



Wichita-Sedgwick County Metropolitan Area Planning Department

July 27, 2000

FILE COPY

Gary and Barbara Scott
301 N. Crestway Street
Wichita, KS 67208-3843


RE: BZA 2000-00019 – Variance to reduce the rear yard building setback from 20 feet to 4 feet for home expansion. Generally located at the northwest corner of 2nd Street and Crestway (301 N. Crestway).

Dear Gary and Barbara Scott:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on July 25, 2000, 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely,


Lisa Van de Water
Senior Planner

LV/rs

Cc: Architectural Desinger, John H. Tasset, 207 N. Pershing, Wichita, KS 67208
Donte Martin, DAB District II, Mail Stop 1-135
Joe Pisciotte, City Council Member District II, Mail Stop 1-13
J.R. Cox, Office of Central Inspection, Mail Stop 1-072
Yolanda Anderson (Resolution only)

BZA RESOLUTION NO. 2000-00019

WHEREAS, Gary and Barbara Scott, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard building setback from 20 feet to 4 feet for a home expansion on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lots 89, 91, 93, and 95, ON EAST, NOW CRESTWAY AVENUE, IN HAGNY'S REPLAT OF CAPITOL HILL ADDITION TO WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS, EXCEPT THE WEST 25.6 FEET OF SAID LOTS 89 AND 91 AND EXCEPT THE WEST 25.6 FEET OF THE NORTH 14.0 FEET OF SAID LOT 93, AND EXCEPT THE WEST 24.6 FEET OF THE SOUTH 11.0 FEET OF SAID LOT 93, AND EXCEPT THE WEST 24.6 FEET OF LOT 95. Generally located at the northwest corner of 2nd Street and Crestway (301 N. Crestway).

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 July 25, 2000, 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 main dwelling unit and accessory garage are already built. The lot is very compact and any additions to the home 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 home expansion would be internal to the property and between the two existing buildings on the property. No additional encroachment would occur along the west boundary of the property that is in excess of the existing placement of the home. All new additions would abut the existing driveway of the property to the west.

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 home would require building into the existing zoning setback. The applicant's medical condition would best be facilitated by the proposed addition to the home, which would connect the primary structure with the garage.

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 in the rear 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. The reduced setbacks will not limit sight distance for travelers along Second Street or Crestway.

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.

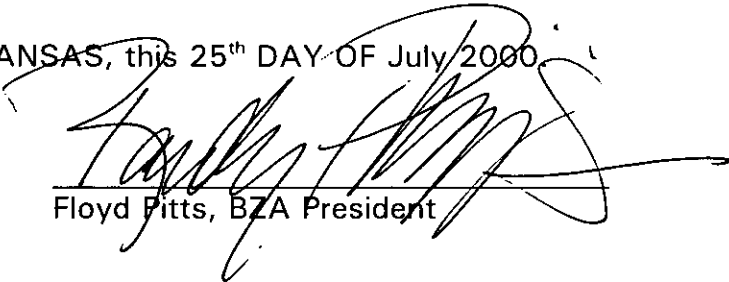
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the rear yard building setback from 20 feet to 4 feet for home expansion on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lots 89, 91, 93, and 95, ON EAST, NOW CRESTWAY AVENUE, IN HAGNY'S REPLAT OF CAPITOL HILL ADDITION TO WICHITA, KANSAS, SEDGWICK COUNTY, KANSAS, EXCEPT THE WEST 25.6 FEET OF SAID LOTS 89 AND 91 AND EXCEPT THE WEST 25.6 FEET OF THE NORTH 14.0 FEET OF SAID LOT 93, AND EXCEPT THE WEST 24.6 FEET OF THE SOUTH 11.0 FEET OF SAID LOT 93, AND EXCEPT THE WEST 24.6 FEET OF LOT 95. Generally located at the northwest corner of 2nd Street and Crestway (301 N. Crestway)

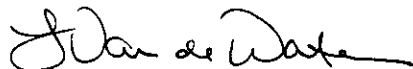
subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the rear yard setback shall be reduced from 20 feet to **4 feet** on the west side of the property. This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The additions shall be constructed in general conformance with said site plan.
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 or resolution 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 25th DAY OF July 2000.


Floyd Pitts, BZA President

ATTEST:


Lisa Van de Water, BZA Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2000-00019

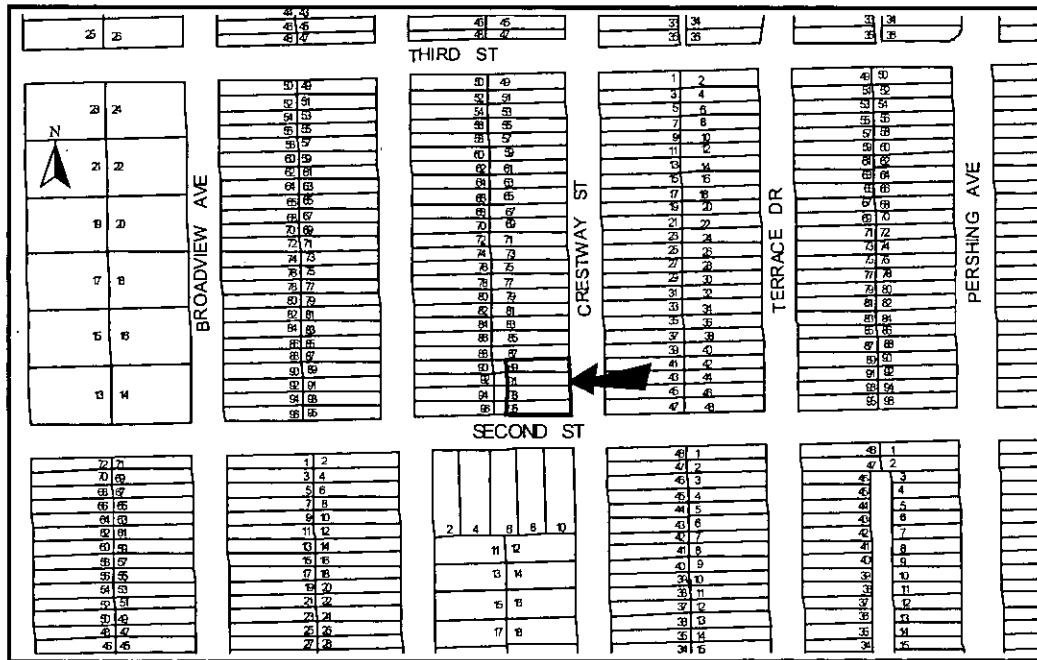
OWNER/APPLICANT: Gary and Barbara Scott

AGENT: John Tasset

REQUEST: Variance to reduce the rear yard building setback from 20 feet to 4 feet for home expansion.

CURRENT ZONING: "SF-6" - Single-Family Residential

LOCATION: Generally located at the northwest corner of 2nd Street and Crestway (301 N. Crestway)



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 applicants are requesting a variance to reduce the required rear yard setback from 20 feet to 4 feet for a proposed expansion of a home at the northwest corner of Crestway and 2nd Street. As built, the home is currently only 4 feet from the rear property line. The expansion would extend southward along the west property line, and connect with the existing garage. The new portion of the home would be built 6 feet off the west property line. The applicants state that a medical condition prevents Mrs. Scott from direct exposure to the sun, thus the need for the connection between the garage and the home.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6" – Single-Family Residence
SOUTH	"SF-6" – Single-Family Residence
EAST	"SF-6" – Single-Family Residence
WEST	"SF-6" – Single-Family Residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the main dwelling unit and accessory garage are already built. The lot is very compact and any additions to the home 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 home expansion would be internal to the property and between the two existing buildings on the property. No additional encroachment would occur along the west boundary of the property that is in excess of the existing placement of the home. All new additions would abut the existing driveway of the property to the west.

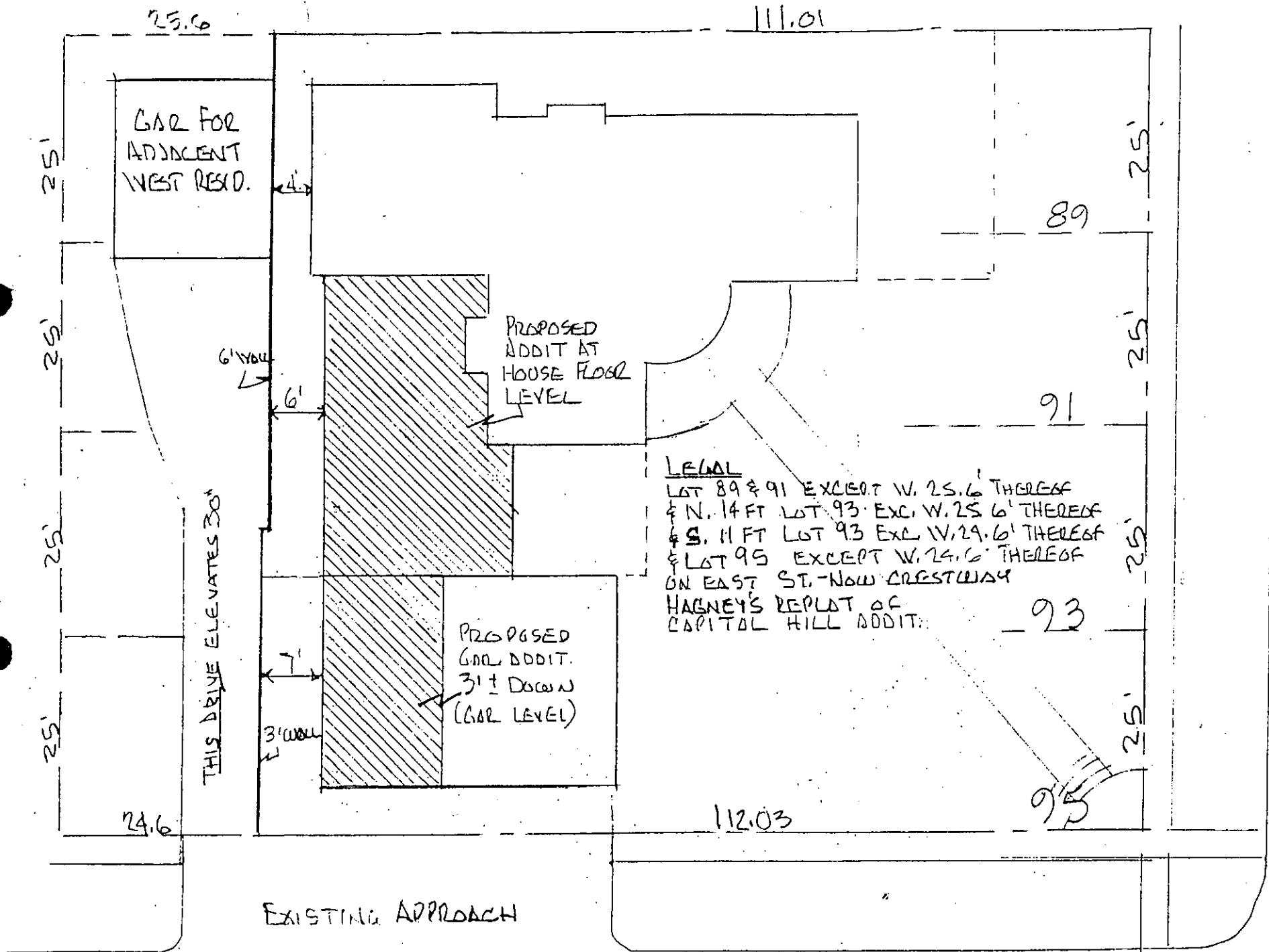
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the lot space is limited and any logical addition to the home would require building into the existing zoning setback. The applicant's medical condition would best be facilitated by the proposed addition to the home, which would connect the primary structure with the garage.

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 in the rear 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. The reduced setbacks will not limit sight distance for travelers along Second Street or Crestway

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 rear yard setback shall be reduced from 20 feet to **4 feet** on the west side of the property. This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The additions shall be constructed in general conformance with said site plan.
2. The expansion shall be limited to single-story construction.
3. 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 or resolution unless such time period is extended by the BZA.
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.



LEGAL
 LOT 89 & 91 EXCEPT W. 25.6' THEREOF
 & N. 14 FT LOT 93 EXC. W. 25.6' THEREOF
 & S. 11 FT LOT 93 EXC. W. 29.6' THEREOF
 & LOT 95 EXCEPT W. 24.6' THEREOF
 ON EAST ST. - NOW CRESTWAY
 HAGNEY'S REPLIT OF
 CAPITAL HILL ADDIT.

EXISTING APPROACH

EAST 2ND ST.

301 N CRESTWAY

SITE PLAN - 1/16" = 1'-0"

RZA 2000-00019