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 side yard setback reduction from 6 feet to 3.5 feet shall apply to only the north side yard where the existing garage is now located (beginning approximately 110 feet behind the front property line and continuing west for approximately 35 feet).

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

May 23, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 16-89

OWNER/APPLICANT/AGENT: Kenneth Young (owner/applicant)
Fonda Koening (agent)

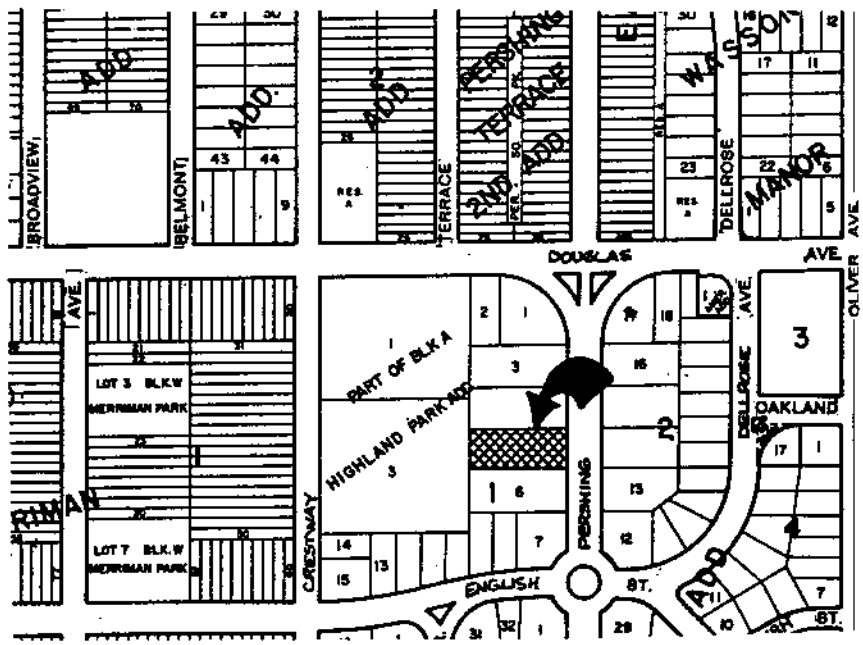
REQUEST: Variance to reduce the side yard setback from 6 feet to 3.5 feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 100 feet x 245 feet

LOCATION: West side of Pershing in an area north of English.

PROPOSED USE: Existing detached garage to be connected to existing residence.



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.

BACKGROUND: The applicant is requesting reduction of the side yard setback requirement from 6 feet to 3.5 feet to allow a connecting structure to be built between an existing detached garage and house. The garage has sufficient setback for a detached accessory structure, but if connected to the house it will become part of the main structure with a 6-foot side yard requirement. The applicant has recently purchased this property and desires to construct an 8-foot-wide enclosed corridor between the garage and house in order to provide more security and protection from the weather when traversing between the two buildings.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	One-family dwelling
WEST	"AA"	Church parking lot

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the garage which requires this variance has existed for many years at a location on the property which meets the setback requirements for a detached accessory building, but because a connecting structure is to be added between the garage and the house, the setback requirement will be greater due to its reclassification as part of the main structure.

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 construction will be in the center of the lot and will not in any way obstruct the light, air or circulation for any adjacent property.

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 without this variance, the garage cannot be connected to the house and thus a more secure and protected entrance into the house cannot be provided.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no utility easement or street right-of-way will be altered or encroached upon as a result of this variance.

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 the intent with regard to side yard setbacks is to maintain some separation between properties for purposes of fire protection, air, light and circulation, and this variance will not reduce the existing separation in any way.

WICHITA — SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4581

May 23, 1989

Kenneth & Debra Young
143 S. Pershing
Wichita, KS 67218

Re: BZA 16-89 - Variance to reduce the side yard setback from 6 feet to 3.5 feet, located on the west side of Pershing in an area north of English (143 S. Pershing).

Dear Mr. & Mrs. Young:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on May 23, 1989. This resolution reflects the official action of the Board to grant 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 any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Fonda Koening, 6350 E. Central, 67208
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 16-89

WHEREAS, Kenneth W. Young, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the side yard from 6 feet to 3.5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> Lot 5, Block 1, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Pershing in an area north of English (143 S. Pershing).

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 May 23, 1989, 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 garage which requires this variance has existed for many years at a location on the property which meets the setback requirements for a detatched accessory building, but because a connecting structure is to be added between the garage and the house, the setback requirement will be greater due to its reclassification as part of the main structure; 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 construction will be in the center of the lot and will not in any way obstruct the light, air or circulation for any adjacent property; 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 without this variance, the garage cannot be connected to the house and thus a more secure and protected entrance into the house cannot be provided; 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 no utility easement or street right-of-way will be altered or encroached upon as a result of this variance; 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 the intent with regard to side yard setbacks is to maintain some separation between properties for purposes of fire protection, air, light and circulation, and this variance will not reduce the existing separation in any way; 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 side yard from 6 feet to 3.5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 5, Block 1, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Pershing in an area north of English (143 S. Pershing).

subject to the following conditions:

1. The side yard setback reduction from 6 feet to 3.5 feet shall apply to only the north side yard where the existing garage is now located (beginning approximately 110 feet behind the front property line and continuing west for approximately 35 feet).

ADOPTED AT WICHITA, KANSAS, this 23rd day of May, 1989.

President

ATTEST:

Jack H. Galbraith, Secretary