subject to the following condition:

1. Each site shall provide a minimum of two off-street parking spaces which may be located within the front yard setback areas.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1989.

Sharon Ryan, President

ATTEST:

Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 44-89

WHEREAS, Wichita Housing Authority, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the off-street parking regulations to allow parking in the front yard setback on property zoned the "AA" One-Family and "A" Two-Family Dwelling Districts and legally described as follows:

Lot 1, Block 3, Ridgecrest, an addition to Wichita, Sedgwick County, Kansas (2654 N. Ash).

The west 10 feet of Lot 33 and all of Lot 32 except beginning at the northwest corner of said Lot 32; thence southeasterly 108 feet to the original southwest corner of Lot 32; thence southeasterly along the lot line between Lots 29 and 32, 11.7 feet; thence northwesterly 113.8 feet to point of beginning, Block 14, Shadybrook Addition to the City of Wichita, Sedgwick County, Kansas (2915 E. Shadybrook).

Lot 2, Block 15, Shadybrook Addition to the City of Wichita, Sedgwick County, Kansas (3015 Shadybrook).

Lot 2, Block 9, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas (2121 E. Murdock).

Lot 22, Block 5, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas (830 N. Spruce).

The west 137.5 feet of Reserve D, except the west 5 feet and except the north 110 feet thereof, Mossman's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north 21.75 feet of Lot 4, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (832 N. Grove).

The south 55 feet of the north 110 feet of the west 137.5 feet of Reserve D, except west 5 feet thereof, Mossman's Addition to the City of Wichita, Sedgwick County, Kansas (838 N. Grove).

Lot 19, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (828 N. Poplar).

Lot 27, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (817 N. Green).

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 November 28, 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 lots are relatively narrow and the proposed 3- and 4-bedroom houses do not allow for sufficient side yard to accommodate a paved parking space either to the side or rear of the houses; 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 there will still be provided two off-street parking spaces on each lot, even though they will be within the front yard setback areas; 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 houses would have to be redesigned to provide garages or they would have to be located at least 25 feet further back on the lots, which would reduce the usable rear yards for the tenants; 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 two off-street parking spaces will be provided on each lot and therefore on-street parking will not be a necessity; 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 zoning ordinance permits the conversion of garages to living quarters and thereby allows vehicles to park within the front yard setback, which is the same end result as requested in this variance application; 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 of the off-street parking regulations to allow parking in the front yard setback on property zoned the "AA" One-Family Dwelling and "A" Two-Family Dwelling Districts and legally described as follows:

Lot 1, Block 3, Ridgecrest, an addition to Wichita, Sedgwick County, Kansas (2654 N. Ash).

The west 10 feet of Lot 33 and all of Lot 32 except beginning at the northwest corner of said Lot 32; thence southeasterly 108 feet to the original southwest corner of Lot 32; thence southeasterly along the lot line between Lots 29 and 32, 11.7 feet; thence northwesterly 113.8 feet to point of beginning, Block 14, Shadybrook Addition to the City of Wichita, Sedgwick County, Kansas (2915 E. Shadybrook).

Lot 2, Block 15, Shadybrook Addition to the City of Wichita, Sedgwick County, Kansas (3015 Shadybrook).

Lot 2, Block 9, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas (2121 E. Murdock).

Lot 22, Block 5, Parkmore Addition to the City of Wichita, Sedgwick County, Kansas (830 N. Spruce).

The west 137.5 feet of Reserve D, except the west 5 feet and except the north 110 feet thereof, Mossman's Addition to the City of Wichita, Sedgwick County, Kansas, together with the north 21.75 feet of Lot 4, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (832 N. Grove).

The south 55 feet of the north 110 feet of the west 137.5 feet of Reserve D, except west 5 feet thereof, Mossman's Addition to the City of Wichita, Sedgwick County, Kansas (838 N. Grove).

Lot 19, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (828 N. Poplar).

Lot 27, Parkmore 2nd Addition to the City of Wichita, Sedgwick County, Kansas (817 N. Green).

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4561

November 29, 1989

Tom Smith, Housing Director
Wichita Housing Authority
307 N. Riverview
Wichita, KS 67203

Re: BZA 44-89 - Variance of the off-street parking regulations to allow parking in the front yard setback, located at 2654 N. Ash; 2915 E. Shadybrook; 3015 Shadybrook; 2121 E. Murdock; 830 N. Spruce; 832 N. Spruce; 838 N. Grove; 828 N. Poplar; 817 N. Green.

Dear Mr. Smith:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 28, 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
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Sid Lane, 213 W. Main, 67110
Earline Wesley, Director of Human Services
Monty Robson, Superintendent of Central Inspection
Lance Flowers, CID
Dale Rea, Deputy City Clerk

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 zoning ordinance permits the conversion of garages to living quarters and thereby allows vehicles to park within the front yard setback, which is the same end result as requested in this variance application.

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. Each site shall provide a minimum of two off-street parking spaces which may be located within the front yard setback areas.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 8

November 28, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 44-89

OWNER/APPLICANT/AGENT: Wichita Housing Authority (owner/applicant)
Thomas B. Smith, Housing Director (agent)

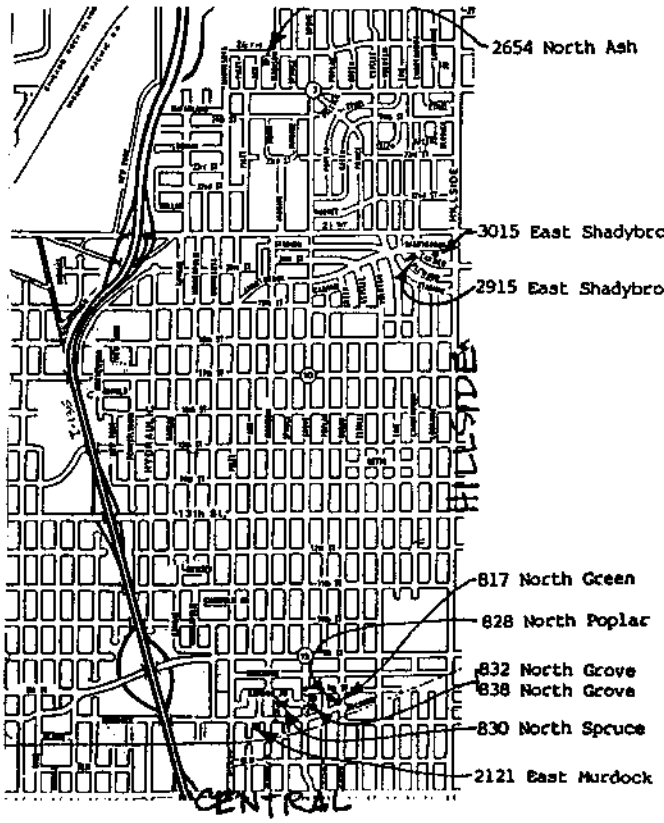
REQUEST: Variance of the off-street parking regulations to allow parking in the front yard setback.

CURRENT ZONING: "AA" One-Family Dwelling District & "A" Two-Family Dwelling District

SITE SIZE: Varies from 5,750 sq. ft. to 7,600 sq. ft.

LOCATION: Nine different sites between Piatt & Hillside and between Central & 26th St. N.

PROPOSED USE: New one-family dwellings



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 Wichita Housing Authority has a HUD-funded grant to demolish and replace 9 public housing units in the north central part of the city. Six are near Murdock and Grove; 2 are on Shadybrook west of Hillside; and 1 is at 26th and Ash. The architect for this project, Sid Lane, has appeared before the City Manager's Aesthetic Review Team (C.A.R.T.) to discuss the building plans and site plans. The houses are designed without garages. If the requirement to provide one parking space per dwelling unit behind the required 25-foot front building setback must be complied with, the houses will have to be placed about 45 feet back on the lots. This would be out of character with other houses in these areas and would reduce the usable rear yards. The C.A.R.T. members recommended that a variance of the parking regulations be sought so that the required parking space could be within the front 25-foot building setback area. Twenty-foot-wide paved driveways are proposed so there will actually be room for two vehicles to be parked on each lot in front of the houses. A number of houses in these areas, as in many other areas of town, have converted their garages into living quarters with the end result being the same as is being requested for these new WHA houses.

ADJACENT ZONING AND LAND USE:

All 9 sites are in residential areas with mostly one-family dwellings (some duplexes) on adjacent properties.

UNIQUENESS: It is the opinion of staff that these properties are unique inasmuch as the lots are relatively narrow and the proposed 3- and 4-bedroom houses do not allow for sufficient side yard to accommodate a paved parking space either to the side or rear of the houses.

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 there will still be provided two off-street parking spaces on each lot, even though they will be within the front yard setback areas.

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 houses would have to be redesigned to provide garages or they would have to be located at least 25 feet further back on the lots, which would reduce the usable rear yards for the tenants.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as two off-street parking spaces will be provided on each lot and therefore on-street parking will not be a necessity.