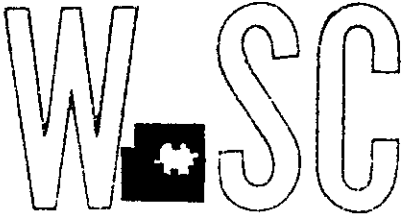


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

November 20, 1997

Ernest and Karin Rieger
5922 Polo Drive
Wichita, KS 67208

RE: BZA 20-97 - Variance to reduce the rear yard setback from 20 feet to 10.6 feet on property zoned "TF-3" Two-Family Residential and generally located 250 feet north of Elm on the west side of Lorraine (625 N. Lorraine)

Dear Mr. and Mrs. Rieger:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on November 18, 1997. 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 call our office.

Sincerely yours,

Dedra Denée Ragland
Board of Zoning Appeals

DDR/sah

cc: Charles E. Knowles II, 1945 N. Meridian, Wichita, KS 67203
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



BZA RESOLUTION NO. BZA 20-97

WHEREAS, Ernest and Karin Rieger, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10.6 feet on property zoned "TF-3" Two-Family Residential and legally described as follows:

The east half of Lots 73, 75 and 77, on Lorraine Avenue, Resurvey of Buck's 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located 250 feet north of Elm on the west side of Lorraine (625 N. Lorraine).

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 November 18, 1997, 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 as the site is presently developed with a house and detached garage. The location and layout of these structures limits the location of a residential building addition; 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 there will be sufficient separation and screening from the single family homes located near the encroachment. There are other accessory structures located in the area that are near the rear property lines, therefore the visual impact of this addition to the area is not significant; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would have to reduce the size of the addition which would make the space less useable. In addition, the applicant would have to bear the costs of removing all or part of the foundation, and the costs associated with revising the floor plans and purchasing new materials based on the revised dimensions; 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 rear yard setback reduction request 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 be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate separation between structures will be maintained for the protection of adjacent properties and the general public.

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

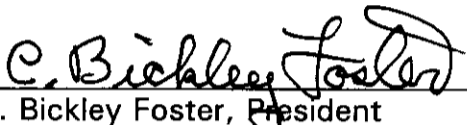
Wichita that this request be approved for a variance to reduce the rear yard setback from 20 feet to 10.6 feet on property zoned "TF-3" Two-Family Residential and legally described as follows:

The east half of Lots 73, 75 and 77, on Lorraine Avenue, Resurvey of Buck's 2nd Addition to Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. This variance shall apply to only that portion of the rear yard setback necessary for the construction of the addition as shown on the site plan submitted with this application.
2. The room addition shall be constructed within one year of the approval of the variance or the resolution shall be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 18th day of November, 1997.

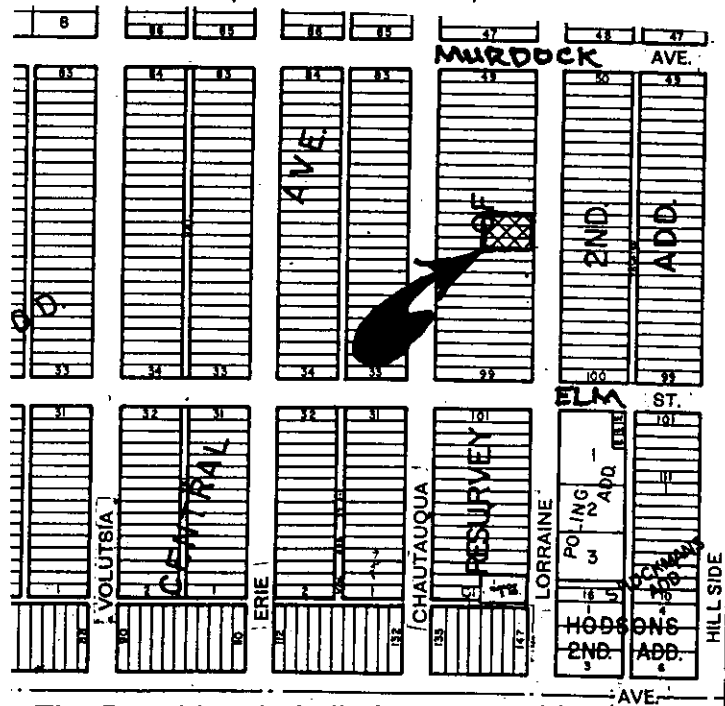

C. Bickley Foster, President

ATTEST:


Lawrence P. Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 20-97
OWNER/APPLICANT: Ernest and Karin Rieger
AGENT: Charles E. Knowles II
REQUEST: Variance to reduce the rear yard setback from 20 feet to 10.6'
CURRENT ZONING: "TF-3" Two-Family Residential
SITE SIZE: .18 acres
LOCATION: 250 feet north of Elm on the west side of Lorraine (625 N. Lorraine)



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 applicants are requesting this variance to reduce the rear yard building setback from 20 feet to 10.6 feet in order to construct a room addition onto the existing house on this lot. The room addition will encroach 9.4' into the 20-foot required rear yard setback as required in the "TF-3" Two-Family Residential zoning district.

A building permit was issued in August by the Office of Central Inspection (OCI) approving the addition. Following the issuance of the permit, a foundation was laid. It has since been discovered, during a subsequent inspection by OCI, that the new rear yard setback does not meet the 20' rear yard setback as required by the Unified Zoning Code. Work has been halted while the applicant seeks an appropriate solution to the problem.

The applicants have indicated that the most appropriate location for the building addition was at the rear of the existing structure. This allows for the most practical use of the existing layout of the home. A reduction in the overall dimensions of the addition would also adversely impact room sizes and space utilization.

ADJACENT ZONING AND LAND USE:

NORTH	TF-3	Single Family Home
SOUTH	TF-3	Single Family Home
EAST	GO	Hospital
WEST	TF-3	Single Family Home

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is presently developed with a house and detached garage. The location and layout of these structures limits the location of a residential building addition.

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 there will be sufficient separation and screening from the single family homes located near the encroachment. There are other accessory structures located in the area that are near the rear property lines, therefore the visual impact of this addition to the area is not significant.

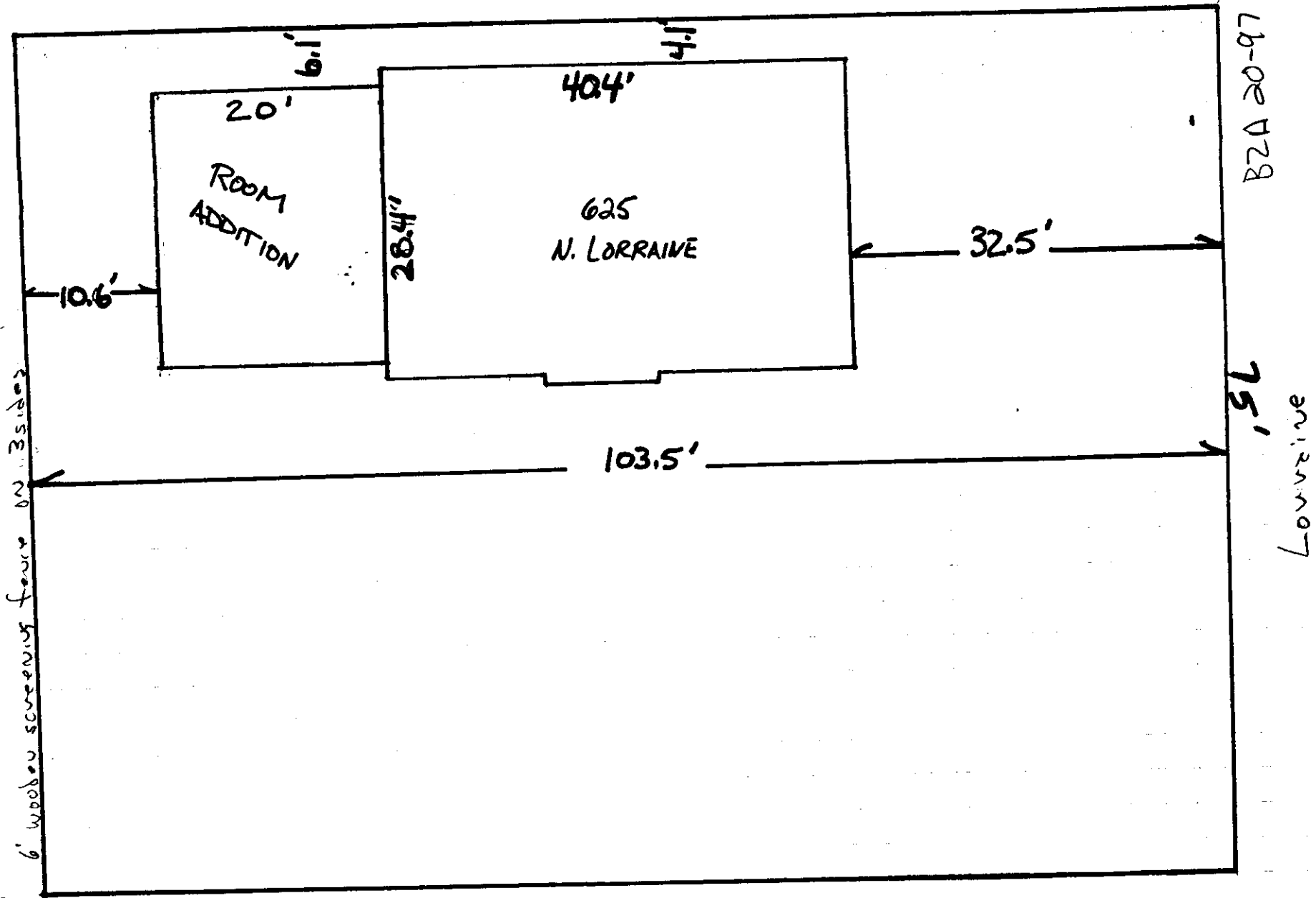
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would have to reduce the size of the addition which would make the space less useable. In addition, the applicant would have to bear the costs of removing all or part of the foundation, and the costs associated with revising the floor plans and purchasing new materials based on the revised dimensions.

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 public utility easements or street right-of-way as a result of this rear yard setback reduction request 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 adequate separation between structures will be maintained for the protection of adjacent properties and the general public.

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. This variance shall apply to only that portion of the rear yard setback necessary for the construction of the addition as shown on the site plan submitted with this application.
2. The room addition shall be constructed within one year of the approval of the variance or the resolution shall be declared null and void.



$\frac{1}{4}'' = 3'-0''$