



Wichita-Sedgwick County Metropolitan Area Planning Department

May 22, 2014

Marci Woodward
3506 W. University Ct.
Wichita, KS 67213

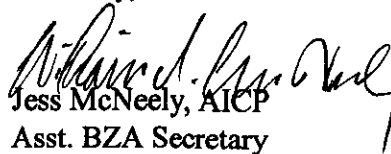
RE: BZA2014-31 – City BZA Variance request to reduce the rear building setback from 15 to 11 feet for a building addition in TF-3 Two-family Residential (TF-3) zoning; generally located north of West University Avenue and on the west side of University Court (3506 W. University Court).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 22, 2014. 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,


Jess McNeely, AICP
Asst. BZA Secretary
Current Plans Division

cc: Tom Stolz, MABCD
JR Cox, MABCD
Mike Gable, MABCD
Jeff Blubaugh, WCC IV CM
Case Bell, NA IV

BZA RESOLUTION NO. BZA2014-31

WHEREAS, Marci Woodward (Moore) (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to reduce the rear building setback from 15 to 11 feet for a building addition; generally located north of West University Avenue and on the west side of University Court (3506 W. University Court).

Legal Description:

Lot 2 except the south 78 feet, Block B, University Court Third Addition to Wichita, 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 May 22, 2014, 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 this property is unique in that it was platted as a 64-foot deep lot, most lots in the TF-3 zoning district are at least 100 feet in depth.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. Properties north and south of the site have similar encroachments into the platted setback. The house on the lot to the west is south of the variance location; existing mature trees will buffer the reduced setback from the property to the west.

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. Without the requested variance, the applicant could not feasibly improve the property with a house addition.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a setback reduction will not adversely affect the public interest as no easements or right-of-way is affected, and as further improving this property is in the public interest.

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 setbacks are intended to ensure adequate separation between structures and to provide for a rear yard. Property to the west will maintain adequate separation from the proposed addition and the subject property will retain over 900 square feet of a rear yard.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance of the Zoning Code to reduce the rear building setback from 15 to 11 feet for a building addition; generally located north of West University Avenue and on the west side of University Court (3506 W. University Court).

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 the addition shown on the site plan only. Any future additions or buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The addition 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 22nd Day of May, 2014.



BZA Chair, Don Klausmeyer

ATTEST:



Jess McNeely, AICP
Asst. BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2014-31

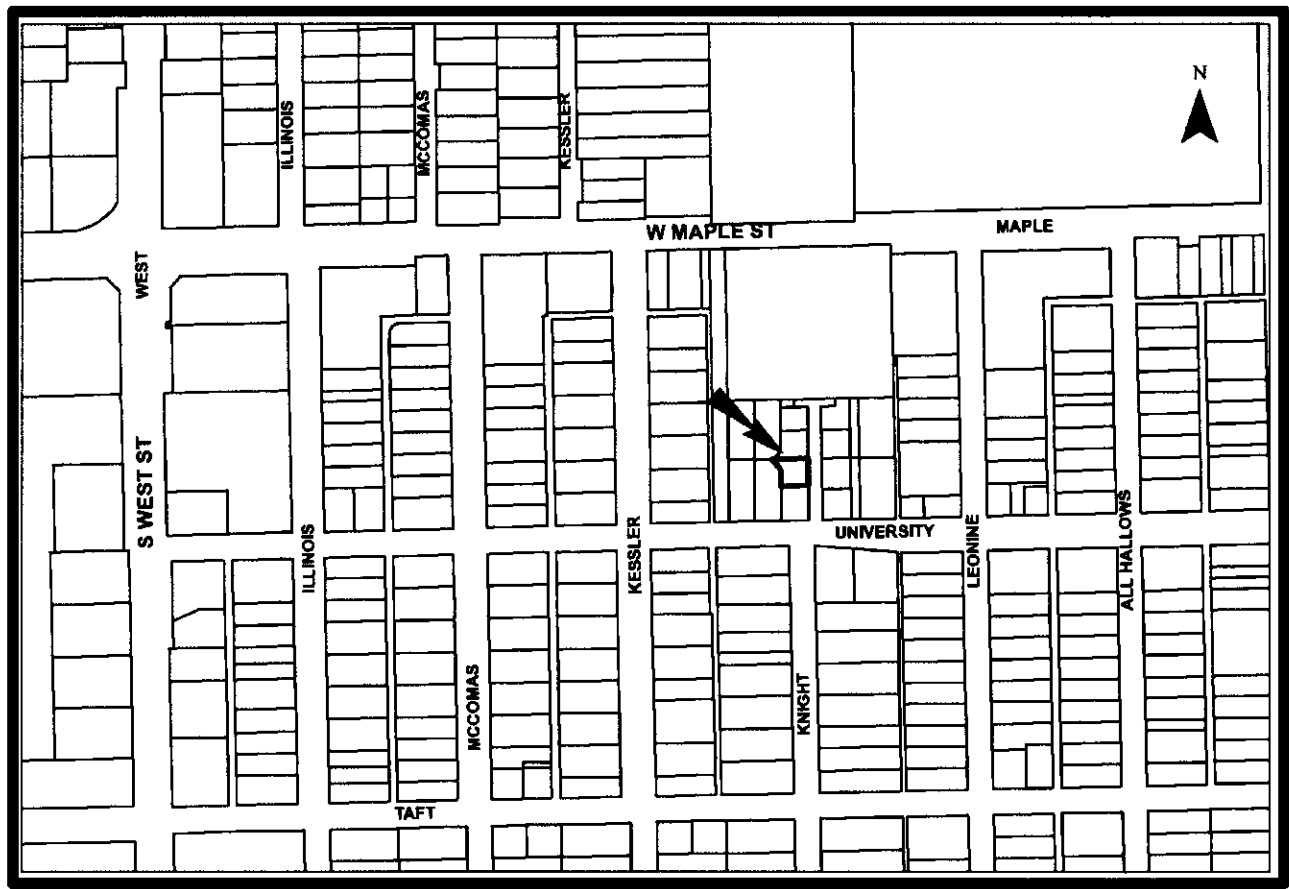
APPLICANT/AGENT: Marci Woodward (Moore), (owner)

REQUEST: City BZA Variance request to reduce the rear building setback from 15 to 11 feet for a building addition

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

SITE SIZE: .10 acres

LOCATION: North of West University Avenue and on the west side of University Court (3506 W. University Court)



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 existing single-family residence on the subject property was built in 1990 with a 15-foot platted rear yard setback. The subject lot is only 64 feet deep and 62 feet wide. The applicant wishes to construct an addition to the existing house within 11 feet of the rear property line, therefore the applicant requests a variance of the existing setback (see the applicant's attached site plan). The platted 15-foot rear yard setback is 5 feet less than the Unified Zoning Code (UZC) minimum 20-foot rear yard setback for the TF-3 Two-family Residential (TF-3) zoning district, and the platted 15-foot rear yard setback exceeds the 20% reduction allowed by an Administrative Adjustment. The applicant requested a vacation of the platted setback (VAC2014-13) to be heard by the MAPC on May 22, 2014. The site's rear property line is not encumbered by a utility easement, water is located in the street right-of-way and a storm water easement exists along the front property line.

The other seven lots on this portion of W. University Court are also zoned TF-3, they are also developed with single-family residences and all have the same 64-foot depth. Aerial photographs appear to demonstrate that most of the other residences have additions and accessory structures which encroach into the platted 15-foot rear yard setback. The next property north of University Court is zoned GC General Commercial (GC) and developed with a self-storage facility. Most other properties east and west of University Court and south of University Avenue are zoned SF-5 Single-family Residential (SF-5) and developed with single-family residences on lots of varying sizes. The lot immediately west of the subject property, and therefore closest to the requested setback reduction, is developed with a single-family residence on the southern portion of the lot; the proposed setback reduction is adjacent to a rear yard with existing trees and accessory structures.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3, GC	Single-family residences, self storage
SOUTH:	TF-3, SF-5	Single-family residences
EAST:	TF-3, SF-5	Single-family residences
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 in that it was platted as a 64-foot deep lot. Most lots in the TF-3 zoning district are at least 100 feet in depth.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a rear yard setback reduction would not adversely affect the rights of adjacent property owners. Properties north and south of the site have similar encroachments into the platted setback. The house on the lot to the west is south of the variance location; existing mature trees will buffer the reduced setback from the property to the west.

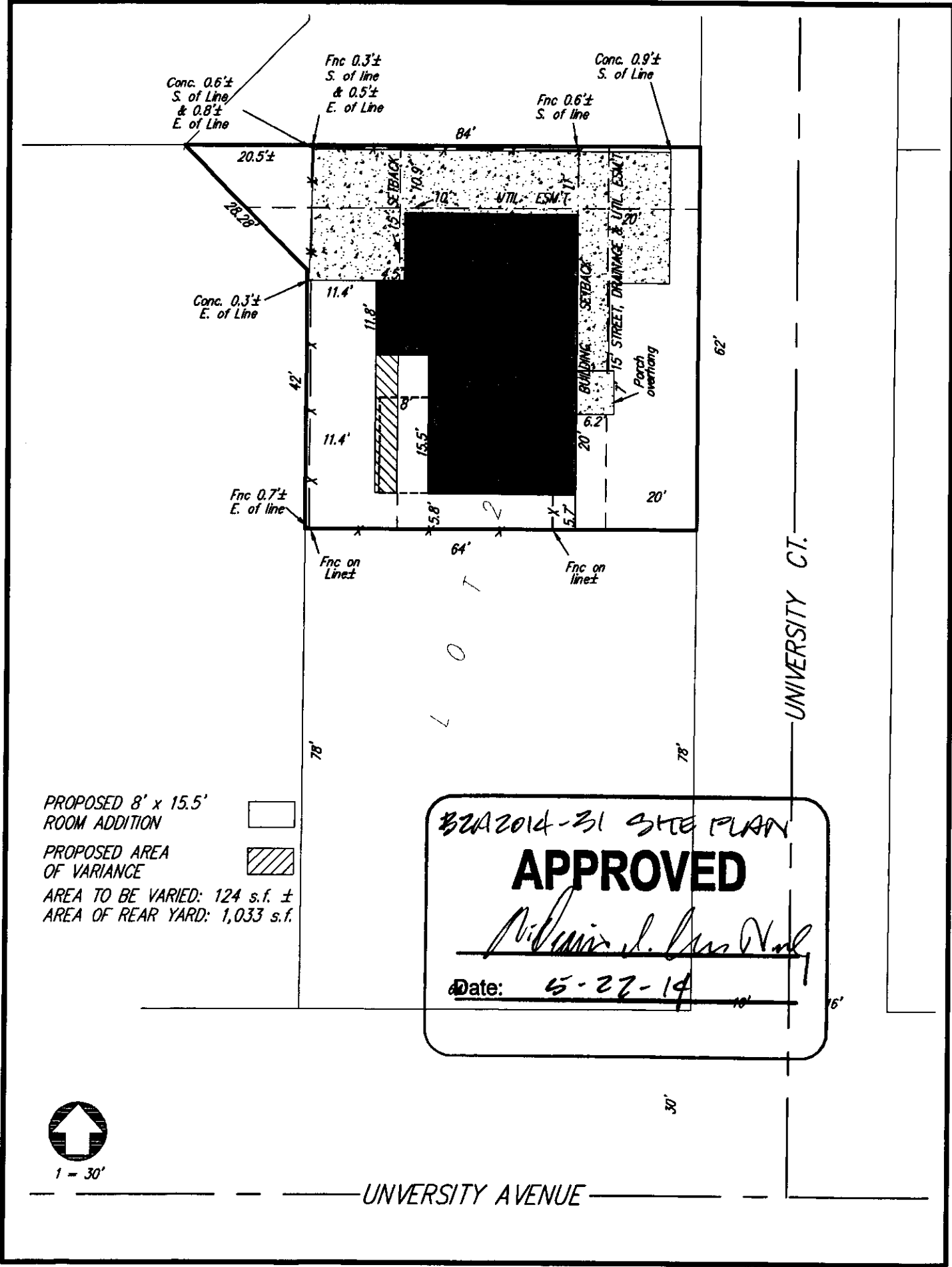
HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested variance, the applicant could not feasibly improve the property with a house addition.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest as no easements or right-of-way is affected, and as further improving this property is in the public interest.

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 setbacks are intended to ensure adequate separation between structures and to provide for a rear yard. Property to the west will maintain adequate separation from the proposed addition and the subject property will retain over 900 square feet of a rear yard.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the rear yard setback from 15 to 11 feet is appropriate for this site. 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 the addition shown on the site plan only. Any future additions or buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The addition 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.



PROPOSED 8' x 15.5'
 ROOM ADDITION
 PROPOSED AREA
 OF VARIANCE
 AREA TO BE VARIED: 124 s.f. ±
 AREA OF REAR YARD: 1,033 s.f.

BZA 2014-31 SITE PLAN
APPROVED
 [Signature]
 Date: 5-27-14

