BACKGROUND: The applicant is requesting a variance of the rear yard setback from 20 feet to 8 feet on the south side of a single-family residential lot located at the southwest corner of Tulsa and Pattie. A new garage is proposed to be attached to the existing residence by means of a breezeway with storm cellar underneath it. The existing house does not have a basement. Because the garage will be attached to the house, it will become part of the main structure and thus have the 20-foot rear yard requirement. A detached garage could be built to within 5 feet of the rear property line, were it not for the platted 8-foot utility easement. No foundation, footing or overhang is permitted in this utility easement.

The shallow depth of the lot (102 feet) would not allow a 24-foot wide garage to be attached to the building, even if the breezeway were deleted.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	One-family dwelling
WEST	"AA"	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the shallow depth (102 feet) of the lot would be insufficient to permit an attached two-car garage and still observe a 20-foot rear yard setback.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the proposed garage location would maintain a 25-foot setback from Pattie and thus not block the view to or from the house to the south and also the location of the proposed attached garage would be no closer to the south property line than would be permitted for a detached garage.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the garage would have to be limited to a one-car garage or the breezeway with storm cellar would have to be eliminated so that the garage becomes a detached accessory building.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed improvements will not interfere with any existing or needed street right-of-way or utility easement.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there will still be sufficient setback between the garage and south property line to provide for adequate air, light and pedestrian circulation.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following condition :

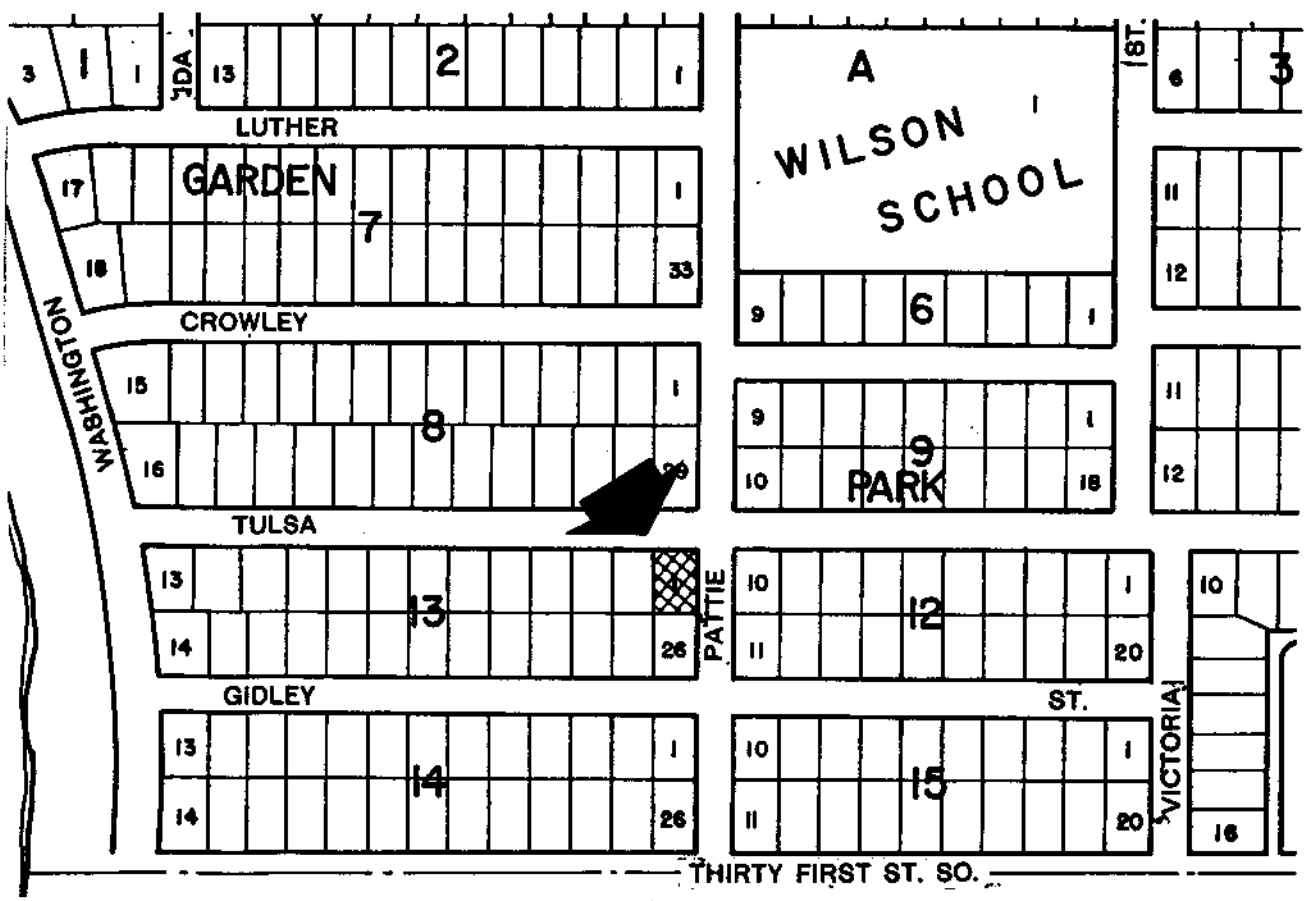
1. The garage shall be constructed at substantially the same location as shown on the site plan submitted with this application and no footings, foundations or overhangs shall encroach into any utility easement.

BOARD OF ZONING AP ALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
June 28, 1988

SECRETARY'S REPORT

CASE NUMBER:	BZA 23-88
OWNER/APPLICANT/AGENT:	John A. Van Walleghen (owner/applicant) Mark Crawford, Crawford Construction (agent)
REQUEST:	Variance to reduce the rear yard setback from 20 ft. to 8 ft.
CURRENT ZONING:	"AA" One-Family Dwelling District
SITE SIZE:	73 ft. x 102 ft.
LOCATION:	Southwest corner of Tulsa and Pattie
PROPOSED USE:	New garage attached to residence by a breezeway



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 the State Statutes, are found to exist.

THE CITY OF WICHITA

BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

July 1, 1988

John A. Van Walleghen
1239 Tulsa St.
Wichita, KS 67216

Re: BZA 23-88 - Variance to reduce rear yard setback (1239 Tulsa)

Dear Mr. Van Walleghen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1988. This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have questions concerning this matter, please call our office.

Sincerely yours,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm

cc: Mark S. Crawford, Crawford Construction, 409 W. Osie, Wichita, KS, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

subject to the following condition:

1. The garage shall be constructed at substantially the same location as shown on the site plan submitted with this application and no footings, foundations or overhangs shall encroach into any utility easement.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1988.

Sharon Ryan, President

ATTEST:

Louise Olivarez, Assistant Secretary

RESOLUTION NO. BZA 23-88

WHEREAS, John A. Van Walleghen, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> Lot 1, Block 13, Garden Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Tulsa and Pattie Streets (1239 Tulsa).

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 June 28, 1988, 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 the variance arises from such 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 an action or actions of the property owner or the applicant inasmuch as the shallow depth (102 feet) of the lot would be insufficient to permit an attached two-car garage and still observe a 20-foot rear yard setback; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed garage location would maintain a 25-foot setback from Pattie and thus not block the view to or from the house to the south and also the location of the proposed attached garage would be no closer to the south property line than would be permitted for a detached garage; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the garage would have to be limited to a one-car garage or the breezeway with storm cellar would have to be eliminated so that the garage becomes a detached accessory building; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that the proposed improvements will not interfere with any existing or needed street right-of-way or utility easement; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as there will still be sufficient setback between the garage and south property line to provide for adequate air, light and pedestrian circulation; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> Lot 1, Block 13, Garden Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Tulsa and Pattie Streets (1239 Tulsa).