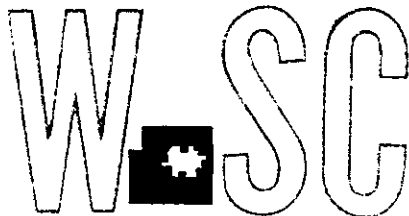


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 25, 1997

J. Frederick and Patricia Ann Thurlow
7719 E. Champions Ct.
Wichita, KS 67226

RE: BZA 12-97 - Variance to reduce the Castle Street side yard setback from 25 feet to 15 feet on property zoned "SF-6" Single-Family Residential and generally located on the southwest corner of Castle and Waverly (925 S. Waverly)

Dear Mr. and Mrs. Thurlow:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 24, 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,

Lawrence P. Mitchell, Secretary
Board of Zoning Appeals

LPM/sah

cc: J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

BZA RESOLUTION NO. 12-97

WHEREAS, J. Frederick and Patricia Ann Thurlow, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the Castle street side yard setback from 25 feet to 15 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 9, Block 4, Purcell's Sixth Addition to Wichita, Sedgwick County, Kansas. Generally located southwest corner of Castle and Waverly (925 S. Waverly)

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 June 24, 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 it is a "key lot" which requires that accessory structures observe the same setback from the street as required for principal structures on the abutting lot; 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 current residence on the lot is only observing an 11.7-foot street side yard setback along Castle Street and therefore; the proposed 15-foot setback from the accessory structure should not block the view from the affected property owner anymore than currently exists; 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 accessory structure would have to be decreased in size by more than 27% to meet the setback requirements at this location and this would result in a structure too small to meet the applicant's needs, or the structure would have to be constructed at a location on the lot that would be more intrusive to adjacent neighbors; 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 encroachment into public utility easements or street right-of-way and no vehicular views at intersections will be blocked as a result of this building setback reduction and therefore there should be no adverse 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 there will still be adequate separation between the structures on adjacent properties and views to and from existing adjacent residences will not be blocked.

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.

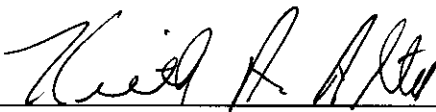
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to requests a variance to reduce the Castle street side yard setback from 25 feet to 15 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 9, Block 4, Purcell's Sixth Addition to Wichita, Sedgwick County, Kansas.

subject to the following conditions:

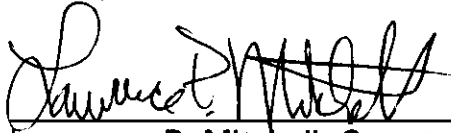
1. The setback variance shall be applicable only for an accessory structure (detached garage) to be located in the rear of the property as indicated on the applicant's site plan submitted with this application. All other structures shall observe all zoning code setbacks unless additional variances are requested and granted.
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 the resolution authorizing this setback variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of June, 1997.



Keith A. Alter, President

ATTEST:



Lawrence P. Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 12-97

OWNER/APPLICANT: J. Frederick and Patricia Ann Thurlow

REQUEST: Variance to reduce the Castle street side yard setback from 25 feet to 15 feet

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

SITE SIZE: 60' x 115'

LOCATION: Southwest corner of Castle and Waverly (925 S. Waverly)



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, J. Fredrick and Patricia Thurlow, are requesting a variance of the required street side yard setback on Castle Street from 25 feet to 15 feet on a platted lot located at the southwest corner of Waverly and Castle. The applicants desire to construct a detached garage in the rear half of their corner lot accessible from Castle Street and 15 feet south of the north property line. The applicants site was platted with the front yard facing Waverly and is considered by the zoning code to be a "key lot". A key lot is defined as a corner lot abutting two or more non-corner (interior or through) lots. The distinction between types of lots becomes important because of the zoning code requirement in Section III-D.7.f.(4) which states: "Whenever located on a key lot, accessory structures shall not project beyond the front setback line required on the lot in the rear of such key lot." The lot in the rear of the applicants lot which fronts onto Castle is required to observe a 25-foot front yard setback. Therefore, the applicants detached garage (accessory structure) must observe a 25-foot setback from Castle.

The applicants desire to construct a detached garage (36' x 24') in the rear of their property within 15-foot of the property line along Castle Street and 9 feet from their west property line. The principal dwelling on the site is observing an 11.7-foot setback from Castle Street. The applicants have indicated that they have discussed their construction plans with affected neighbors to the west and south and the neighbors indicated they do not object.

ADJACENT ZONING AND LAND USE:

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

UNIQUENESS: It is the opinion of staff that this property is somewhat unique inasmuch as it is a "key lot" which requires that accessory structures observe the same setback from the street as required for principal structures on the abutting lot; and

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 current residence on the lot is only observing an 11.7-foot street side yard setback along Castle Street and therefore; the proposed 15-foot setback from the accessory structure should not block the view from the affected property owner anymore than currently exists; and

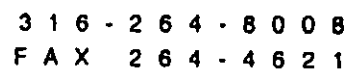
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the accessory structure would have to be decreased in size by more than 27% to meet the setback requirements at this location and this would result in a structure too small to meet the applicant's needs, or the structure would have to be constructed at a location on the lot that would be more intrusive to adjacent neighbors; and

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 encroachment into public utility easements or street right-of-way and no vehicular views at intersections will be blocked as a result of this building setback reduction and therefore there should be no adverse effect on the general public; and

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 there will still be adequate separation between the structures on adjacent properties and views to and from existing adjacent residences will not be blocked.

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 setback variance shall be applicable only for an accessory structure (detached garage) to be located in the rear of the property as indicated on the applicant's site plan submitted with this application. All other structures shall observe all zoning code setbacks unless additional variances are requested and granted.
2. The garage 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 the resolution authorizing this setback variance shall become null and void.
3. 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 the resolution authorizing this setback variance shall become null and void.



Page 2 of 3

WAVELY



- SRB 1/2" REBAR W/SRB CAP (SET)
- CROSS CROSS SET ON CONC WALK OVER 1/2" IP (SET)

BZA 12-97

MARK A. SAVOY, L. S. * BRIAN N. SAVOY, L.S. * THOMAS C. RUGGLES, P.E. * CHRISTOPHER M. BOHM, P.E.