



Wichita-Sedgwick County Metropolitan Area Planning Department

16 November 2017

Russ Ewy
315 Ellis
Wichita, KS 67211

RE: BZA2017-00049 – City Variance to remove the rear yard setback to allow for an addition to the principal residential structure on property zoned SF-5 Single Family (associated with VAC2017-00040), generally located north of West MacArthur Road and west of South West Street (3429 South Sabin Ct.)

Dear Mr. Ewy,

At its regular meeting on **November 2, 2017**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kyle C. Kobe
Associate Planner

Copies to: MABCD
Stan and Mary Unruh Living Trust, 3429 S Sabin Ct., Wichita, KS 67215
Jeff Blubaugh, WCC District IV
Rebecca Fields, CSR District IV
Jeff Vansant, City Law

BZA RESOLUTION NO. BZA2017-00049

WHEREAS, Stan and Mary Unruh (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow the 20-foot required rear yard to be reduced to 0 feet to allow a building addition to be constructed at 3429 South Sabin Court and legally described as follows:

Legal Description: Lot 50, Block D of the Blue Lake Addition to Wichita, Sedgwick County, 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 2, 2017, 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 conditions of the request are unique to the subject property. In this case, the rear yard abuts a large platted reserve for the Homeowner's lake, with no adjacency to another residential property.

WHEREAS, this variance from the rear setback requirement, in this case, will not impact any adjacent property. The lot in question is at the end of a cul-de-sac and the rear yard abuts the reserve for the lake, resulting in no other nearby residence with any real impact from the proposed building addition into this area. Given the nature of the lot layout in this portion of the subdivision, extending the main structure to the rear lot line (which still is around 100 feet to the shoreline of the lake) will not create any burdens or issues with other properties.

WHEREAS, the setback restrictions established in the Unified Zoning Code provides little room for any addition to the home and would definitely prohibit the proposed building expansion on this lot.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare. Allowing this addition will improve the overall quality and value of the property and, by extension, the neighborhood.

WHEREAS, It is the opinion of Board of Zoning Appeals that the intent of the setback requirements of the zoning code is to provide for a fair and reasonable buffer between neighboring structures in such a way that one does not have an adverse effect on the other. In the Board of Zoning Appeals' opinion this is not an issue in this case due to the large amount of platted reserve between the rear property line and the shoreline, and the position of this lot on the tip of a peninsula projecting into both the platted reserve and a body of water. Because of the conditions at this location, granting the variance remains in the spirit and intent of minimizing construction in relation to conditions on the ground.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

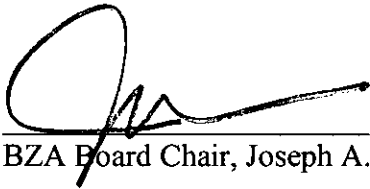
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow the 20-foot required rear yard to be reduced to 0 feet to allow a building addition to be constructed at 3429 South Sabin Court and legally described as follows:

Legal Description: Lot 50, Block D of the Blue Lake Addition to Wichita, Sedgwick County, KS.

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

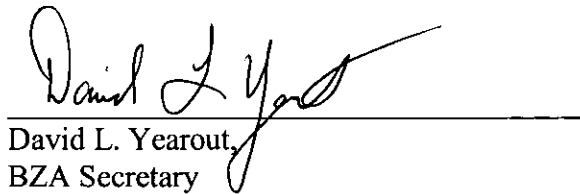
1. The building addition shall be constructed in substantial conformance with the approved site plan.
2. The rear yard setback reduction shall only apply to the building addition indicated on the approved site plan.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.

ADOPTED AT WICHITA, KANSAS, this 2nd Day of November 2017.



BZA Board Chair, Joseph A. Johnson

ATTEST:



David L. Yearout,
BZA Secretary

JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as 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 applicants are requesting the required 20-foot setback be eliminated in order to allow for the construction of an addition to the back of the house located at 3429 South Sabin Court. The applicant believed their property extended to the shoreline. When the addition to the house was prepared they discovered the rear property line was much closer than they were led to believe. They, along with most all property owners in this development, consider the land from the rear of their homes to the shoreline as the “rear yard”. In order to accommodate the building addition as planned, a variance from the rear setback requirements must be removed. This case is associated with VAC2017-00040, which is a vacation to allow for the elimination of the platted rear yard utility easement, which is unused.

Though the property line is only about 25 feet from the rear of the existing home, there is a significant amount of platted reserve beyond it, including close to 100 feet from the rear property line to the shoreline. There is also platted reserve along the northern property line of the property that is used for drainage purposes, which eliminates any additional construction to the north. The Blue Lake Homeowners Association approves of the building addition.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single Family Residence
SOUTH	SF-5	Single-Family Residence
EAST	SF-5	South Sabin Court, Single Family Residence
WEST	SF-5	Platted Reserve, Lake

CASE HISTORY: This property was rezoned to SF-5 Single-Family Residential (SF-5) and platted as the Blue Lakes Addition in 2004.

UNIQUENESS: Ordinarily the rear yard of a property backs up to another lot, and in residential neighborhoods that usually means to another residence. In this case, the rear yard abuts a large platted reserve for the Homeowner’s lake, with no adjacency to another residential property. While there are many lots so situated with the City, it is unique to a large minority of residential lots within the community. This factor is important in this case.

ADJACENT PROPERTY: This variance from the rear setback requirement, in this case, will not impact any adjacent property. The lot in question is at the end of a cul-de-sac and the rear yard abuts the reserve for the lake, resulting in no other nearby residence with any real impact from the proposed building addition into this area. Given the nature of the lot layout in this portion of the subdivision, extending the main structure to the rear lot line (which still is around 100 feet to the shoreline of the lake) will not create any burdens or issues with other properties.

HARDSHIP: The setback restrictions established in the Unified Zoning Code provides little room for any addition to the home and would definitely prohibit the proposed building expansion on this lot.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, health, safety or welfare. Allowing this addition will improve the overall quality and value of the property and, by extension, the neighborhood.

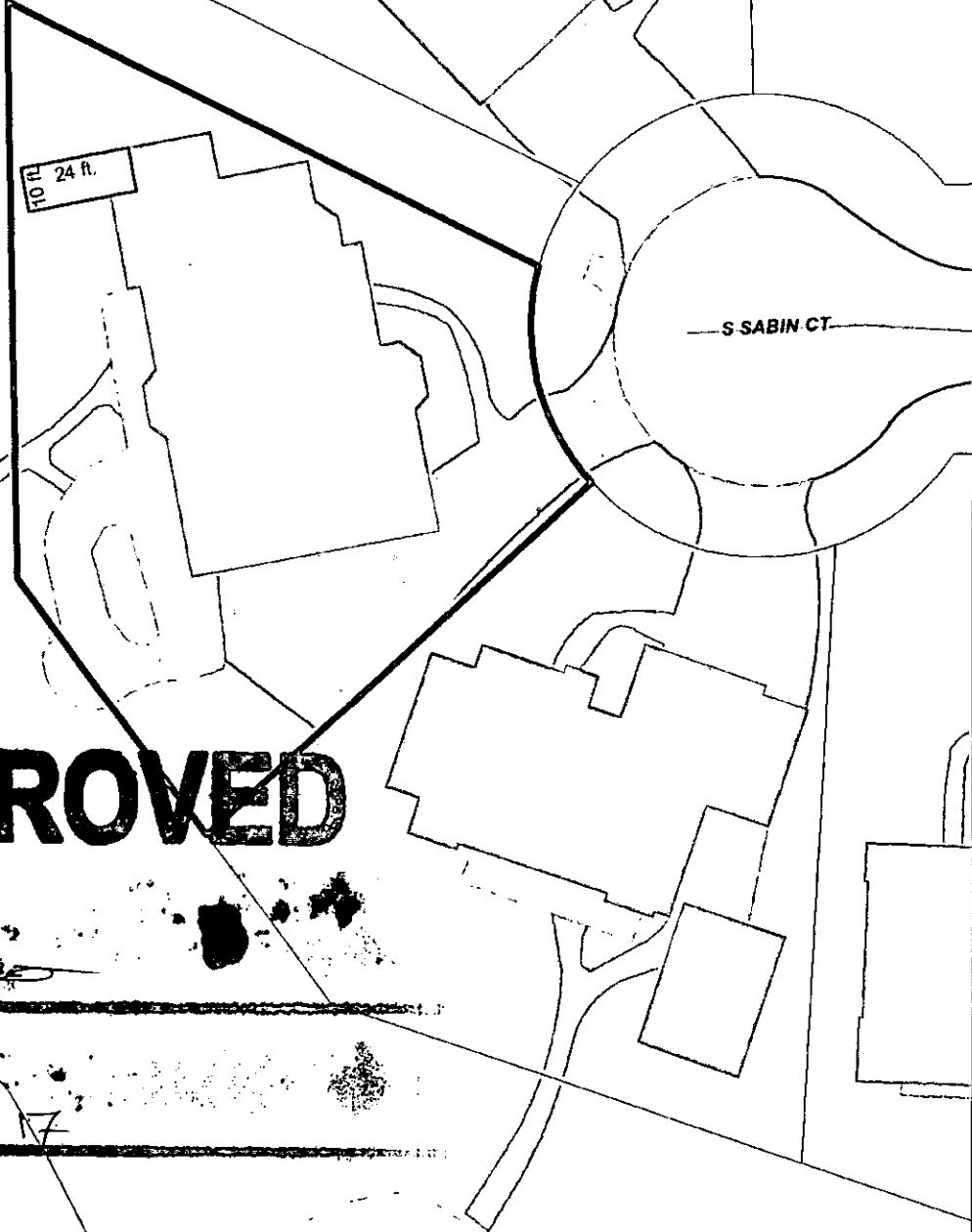
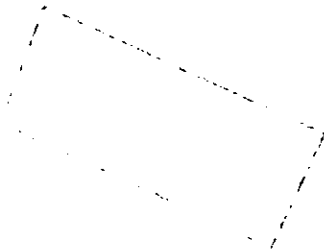
SPIRIT AND INTENT: The intent of the setback requirements of the zoning code is to provide for a fair and reasonable buffer between neighboring structures in such a way that one does not have an adverse effect on the other. In staff's opinion this is not an issue in this case due to the large amount of platted reserve between the rear property line and the shoreline, and the position of this lot on the tip of a peninsula projecting into both the platted reserve and a body of water. Because of the conditions at this location, granting the variance remains in the spirit and intent of minimizing construction in relation to conditions on the ground.

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 the variance to reduce the required front yard from 20 feet to 0 feet be **GRANTED**, subject to the following conditions:

1. The building addition shall be constructed in substantial conformance with the approved site plan.
2. The rear yard setback reduction shall only apply to the building addition indicated on the approved site plan.
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 Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

1. Site Plan
2. Applicants Narrative
3. Site Images



10 ft 24 ft.

S SABIN CT

APPROVED

[Handwritten signature]

Date: 5 Dec 7

Legend

- NEW ADDITION
- SUBJECT PROPERTY