and legally described as follows:

Lot 17, Block 13, Louis 6th Addition, Wichita, Sedgwick County, Kansas. Generally located in an area north of 35th Street South and east of Gold (520 W. 35th Street South).

subject to the following conditions:

1. This side yard setback variance from 6 feet to 0 feet shall apply to only the west side yard adjacent to the existing carport and garage, which is approximately 63 feet in length, beginning at a point 25 feet north of the south property line, as shown on the site plan submitted with this application.

2. The applicant shall obtain a building permit from the Office of Central Inspection for the carport within 30 days following the release of the resolution.

3. This variance is for an unenclosed carport and existing 20.1-foot by 20.1-foot enclosed garage only and any other structures shall comply with all applicable setback requirements. The carport shall remain unenclosed unless varied by the Board of Code Standards and Appeals.

4. The carport roof shall not direct run-off onto the adjacent property, but shall be sloped or guttered to direct run-off onto the applicants' property.

5. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of September 1994.

Brad Teeter

Brad Teeter, Vice President

ATTEST:

Lawrence P. Mitchell

Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 25-94

WHEREAS, Arthur H. & Zelma M. Greenwood pursuant to Section 2.12.590.B, Code of the City of Wichita requests a variance to reduce the west side yard setback from 6 feet to 0 feet on property zoned "AA" One-Family Dwelling and legally described as follows:

> Lot 17, Block 13, Louis 6th Addition, Wichita, Sedgwick County, Kansas. Generally located in an area north of 35th Street South and east of Gold (520 W. 35th Street South).

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 September 27, 1994, 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 owners or the applicant inasmuch as the lot is narrow and the location of the existing structures and driveway limits the potential locations of a carport if it is to provide covered access into the dwelling; 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 structure necessitating the variance is not enclosed and will not block the view of or from the adjacent property to the west, nor will it block pedestrian access or light and air circulation because of its open construction and being located behind the front line of the residence; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the carport has already been constructed and would have to be removed or significantly altered, which would not only be an economic burden but would affect the appearance of the residence, as well as the owners' ability to provide protected parking for their vehicles; 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, inasmuch as no public right-of-way or utility easements are being affected by the reduction in this side yard setback; 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 the zoning ordinance inasmuch as light, air and pedestrian circulation between structures on adjacent properties will be adequate, due to the unenclosed character of the structure for which this variance is granted; 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 west side yard setback from 6 feet to 0 feet on property zoned the "AA" One-Family Dwelling

WICHITA — SEDGWICK COUN

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

September 28, 1994

Arthur & Zelma Greenwood
520 West 35th Street South
Wichita, KS 67217

Re: BZA 25-94 - Variance to reduce the west side yard setback from 6 feet to 0 feet.

Dear Mr. & Mrs. Greenwood:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on September 27, 1994 . 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 call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

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 carport has already been constructed and would have to be removed or significantly altered, which would not only be an economic burden but would affect the appearance of the residence, as well as the owners' ability to provide protected parking for their vehicles.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no public right-of-way or utility easements are being affected by the reduction in this side yard setback.

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 light, air and pedestrian circulation between structures on adjacent properties will be adequate, due to the unenclosed character of the structure for which this variance is granted.

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

1. This side yard setback variance from 6 feet to 0 feet shall apply to only the west side yard adjacent to the existing carport and garage, which is approximately 63 feet in length, beginning at a point 25 feet north of the south property line, as shown on the site plan submitted with this application.

2. The applicant shall obtain a building permit from the Office of Central Inspection for the carport within 30 days following the release of the resolution.

3. This variance is for an unenclosed carport and existing 20.1-foot by 20.1-foot enclosed garage only and any other structures shall comply with all applicable setback requirements. The carport shall remain unenclosed unless varied by the Board of Code Standards and Appeals.

4. The carport roof shall not direct run-off onto the adjacent property, but shall be sloped or guttered to direct run-off onto the applicants' property.

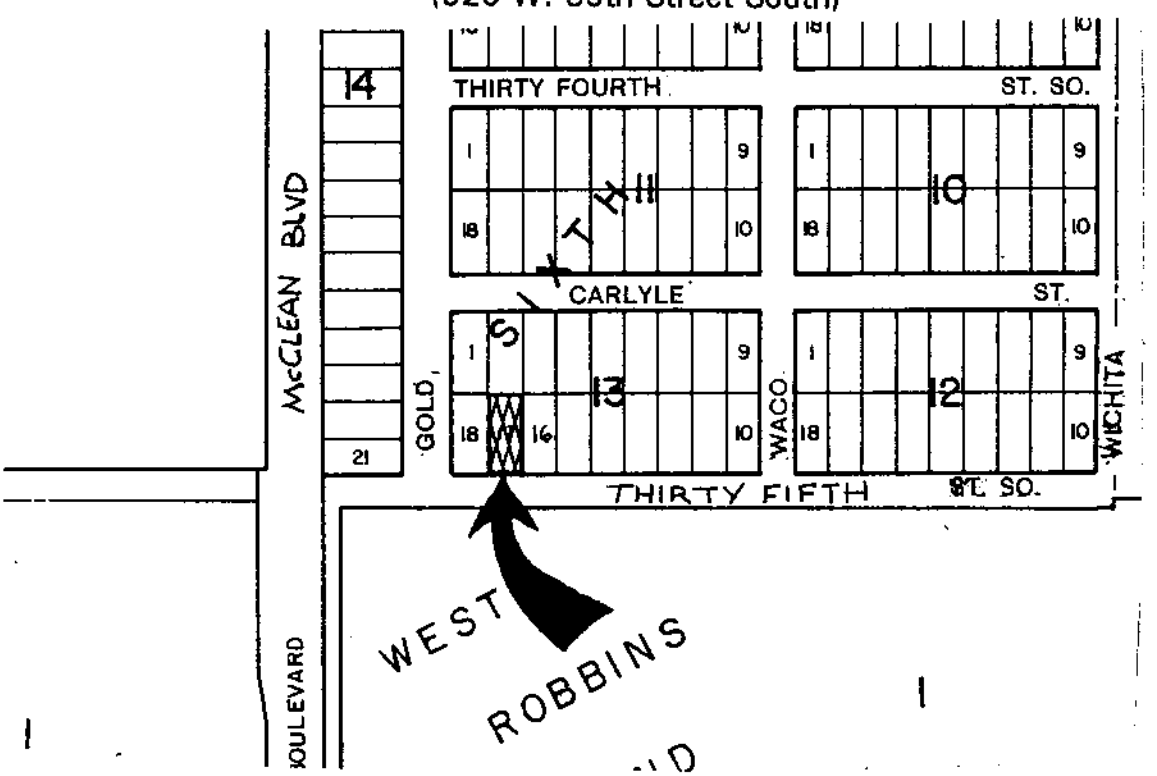
5. This resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
September 27, 1994

SECRETARY'S REPORT

CASE NUMBER:	BZA 25-94
OWNER/APPLICANT:	Arthur and Zelma Greenwood
REQUEST:	Variance to reduce the west side yard setback from 6 feet to 0 feet
CURRENT ZONING:	"AA" One Family Dwelling
SITE SIZE:	56' x 132'
LOCATION:	North of 35th Street South and east of Gold (520 W. 35th Street South)



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 State Statutes, are found to exit.

BACKGROUND: The applicants are requesting a reduction of their west side yard setback from 6 feet to 0 feet to accommodate an attached carport. The applicants have indicated that they constructed the carport to provide protection for themselves and their vehicles. Mrs. Greenwood is considered legally handicapped and the carport provides her with an area to get in and out of the car in all weather conditions. The carport was constructed several years ago and the applicants have indicated that they hired a licensed contractor to install the carport. OCI records indicate that no permit was issued to construct the carport. Therefore, the applicants were issued a notice of violation by the code enforcement office.

The contractor built the carport on the west side property line and did not observe the require 6 foot setback. Lots in this subdivision are relatively narrow, 56 feet, and the detached garage located on this application area was constructed 1.8 feet from the west property line. The required set back for detached accessory structures on the rear one-half of a lot is 3 feet.

The carport that was constructed is located behind the front line of the dwelling unit and a wooden fence was constructed along the west property line. This wooden fence provides a privacy separation between the rear of the home to the west which fronts onto Gold Street and the west side of the applicants' dwelling. The carport was constructed with an integral rain gutter, so that run-off stays on the applicants property.

The Office of Central Inspection has indicated that if the carport is to remain on the property line that it would be necessary for the applicants to agree that the carport could not be enclosed unless varied by the Board of Code Standard Appeals.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Single Family Dwelling
SOUTH	"E"	Sand Extraction
EAST	"AA"	Single Family Dwelling
WEST	"AA"	Single Family Dwelling

UNIQUENESS: It is the opinion of staff that this property is somewhat unique inasmuch as the lot is narrow and the location of the existing structures and driveway limits the potential locations of a carport if it is to provide covered access into the dwelling.

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 structure necessitating the variance is not enclosed and will not block the view of or from the adjacent property to the west, nor will it block pedestrian access or light and air circulation because of its open construction and being located behind the front line of the residence.