

3-59 Mrs. Paul J. Neuman

August 20, 1959

Mrs. Paul J. Neuman
956 Perry
Wichita 3, Kansas

Dear Mrs. Neuman:

In response to your telephone conversation of August 19, 1959, I have discussed your construction problem at length with the Building Inspection Superintendent. I am advised by him that this problem is not a matter of Building Code enforcement, but is rather a matter of zoning ordinance interpretation and enforcement.

The zoning ordinance prescribes, in general terms that a basic front yard set back of 25 feet shall be maintained in this residential district. The zoning ordinance also provides a formula by which this 25 foot front yard set back may be increased to some degree depending upon the location of other structures within the block. The Building Inspection Superintendent has indicated that by the application of this formula the front yard set back for your property should be 27 feet.

The zoning ordinance also provides in general terms that an open porch may extend into the front yard setback area by a distance not to exceed 8 feet.

As the problem has been described to me, it would appear that there are two questions involved with your proposed construction.

1. You have indicated that you propose to enclose the porch with "sliding panels of glass and screen reaching from floor to ceiling." It has been interpreted by the Building Inspection Superintendent that this would in effect make a closed porch rather than an open porch as would be permitted by the zoning ordinance. The question which arises here then is one of interpretation - "Does the installation of 'sliding panels of glass and screen' constitute an enclosure?"
2. If it is agreed that the installation which you propose would constitute an enclosure, then the question becomes one of a request for variance from the front yard set back requirements as established by the zoning ordinance.

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Each of the two questions suggested above may be presented to the Board of Zoning Appeals if you care to do so. In the first instance, you might choose to appeal the interpretation of the Building Inspection Superintendent, in which event you would contend to the Board that a glass-screen enclosure is not in effect an enclosure but maintains an open porch and an open situation.

If you prefer, you may request the Board of Zoning Appeals to grant a variance from the front yard set back requirements established by the zoning ordinance. The Building Inspection Superintendent has indicated that the porch in which you propose to install the panels extends to a point 21 feet from the front line of the lot. If you choose to request a variance, therefore, it would be necessary for you to request the Board to grant a variance of 6 feet from this front yard set back requirement.

Included with this letter are duplicate copies of an application for appeal of the interpretation of the Building Inspection Superintendent and an application for a variance. An instruction sheet is included with each set of forms. These instruction sheets will explain the manner in which the forms are to be completed and will define the documents which must accompany either of the applications.

The next meeting of the Board of Zoning Appeals at which this matter could be considered will be held on September 22, 1959. If you wish to present this matter to the Board on that date, it will be necessary for your application and associated documents and fee to be filed as indicated in the instruction sheets no later than September 1, 1959.

If we may be of any further assistance to you in this matter, please do not hesitate to call on us.

Very truly yours,

Leland R. Edmonds,
Secretary

LAE:sdh

Enclosures 2

c. c. Beech Maple

Wichita, Kansas
August 11, 1959

Dear Mr. Rymph:

In repairing our home we find ourselves handicapped by a city regulation which will permit us to enclose our front porch with any sort of cloth, including burlap, but prevents us from using modern sliding panels of glass and screen reaching from floor to ceiling. It seems we will be obstructing our neighbors' view with glass, but not so the burlap.

Before planning our improvements a check was made with the Building Permit office at City Hall. As these panels are a comparatively new product and no contractor we consulted had made an installation such as ours, I took along pictures to show what we planned. No stationary part of our panels was closer to the wall of the house than approximately four feet. My impression was that our improvements would be approved.

At the opposite end of our block a front porch which protrudes beyond the front of the house next door was boarded up to form a definite room with the windows on hinges. The owner of this house at the time this change was made, and who would have no reason to misrepresent the matter to us, tells us she had a permit for this work. City Hall says no such permit was given. In any case, why should regulations be different on opposite ends of the same block in a residential district.

Thanking you for your courtesy, we remain

Very truly yours,

Mr. and Mr. Paul J. Neuman

956 Perry Avenue,
Wichita 3, Kansas

BUILDING INSPECTION DIVISION

August 13, 1939

E. E. Smith, Director of Public Works

S. E. Maple, Supt. of Building Inspection

236 PINE

You have referred the letter received by City Commissioner Lynch from Mr. and Mrs. Paul V. Homan of this address, relative to their inability to obtain a building permit to enclose the front porch of this building, to this office for a report.

This property is in an "A" residential zoning district, and a brief rundown of front yard setback requirements is this: The basic setback for the "A" district is 25'. Where it is desired to establish the front setback line for a property which adjoins on one side only property on which there is an existing building, the average distance between the setback of the existing building and 25' is used. This would make a setback of the property in question at number 936 of 27'. The front of the porch that is desired to be enclosed is 21' from the front line of the lot.

The ordinance further provides that a porch having any wire enclosure features than screen wire and a railing shall not encroach into the required front yard. There is no provision for an enclosure of glass, regardless of the amount of glass which is used.

In checking into this matter I find that as long ago as sometime last fall two of the clerks in this office remember talking to a lady about the enclosing of this porch and informed her that it would not be possible to do so. About 30 days ago a contractor came into the office and made application for a building permit to enclose the porch in question. He was refused the permit on the grounds that it would be in violation of the zoning ordinance. The same day Mrs. Homan came to our office and Mr. McGig, Assistant Supt. of Building Inspection, and one or two of the clerks explained to her the reason why the permit could not be issued. She later returned with Mr. Homan, who had pictures of the house, and there was further conversation with him relative to the matter.

Following this, Jack Miller, field inspector, paid a visit to the property and endeavored to show why the enclosure would be in violation of the zoning ordinance. At that time he observed that the job had already been started, which of course was done without a building permit, and therefore was a technical violation of the building code, which states that permits shall be obtained before work is commenced.

Relative to the matter that she refers to in her letter, Mr. McGig states that he told her that there could be no enclosing features but that a roll type awning such as is sometimes placed on porches to keep out inclement weather and sunbath would be permissible, and that usually these awnings

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are made of either canvas or bamboo slats. Should the porch be enclosed with burlap as she stated that she believed she could do within the ordinance, it is believed that there would be a violation, since there is no provision for this sort of an enclosure. These sliding glass doors are rather new but it is only a different way to use an old material. As far as the looks of them are concerned they look very nice but it is believed that that is not apropos of the question. There is no doubt in my mind but that after these glass doors were installed there would be some type of drapes placed on the inside. Therefore it is quite questionable that neighbors would be able to see through the glass as she states they could.

The property at 901 Perry that she refers to has an enclosed front porch which projects a few feet into the required front yard line. Our records show that there was no permit issued for this work, but in March of 1939 there was a permit issued to screen in the porch, and our records further show that this was done.

In my opinion, the only means for relief for the Neumans for this matter is to appeal to the Board of Zoning Appeals which might feel that they could take jurisdiction in the matter and grant them some relief.

I am attaching two pictures of the property in question that were taken by Mr. Miller of our office, which show the condition as it now exists and the amount of work that was done on the job before a permit was requested. This work consists of removing the existing front posts at the corners of the porch and partially installing the glass frames.

S. W. Maple
Superintendent of Building Inspection

SMW:MD