



Wichita-Sedgwick County Metropolitan Area Planning Department

August 22, 2006

Robert Chisholm
141 S Crestway
Wichita KS 67218

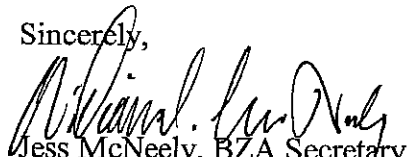
RE: BZA2006-00054 Variance request to reduce side setback to zero for a car port on property zoned SF-5 Single-family Residential, generally located west of Crestway and south of Douglas (141 S. Crestway).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on August 22, 2006. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Susan Schlapp, WCC District II, 1-13

BZA RESOLUTION NO. 2006-00054

WHEREAS, Robert and Dawn Chisholm, (Owner/Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the side setback to 2 feet for a car port on property zoned SF-5 Single-family Residential.

Lots 41, 42, 43, 44, Block 1, Merriman Park Pl., Sedgwick County, Kansas. Generally located west of Crestway and south of Douglas (141 S. Crestway).

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 August 22, 2006, 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, inasmuch as the property was platted in 1912. The residence on the lot was constructed in 1932 with an 11-foot drive between the house and the property line. The zoning regulations that established the six-foot side setback did not exist until long after this property had been developed. This property is also unique in that the property to the north is developed with a house over 75 feet from the property line. The proposed structure is unique in that it is an open-air carport, not enclosed living space.

WHEREAS, the Board of Zoning Appeals has found that the granting the requested variance would not adversely affect the rights of adjacent property owners. The proposed setback variance would place a carport at the north property line, still over 75 feet from the residence north of the site. The applicant will be required by building code to have a joint building setback agreement, ensuring a minimum six feet between structures on adjoining lots. The proposed carport will have extensive landscaping screening it from the north neighbor.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations constitutes an unnecessary hardship upon the applicant, as requiring the applicant to comply with the six-foot side setback will prevent the applicant from improving his property with a carport with no corresponding public benefit.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as the public has an interest in supporting the logical development of residential properties, including permitting upgrades and redevelopment of existing properties through the approval of variances in areas where non-conformities with the current zoning regulations are common. The proposed structure is within the environs of a registered historic district; the request has been reviewed and recommended for approval by the Historic Preservation Board.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the public interest, as the public has an interest in supporting the logical development of residential properties, including permitting upgrades and redevelopment of existing properties through the approval of variances in areas where non-conformities with the current zoning regulations are common. The proposed

structure is within the environs of a registered historic district; the request has been reviewed and recommended for approval by the Historic Preservation Board.

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.

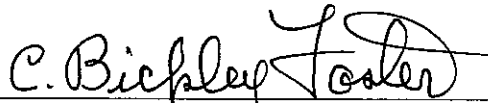
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, variance be granted to reduce the side yard setback from 6 feet to zero feet on property zoned "SF-5" Single-family Residential legally described as follows:

Lots 41, 42, 43, 44 Block 1, Merriman Park Pl., Sedgwick County, Kansas. Generally located west of Crestway and south of Douglas (141 S. Crestway).

The variance is hereby **GRANTED**, subject to the following conditions:

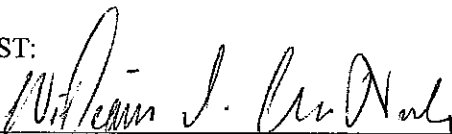
1. The site shall be developed in conformance with the approved site plan and elevation.
2. The setback reduction shall apply only to the "attached carport" structure as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The applicant shall file a joint building setback agreement, ensuring a minimum six foot separation between buildings on adjoining lots, prior to receiving a building permit for the proposed structure.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22nd Day of August 2006.

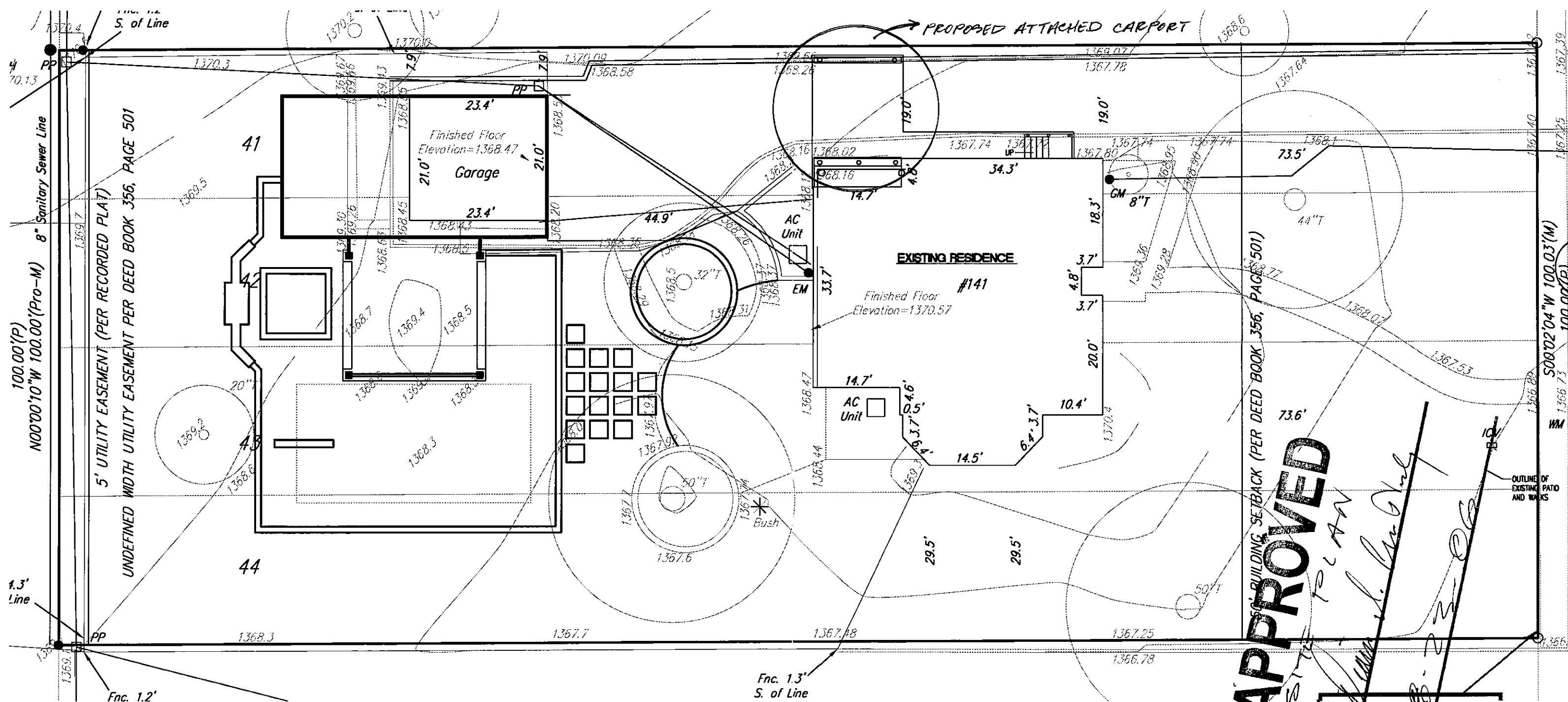


BZA Board Chair, Bickley Foster

ATTEST:



Jess McNeely, BZA Secretary



APPROVED

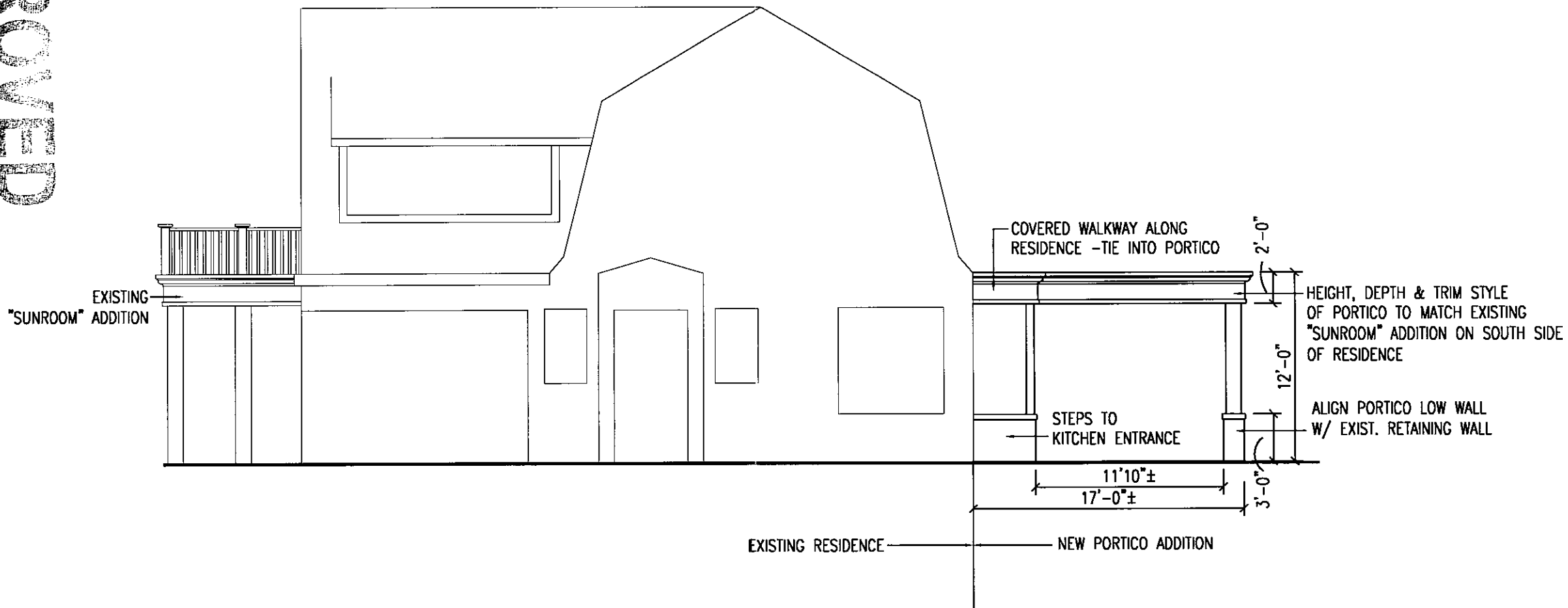
Date: 8-22-06

BZA 2006-54

Date: 8-23-06

William L. MacVick

APPROVED
ELEVATION



FRONT ELEVATION (EAST)

1/8" = 1'-0"

BZA 2006-54