

public utility easements or street right-of-way as a result of this reduction in the front yard building setback and therefore there will be no effect on the general public.

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 regulations inasmuch as a reduced setback will continue to provide for fire protection, separation, light and air circulation, pedestrian access as well as will not limit sight distance for travelers along McComas or 20th Street North.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 25 feet to 15 feet on the west side of the property. The garage shall be constructed in general conformance with the site plan approved by the Board of Zoning Appeals.
2. The applicant shall obtain all local permits necessary to construct the garage and all improvements shall be completed within one year following BZA approval of the variance or resolution unless such time period is extended by the BZA.
3. 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 16-98

OWNER/APPLICANT: Mary Goodrich (Owner/Applicant)

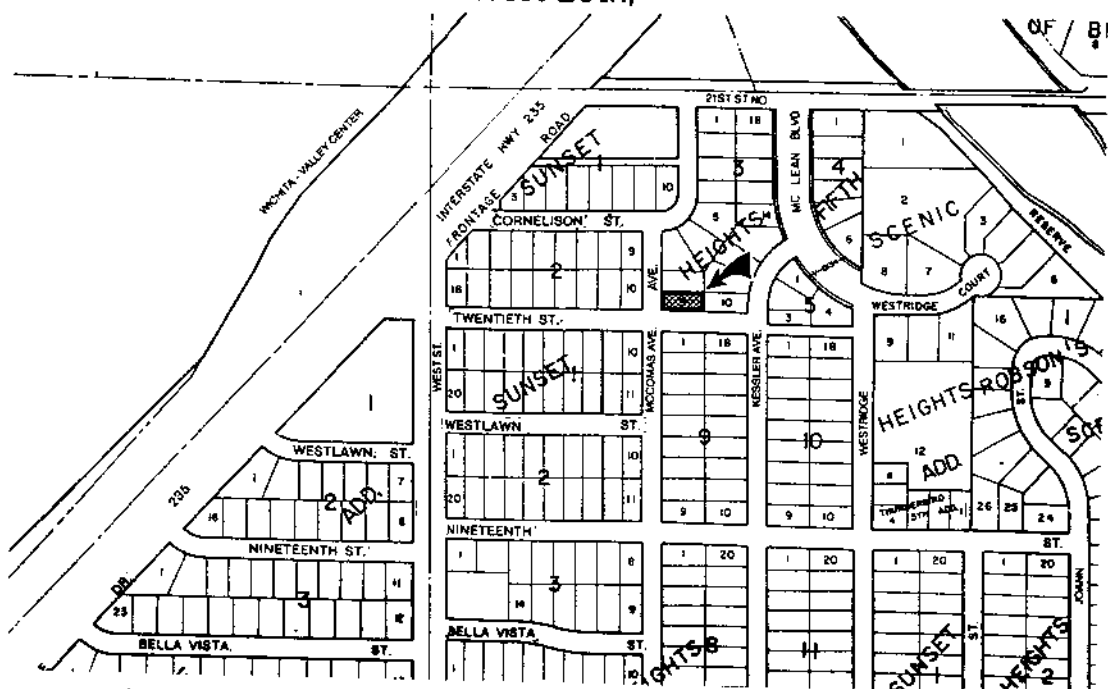
AGENT: Jim Keeter

REQUEST: Variance to reduce the front yard setback from 25 feet to 15 feet on the west side of the property.

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 130 feet by 60 feet

LOCATION: Northeast corner of 20th and McComas (3718 West 20th)



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 State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a variance to reduce the front yard setback from 25 feet to 15 feet on the west side of the property. The application area (60 feet by 130 feet) is located north of 20th Street North and east of McComas and is zoned "SF-6" Single-Family. The applicant is requesting this variance to allow for the construction of a 12 foot by 24 foot 5 inch addition onto the attached garage. (See attached site plan) The addition will be used as a one car garage. This garage will be located just west of the existing single car garage.

The lot was platted to serve a home built facing McComas, however, the home faces 20th Street North. The Zoning Code (III-E.2.e(6)) requires that a front setback be established along the shorter street frontage of corner lots. Therefore, the 25 foot front yard setback faces McComas and a 15 foot street yard setback is required from 20th Street North.

The single-family residence is surrounded on all sides by single-family homes.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single-Family Residence
SOUTH	"SF-6"	Single-Family Residence
EAST	"SF-6"	Single-Family Residence
WEST	"SF-6"	Single-Family Residence

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as this lot is a corner lot which causes the front yard setback to be along the west property line even though the house faces 20th Street North. If the front yard setback was along 20th Street North then the home would be required to only have a 15 foot street yard setback along McComas, and would not need a variance.

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 this addition to the home has the potential to minimally impact only one home to the north. However, the addition will be 20 feet south of the property line and should not significantly impact this home to the north.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as an existing 20 foot driveway is located at this location and it would be cost prohibitive for the owner to construct another curb cut on this lot. This addition is also attached to the existing garage.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there will be no encroachments into

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

August 7, 1998

Mary J. Goodrich
3718 W. 20th
Wichita, KS 67203

RE: BZA 16-98 - Variance to reduce the front yard setback from 25 feet to 15 feet on the west side of property generally located on the northeast corner of 20th and McComas.

Dear Ms. Goodrich:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on July 28, 1998. 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.

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

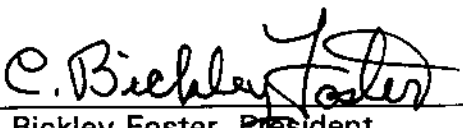
Sincerely yours,

Keith Gooch, Assistant Secretary
Board of Zoning Appeals

KG/sah

cc: Jim Keeter, 2605 W. Esther, Wichita, KS 67213
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Secretary

BZA RESOLUTION NO. 16-98

WHEREAS, Mary Goodrich, 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 15 feet on the west side of property zoned "SF-6" Single Family Residential and legally described as follows:

Lot 9, Block 3, Sunset Heights Fifth, Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 20th and McComas (3718 W. 20th).

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 July 28, 1998, 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 owners or the applicant inasmuch this lot is a corner lot which causes the front yard setback to be along McComas even though the house faces 20th Street North. If the front yard was along 20th Street North the home would be required to only have a 15 foot street side yard setback along McComas, and would not need a variance; 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 this addition to the home will be 20 feet south of the north property line and will not significantly impact the home to the north; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Unified Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as an existing 20 foot driveway is located at this location and it would be cost prohibitive for the owner to construct another curb cut on this lot this addition is also attached to the existing garage; 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, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the front yard setback requirement and therefore, there will be no effect on the general public; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not adversely affect the rights of adjacent property owners or residents inasmuch as a reduced setback will continue to provide for fire protection, separation, light and air circulation, pedestrian access as well as will not limit sight distance for travelers along McComas or 20th Street North.

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 15 feet on the west property line on property zoned "SF-6" Single Family Residential and legally described as follows:

Lot 9, Block 3, Sunset Heights Fifth, Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 20th and McComas (3718 W. 20th).

subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front yard setback shall be reduced from 25 feet to 15 feet on the west side of the property. The garage shall be constructed in general conformance with the site plan approved by the Board of Zoning Appeals.
2. The applicant shall obtain all local permits necessary to construct the garage and all improvements shall be completed within one year following BZA approval of the variance or resolution unless such time period is extended by the BZA.
3. 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.

