMMENDATION: Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to allow a reduction in the side yard building setback from 6 feet to 1.5 feet for home expansion be APPROVED, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the side yard setback shall be reduced from 6 feet to 1.5 feet on the north side of the property. This setback reduction shall apply only to improvements which shall square-off the rectangular structure to a total of 46.2 feet in the east-west direction and 28 feet in the north-south direction for a total addition of 12.2 feet in the east-west direction and 14 feet in the north-south direction, as shown on the site plans and elevation drawings approved by the Board of Zoning Appeals. The addition shall be constructed in general conformance with said site plans and elevation drawings.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. 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 23rd DAY OF JANUARY , 2001.



Floyd Pitts, BZA President

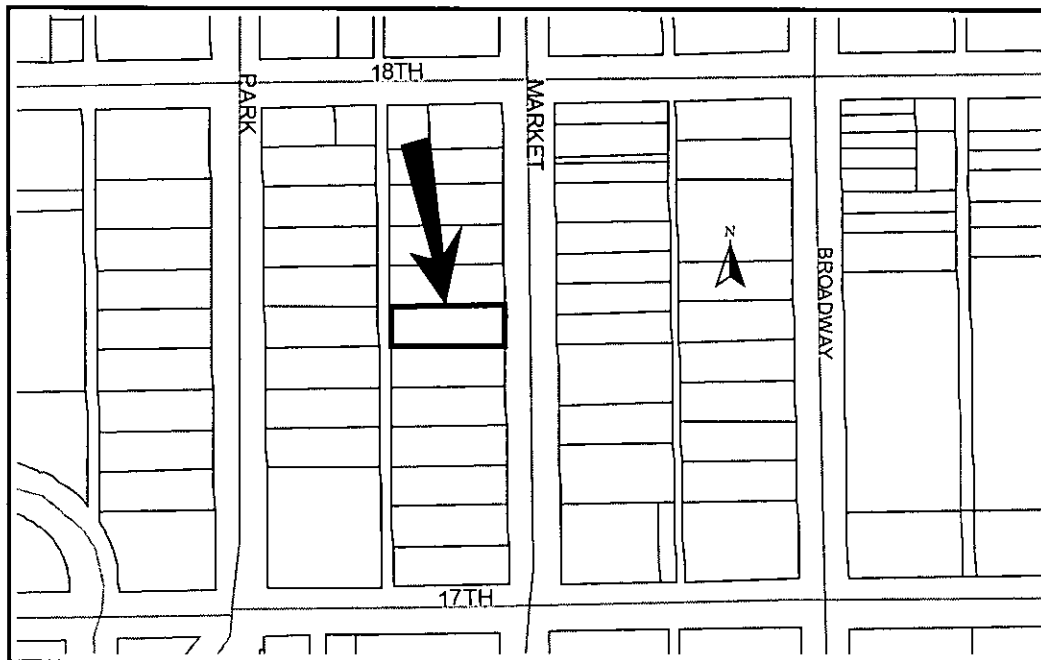
ATTEST:



Scott Knebel, BZA Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2000-00070
OWNER/APPLICANT: Gladys Hoefler and George V. Bever
AGENT: n/a
REQUEST: Variance to reduce the side yard building setback from 6 feet to 1.5 feet for home expansion.
CURRENT ZONING: "B" Multi-Family Residential
LOCATION: Generally located north of 17th Street North and west of Market (1833 N. Market)



JURISTITION: 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.

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BACKGROUND: The applicants are requesting a variance to reduce the required side yard setback from 6 feet to 1.5 feet for a proposed expansion of a single-family residence. As built, the existing structure is currently only 1.5 feet from the side property line. The expansion would extend westward along the north line of the structure and would "square-off" the existing "L-shaped" structure. The addition to the structure would be built 1.5 feet from the side property line (see attached site plans and elevation drawings). The applicants state that the proposed addition will conform to the existing structure's roofline and building materials and will be in character with the existing structure. The Historic Preservation Board unanimously approved the design of the proposed addition. The subject property is within the environs of a registered historic landmark, the Steinbuchel house at 1905 N. Park Place.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Multi-Family Residence
SOUTH	"B"	Single-Family Residence
EAST	"B"	Single-Family Residence
WEST	"B"	Single-Family Residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the structure is already built. The lot is compact and additions to the structure would have to occur in the requested location.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the addition to the structure would be internal to the subject property. No additional encroachment would occur along the north boundary of the subject property that is in excess of the existing placement of the structure. The addition to the structure would abut the existing driveway of the property to the north, and the separation between the structure on the subject property and the structure on the property to the north would be approximately 20 feet.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the lot space is limited and any logical addition to the structure would require building into the existing zoning setback.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction of the side yard building setback and therefore there will be no effect on the general public.

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 reduced setbacks will continue to provide for fire protection, separation, light and air circulation, and pedestrian access.

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RECOMMENDATION: Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to allow a reduction in the rear yard building setback be APPROVED, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the side yard setback shall be reduced from 6 feet to 1.5 feet on the north side of the property. This setback reduction shall apply only to the improvements shown on the site plans and elevation drawings approved by the Board of Zoning Appeals. The addition shall be constructed in general conformance with said site plans and elevation drawings.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. 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.

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