

subject to the following conditions:

- approved
8/21*
1. To assure compatibility of the proposed structure with the existing house and garage, a copy of the building plans, including elevation drawings and exterior material specifications, shall be submitted to the Secretary for review and approval prior to issuance of a building permit for this structure.
 2. The applicant shall obtain a building permit for this proposed garage expansion prior to construction.
 3. The reduction of the front yard setback to not less than 13 feet shall apply to only that portion of the front yard north of the existing garage.
 4. The proposed garage expansion shall be completed within one year following BZA approval of this variance, or the resolution authorizing the variance shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1990.

Keith R. Alter

Keith Alter, President

ATTEST:

Louise Olivarez

Louise Olivarez, Secretary

BZA RESOLUTION NO. 11-90

WHEREAS, Edwin L. Egnor, 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 not less than 13 feet for purposes of enlarging the existing attached garage on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 15, Hankins Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Charles (1 block east of McLean) in an area north of 13th St. (1448 N. Charles)

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 24, 1990, 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 existing garage is situated at an angle to the house and to the street and any extension of the garage along the same plane would create an encroachment into the required 25-foot front yard; 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 closest adjacent owner's house (to the north) is located at the north end of that lot with over 100 feet separating the two structures; 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 the garage expansion would have to be offset from the existing garage, which would be more difficult and more expensive to build and would most likely detract from the appeal of the house; 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 street right-of-way or utility easements would be encroached upon by this proposed structure, nor would any traffic visibility problem be created; 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 a front yard of more than 25 feet will still be maintained for 3/4 of this lot's frontage on Charles Street; 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 25 feet to not less than 13 feet for purposes of enlarging the existing attached garage on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 15, Hankins Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Charles (1 block east of McLean) in an area north of 13th St. (1448 N. Charles)

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4581

July 24, 1990

Mrs. Edwin L. Egnor
1448 N. Charles
Wichita, KS 67203

Re: BZA 11-90 - Variance to reduce the front yard setback from 25 ft. to not less than 13 ft. for purposes of enlarging the existing attached garage on property zoned the "AA" One-Family Dwelling District, located at 1448 N. Charles.

Dear Mrs. Egnor:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 24, 1990. 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.

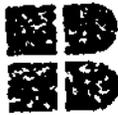
Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
K. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

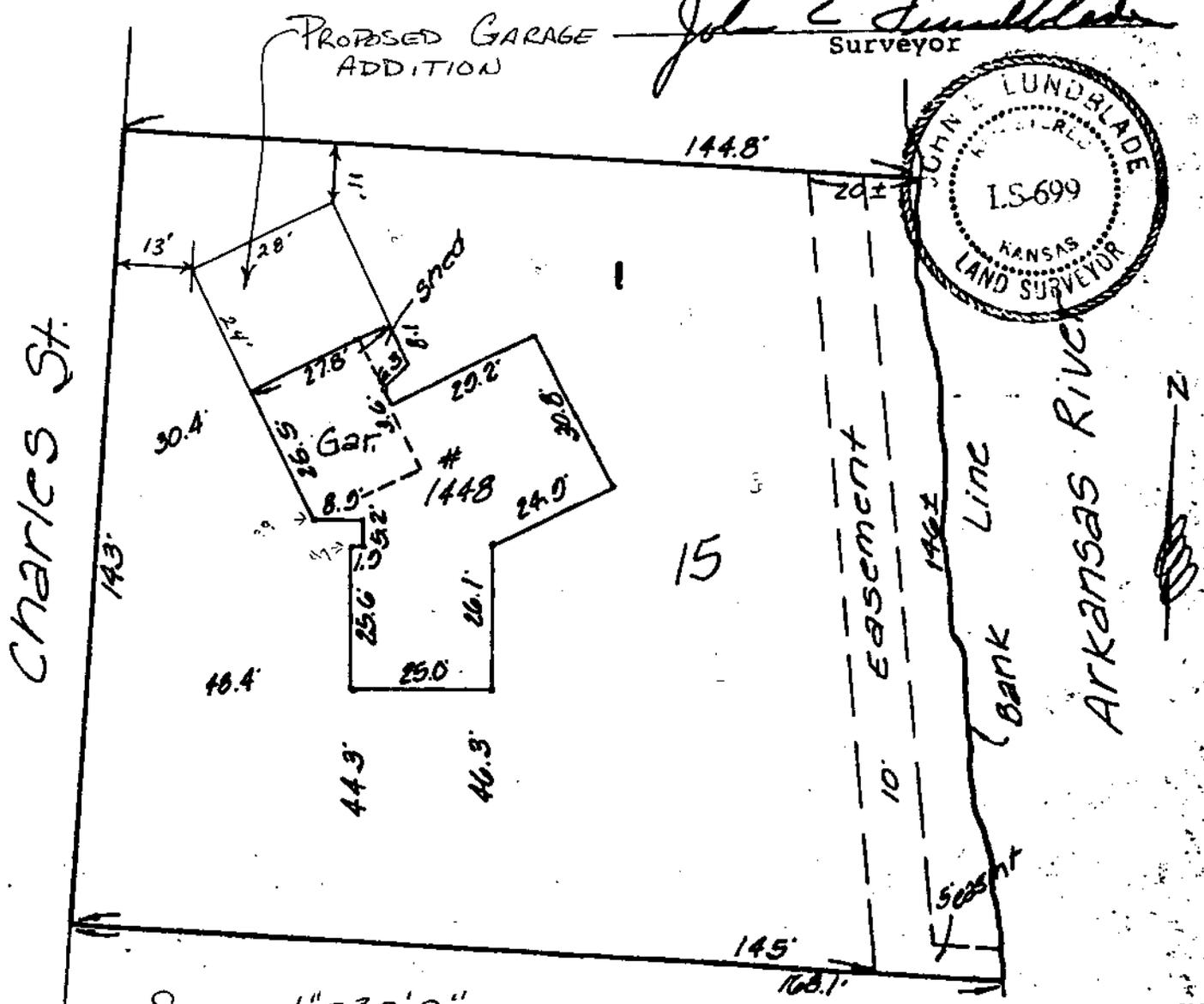
September 22, 1983

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 22nd day of September, 1983, survey Lot 15, Hankins Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 1448 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

John E. Lundblade
Surveyor



1. To assure compatibility of the proposed structure with the existing house and garage, a copy of the building plans, including elevation drawings and exterior material specifications, shall be submitted to the Secretary for review and approval prior to issuance of a building permit for this structure.
2. The applicant shall obtain a building permit for this proposed garage expansion prior to construction.
3. The reduction of the front yard setback to not less than 13 feet shall apply to only that portion of the front yard north of the existing garage.
4. The proposed garage expansion shall be completed within one year following BZA approval of this variance, or the resolution authorizing the variance shall be considered null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 11-90

OWNER/APPLICANT/AGENT: Edwin L. Egnor (owner/applicant)

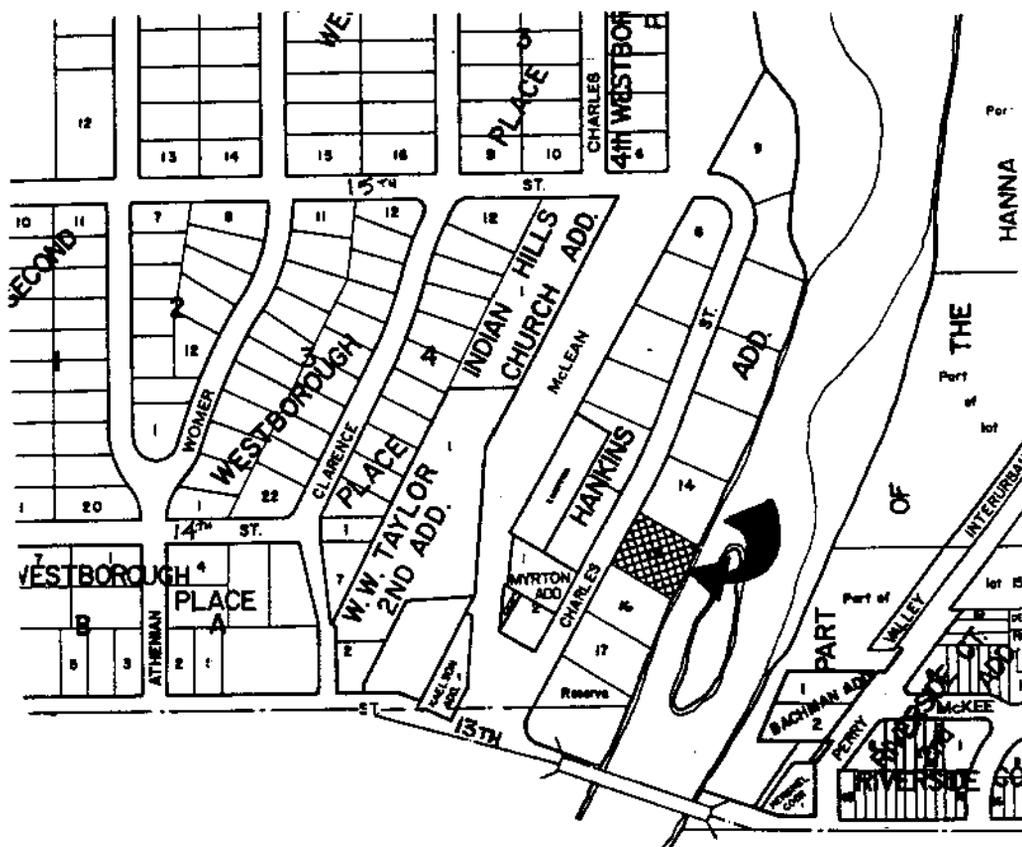
REQUEST: Variance to reduce the front yard setback from 25 feet to not less than 13 feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 143 ft. x 145 ft.

LOCATION: East side of Charles in an area north of 13th Street (1448 N. Charles).

PROPOSED USE: Expansion of existing attached garage



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 from 25 feet to not less than 13 feet in order to accommodate an expansion of the existing attached two-car garage. The garage is situated at an angle to the street and only the westerly corner would encroach into the required front yard. The house adjacent to the north is located on the north portion of that lot, leaving a separation of over 100 feet between the two structures. Charles Street is a two-lane asphalt mat street without curbs and gutters.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	One-family dwelling
EAST	"AA"	One-family dwelling
WEST	"AA"	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the existing garage is situated at an angle to the house and to the street and any extension of the garage along the same plane would create an encroachment into the required 25-foot front yard.

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 closest adjacent owner's house (to the north) is located at the north end of that lot with over 100 feet separating the two structures.

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 the garage expansion would have to be offset from the existing garage, which would be more difficult and more expensive to build and would most likely detract from the appeal of the house.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no street right-of-way or utility easements would be encroached upon by this proposed structure, nor would any traffic visibility problem be created.

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 a front yard of more than 25 feet will still be maintained for 3/4 of this lot's frontage on Charles Street.

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: