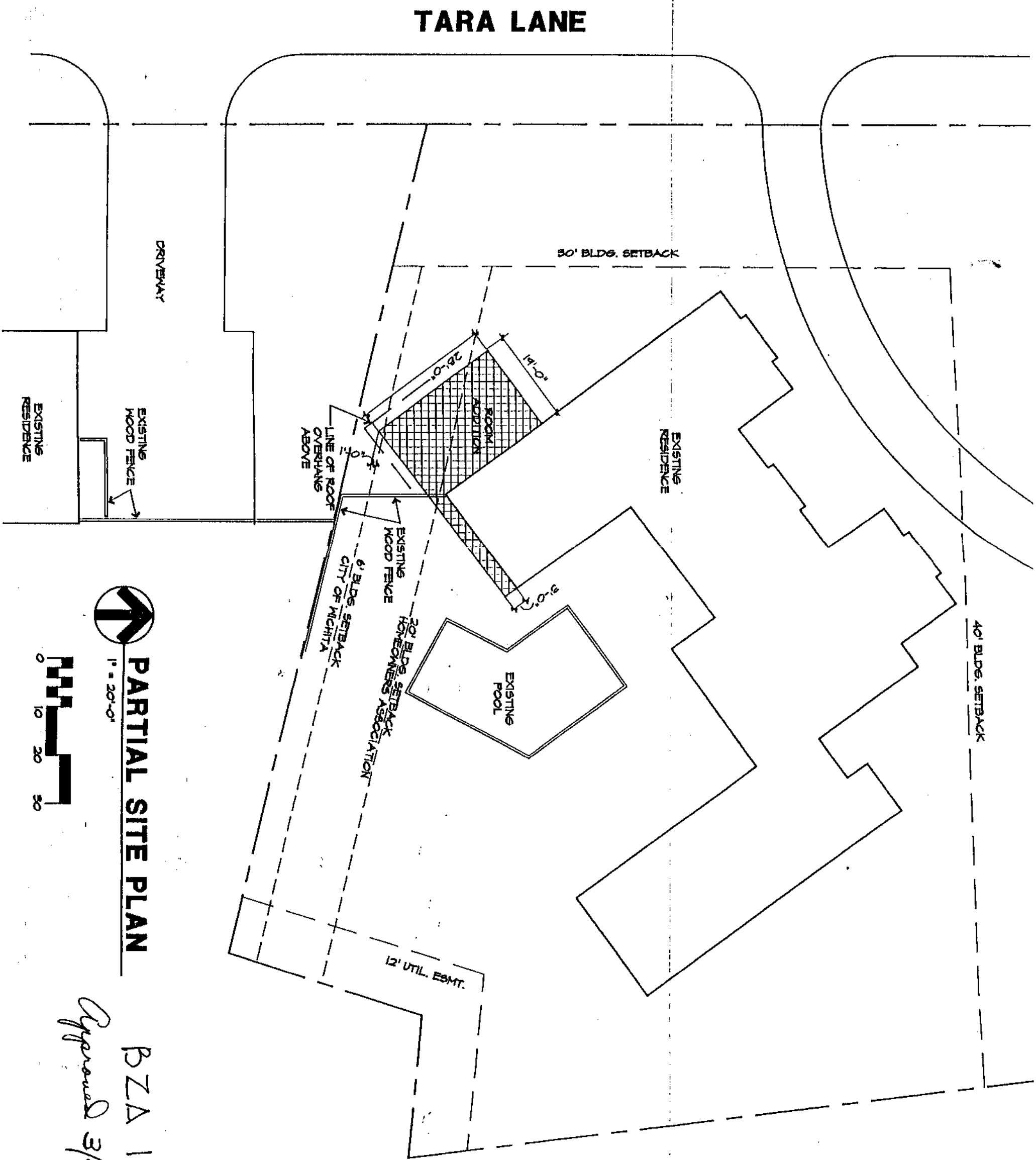


PARTIAL SITE PLAN

1" = 20'-0"

0 10 20 50

BZA 1-93
Approved 3/23/93

S P S H
ARCHITECTS/INTERIORS
SPANGENBERG PHILLIPS SHERMAN HARRISON INC.
254 E. DOUGLAS 9500 WICHITA, KS 67202 (316) 267-4002

REMODEL OF THE MEYER RESIDENCE
VICKRIDGE - WICHITA, KANSAS

MEYER RES.
SHEET 1 OF 1

WICHITA — SEDGWICK COUNTY

W-SC

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

March 24, 1993

George Sherman
SPSH Architects
224 E. Douglas, Ste. 500
Wichita, KS 67202

Re: BZA 1-93 - Variance to reduce the southerly side yard setback from 6 ft. to 4.8 ft. and increase the permitted eave projection into the resultant side yard from 2.5 feet to 3.5 feet on the SE corner of Tara Lane & the first Tara Court north of Central (600 Tara Court).

Dear George:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 23, 1993. 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. Also enclosed is a copy of the site plan referenced in condition #1 of the resolution.

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, Secretary
Board of Zoning Appeals

LO:jcm
Enclosures

cc: Mr. & Mrs. Russ Meyer, 600 Tara Court, 67206
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

Lot 5, Block 1, Vickers Subdivision, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara Lane and the first Tara Court north of Central (600 Tara Court).

subject to the following conditions:

1. The area within the south side yard for which these variances are granted shall be limited to that triangular area illustrated on the site plan submitted with this application as being needed for the proposed 19 ft. x 28 ft. room addition. This area lies between 60 and 70 feet southeasterly from the southwest lot corner.

2. The applicant shall obtain written approval from the homeowners' association for encroachment into the 20-foot side yard (as required by the covenants of this homeowners' association) prior to requesting a building permit from the City.

3. The room addition requiring these variances shall be completed within two years, or the resolution granting the variances shall become null and void (unless extended by action of the Board following request by the applicant).

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1993.

Mitchell Faroh, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 1-93

WHEREAS, Mr. & Mrs. Russ Meyer, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the southerly side yard setback from 6 ft. to 4.8 ft. and increase the permitted eave projection into the resultant side yard from 2.5 ft. to 3.5 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 5, Block 1, Vickers Subdivision, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara Lane and the first Tara Court north of Central (600 Tara Court).

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 March 23, 1993, 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 lot is an irregularly-shaped corner lot with unusually large platted front yard setbacks and an existing swimming pool which limit the areas available for expansion. Also, the existing eaves overhang the house approximately 3.5 feet, which is the overhang or projection requested for the room addition; 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 only house affected by these variances is the house to the south, which will be more than 60 feet away from the proposed room addition and separated by the driveway which serves that residence; 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 further reducing the size and changing the shape of the room addition would severely limit its usefulness and compatibility with the remainder of the floor plan. Changing the width of the overhang would be architecturally incompatible with the remainder of the house and structurally difficult to accomplish; 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 public easements or street rights-of-way will be encroached upon by either the room addition or the eave overhang; 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 separation between structures on adjoining lots will still be more than 60 feet and the 4.8-foot side yard remaining on the application lot will be sufficient to provide for 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 southerly side yard setback from 6 ft. to 4.8 ft. and increase the permitted eave projection into the resultant side yard from 2.5 ft. to 3.5 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no public easements or street rights-of-way will be encroached upon by either the room addition or the eave overhang.

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 separation between structures on adjoining lots will still be more than 60 feet and the 4.8-foot side yard remaining on the application lot will be sufficient to provide for 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 variances be granted, subject to the following conditions:

1. The area within the south side yard for which these variances are granted shall be limited to that triangular area illustrated on the site plan submitted with this application as being needed for the proposed 19 ft. x 28 ft. room addition. This area lies between 60 and 70 feet southeasterly from the southwest lot corner.

2. The applicant shall obtain written approval from the homeowners' association for encroachment into the 20-foot side yard (as required by the covenants of this homeowners' association) prior to requesting a building permit from the City.

3. The room addition requiring these variances shall be completed within two years, or the resolution granting the variances shall become null and void (unless extended by action of the Board following request by the applicant).

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

February 23, 1993

SECRETARY'S REPORT

CASE NUMBER: BZA 1-93

OWNERS-APPLICANTS/AGENT: Mr. & Mrs. Russ Meyer/SPSH Architects

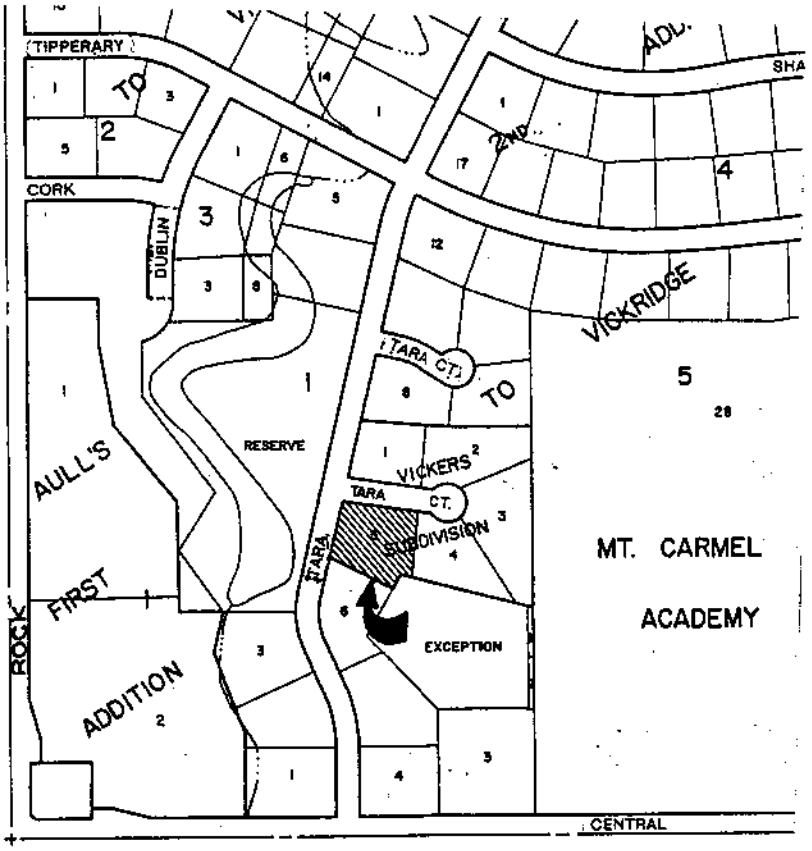
REQUEST: Variance to reduce the southerly side yard setback from 6 ft. to 4.8 ft. and increase the permitted eave projection into the resultant side yard from 2.5 ft. to 3.5 ft.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 2/3-acre

LOCATION: Southeast corner of Tara Lane and the first Tara Court north of Central

PROPOSED USE: Room addition



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 applicants are requesting a reduction in the south side yard setback from 6 feet to not less than 4.8 feet and an increase in the permitted eave projection from 2.5 feet to 3.5 feet. This would result in the eave being within 1.3 feet of the side lot line. However, the area affected by these two variances is extremely small, as shown on the site plan. Only the corner of a 19 ft. x 28 ft. room addition would require these variances.

The lot is large, but platted 30-foot and 40-foot front yard setbacks, as well as the layout of the existing residence and location of a swimming pool, limit the area available for expansion. A 20-foot side yard setback line established by the covenants of this homeowners' association will require adjustment by the association before this room addition can be built. Even with the room addition as proposed, the residence adjacent to the south will be more than 60 feet away and its living quarters separated by the driveway and garage which serve that residence.

Eaves are allowed by the zoning code to project up to 2.5 feet into a required yard. The eave overhang on this existing house is greater than 2.5 feet and in order to have a similar eave on the proposed room addition, the second variance -- to increase the permitted eave projection from 2.5 feet to not more than 3.5 feet -- is being requested.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	One-family dwelling
WEST	"AA"	Open space, drainage

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lot is an irregularly-shaped corner lot with unusually large platted front yard setbacks and an existing swimming pool which limit the areas available for expansion. Also, the existing eaves overhang the house aproximately 3.5 feet, which is the overhang or projection requested for the room addition.

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 only house affected by these variances is the house to the south, which will be more than 60 feet away from the proposed room addition and separated by the driveway which serves that residence.

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 further reducing the size and changing the shape of the room addition would severely limit its usefulness and compatibility with the remainder of the floor plan. Changing the width of the overhang would be architecturally incompatible with the remainder of the house and structurally difficult to accomplish.