Wichita-Sedgwick County Metropolitan Area Planning Department

Robinson Choroke
7141 East 40th Circle North
Wichita, KS 67226

March 19, 2020

RE: **BZA2020-00001 –** City Variance to reduce the interior side setback from 6 feet to 2 feet to permit a carport on property zoned SF-5 Single Family Residential and generally located on the west side of North Hillside Avenue and ¼ mile north of East 17th Street North (3117 E Stadium).

Dear Applicant,

At its regular meeting on **February 20, 2020**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Part of the resolution indicates four conditions that must be met in order for the variance to take effect.

1. **The walls of the carport shall be painted to match the primary structure.**
2. **The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.**
3. **The interior side setback reduction shall only apply to the carport structure as shown in the site plan.**
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.**

A copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals will be released to you and MABCD upon verification of the above conditions.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Matthew Williams, AICP
Associate Planner

Copies to: MABCD
Shawn Mellies, City Engineering
Brandon Johnson, Council Member District I
Kameelah Alexander, CSR District I

BZA RESOLUTION NO. BZA2020-00001

WHEREAS, Robinson Choroke (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the interior side setback from 6 feet to 2 feet to permit a carport on property zoned SF-5 Single Family Residential, and generally located on the west side of North Hillside Avenue and ¼ mile north of East 17th Street North (3117 E Stadium) and legally described as follows:

Lot 3, Block 16, Shadybrook 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 February 20, 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 current owner bought the property with the existing carport and this is a logical location for the carport to be; and

WHEREAS, the carport has existed in the setback for many years and will not impact the use and enjoyment of the adjacent properties; and

WHEREAS, the carport provides a more secure, safer, parking area for the applicant and requiring its removal would be an adverse hardship to the applicant; and

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 Variance to reduce the interior side setback from 6 feet to 2 feet to permit a carport on property zoned SF-5 Single Family Residential, and generally located on the west side of North Hillside Avenue and ¼ mile north of East 17th Street North (3117 E Stadium) and legally described as follows:

Lot 3, Block 16, Shadybrook Addition, Wichita, Sedgwick County, Kansas.

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

1. The walls of the carport shall be painted to match the primary structure.
2. The interior side setback reduction shall only apply to the carport structure as shown in the site plan.
3. The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.
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.

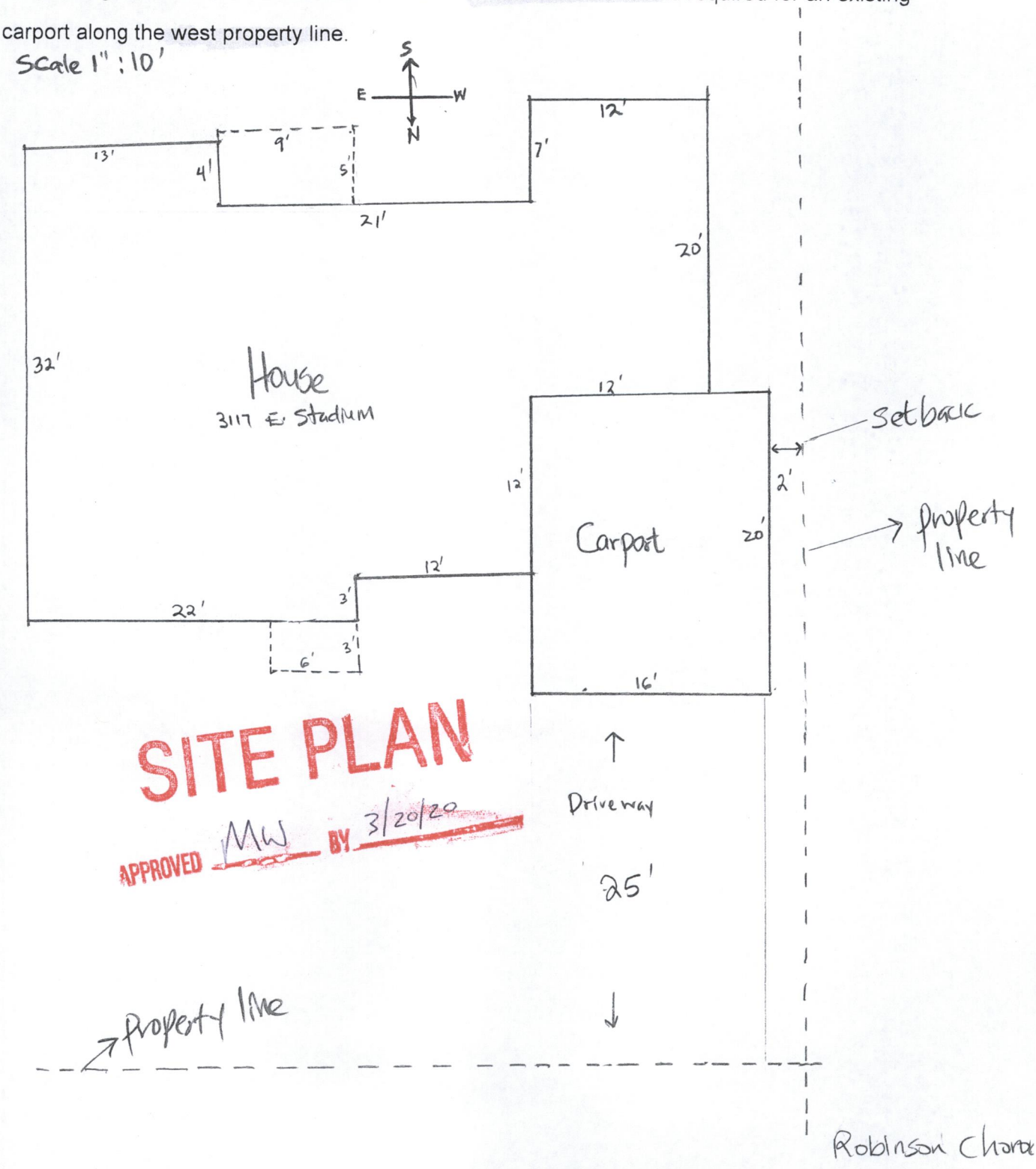
ADOPTED AT WICHITA, KANSAS, this 20th Day of February 2020.

Chuck Warren, BZA Board Chair

ATTEST:

David L. Yearout,
BZA Secretary

Site Description 3117 E Stadium

The subject property is Lot 3; block 16, Shadybrook addition. The property sits on a parcel of approximately 0.15 acres. The property contains a residential structure of approximately 1,200 square feet in area, built in 1945.

Requesting a variance to allow a side setback of 2 feet where 6 feet is required for an existing carport along the west property line.