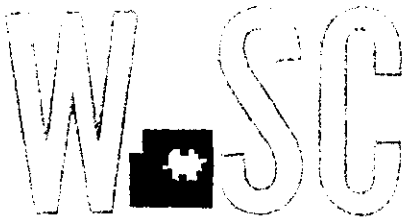


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 26, 1997

Duane and Margaret Carpenter
3071 W. 27th St. S.
Wichita Ks 67217

RE: BZA 5-97 - Request for a variance to reduce the front yard setback from 25 feet to 6 feet on property zoned "SF-6" Single-Family Residential and generally located on the southeast corner of Custer and 27th Street South (3071 W. 27th Street South)

Dear Mr. and Mrs. Carpenter:

At the regular meeting of the board of Zoning Appeals on March 25, 1997, your request for a variance to reduce the front yard setback from 25 feet to 6 feet was considered. It was the action of the Board to deny the request. A copy of the resolution setting forth the official action of the Board is enclosed for your records.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions, please call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

LPM/sah

cc: J.R. Cox, OCl
Paul Hays, OCl
Ray Sledge, OCl
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

BZA RESOLUTION NO. BZA 5-97

WHEREAS, Margaret and Duane Carpenter, 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 6 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Block 11, Builder's 14th Addition to Wichita, Sedgwick County, Kansas. Generally located southeast corner of Custer and 27th Street South (3071 W. 27th St. S.).

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 March 25, 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 not 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 property is 72.5 feet in width and 104.1 feet in depth. The tract is 7,547.25 sq. ft. in area. Adjacent properties to the south and east have 72.5-foot frontages with similar structures built on approximately the same size lots. No homes in the area have carports, as most have attached garages; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the form and materials of the carport are not in character with the existing house on this lot or with other structures in the area; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as adequate protection for vehicles is already provided by the attached 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 no utility easement or street right-of-way would be encroached by the carport; and

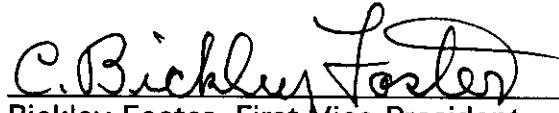
WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired as requested is not within the spirit and intent of the zoning ordinance. The applicant's home has an attached garage designed to provide adequate protection from inclement weather. Approval of this request would violate the spirit and intent of the ordinance by varying a setback requirement in order to allow a structure which duplicates the function of the existing garage.

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 have not been found to exist.

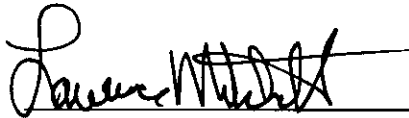
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be **DENIED** for a variance to reduce the front yard setback from 25 feet to 6 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Block 11, Builder's 14th Addition to Wichita, Sedgwick County, Kansas. Generally located southeast corner of Custer and 27th Street South.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1997.


Bickley Foster, First Vice-President

ATTEST:


Lawrence Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 5-97

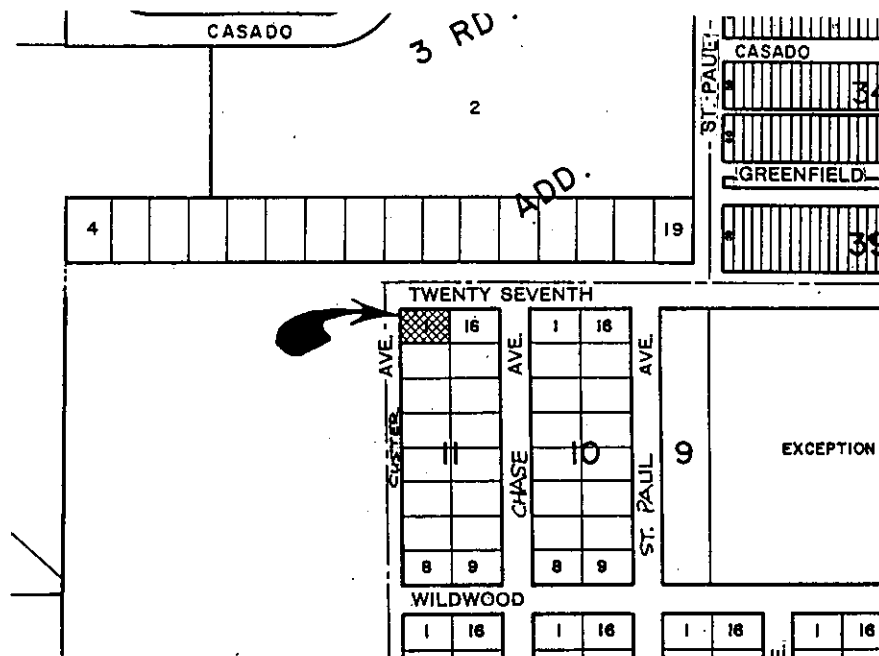
OWNER/APPLICANT: Margaret and Duane Carpenter

REQUEST: Variance to reduce the front yard setback from 25' to 6'

CURRENT ZONING: "SF-6"

SITE SIZE: 104.1' x 72.5'

LOCATION: Southeast corner of Custer and 27th Street South
(3071 W. 27th St. S.)



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 a reduction of the front yard setback from 25 feet to 6 feet to accommodate an attached carport. The applicants have indicated that they had the carport constructed in order to prevent snow from piling up outside the attached garage and to provide shade in the summertime. The carport was constructed in November 1996. The applicants indicated that they were under the assumption that the contractor hired to build the carport would take care of obtaining all necessary building permits. OCI records indicate that no permit was issued to construct the carport.

The contractor built the carport on the west side of the house and did not observe the required 25-foot front yard setback. Although this house faces 27th Street and is addressed to 27th Street, the plat for this lot depicts the front yard as being on Custer. Therefore, the carport that is on the side of the house must observe a front yard setback of 25 feet. Since the property is a corner lot and the west side of the property is adjacent to a street, even if the west side of the lot were to be considered the side yard a 15-foot street side yard setback would still be required. The area west of the existing encroachment is currently not developed and the property south of the encroachment is observing the required 25-foot front yard building setback.

All lots in this area are approximately the same size and most homes have attached garages, as this home does. There are no other homes in the immediate neighborhood with carports. In all previous carport cases heard by this Board the applicants have had no other alternative for the protected parking of vehicles. However, in this case there is a 2-car garage attached to the main dwelling unit on this lot.

ADJACENT ZONING AND LAND USE:

NORTH:	"MF-18"	Duplexes
SOUTH:	"SF-6"	Single family home
EAST:	"SF-6"	Single family home
WEST:	"SF-6"	Undeveloped lot

UNIQUENESS: It is the opinion of staff that this property is not unique inasmuch as the property is 72.5 feet in width and 104.1 feet in depth. The tract is 7,547.25 sq. ft. in area. Adjacent properties to the south and east have 72.5-foot frontages with similar structures built on approximately the same size lots. No homes in the area have carports, as most have attached garages.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will adversely affect the rights of adjacent property owners, inasmuch as the form and materials of the carport are not in character with the existing house on this lot or with other structures in the area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as adequate protection for vehicles is already provided by the attached garage.

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

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance as requested is not within the spirit and intent of the zoning ordinance. The applicant's home has an attached garage designed to provide adequate protection from inclement weather. Approval of this request would violate the spirit and intent of the ordinance by varying a setback requirement in order to allow a structure which duplicates the function of the existing garage.

RECOMMENDATION: Since all five conditions necessary for the granting of a variance cannot be found to exist, it is recommended that the application be DENIED. However, 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:

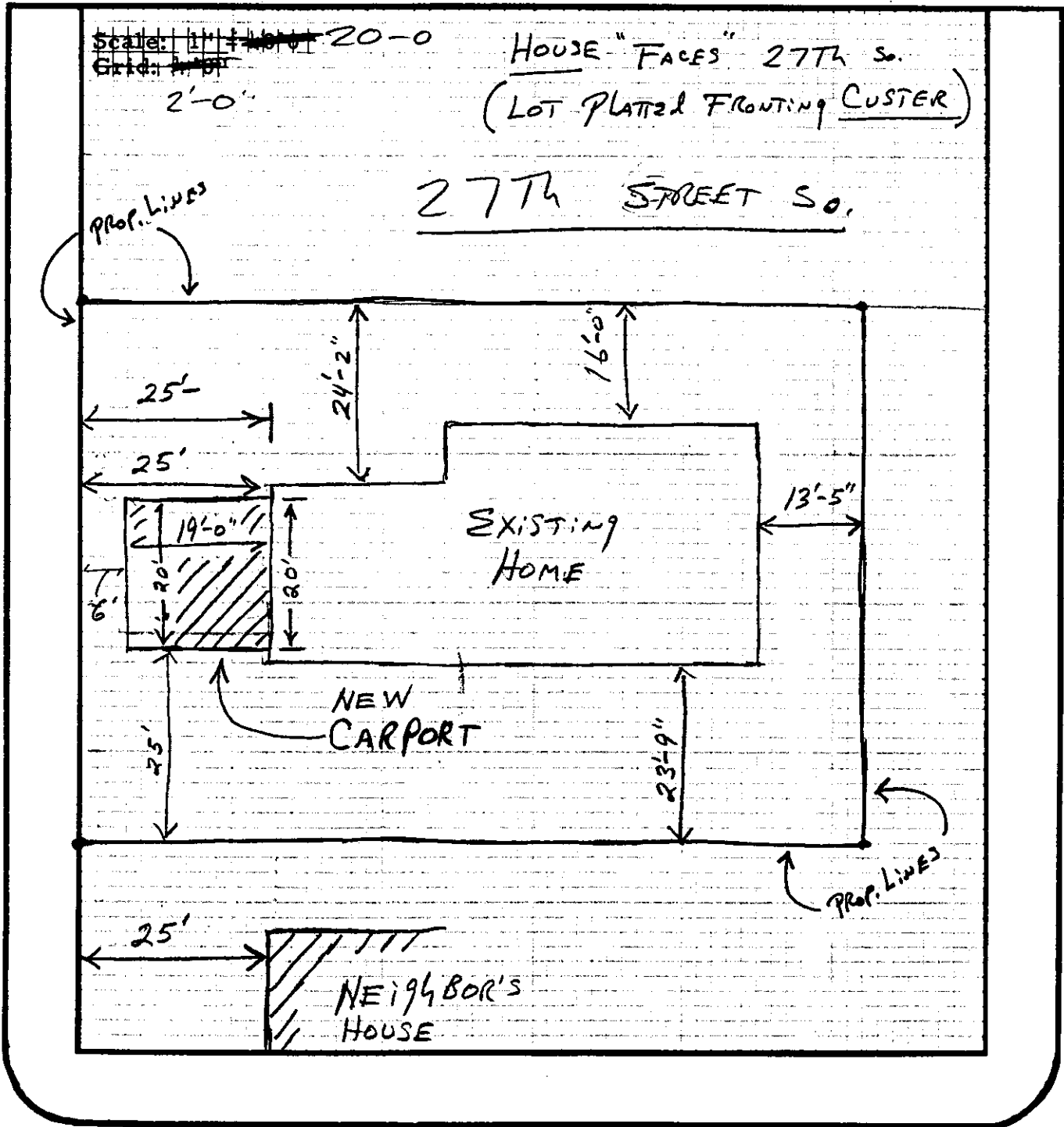
1. The front yard setback variance from 25 feet to 6 feet shall apply to only the west front yard adjacent to the existing carport, which is approximately 20 feet in length, beginning at a point 25 feet north of the south property line, as shown on the site plan submitted with this application.
2. This variance is for an unenclosed carport only and any other structures shall comply with all applicable setback requirements.
3. The applicant shall obtain a building permit from the Office of Central Inspection for the carport within 30 days following the release of the resolution.
4. The newly constructed carport shall comply with all building codes.
5. This resolution shall be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

RESIDENTIAL PLOT PLAN

5244-B

ADDRESS: 3071 W. 27TH So. PERMIT NO. NONE
 LOT(S): 1 BLK. 11 OF BUILDERS 14TH ZONING SF-C
 REQUIRED SETBACKS: FRONT 25 SIDE (ST.) 15 SIDE 6 REAR 20

NORTH
CUSTER



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: _____
 (Applicant)

White Copy - File

Yellow Copy - Applicant