

BZA 48-88

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- 1. The applicant shall obtain the necessary building permits for the porch enclosure within 30 days from the date of approval, or the resolution shall be considered null and void.**
- 2. No encroachments shall be permitted into the 18-foot front yard, except uncovered steps.**

October 25, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 48-88

OWNER/APPLICANT/AGENT: Larry & Cynthia Williams (owners/applicants)
Vern Miller (agent)

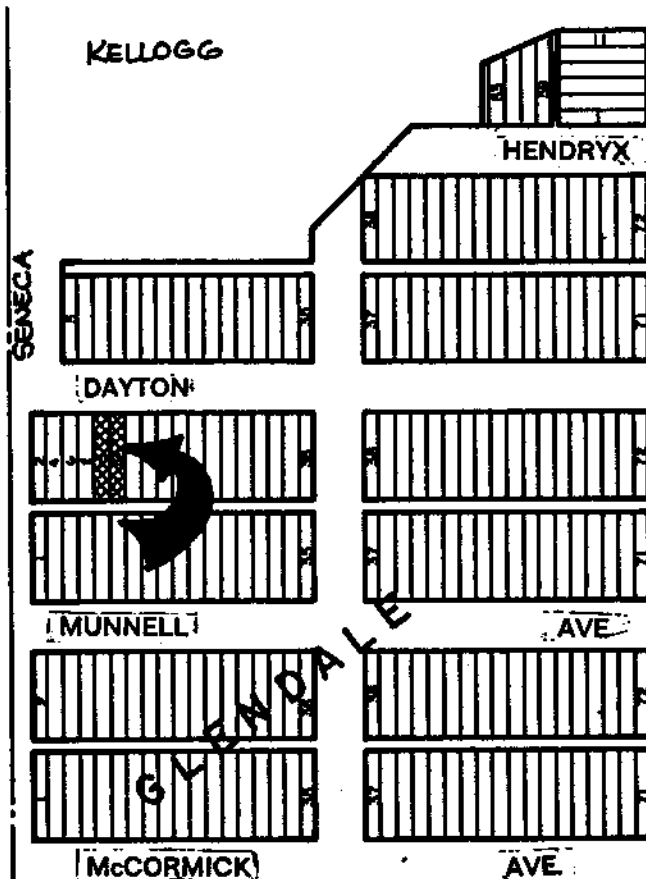
REQUEST: Variance to reduce the front yard setback
from 26.5 ft. to 18 ft.

CURRENT ZONING: "RB" Four-family Dwelling District

SITE SIZE: 50 ft. x 140 ft.

LOCATION: South side of Dayton in an area east of
Seneca.

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 applicants are requesting a variance of the front yard setback to allow the enclosure of an existing front porch. Much of the work was completed before the owner was aware of the need for a permit. Since adjacent houses are situated more than the minimum 20-ft. distance back from their front property lines, the setback for this center house is the average of the two adjacent setbacks, which is 26.5 ft. An unenclosed porch is permitted to encroach 8 ft. into a required front yard. Many homes in the neighborhood have substantial front porches with full foundations and roofs as this house has had.

ADJACENT ZONING AND LAND USE:

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

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the roofline of the house is such that the porch is an integral part of the structure, whether open 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 will extend no closer to the street or either side property line than the unenclosed porch has.

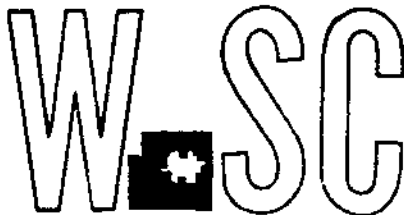
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the protection from the north winds and from unwanted intruders could not be provided if the porch cannot be enclosed.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the reduction of the front yard setback will in no way encroach upon existing or needed utility easements or street right-of-way.

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 an enclosed porch will not block the air, light, circulation or view from any adjacent property.

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:

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

October 26, 1988

Vern Miller
Attorney at Law
1202 N. Emporia
Wichita, KS 67214

Re: BZA 48-88 - Variance to reduce front yard setback from 26.5
to 18 ft. (1033 W. Dayton).

Dear Mr. Miller:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on October 25, 1988. 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.

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.

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

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Larry & Cynthia Williams, 1033 Dayton, Wichita, KS 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

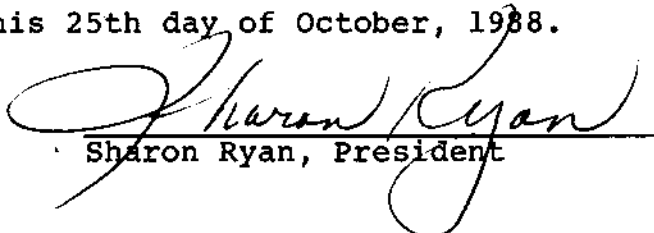
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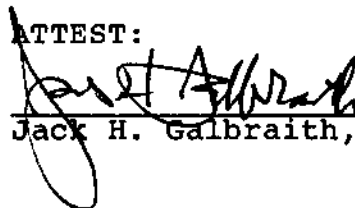
subject to the following conditions:

1. The applicant shall obtain the necessary building permits for the porch enclosure within 30 days from the date of approval, or the resolution shall be considered null and void.
2. No encroachments shall be permitted into the 18-foot front yard, except uncovered steps.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 48-88

WHEREAS, Larry & Cynthia Williams, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the front yard setback from 26.5 feet to 18 feet on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Lots 10 and 12, Dayton Ave., Glendale Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Dayton, in an area east of Seneca (1033 W. Dayton).

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 October 25, 1988, 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 roofline of the house is such that the porch is an integral part of the structure, whether open 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 will extend no closer to the street or either side property line than the unenclosed porch has; 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 the protection from the north winds and from unwanted intruders could not be provided if the porch cannot be enclosed; 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 reduction of the front yard setback will in no way encroach upon existing or needed utility easements or street right-of-way; 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 an enclosed porch will not block the air, light, circulation or view from any adjacent property; 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 26.5 feet to 18 feet on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Lots 10 and 12, Dayton Ave., Glendale Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Dayton, in an area east of Seneca (1033 W. Dayton).