

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 east five feet of the new room would have to be removed or the room would have to be reconverted to an open porch, either of which would deprive Ms. Weber of the benefits of the enclosed room, which include added security, added noise insulation and added living space.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the enclosed room is no closer to street right-of-way than the previous porch and does not affect the line of sight for drivers or pedestrians on Hillside.

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 general appearance along the street has not been substantially changed and all dwellings still appear to have similar setbacks, due to existing roofs and high railings on most of the porches.

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 variance shall apply to only the 25-foot(±) portion of the lot formerly occupied by the unenclosed porch.
2. The applicant shall obtain the necessary building permit for the porch enclosure within 30 days from the date of approval of this variance and shall comply with all building codes prior to obtaining a final occupancy permit.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

August 27, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 18-91

OWNER/APPLICANT/AGENT: Helen R. Snook (owner/applicant)
Neva J. Weber (agent)

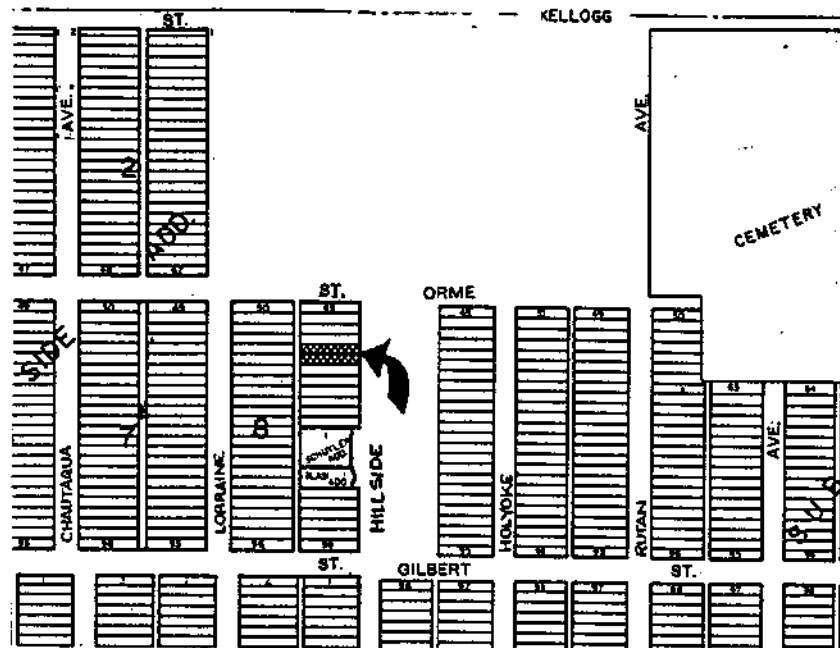
REQUEST: Variance to reduce the front yard setback from 25 feet to 20 feet to accommodate an enclosed front porch

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 50' x 151'

LOCATION: West side of Hillside in an area south of Orme (611 S. Hillside)

PROPOSED USE: Enclosed front 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 600 block of south Hillside is the first block south of the Kellogg interchange. Houses on the east side of Hillside in the 600 block south were acquired by the City for street right-of-way needs and have been removed. Houses on the west side are gradually being converted into offices in accordance with the adopted zoning policy, which favors the "BB" Office District on both sides of Hillside from Central to Lincoln.

The houses were built about 70 years ago and many have substantial front porches with wide support columns, roofs which are an integral part of the house, and waist-high railings with solid or semi-solid "walls" below the railings. The house at 611 S. Hillside had such a front porch until several months ago, when the resident, Neva Weber, hired someone to enclose the porch. Ms. Weber was unaware that the person was not a licensed contractor and that he had not obtained building permits for the work he was doing. Very soon after he completed his work and was paid, a City building inspector was directed to the site, where several violations of the building and zoning codes were noted. The zoning code violation is one involving the front yard setback. An open, unenclosed porch may encroach up to 8 feet into the required front yard (25 feet), but if enclosed, it becomes part of the main structure and subject to the front yard setback requirement. The front face of the house at 611 S. Hillside is 28 feet from the street with an 8-foot porch, now enclosed. The result is a 5-foot violation of the required front yard.

ADJACENT ZONING AND LAND USE:

NORTH	"A"	One-family dwelling
SOUTH	"A"	One-family dwelling
EAST	"A"	Street right-of-way and one-family dwellings
WEST	"A"	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is in a block for which there is an adopted policy favoring the Office District zoning, which has a 20-foot front yard setback requirement, and several lots in the block have already been converted to office use.

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 structure is no closer to any property line than it has been for the past 70 years, prior to the recent enclosure of the porch; it is no closer to the front property line than many other structures in this block; and there is still adequate separation between structures on adjoining lots to provide for fire safety, light access, and air and pedestrian circulation.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

August 27, 1991

Helen R. Snook
P.O. Box 1155
Shawnee, OK 74802

Re: BZA 18-91 - Variance to reduce the front yard setback from 25 feet to 20 feet to accommodate a front porch which has been enclosed on property zoned the "A" Two-Family Dwelling District, located on the west side of Hillside in an area south of Orme (611 S. Hillside).

Dear Ms. Snook:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on August 27, 1991. 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,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

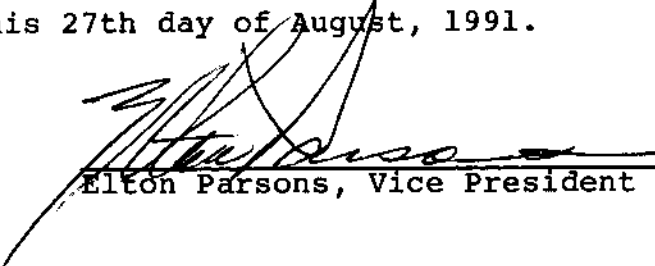
cc: Neva J. Weber, 611 S. Hillside, 67211
Paul Hays, OCI
Lance Flowers, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

Lots 57 and 59, Block 8, Sunny Side Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillside in an area south of Orme (611 S. Hillside).

subject to the following conditions:

1. This front yard setback variance shall apply to only the 25-foot(+) portion of the lot formerly occupied by the unenclosed porch.
2. The applicant shall obtain the necessary building permit for the porch enclosure within 30 days from the date of approval of this variance and shall comply with all building codes prior to obtaining a final occupancy permit.

ADOPTED AT WICHITA, KANSAS, this 27th day of August, 1991.


Elton Parsons, Vice President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 18-91

WHEREAS, Helen R. Snook, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 25 feet to 20 feet to accommodate an enclosed front porch on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 57 and 59, Block 8, Sunny Side Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillside in an area south of Orme (611 S. Hillside).

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 27, 1991, 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 it is in a block for which there is an adopted policy favoring the Office District zoning, which has a 20-foot front yard setback requirement, and several lots in the block have already been converted to office use; 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 structure is no closer to any property line than it has been for the past 70 years, prior to the recent enclosure of the porch; it is no closer to the front property line than many other structures in this block; and there is still adequate separation between structures on adjoining lots to provide for fire safety, light access, and air and pedestrian circulation; 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 east five feet of the new room would have to be removed or the room would have to be reconverted to an open porch, either of which would deprive Ms. Weber of the benefits of the enclosed room, which include added security, added noise insulation and added living space; 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 enclosed room is no closer to street right-of-way than the previous porch and does not affect the line of sight for drivers or pedestrians on Hillside; 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 general appearance along the street has not been substantially changed and all dwellings still appear to have similar setbacks, due to existing roofs and high railings on most of the porches; 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 20 feet to accommodate an enclosed front porch on property zoned the "A" Two-Family Dwelling District and legally described as follows: