

BZA RESOLUTION NO. BZA2020-00049

WHEREAS, Fidelity Bank (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to permit a carport in the front and interior side setback, and generally located south of East Central Avenue and west of North Webb Road (3 Laurel Drive) and legally described as follows:

Lot 14, Block 4, Forest Hills Addition, Wichita, Sedgwick County, Kansas.

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 18, 2020, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property. In this case, the Laurel Street has 30-feet of pavement and creates traffic congestion when vehicles are parked on the street. Vehicles parked on the street are subject to property theft and damage to vehicles.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners as there are mature trees and other vegetation on the property that limits visibility of the structure.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. Conforming to code restrictions, would create continued loss of property by vandalism and theft.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, It is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a to permit a carport in the front and interior side setback, and generally located south of East Central Avenue and west of North Webb Road (3 Laurel Drive) and legally described as follows:

Lot 14, Block 4, Forest Hills Addition, Wichita, Sedgwick County, Kansas

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

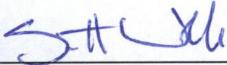
1. The front setback shall be reduced from 25-feet to 16-feet,
2. The interior side setback shall be reduced from 6-feet to 2-feet,
3. No additional siding is allowed on the carport without obtaining a new BZA Variance.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 5th Day of November, 2020.



Michael Greene, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary