CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 9, 2008

Phomma Chounramany
4400 Hemlock
Wichita, KS 67216

Mike Utterback
6923 Garden Ridge Ct.
Wichita, KS 67208

RE: **BZA2008-29** – County variance request to reduce the front setback from 20 to 14 feet in SF-5 Single-family Residential zoning. **Generally located north of Hemlock and west of Clifton (4400 S Hemlock).**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the County Board of Zoning Appeals on December 9, 2008, and an approved site plan. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc: Gwen Welshimer, BOCC, District 5, Mail Stop County Suite 320
Bob Parnacott, County Law Dept., Mail Stop, County Suite 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

BZA RESOLUTION NO. 2008-29

WHEREAS, Phomma Chounramany (Owner/Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Unified Zoning Code to reduce a front setback from 20 to 14 feet in SF-5 Single-family Residential zoning on the following property:

Lot 49, Block 30, Oaklawn, Sedgwick County, Kansas. Generally located north of Hemlock and west of Clifton (4400 S Hemlock).

WHEREAS, proper notice as required by ordinance and by the rules of the Sedgwick County Board of Zoning Appeals has been given; and

WHEREAS, the Sedgwick County Board of Zoning Appeals did, at the meeting of December 9, 2008, consider said application; and

WHEREAS, the Sedgwick County 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 Sedgwick County Board of Zoning Appeals has found that this property is unique as it was platted in 1951 and originally developed in 1952. The residence was built at the 20-foot platted front setback with a front porch encroaching into the setback.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variance for a front setback reduction from 20 to 14 feet would not adversely affect the rights of adjacent property owners, as the changes to this site were limited to enclosing an existing front porch. Many residences in the immediate neighborhood have additions, some of which do not conform to code setbacks. Therefore the requested variance is not out of character with the neighborhood. The application site, with the addition, has a higher quality appearance than many surrounding residences.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the strict application of the provisions of the Sign Code of which a variance is requested would constitute an unnecessary hardship upon the applicant as the applicant has no room to further develop the front of the home without encroaching into the front setback. Strict application of the provisions of the code would prevent the applicant from expanding the home in the most economical way possible.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the requested variance for a front setback reduction from 20 to 14 feet will not adversely affect the public interest, provided that building and fire codes are followed. The public right-of-way is not affected by the proposed setback reduction. It is staff's opinion that allowing property owners to improve their properties, consistent with health and safety code requirements, is in the public interest.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variance for a front setback reduction from 20 to 14 feet does not oppose the general spirit and intent of the Zoning Code, as the desired separation between buildings is maintained and public right-of-way is not affected.

WHEREAS, each of the five conditions required by Kansas Statues Annotated 12-759 *et. seq.*, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals,

pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, a variance to the Unified Zoning Code to reduce a front setback from 20 to 14 feet in SF-5 Single-family Residential zoning on the following property:

Lot 49, Block 30, Oaklawn, Sedgwick County, Kansas. Generally located north of Hemlock and west of Clifton (4400 S Hemlock).

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 front setback variance from 20 to 14 feet shall apply to the addition identified on the site plan only. All future building projects must conform to the Zoning Code unless additional variances or adjustments are granted.
3. The propsed building shall obtain necessary permits, and shall conform to all other codes including but not limited to building, health, and fire.
4. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

ADOPTED AT WICHITA, KANSAS, this 9th DAY of December, 2008.

Grant Tideman, COBZA Chairman

ATTEST:

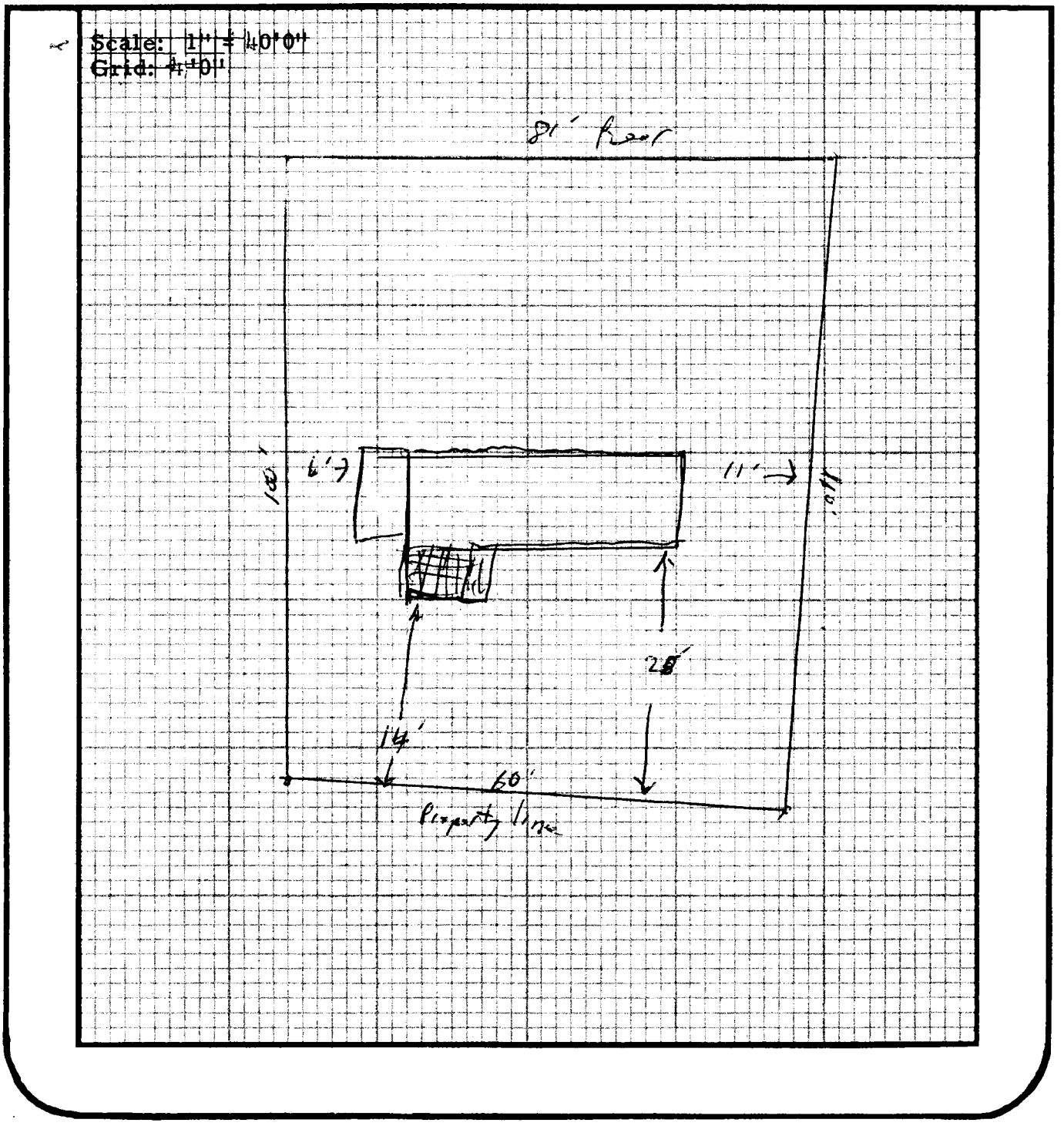
Jess McNeely, BZA Secretary

RESIDENTIAL PLOT PLAN

ADDRESS: 4430 S. Hemlock PERMIT NO.

LOT(S): 49 BLK. 30 OF Oaklawn Subdivision ZONING SF-5

REQUIRED SETBACKS: FRONT 26' SIDE 6' SIDE 6' REAR



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: _____
(Applicant)

White Copy - File Yellow Copy - Applicant

Form No. 225-345 (4-85)