

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 as a result of this side yard reduction and therefore, there will be no effect on the general public.

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 adequate separation will be maintained for the protection of adjacent properties and the general public.

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:

1. This variance shall apply to only that portion of the north side yard setback adjacent to the proposed garage addition which begins at the northwest corner of the house and continues east for approximately 27 feet.
2. The applicant shall obtain a building permit for the construction of the attached garage within 30 days from the approval of the variance and prior to recommencing construction and shall comply with all applicable building code requirements.
3. Failure to comply with any of the above listed conditions shall be cause for this resolution to be declared null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
July 26, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 22-94

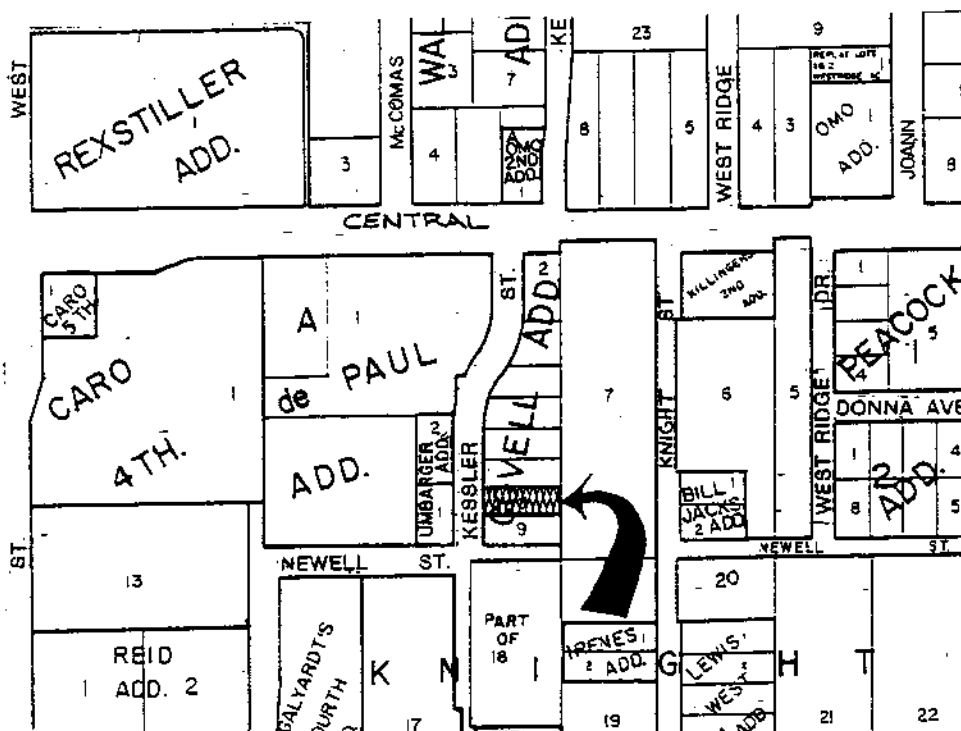
OWNER/APPLICANT: Goldie Anabelle Cyr
AGENT: Ron Cyr

REQUEST: Variance to reduce the north side yard setback from 6 feet to 3 feet

CURRENT ZONING: "AA" One Family Dwelling

SITE SIZE: 55' x 148'

LOCATION: One block south of Central on the east side of Kessler
(608 N. Kessler)



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 desires to continue the construction of a garage (10' x 26.7') onto her existing home which is located at 608 N. Kessler. She has indicated that due to her age she wants a garage located on the north side of her dwelling in line with the existing driveway, that will provide direct covered access to the home.

It was noted by one of the Office of Central Inspection inspectors, while touring the area, that the garage was being constructed without a permit or an approved site plan. When the applicant applied for a building permit, it was determined that the garage was being constructed 3 feet into the required north side yard setback. In order for the construction to continue, to complete the attached garage addition, it will be necessary for the applicant to be granted a north side yard variance from 6 feet to 3 feet. If the requested variance is not granted, the applicant will be required to remove the partially constructed garage from the required 6 foot side yard setback. Per the site plan provided by the applicant, the property adjoining the application area which would be directly impacted by the requested variance contains a dwelling which will be 10 feet from the proposed garage. This is only 2 feet less than required by current code but about the same separation found in many of the older parts of town where lots are narrow and structures were built prior to the current zoning regulations. The 10-foot separation does meet Fire Code requirements and will still provide for adequate pedestrian circulation around all structures.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA" Single family dwelling
SOUTH:	"A" Duplex
EAST:	"AA" Single family dwelling
WEST:	"AA" Single family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the location of the existing drive and dwelling on the property limits the placement of an attached garage which would provide covered direct access to the dwelling, and the lot is only 55 feet wide which is narrower than many lots in the "AA" district.

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 house to the north is 7 feet from the common side property line, therefore, there will be a 10-foot separation between structures which will provide for light, air, pedestrian circulation and protection from fire.

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 without the side yard setback variance, the garage would have to be reduced to a size that would not accommodate the owner's need for vehicle storage would have to be built as a detached structure in the rear half of the lot which would not provide covered access to the dwelling unit.

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

July 27, 1994

Goldie Anabelle Cyr
608 N. Kessler
Wichita, KS 67203

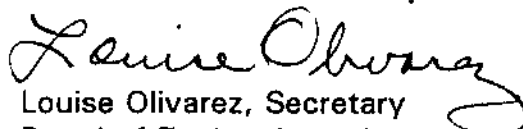
Re: BZA 22-94 - Variance to reduce the north side yard setback from 6 feet to 3 feet on property generally located one block south of Central on the east side of Kessler (608 North Kessler).

Dear Ms. Cyr:

Enclosed is a signed copy of the above-referenced BZA 22-94 Resolution adopted by the Board of Zoning Appeals on July 26, 1994. 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,


Louise Olivarez, Secretary
Board of Zoning Appeals

Enclosure
LO/hm

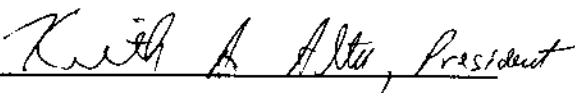
cc: Ron Cyr, 3850 S. Meridian #224, 67217
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA Files

Lots 8, Covell Addition, Wichita, Sedgwick County, Kansas. Generally located one block south of Central on the east side of Kessler (608 N. Kessler).

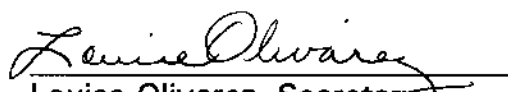
subject to the following conditions:

1. This variance shall apply to only that portion of the north side yard setback adjacent to the proposed garage addition which begins at the northwest corner of the house and continues east for approximately 27 feet.
2. The applicant shall obtain a building permit for the construction of the attached garage within 30 days from the approval of the variance and prior to recommencing construction and shall comply with all applicable building code requirements.
3. Failure to comply with any of the above listed conditions shall be cause for this resolution to be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of July 1994.


Keith Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 22-94

WHEREAS, Goldie Anabelle Cyr, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the north side yard setback from 6 feet to 3 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 8, Covell Addition, Wichita, Sedgwick County, Kansas. Generally located one block south of Central on the east side of Kessler (608 N. Kessler).

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 July 26, 1994, 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 the location of the existing drive and dwelling on the property limits the placement of an attached garage which would provide covered direct access to the dwelling, and the lot is only 55 feet wide which is narrower than many lots in the "AA" district; 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 house to the north is 7 feet from the common side property line, therefore, there will be a 10-foot separation between structures which will provide for light, air, pedestrian circulation and protection from fire; 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 without the side yard setback variance, the garage would have to be reduced to a size that would not accommodate the owner's need for vehicle storage or would have to be built as a detached structure in the rear half of the lot which would not provide covered access to the dwelling unit; 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 as a result of this side yard reduction and therefore, there will be no 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 adequate separation will be maintained for the protection of adjacent properties and the general public; 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 north side yard setback from 6 feet to 3 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows: