



STAFF REPORT

City of Arkansas City Neighborhood Services Division

Josh White, Principal Planner

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CASE NUMBER
BZA-2022-210

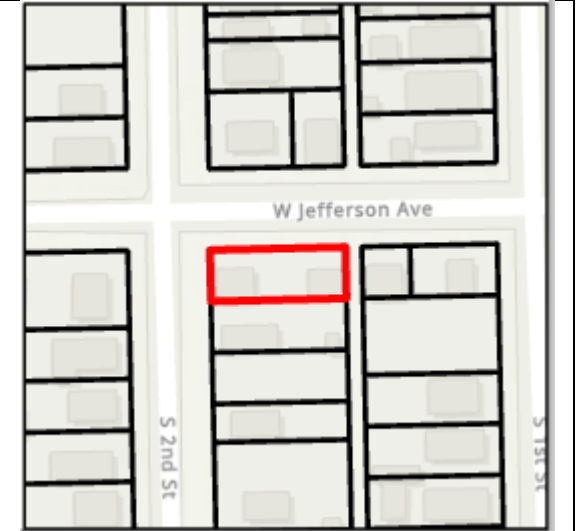
APPLICANT/PROPERTY OWNER
Delbert & Lela Morgan Trust/Kim Wickham, Trustee

PUBLIC HEARING DATE
September 13, 2022

PROPERTY ADDRESS/LOCATION
211/217 W Jefferson Ave

BRIEF SUMMARY OF REQUEST

Kim Wickham has requested a variance to the minimum lot size regulations. The subject property is located at 211/217 W Jefferson Avenue. The property is currently developed with two homes. The area surrounding the property is residential. Residential surrounds the property. The applicants are planning a lot split that splits 211 W Jefferson Ave from 217. This will result in a lot that does not meet the minimum size requirements for the district. Regulations allow for a minimum lot size of 5,600 square feet. The proposal is for a lot that is only 3,834 square feet and another of 2,807.6 square feet. The resulting setbacks would either meet the standards or otherwise have established legally non-conforming status and would be allowed to remain. The property is approximately 0.15 acres. While staff has some reservations about creating such small lots, the houses are already in place and this would not create further non-conformance nor increase the density of buildings. There are also other similarly sized lots in the immediate neighborhood.



Map data ©2022 Esri World Topographic map

EXISTING ZONING R-3 High Density Residential District	EXISTING LAND USE Single Family Residential	SURROUNDING ZONING North-R-3 South-R-3 West-R-3 East-R-3	SITE IMPROVEMENTS Single Family Dwellings and accessory structures	SIZE OF PROPERTY Existing: 50X132' Proposed: 50X76' and 50X56'
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?

The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.

PROPERTY HISTORY

According to county records both houses were built in 1910. The homes received interior remodels in 2018. No other land use cases were found to be on file for this property other than the lot split that triggered this request.

RELIEF SOUGHT:

- A variance for a lot split that would result in lot sizes of only 3,834 & 2,807.6 square feet.

Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

1. Does the variance requested arise from a 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 action of the property owner or applicant?

Not technically. However, the second home was built prior to any regulations on setbacks or minimum lot sizes. Other homes in the vicinity of this site are similarly sized lots to the proposal including 501 S 1st St, 207, 214, 320, 322 and 324 W Jefferson Ave.

2. Will the granting of the variance adversely affect the rights of adjacent property owners?

No, there are already similar sized lots created prior to the regulations in this neighborhood. Use, parking, access, structures will all remain the same.

3. Will the strict application of the provisions of the zoning regulations of which the variance is requested constitute unnecessary hardship upon the property owner represented in the application?

The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.

4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

The variance desired will not affect the public health, safety morals, order, convenience, prosperity or general welfare.

5. Will the granting of the variance be opposed to the general spirit and intent of the zoning regulations and Comprehensive Plan objectives?

The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives. Granting of variances to setbacks is a common occurrence when specific provisions create a hardship on the applicant. Also, there are already similarly sized lots in the neighborhood.

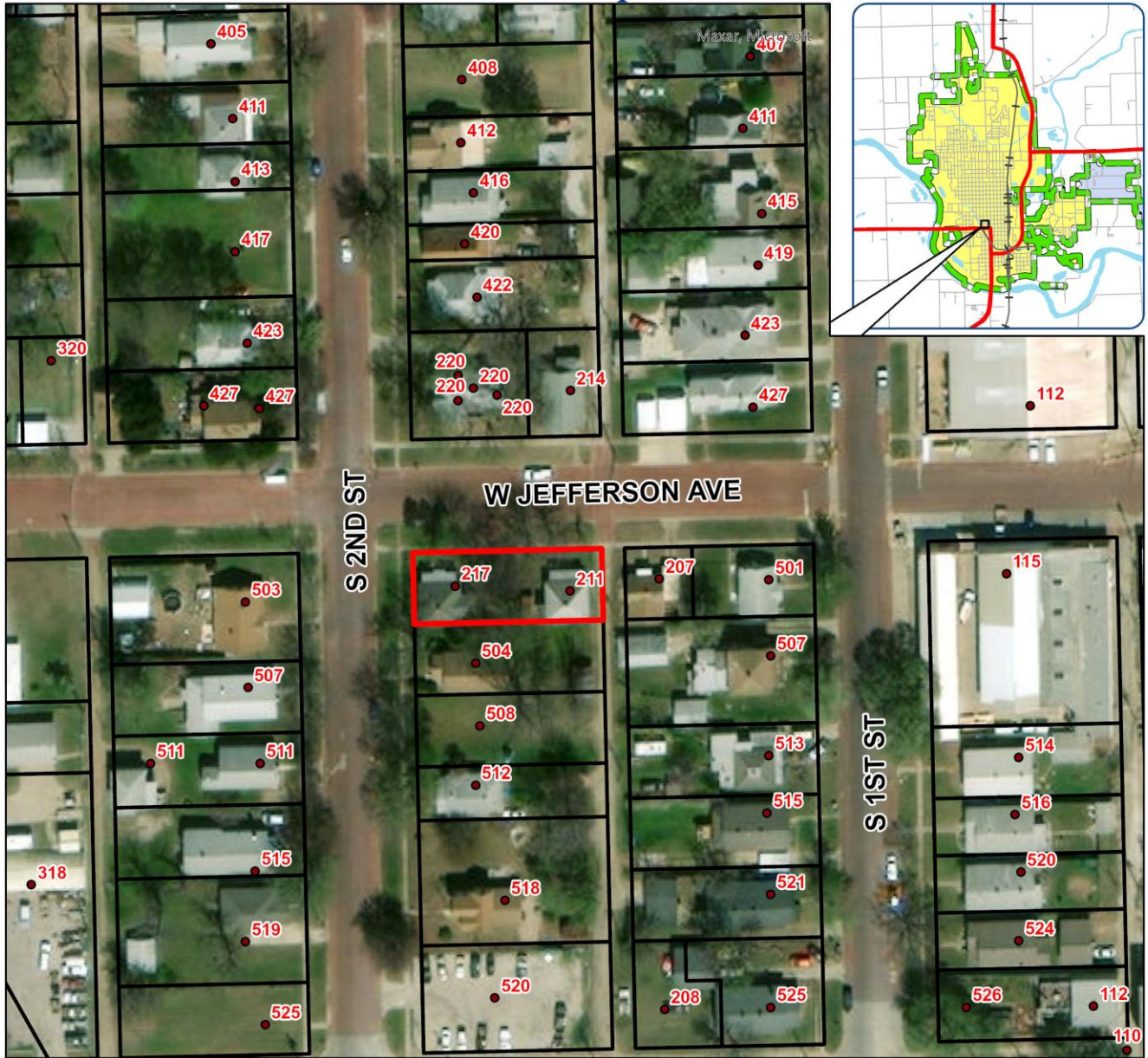
6. The recommendations of professional staff;

It is the recommendation of staff that a variance for a lot split that would result in lot sizes of only 3,834 & 2,807.6 square feet be approved based on the following conclusions:

- The strict application of the zoning regulations would cause the applicant to not be able sell the second house separately.
 - The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.
 - The structures were all built previous to the current regulations regarding setbacks.
 - Other properties in the immediate neighborhood are similarly sized.
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Area map

Variance Request



A request for a variance to the minimum lot size for a proposed lot split at 211 & 217 W Jefferson Ave. The proposal is to split 211 off of 217 and the resulting lots would not be large enough to meet the zoning regulations. The existing homes will remain.

Minimum allowed: 5600 square feet
Proposed: 3834 and 2807.6 square feet

-  City Limits
-  BZA-Variance
-  Property Lines

Produced by the City of Arkansas City GIS using the best available data to date.
Created: August 16, 2022



Neighborhood Photos



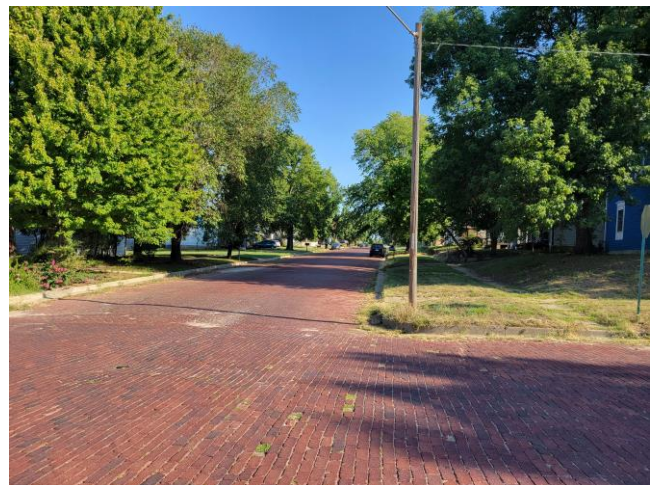
The subject property-211 W Jefferson



217 W Jefferson



Looking to the east along Jefferson Ave



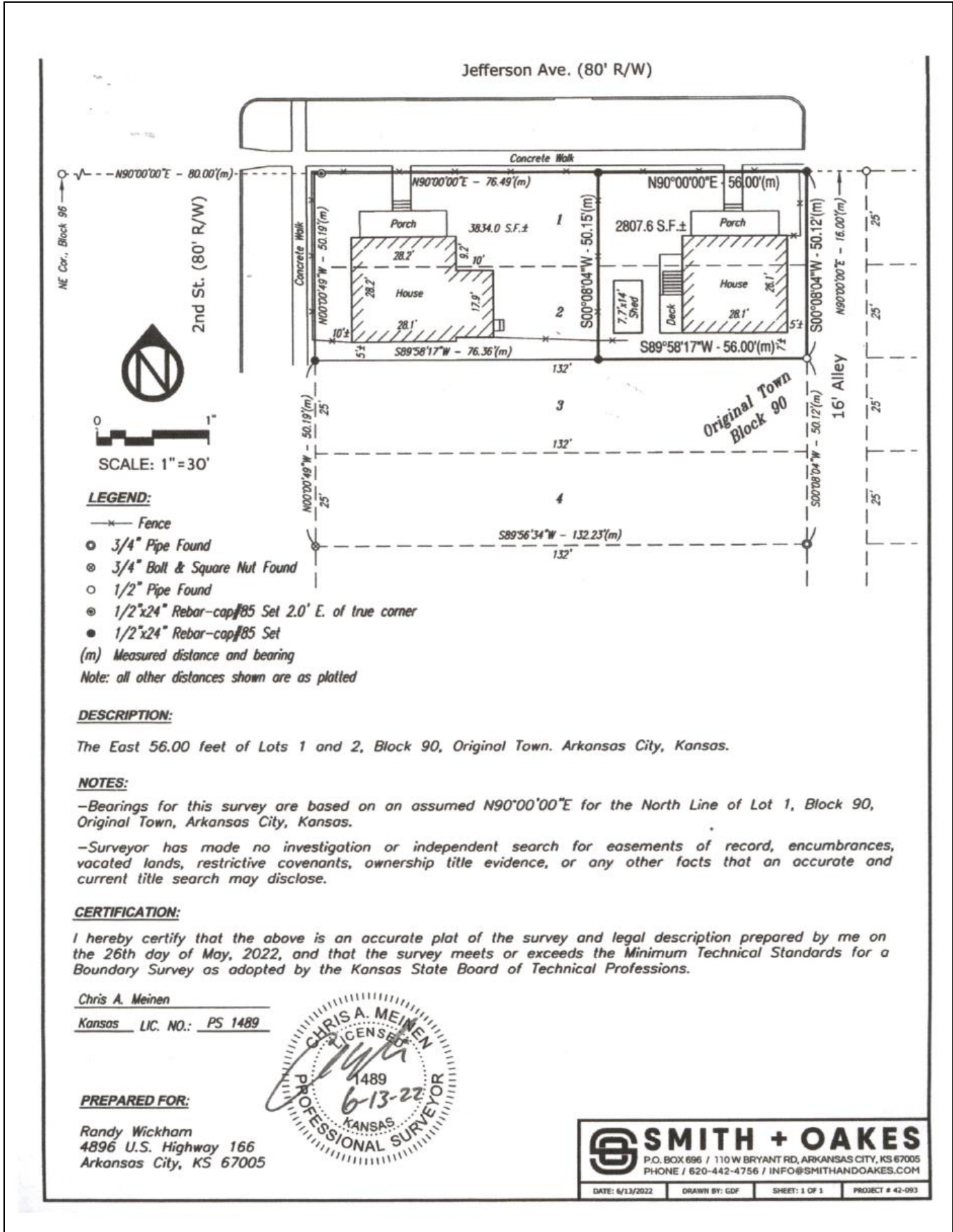
Looking to the north along 2nd Street



Looking to the south along 2nd Street

All photos by Josh White taken 9/6/22

Survey of East Lot



LEGEND:

- *— Fence
 - 3/4" Pipe Found
 - ⊗ 3/4" Bolt & Square Nut Found
 - 1/2" Pipe Found
 - ⊗ 1/2"x24" Rebar—cap#85 Set 2.0' E. of true corner
 - 1/2"x24" Rebar—cap#85 Set
- (m) Measured distance and bearing
 Note: all other distances shown are as plotted

DESCRIPTION:

The East 56.00 feet of Lots 1 and 2, Block 90, Original Town, Arkansas City, Kansas.

NOTES:

- Bearings for this survey are based on an assumed N90°00'00"E for the North Line of Lot 1, Block 90, Original Town, Arkansas City, Kansas.
- Surveyor has made no investigation or independent search for easements of record, encumbrances, vacated lands, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

CERTIFICATION:

I hereby certify that the above is an accurate plat of the survey and legal description prepared by me on the 26th day of May, 2022, and that the survey meets or exceeds the Minimum Technical Standards for a Boundary Survey as adopted by the Kansas State Board of Technical Professions.

Chris A. Meinen
 Kansas LIC. NO.: PS 1489



PREPARED FOR:

Randy Wickham
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Survey of West lot

