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 conditions:

1. This front yard setback variance shall apply to only the 14-foot(±) portion of the lot formerly occupied by the unenclosed porch.

2. The applicant shall obtain the necessary building permit for the porch enclosure within 30 days from the date of approval of this variance, and prior to release of the resolution, or this variance shall be considered denied and the case closed.

3. No encroachment shall be permitted into the remaining 18-foot front yard except for uncovered steps.

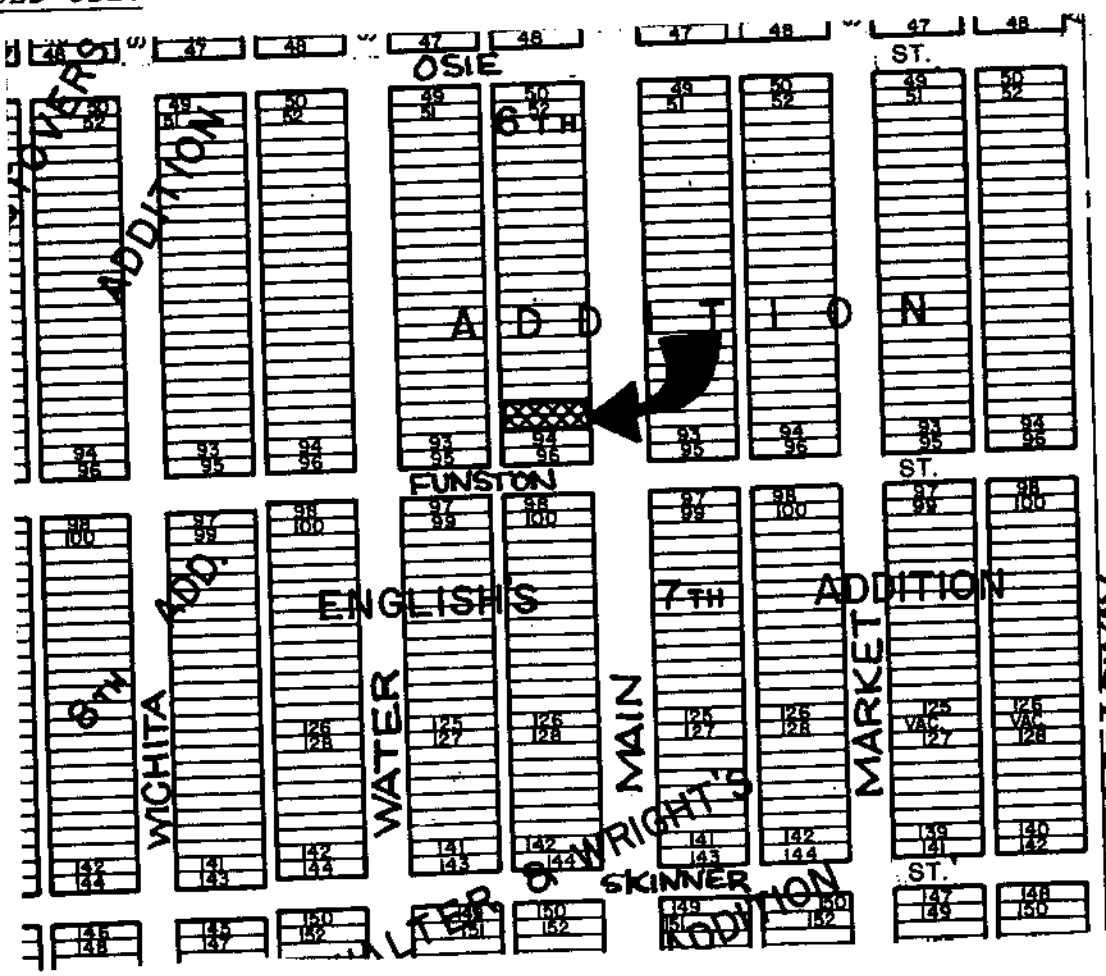
BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4

June 26, 1990

SECRETARY'S REPORT

CASE NUMBER:	BZA 9-90
OWNER/APPLICANT/AGENT:	Howard C. Koehn (owner/applicant)
REQUEST:	Variance to reduce the front yard setback from 25 feet to 18 feet.
CURRENT ZONING:	"A" Two-Family Dwelling District
SITE SIZE:	50 feet x 140 feet
LOCATION:	West side of Main in an area north of Funston (1749 S. Main).
PROPOSED USE:	Enclosed porch



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 application area is within a residential neighborhood characterized by homes with front porches, most of which are integral parts of the structures. A few of the porches have been fully enclosed, as has this one, and many more have trellises or screens which act as partial enclosures. This particular porch was enclosed several years ago without a permit being obtained. It was not brought to Central Inspection's attention until recently when a neighbor reported the situation. When the porch was unenclosed, it was permitted to encroach up to 8 feet into the required front yard, but once enclosed, it became subject to the front yard setback requirements for principal structures within the "A" district (25 feet). An alley of adequate width (20 feet) adjoins the property on the west.

ADJACENT ZONING AND LAND USE:

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

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the porch is an integral part of the structure, whether unenclosed or enclosed.

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 enclosed porch extends no closer to the front or side property lines than the unenclosed porch and does not block the light, air or view of adjacent properties.

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 improvements which have existed for several years would have to be removed which would be an economic hardship for the applicant.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the enclosed porch does not extend into any existing or required right-of-way or easements.

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 general appearance along the street has not been substantially changed and all dwellings still appear to have similar setbacks, due to existing roofs and high railings on most of the porches.

WICHITA — SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

July 6, 1990

Howard C. Koehn
1749 S. Main
Wichita, KS 67213

Re: BZA 9-90 - Variance to reduce the front yard setback from 25 ft. to 18 ft. on property zoned the "A" Two-Family Dwelling District, located on the west side of Main in an area north of Funston (1749 S. Main).

Dear Mr. Koehn:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 26, 1990. 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 now that condition 2 has been completed.

If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

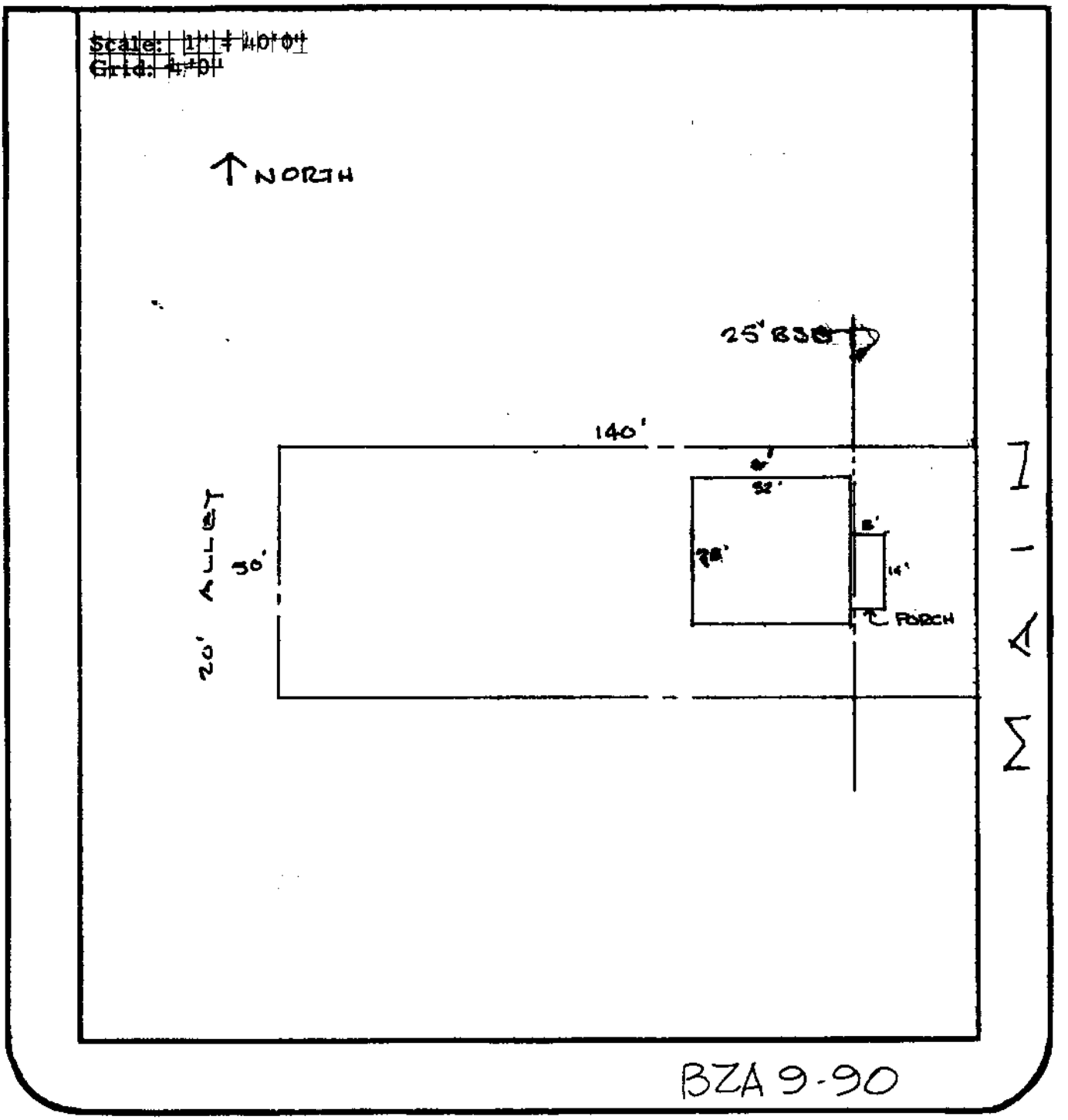
RESIDENTIAL PLOT PLAN

ADDRESS: 1749 S. MAIN PERMIT NO.

LOT(S): 90-92 BLK. MAIN STREET OF ENGLISH 6TH ADD'N ZONING A

REQUIRED SETBACKS: FRONT 25 SIDE 6 SIDE 6 REAR 20

5445A



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: Howard C. Koehn
(Applicant)

White Copy - File Yellow Copy - Applicant

subject to the following conditions:

1. This front yard setback variance shall apply to only the 14-foot(±) portion of the lot formerly occupied by the unenclosed porch.

2. The applicant shall obtain the necessary building permit for the porch enclosure within 30 days from the date of approval of this variance, and prior to release of the resolution, or this variance shall be considered denied and the case closed.

3. No encroachment shall be permitted into the remaining 18-foot front yard except for uncovered steps or raised planters less than 30 inches in height.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1990.

Keith Alter, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 9-90

WHEREAS, Howard C. Koehn, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 25 feet to 18 feet on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 90 and 92 on Main Street, English's 6th Addition, Wichita, Kansas. Generally located on the west side of Main in an area north of Funston (1749 S. Main).

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 26, 1990, 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 porch is an integral part of the structure, whether unenclosed or enclosed; 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 enclosed porch extends no closer to the front or side property lines than the unenclosed porch and does not block the light, air or view of adjacent properties; 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 improvements which have existed for several years would have to be removed which would be an economic hardship for the applicant; 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 enclosed porch does not extend into any existing or required right-of-way or easements; 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 general appearance along the street has not been substantially changed and all dwellings still appear to have similar setbacks, due to existing roofs and high railings on most of the porches; 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 front yard setback from 25 feet to 18 feet on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 90 and 92 on Main Street, English's 6th Addition, Wichita, Kansas. Generally located on the west side of Main in an area north of Funston (1749 S. Main).