



Wichita-Sedgwick County Metropolitan Area Planning Department

August 31, 2017

Mr. Marc Haynes
1801 N. Woodrow
Wichita, KS 67203

RE: BZA2017-00035 – City variance to reduce the required front setback to 8' to allow a carport to be constructed at 1804 N. Woodrow

Dear Mr. Haynes

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on August 24, 2017. This resolution reflects the official action of the Board and is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

David M. Clements, AICP
BZA Secretary

CMC/mc
Attachment - Resolution

cc: MABCD

BZA RESOLUTION NO. BZA2017-00035

WHEREAS, Marc Haynes and Sheryl Haynes (Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to allow the 25-foot required front yard to be reduced to 8 feet to allow a carport to be constructed at 1804 N. Woodrow and legally described as follows:

Legal Description: The west 70 feet of Lots 41, 43, 45 and 47, on Woodrow Avenue, Ford & Crane's Addition, Wichita, Sedgwick County, Kansas.

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 24, 2017, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property. There is no location on the property where a carport or garage addition could be constructed without the need to encroach in the required front or side street yard.

WHEREAS, the proposed location of the carport would be closer to the street than the home to the east, but the location is similar to the garage at the single-family home to the west. There is a similar reduced setback at the property located at the northwest corner of West 17th Street North and North Porter Avenue, just east of the subject site. The carport location is not out of character with the area and will have no adverse impact on the adjacent property.

WHEREAS, the existing duplex on the property does not have a garage or a carport. The requirements of the UZC would not allow a carport to be constructed without a variance. The ordinance requirements create a hardship for the applicant, it is reasonable to provide off-street parking at the property

WHEREAS, it is the opinion of the BZA that the requested variance would not adversely affect the public interest, health, safety or welfare. Providing a location for parking on the lot would alleviate on-street parking and could reduce congestion on the public street.

WHEREAS, It is the opinion of BZA that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations. There is a reasonableness to allowing a new carport on the property, the structure will improve property values and will not detract from the attractiveness of the neighborhood.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

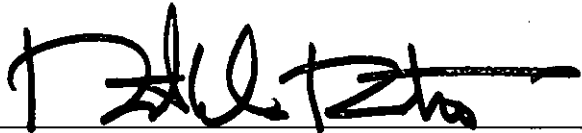
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce the 25-foot front yard to 8 feet allow a carport to be constructed at 1804 N. Woodrow and legally described as follows:

Legal Description: The west 70 feet of Lots 41, 43, 45 and 47, on Woodrow Avenue, Ford & Crane's Addition, Wichita, Sedgwick County, Kansas.

The variances are hereby GRANTED, subject to the following conditions:

1. The new carport shall be constructed in substantial conformance with the approved site plan.
2. The front yard setback reduction shall only apply to the carport on the approved site plan.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The carport design shall be compatible with Exhibit A as submitted at the public hearing.
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 25th Day of August 2017.



BZA Board Chair, David W. Foster

ATTEST:



David M. Clements, AICP
BZA Secretary

JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: This application was filed in order to reduce the 25-foot required front setback to 8 feet to allow a carport to be constructed at 1804 North Woodrow Avenue. The applicant explains that there is an existing duplex at this location, and Mr. Haynes would like to convert the duplex to a single-family home. The existing duplex has no off-street parking, and that the variance will allow construction of a carport that will enhance the property value after the conversion to a single-family home is complete. Please see the attached letter from the applicant.

A site plan was also submitted with the application, indicating the location of the proposed carport on the south side of the house. Driveway access is shown from West 17th Street North. The *Unified Zoning Code (UZC)* defines the narrow width of a corner lot as the front yard. As shown on the site plan, the front of the house is oriented to North Woodrow Avenue, and the location of the proposed carport is in an area that functions as a side street setback.

If approved, the carport would be 8 feet from the property line on West 17th Street North, and 22 feet from the curb-line. This would provide sufficient depth for a driveway and automobile parking. There is no sidewalk at this location, so cars would not block a sidewalk.

The carport will be constructed with materials and colors to be compatible with the house.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single Family Residence
SOUTH	SF-5	Single-Family Residence
EAST	SF-5	Two Family Residence
WEST	TF-3	Single-Family Residence

UNIQUENESS: The conditions of the request are unique to the subject property. There is no location on the property where a carport or garage addition could be constructed without the need to encroach in the required front or side street yard.

ADJACENT PROPERTY: The proposed location of the carport would be closer to the street than the home to the east, but the location is similar to the garage at the single-family home to the west. There is a similar reduced setback at the property located at the northwest corner of West 17th Street North and North Porter Avenue, just east of the subject site. The carport location is not out of character with the area and will have no adverse impact on the adjacent property.

HARDSHIP: The existing duplex on the property does not have a garage or a carport. The requirements of the *UZC* would not allow a carport to be constructed without a variance. The ordinance requirements create a hardship for the applicant, it is reasonable to provide off-street parking at the property

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, health, safety or welfare. Providing a location for parking on the lot would alleviate on-street parking and could reduce congestion on the public street.

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. There is a reasonableness to allowing a new carport on the property, the structure will improve property values and will not detract from the attractiveness of the neighborhood.

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 to reduce the required front yard from 25 feet to 8 feet be GRANTED, subject to the following conditions:

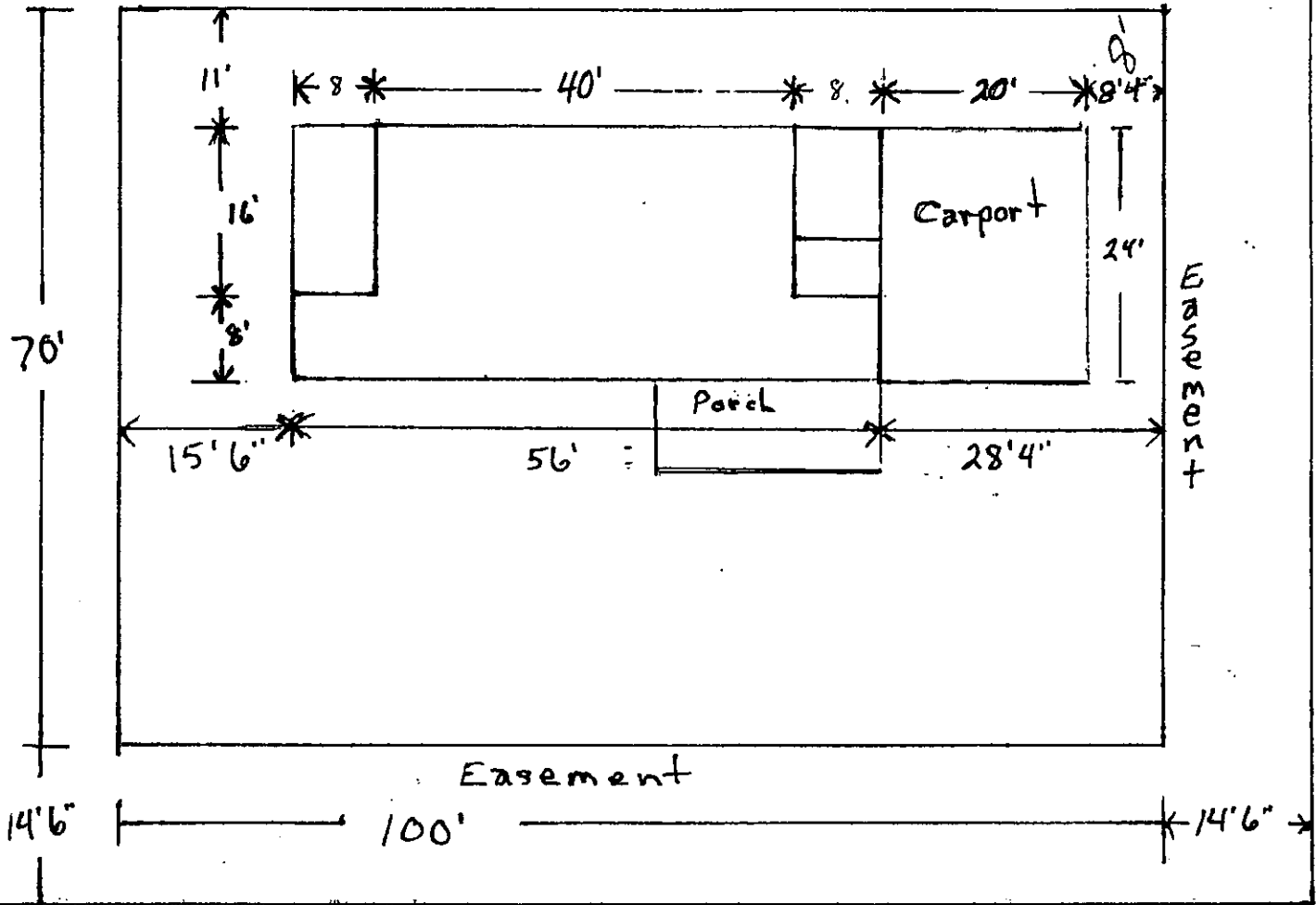
1. The new carport shall be constructed in substantial conformance with the approved site plan.
2. The front yard setback reduction shall only apply to the carport on the approved site plan.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

1. Site Plan
2. Applicants Narrative

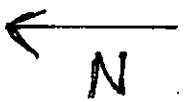
Ford & Crane Division

Lots 41, 43, 45, 47 (west)
Currently 1804-1806 Woodrow Ave.



17th Street

Woodrow Ave.



1/16 scale

Marc Haynes
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