

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 intent of the front yard setbacks is to provide some degree of uniformity and openness in a neighborhood and the proposed reduction in this front yard setback is only a slight reduction and will not appreciably diminish the openness of the area nor be out of character with other homes in the neighborhood.

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 reduction shall be limited to the north half of the lot. No porch, enclosed or unenclosed, shall be extended beyond the new 19-foot setback line.
2. The proposed construction shall have a gabled roof over the garage and front porch as depicted by the applicant on the drawing submitted with this application.

August 22, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 31-89

OWNER/APPLICANT/AGENT: George J. Price (owner/applicant)

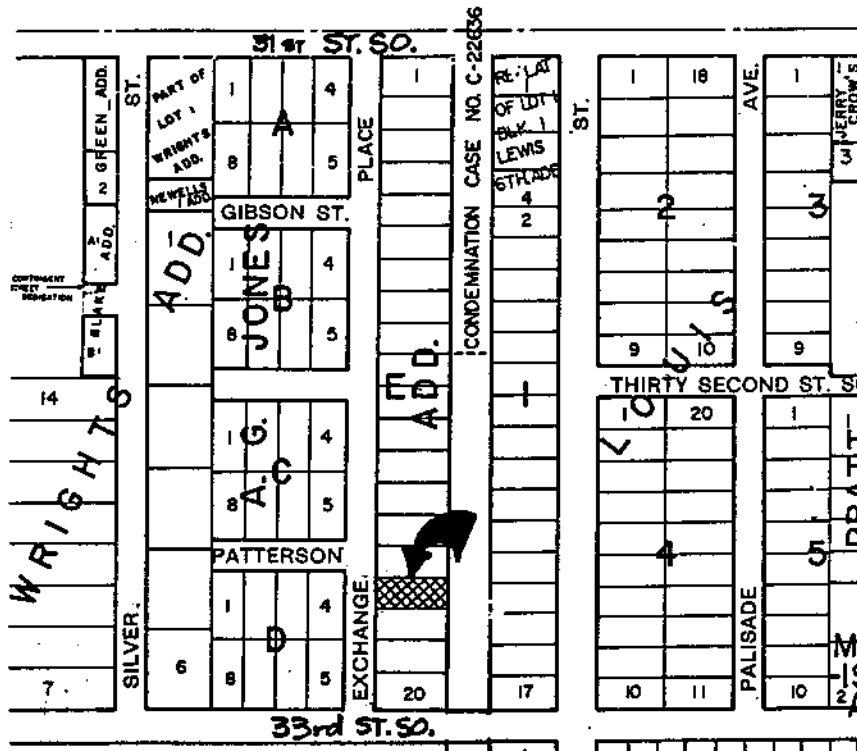
REQUEST: Variance to reduce the front yard setback from 25 feet to 19 feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 61 ft. x 137.8 ft.

LOCATION: East side of Exchange in an area north of 33rd St. South (3338 Exchange).

PROPOSED USE: Extension of attached garage



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 applicant is requesting a reduction of the front yard setback requirement from 25 feet to 19 feet to allow for an enlargement of the attached garage. A gabled roof would be added over the garage and would be large enough to also cover the concrete front porch slab adjacent to the south. Several reasons are stated by the applicant for why this addition is desired: 1) it would provide space in the garage for a utility room so that the water heater and washer could be moved out of the kitchen and allow for more storage space there; 2) it would provide some protection from the north wind for the front door which is south of the garage; and 3) the proposed gabled roof would provide some protection from the afternoon sun for the picture window next to the front door.

The roofed front porch is permitted 8 feet into the front yard setback but the garage, because it will be enclosed, requires the yard variance. In previous years, two similar requests have been granted in this neighborhood.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	Abandoned R.R. r.o.w. & one-family dwellings
WEST	"AA"	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as, due to the floor plan of the house, the only place for a utility room is north of the kitchen in what is now the garage and, in order to have enough space for a full size car and a utility room in the garage, the garage needs to be extended to the west or front.

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 projection into the front yard will exceed by only 1 foot the existing front porch and it will still allow the parking of a normal size vehicle on the driveway in front of the garage without encroachment onto public right-of-way.

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 proposed addition to the house is the most feasible way to provide the extra utility space while also providing protection from the north wind and the afternoon sun and without this variance, the desired improvements could not be made.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no street right-of-way or utility easements will be encroached upon by the proposed addition.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

August 23, 1989

George J. Price
3338 Exchange Place
Wichita, KS 67217

Re: BZA 31-89 - Variance to reduce the front yard setback from 25 ft. to 19 ft. on property zoned "AA" One-Family, located on the east side of Exchange in an area north of 33rd St. So. (3338 Exchange).

Dear Mr. Price:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on August 22, 1989. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Galbraith".

JACK H. GALBRAITH
Secretary
Board of Zoning Appeals

JHG:jcm
Enclosure

cc: Monty Robson, CID
Joe Donnelly, CID
Dale Rea, Deputy City Clerk

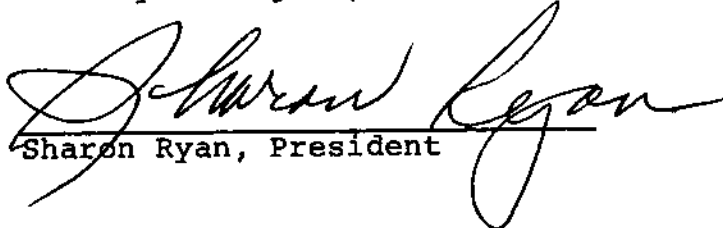
FILE COPY

Lot 17, Block E, A.G. Jones Addition to Wichita,
Sedgwick County, Kansas. Generally located on
the east side of Exchange in an area north of
33rd St. South (3338 Exchange).

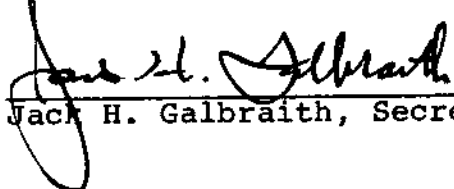
subject to the following conditions:

1. This front yard setback reduction shall be limited to the north half of the lot. No porch, enclosed or unenclosed, shall be extended beyond the new 19-foot setback line.
2. The proposed construction shall have a gabled roof over the garage and front porch as depicted by the applicant on the drawing submitted with this application.

ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 31-89

WHEREAS, George J. Price, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 25 ft. to 19 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 17, Block E, A.G. Jones Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Exchange in an area north of 33rd St. South (3338 Exchange).

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, 1989, 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 due to the floor plan of the house, the only place for a utility room is north of the kitchen in what is now the garage and, in order to have enough space for a full size car and a utility room in the garage, the garage needs to be extended to the west or front; 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 projection into the front yard will exceed by only 1 foot the existing front porch and it will still allow the parking of a normal size vehicle on the driveway in front of the garage without encroachment onto public right-of-way; 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 proposed addition to the house is the most feasible way to provide the extra utility space while also providing protection from the north wind and the afternoon sun and without this variance, the desired improvements could not be made; 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 no street right-of-way or utility easements will be encroached upon by the proposed addition; 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 intent of the front yard setbacks is to provide some degree of uniformity and openness in a neighborhood and the proposed reduction in this front yard setback is only a slight reduction and will not appreciably diminish the openness of the area nor be out of character with other homes in the neighborhood; 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 19 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows: