



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 5, 2015

Kaw Valley Engineering, Inc  
c/o: Tim Austin  
200 N. Emporia  
Wichita, KS 67202

Wilton and Tina Dod  
11201 W. Valley Hills Dr.  
Wichita, KS 67212

**RE: BZA2015-00049** – City BZA Variance to reduce the street side setback to 0 feet and to reduce the required parking from 8 spaces to 6 spaces on property generally located at the southwest corner of 2<sup>nd</sup> Street North and North Vine Street (243 N. Vine.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 5, 2015**. 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,

A handwritten signature in black ink, appearing to read 'Derrick Slocum', written over a horizontal line.

Derrick Slocum  
BZA Secretary

cc: Tom Stolz, MABCD  
Mike Gable, MABCD  
JR Cox, MABCD  
Janet Miller, WCC VI CM  
Martha Sanchez, CLD VI

**BZA RESOLUTION NO. BZA2015-00049**

**WHEREAS**, Wilton and Tina Dod (Owners) and Kaw Valley Engineering; c/o Tim Austin (Agent) pursuant to Kansas Statutes Annotated 12-759, request a variance to reduce the street side building setback along 2<sup>nd</sup> Street from 10 to 0 feet and to reduce the required on-site parking from 8 spaces to 6 spaces on property zoned LC Limited Commercial; generally located at the southwest corner of the intersection of West 2<sup>nd</sup> Street North and North Vine Street (243 N. Vine St.)

Legal Description: Lots 1-4, Block 4; Junction Town Co. Addition to 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 5, 2015, 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; and

**WHEREAS**, the Board of Zoning Appeals has found that this property is unique in that orientation of the site (being triangular in shape) and location (street intersection at the north part of the property and railroad right of way along the south side of the property) can limit the development and expansion possibilities on the subject site. The property is further unique in that the platted right of way along 2<sup>nd</sup> Street North has a full 15 feet of spacing between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance for a street side setback and parking reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not impact adjacent property. Also, due to the nature of the use and the orientation of the subject site, only up to 6 parking spaces would be needed. This reduction and low need of parking would also reduce any traffic volume to and from the subject site.

**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, because without the requested street side setback and parking reduction variance, the applicants could not feasibly improve the property due to the difficult location and orientation of the subject site.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance for a setback and parking reduction will not adversely affect the public interest, as further improving this property is in the public interest and the proposed setback reduction will not impact the public right of way.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance for a setback and parking reduction does not oppose the general spirit and intent of the Zoning Code. Street side

building setbacks are intended to ensure adequate separation between structures and the public right-of-way. In this case, the right-of-way has 15 feet of separation between the private property line and the paved street.

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

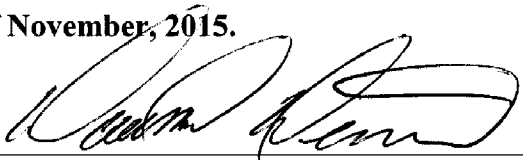
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, request a variance to reduce the street side building setback along 2<sup>nd</sup> Street from 10 to 0 feet and to reduce the required on-site parking from 8 spaces to 6 spaces on property zoned LC Limited Commercial; generally located at the southwest corner of the intersection of West 2<sup>nd</sup> Street North and North Vine Street (243 N. Vine St.)

Legal Description: Lots 1-4, Block 4; Junction Town Co. Addition to Wichita, Sedgwick County, Kansas.

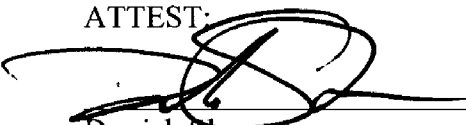
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. Any other future construction on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. Any addition shall meet building code, fire code and all other applicable code requirements.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**ADOPTED AT WICHITA, KANSAS, this 5<sup>th</sup> Day of November, 2015.**

  
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BZA Board Chair, David Dennis

ATTEST:

  
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Derrick Slocum  
BZA Secretary

**SECRETARY'S REPORT**

**CASE NUMBER:** BZA2015-00049

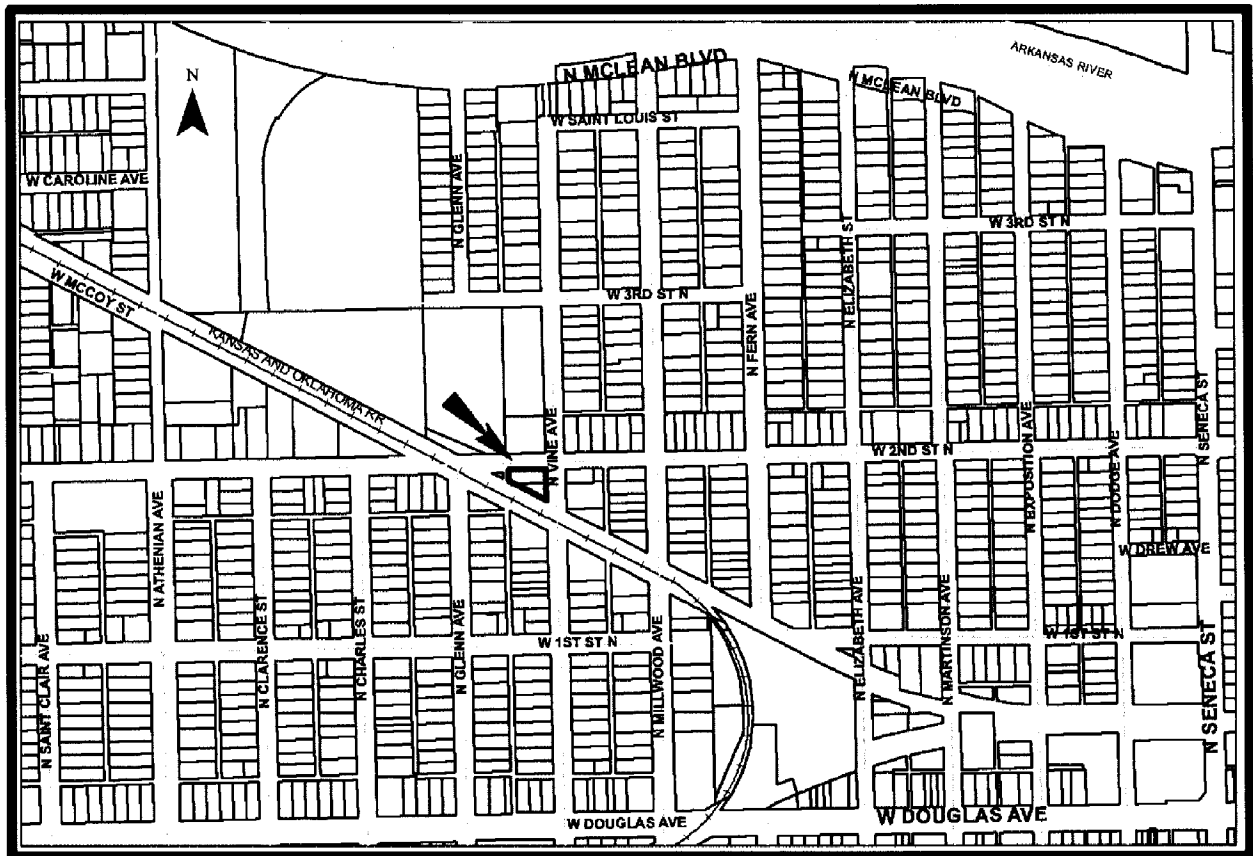
**APPLICANT/AGENT:** Wilton and Tina Dod (Owners)  
Kaw Valley Engineering; c/o Tim Austin (Agent)

**REQUEST:** City BZA Variance request to reduce the street side building setback along 2<sup>nd</sup> Street from 10 to 0 feet and to reduce the required on-site parking from 8 spaces to 6 spaces.

**CURRENT ZONING:** LC Limited Commercial ("LC")

**SITE SIZE:** 0.26 acres

**LOCATION:** Located at the southwest corner of the intersection of West 2<sup>nd</sup> Street North and North Vine Street (243 N. Vine St.)



**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 subject site is zoned LC Limited Commercial ("LC") and is triangular in shape, with 140 feet of street frontage along 2<sup>nd</sup> Street to the north, 115 feet of frontage along Vine St. to the east, 160 feet of frontage along the railroad right of way to the south and a scant 43 foot long west property line. The 2<sup>nd</sup> Street frontage is the street side of the subject site, with the setback requirement of 10 feet. The existing structure on the site was built in 1945 and due to its close proximity to the railroad right of way, Vine St. right of way and with the property only being 43 feet wide to the west, the only viable area to expand is the area north of the existing structure, with frontage along 2<sup>nd</sup> Street. The applicant is also requesting a reduction of the required 8 parking spaces, down to 6 spaces. This request is based on the related information that the property has a limited area to place off-street parking spaces.

The proposed use for this building expansion is an office warehouse combination and this variance request would allow the owner to expand their existing warehouse space due to increased business. This variance request would allow the applicant more area on the subject site to expand the existing structure for the increased warehouse space and also allow space for parking, the required parking of which is needing to be reduced by just two spaces (8 spaces to 6 spaces.) Properties to the east of the subject site, along 2<sup>nd</sup> Street are also built up to the sidewalk along 2<sup>nd</sup> Street.

Property south of the site is primarily railroad right of way, but south of the right of way is property zoned LC and developed with a single-family residence. Property to the north, across 2<sup>nd</sup> Street, is zoned LI Limited Industrial ("LI") and is developed with a manufacturing operation. Property to the east, across Vine St., is zoned SF-5 Single-family Residential ("SF-5") and TF-3 Two-family Residential ("TF-3") and is developed with a single-family residence and a multi-family residential structure, respectfully. Property to the west is zoned LC and is currently vacant. Most surrounding properties were developed between 1910 and 1950, prior to the current zoning code setback requirements. This particular stretch of 2<sup>nd</sup> Street, between Vine Street and Athenian Avenue is developed with warehousing and manufacturing type uses.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LI	Manufacturing
SOUTH:	LC	Single-family residence
EAST:	SF-5 and TF-3	Single-family and Multi-family residences
WEST:	LC	Vacant

*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 orientation of the site (being triangular in shape) and location (street intersection at the north part of the property and railroad right of way along the south side of the property) can limit the development and expansion possibilities on the subject site. The property is further unique in that the platted right of way along 2<sup>nd</sup> Street North has a full 15 feet of spacing between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for a street side setback and parking reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not

impact adjacent property. Also, due to the nature of the use and the orientation of the subject site, only up to 6 parking spaces would be needed. This reduction and low need of parking would also reduce any traffic volume to and from the subject site.

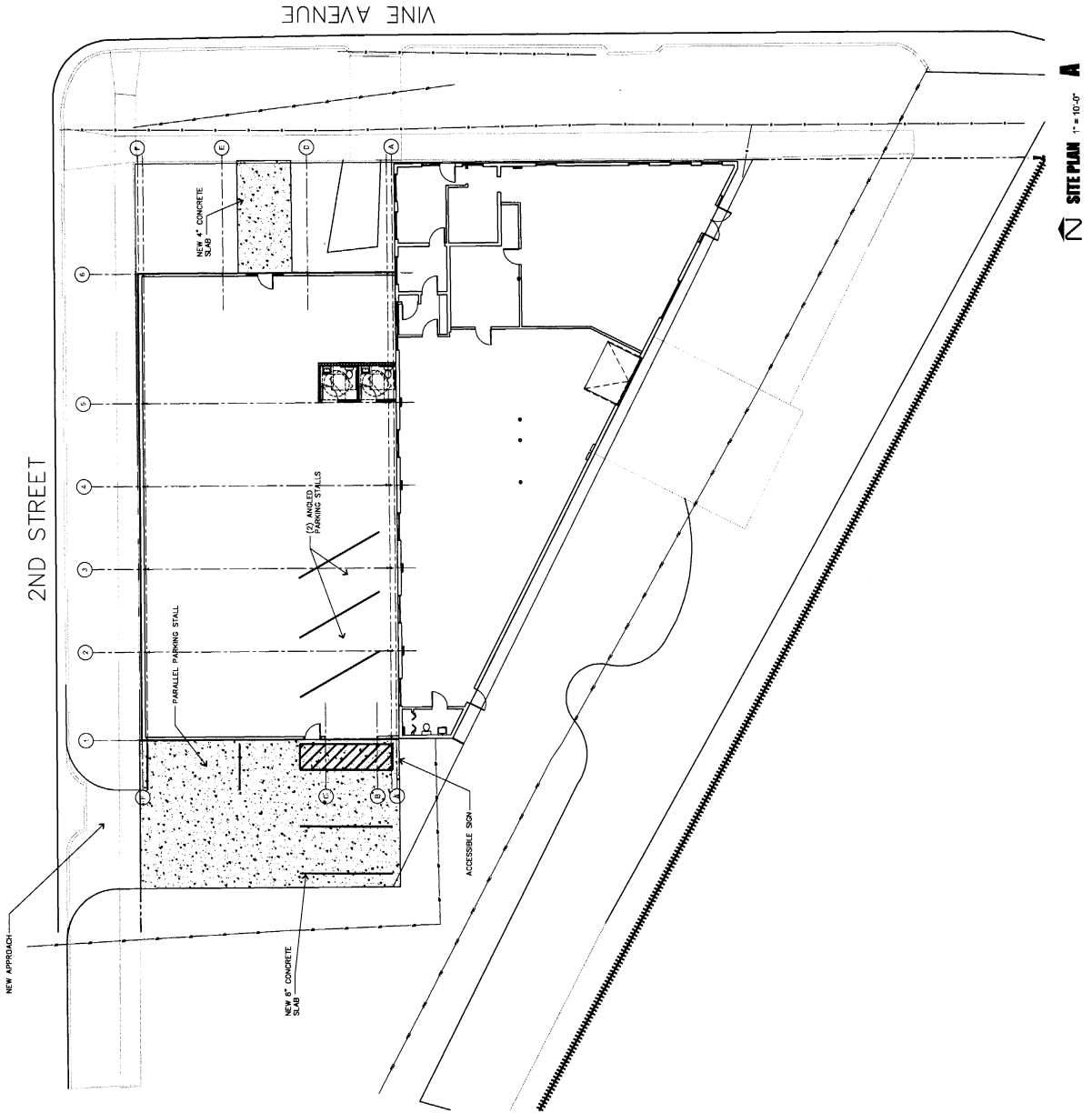
**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested street side setback and parking reduction variance, the applicants could not feasibly improve the property due to the difficult location and orientation of the subject site.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a setback and parking reduction will not adversely affect the public interest, as further improving this property is in the public interest and the proposed setback reduction will not impact the public right of way.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for a setback and parking reduction does not oppose the general spirit and intent of the Zoning Code. Street side building setbacks are intended to ensure adequate separation between structures and the public right-of-way. In this case, the right-of-way has 15 feet of separation between the private property line and the paved street.

**RECOMMENDATION:** It is staff's opinion that the requested variance of the Zoning Code to reduce the street side setback requirement from 10 feet to 0 feet and to reduce the parking requirement from 8 spaces to 6 spaces 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. Any other future construction on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. Any addition shall meet building code, fire code and all other applicable code requirements.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



**SITE PLAN** 1" = 10'-0" **A**