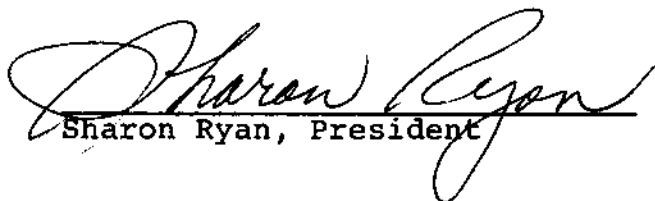


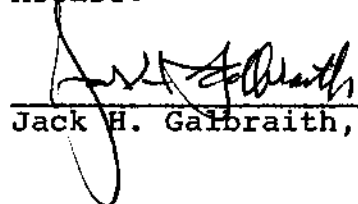
subject to the following conditions:

1. This setback reduction shall be for purposes of constructing a carport only.
2. The carport shall not be enclosed.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1989.

  
Sharon Ryan, President

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 23-89

WHEREAS, Viola Kuether, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 34.5 ft. to 17 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 29 and 31 on Dort, now Woodrow Ave., in Ford and Cranes Addition to Wichita, Kansas. Generally located on the east side of Woodrow between 17th and 18th Streets (1820 Woodrow).

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 27, 1989, 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 owner or the applicant inasmuch as the setback requirement for this lot is greater than the normal 25-foot setback which would have permitted a carport encroachment out to the 17-foot setback line; 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 adjacent property owners already have carports in front of their houses and the one to the north is even partially enclosed, which creates much more of an obstruction than the unenclosed carport proposed by the applicant; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no vehicular access to the rear yard and, without this variance, the applicant would be unable to provide a protective roof for her car; 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, due to the fact that no utility easements or street right-of-way will be encroached by the proposed carport; 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 Title 28 (Zoning Ordinance) inasmuch as the intent of front yard setbacks is to preserve some form of continuity in a neighborhood and properties adjacent to the application area already have carports constructed in front of the houses; and

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 front yard setback from 34.5 ft. to 17 ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 29 and 31 on Dort, now Woodrow Ave., in Ford and Cranes Addition to Wichita, Kansas. Generally located on the east side of Woodrow between 17th and 18th Streets (1820 Woodrow).

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1888  
(316) 268-4561

June 28, 1989

Viola Kuether  
1820 Woodrow  
Wichita, KS 67203

Re: BZA 23-89 - Variance to reduce the front yard setback from  
34.5 ft. to 17 ft., located on the east side of Woodrow  
between 17th & 18th Streets (1820 Woodrow).

Dear Ms. Kuether:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 27, 1989. 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 contact our office.

Sincerely,

  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

cc: C & S Construction, Rt. 2, Box 333, Mulvane, KS, 67110  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

BZA 23-89 Staff Report

Page 3

1. This setback reduction shall be for purposes of constructing a carport only.
2. The carport shall not be enclosed.

BOARD OF ZONING APPEALS  
WICHITA, KANSAS

AGENDA ITEM NO. 6

June 27, 1989

SECRETARY'S REPORT

CASE NUMBER:

BZA 23-89

OWNER/APPLICANT/AGENT:

Viola Kuether (owner/applicant)  
C & S Construction (agent)

REQUEST:

Variance to reduce the front yard setback  
from 34.5 feet to 17 feet.

CURRENT ZONING:

"AA" One-Family Dwelling District

SITE SIZE:

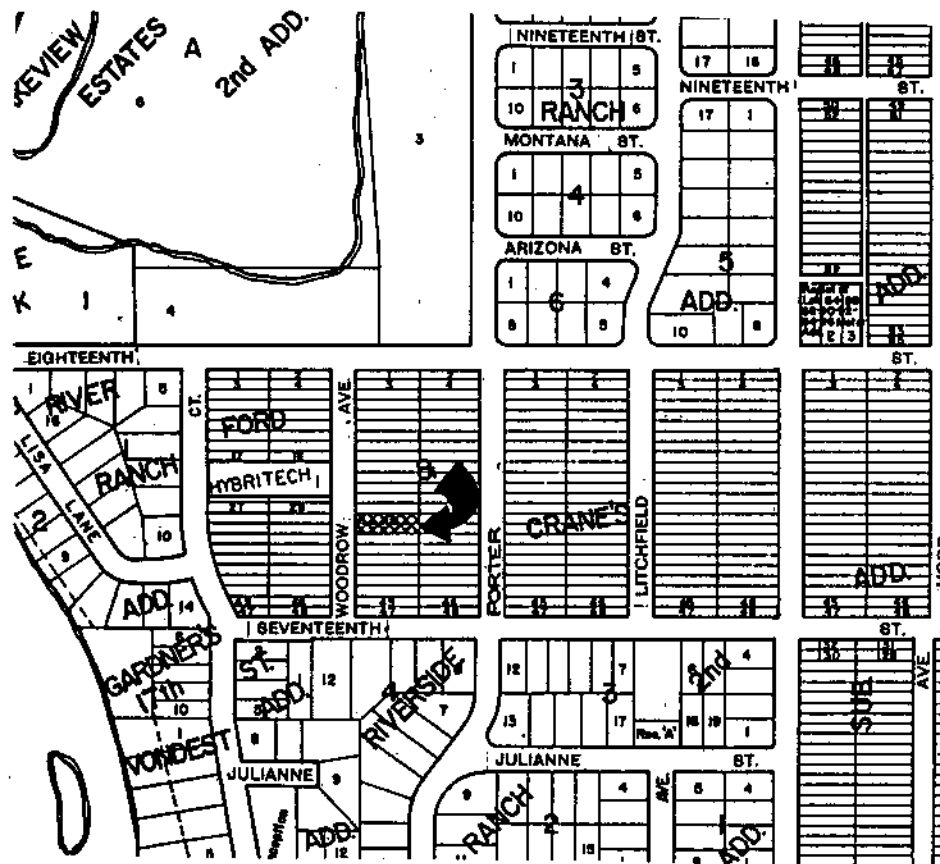
50 ft. x 150 ft.

LOCATION:

East side of Woodrow between 17th & 18th Sts.

PROPOSED USE:

Carport



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 the State Statutes, are found to exist.

**BACKGROUND:** The applicant is requesting a reduction of the front yard setback to permit construction of a carport for one car. The required setback for the house is 34.5 feet. A carport can encroach 8 feet into the setback, but a 17.5-foot encroachment is needed. The property adjacent to the north has constructed a carport which encroaches over 22 feet into that front yard and the entire north side of that carport has been enclosed. Houses to the south have unenclosed carports of the same general size as the one necessitating this variance request, although they are located further back on the lots and did not require variances.

**ADJACENT ZONING AND LAND USE:**

|       |      |                     |
|-------|------|---------------------|
| NORTH | "AA" | One-family dwelling |
| SOUTH | "AA" | One-family dwelling |
| EAST  | "AA" | One-family dwelling |
| WEST  | "A"  | Two-family dwelling |

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the setback requirement for this lot is greater than the normal 25-foot setback which would have permitted a carport encroachment out to the 17-foot setback line.

**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 adjacent property owners already have carports in front of their houses and the one to the north is even partially enclosed, which creates much more of an obstruction than the unenclosed carport proposed by the applicant.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as there is no vehicular access to the rear yard and, without this variance, the applicant would be unable to provide a protective roof for her car.

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

**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 ordinance inasmuch as the intent of front yard setbacks is to preserve some form of continuity in a neighborhood and properties adjacent to the application area already have carports constructed in front of the houses.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions: