



Wichita-Sedgwick County Metropolitan Area Planning Department

October 29, 2012

James and Detha Kemp
2640 Exchange Place
Wichita, KS 67217

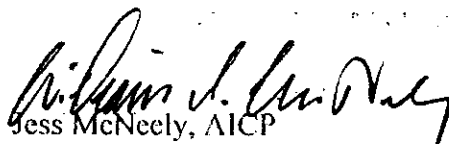
RE: BZA2012-54 – City variance of the Zoning Code to reduce the Zoning Code required front setback from 25 to five feet for an open, unenclosed carport in SF-5 Single-family Residential ("SF-5") zoning; generally located west of McLean and north of 26th Street South, on the east side of S. Exchange Place (2640 S. Exchange).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on October 23, 2012. This resolution reflects the official action of the Board. It is forwarded for your information and files.

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

Sincerely,



Jess McNeely, AICP

BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections
JR Cox, Office of Central Inspection
Michael O'Donnell, WCC IV CM
Kelli Geier, WCC IV NA

BZA RESOLUTION NO. BZA2012-54

WHEREAS, James and Detha Kemp (owners), request a variance of the Zoning Code to reduce the Zoning Code required front setback from 25 to five feet for an open, unenclosed carport in SF-5 Single-family Residential ("SF-5") zoning; generally located west of Mclean and north of 26th Street South, on the east side of S. Exchange Place (2640 S. Exchange).

Legal Description:

LOT 7 & 1/2 VAC MID-VAL ROW ADJ ON E BLOCK 5 REPLAT SUNSET MANOR
ADDITION

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 October 23, 2012, 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 this property is unique. This portion of Exchange Place is unique with excessive landscaped right-of-way. 16 feet of landscaped right-of-way exists between the Exchange Place curb and the applicant's property line, leaving 21 feet, adequate separation, between the proposed carport and the paved street. Most SF-5 zoned neighborhoods have 10 feet or less of landscaped right-of-way between the property line and paved street. Also, this property is unique in that it is one of the few houses in the immediate neighborhood with the attached garage placed at the 25-foot building setback. Most other houses in the immediate neighborhood are built with the attached garage recessed behind the house front, leaving those properties with enough room to place a carport in front of the garage.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance will not adversely affect the rights of adjacent property owners. The proposed carport is an open, unenclosed carport; the proposed location would not hinder visibility up and down Exchange Place for adjacent property owners. Also, the proposed carport materials and design should make it visually compatible with the surrounding properties.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code would constitute an unnecessary hardship upon the applicant. The subject property does not have vehicular access to the rear yard; the only feasible location for a carport improvement is the proposed location. Without the requested setback variance, the applicant cannot feasibly improve their property with an accessory structure.

WHEREAS, the Board of Zoning Appeals has found that the requested variance will not adversely affect the public interest. Further improving this property is in the public interest. And, the requested variance will have no impact on vehicular or pedestrian circulation.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the carport and the street will be maintained, and landscaped areas will not be impacted.

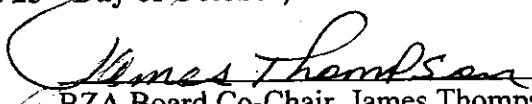
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

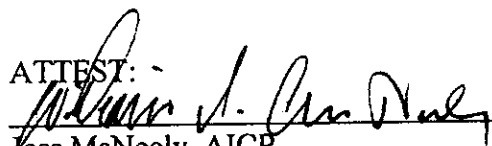
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance of the Zoning Code to reduce the Zoning Code required front setback from 25 to five feet for an open, unenclosed carport in SF-5 Single-family Residential ("SF-5") zoning; generally located west of Mclean and north of 26th Street South, on the east side of S. Exchange Place (2640 S. Exchange).

The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan drawings and elevation photograph.
2. The front setback reduction shall apply only to the carport shown on the site plan. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The applicant shall obtain all permits necessary to build the open, unenclosed carport within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 23rd Day of October, 2012.


BZA Board Co-Chair, James Thompson

ATTEST: 
Jess McNeely, AICP
BZA Secretary

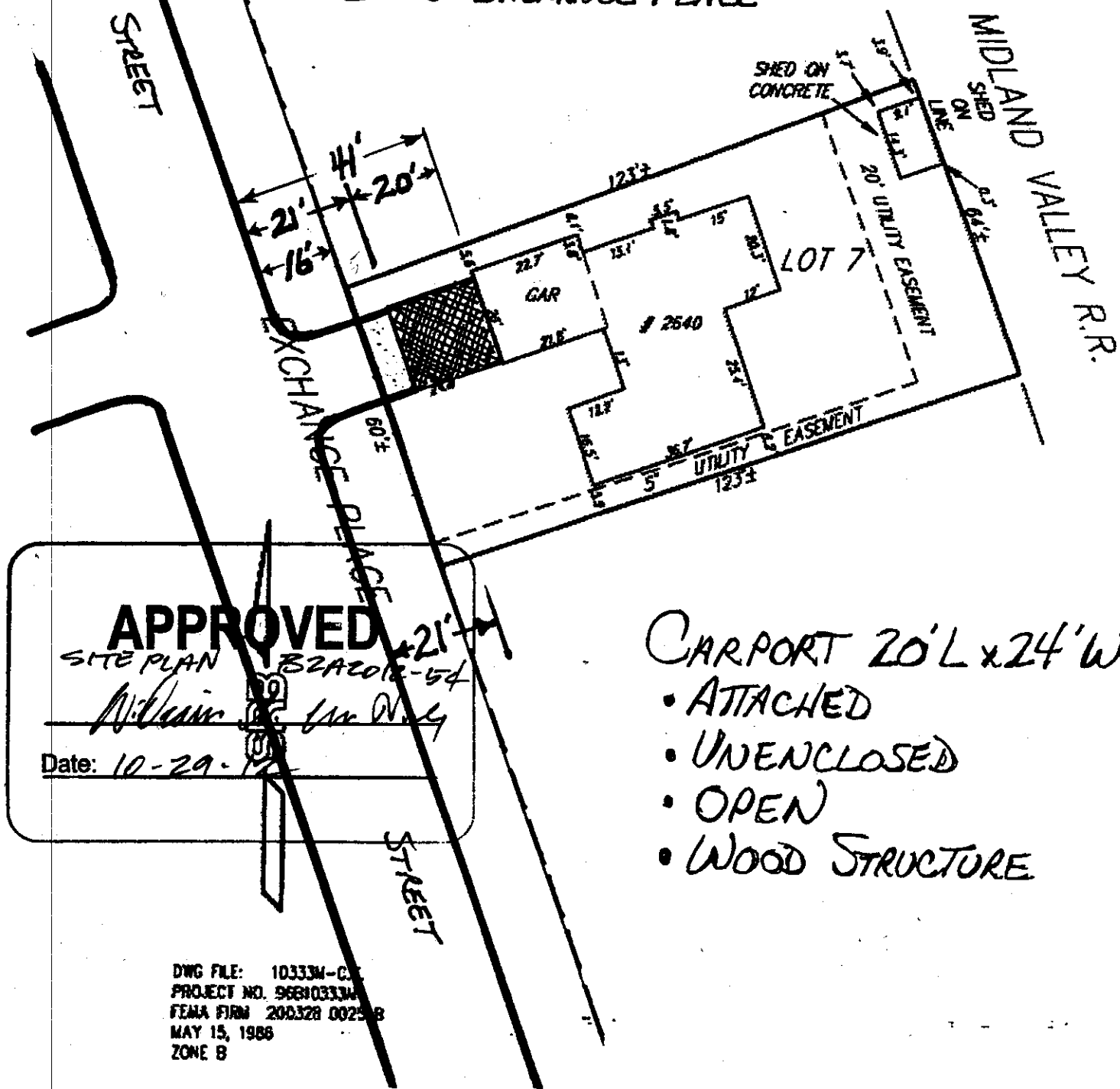
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MORTGAGEE TITLE INSPECTION

(This Does Not Constitute A Boundary Survey)

Note: Positional tolerance of setback and offside dimensions is $0.5 \pm$ unless otherwise noted.

LOT 7 BLOCK 5 REPLAT OF SUNSET MANOR
AN ADDITION TO WICHITA SEDGWICK COUNTY KS.
2640 EXCHANGE PLACE



3

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____
October 23, 2012

SECRETARY'S REPORT

CASE NUMBER: BZA2012-54

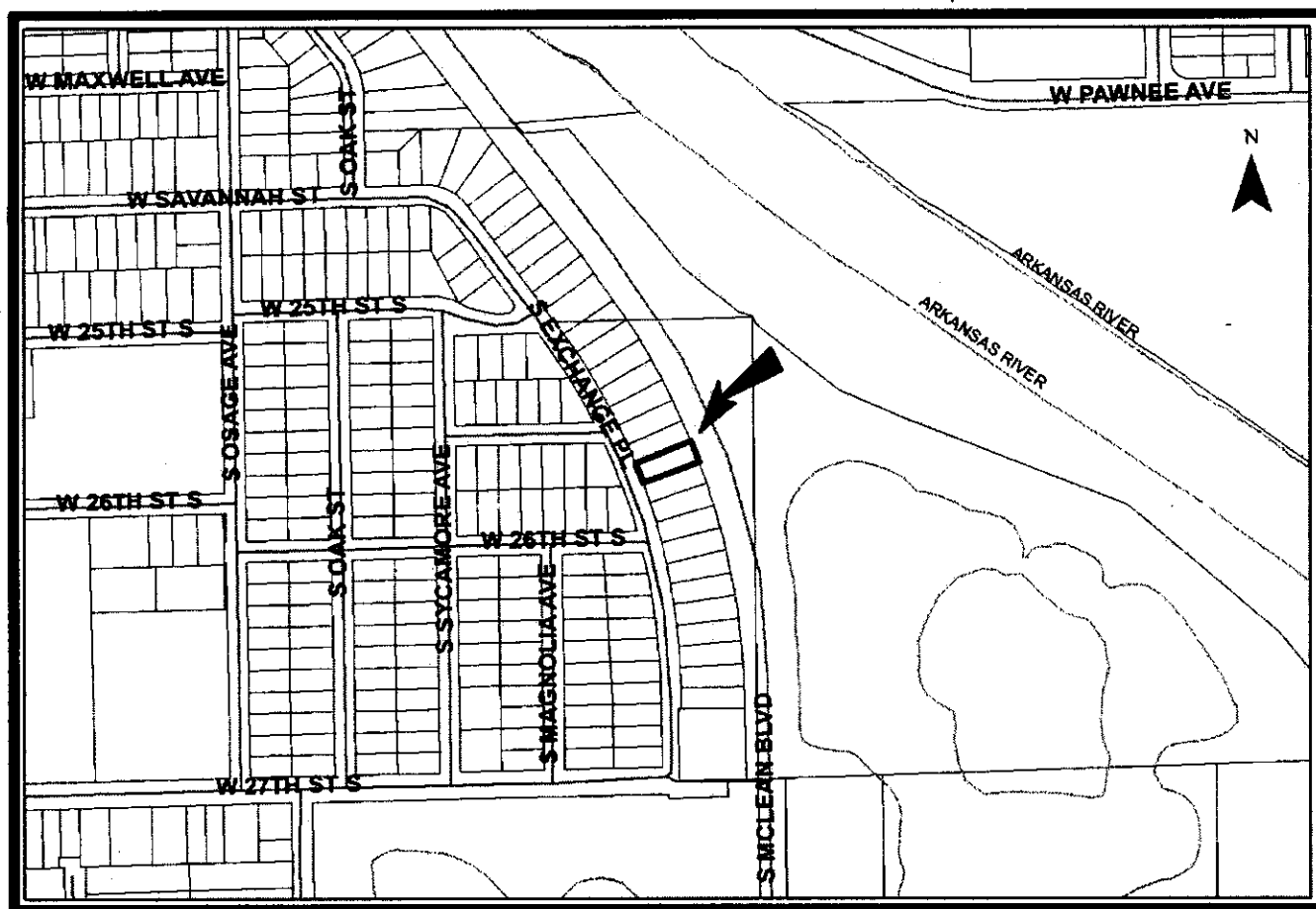
APPLICANT/AGENT: James and Detha Kemp (owner)

REQUEST: City Variance request to reduce the Zoning Code required front setback from 25 to five feet for an open, unenclosed carport

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: .25 acres

LOCATION: Generally located west of Mclean and north of 26th Street South, on the east side of S. Exchange Place (2640 S. Exchange)



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 requests a variance to reduce the Zoning Code front setback requirement in SF-5 zoning from 25 feet to five feet for an open, unenclosed carport; see the attached site plans and drawings. The Zoning Code requires a minimum front setback of 25 feet in the SF-5 zoning district. The Zoning Code has a provision to allow open, unenclosed carports to encroach eight feet into the required front setback. The Zoning Code also allows an administrative adjustment to reduce a front setback by up to 20% (or five feet in this case) when the Code criteria for zoning adjustments are met. The application area is developed with a single-family residence; the attached garage on the site is built at the 25-foot setback from the front property line. The applicant in this case wishes to construct a 20-foot carport for a specific vehicle, the above mentioned Zoning Code setback reductions/encroachment provisions do not meet the applicant's needs, therefore the applicant requests this variance.

Property north, south and west of this site is zoned SF-5 and developed with a single-family neighborhood. East of the site is the Mclean Boulevard right-of-way, further east is an SF-5 zoned City Park. Exchange Place is a paved, two-lane residential street with a 60-foot right-of-way. The Exchange Place right-of-way includes 16 feet of landscaped area between the paved street and the applicant's property line.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single-family residences
SOUTH	unzoned	McLean Boulevard
EAST	SF-5	Single-family residences
WEST	SF-5	Single-family residences

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique. This portion of Exchange Place is unique with excessive landscaped right-of-way. 16 feet of landscaped right-of-way exists between the Exchange Place curb and the applicant's property line, leaving 21 feet, adequate separation, between the proposed carport and the paved street. Most SF-5 zoned neighborhoods have 10 feet or less of landscaped right-of-way between the property line and paved street. Also, this property is unique in that it is one of the few houses in the immediate neighborhood with the attached garage placed at the 25-foot building setback. Most other houses in the immediate neighborhood are built with the attached garage recessed behind the house front, leaving those properties with enough room to place a carport in front of the garage.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners. The proposed carport is an open, unenclosed carport; the proposed location would not hinder visibility up and down Exchange Place for adjacent property owners. Also, the proposed carport materials and design should make it visually compatible with the surrounding properties.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. The subject property does not have vehicular access to the rear yard; the only feasible location for a carport improvement is the proposed location. Without the requested setback variance, the applicant cannot feasibly improve their property with an accessory structure.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest. Further improving this property is in the public interest. And, the requested variance will have no impact on vehicular or pedestrian circulation.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the carport and the street will be maintained, and landscaped areas will not be impacted.

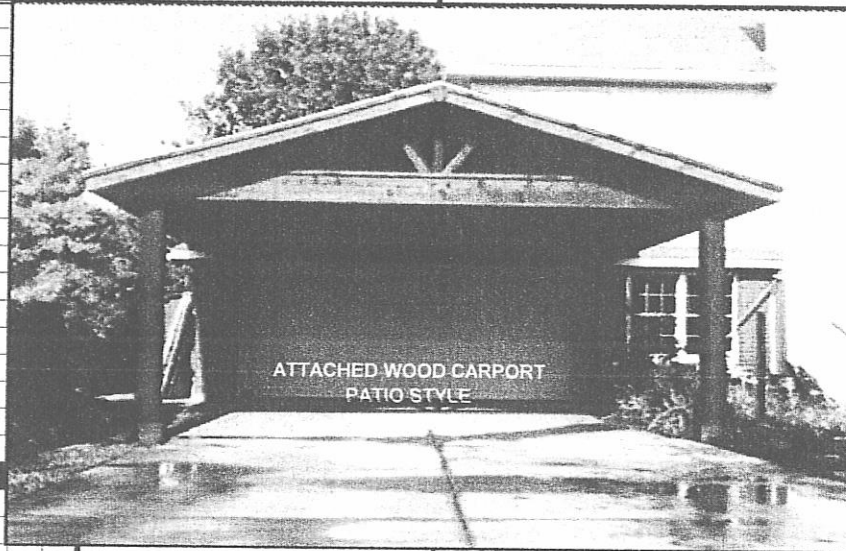
RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback from 25 feet to five feet for an open, unenclosed carport is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan drawings and elevation photograph.
2. The front setback reduction shall apply only to the carport shown on the site plan. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The applicant shall obtain all permits necessary to build the open, unenclosed carport within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

SCALE :
1 = 1'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

EXISTING
ATTACHED 2 CAR GARAGE



ATTACHED WOOD CARPORT
PATIO STYLE

PROPERTY
LINE
25.4'

POST

POST

20'

41'

16'

EXISTING

20'

DRIVEWAY

21'

curb
gutter

APPROVED
Lot 7, Block 1, Replat of Sunset Manor an Addition to Wichita, Sedgwick County, Ks
ELEVATION 3242012-54
Date: 10-29-12

STREET

26'

31' curb
back to
curb back

curb