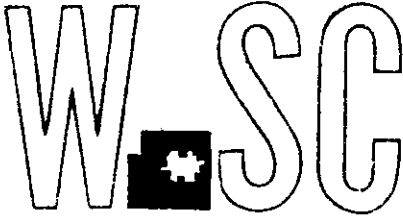


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

February 26, 1997

Larry and Mary Kay Vin Zant
4348 E. English
Wichita, Kansas 67218

RE: BZA 1-97 - Variance to reduce the rear yard setback from 20 feet to 8 feet on property generally located on the northwest corner of Crestway and English (4348 E. English)

Dear Mr. and Mrs. Vin Zant:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on February 25, 1997. 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,

A handwritten signature in black ink, appearing to read 'Lawrence P. Mitchell', with a long horizontal line extending to the right.

Lawrence P. Mitchell, Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

cc: Robert W. Kaplan, 430 N. Market, Wichita, Ks 67202
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



Made with recycled paper.

BZA RESOLUTION NO. 1-97

WHEREAS, Larry and Mary Kay Vin Zant, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned "SF-6" Single Family Residential and legally described as follows:

The south 100 feet of Lots 57, 58, 59, and 60, Block 1, Merriman Park Place Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Crestway and English (4348 E. English).

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 February 25, 1997, 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 existing structures on this lot are in compliance with required building setbacks and the construction of a breezeway to connect the structures would not result in any structure being closer to the property boundary lines than they are at the present time; 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 there will not be significant changes made to the existing structures on the site, only the relatively minor addition of a breezeway connecting the two existing structures; 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 a denial of this variance would prohibit the applicants' home occupation business at this site and rezoning to TF-3, a district which allows a home occupation in a detached structure, has already been denied; 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 encroachments into public utility easements or street right-of-way as a result of this rear yard setback reduction request 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.

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 rear yard setback from 20 feet to 8 feet on property zoned the "SF-6" Single Family Residential and legally described as follows:

The south 100 feet of Lots 57, 58, 59, and 60, Block 1, Merriman Park Place Addition, Wichita, Sedgwick County, Kansas.

subject to the following conditions:

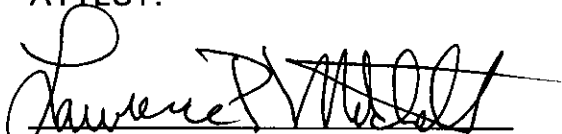
1. This variance shall apply to only that portion of the rear yard setback adjacent to the existing detached garage which begins approximately 7 feet east of the west property line and extends for approximately 42 feet, as shown on the attached site plan.
2. The applicant shall obtain all local permits necessary to connect the main dwelling to the detached garage with a breezeway and all improvements shall be completed within one year following approval of the variance or the resolution authorizing this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1997.



Keith A. Alter, President

ATTEST:



Lawrence P. Mitchell, Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 1-97
OWNER/APPLICANT: Larry and Mary Kay Vin Zant
REQUEST: Variance to reduce the rear yard setback from 20 feet to 8 feet
CURRENT ZONING: SF-6; Single Family Residential
SITE SIZE: 100' x 100'
LOCATION: NW corner of Crestway and English (4348 E. English)



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 applicants are requesting this variance of the rear yard setback in order to construct a breezeway between the existing detached garage and house on this lot. The existing structures on this lot currently do observe the required setbacks for a main dwelling and a detached structure but when the applicant connects the detached garage to the main dwelling unit then it is considered all a main dwelling with a required setback of 20 feet. Therefore, a variance is necessary to bring the structures into compliance with setback requirements when they are attached and the garage/office addition becomes part of the main dwelling.

In November of 1995, the applicants requested a zone change to TF-3 Two-Family, a zoning district which allows a home occupation in a detached structure. The zone change request was denied by the City Council in March of 1996 and resulted in an appeal of that decision being filed in court by the applicants. Since that time a compromise agreement has been reached between the applicants and the City of Wichita's Law Department. As a result of this agreement, the Law Department did find that since the "home occupation office" is in a separate room of the detached structure from the car storage use and if the detached structure is attached to the home, the home occupation would not technically be in the "garage."

Currently the garage/office is being used for a swimming pool cleaning service, which is a permitted home occupation. According to the Unified Zoning Code, in the SF-6 zoning district home occupations shall be conducted entirely within the main dwelling unit and no home occupation shall be conducted within an accessory structure or garage, whether attached or detached. Therefore, the applicants wish to construct a breezeway to connect the detached structure to the existing house, thus making it an integral part of the main dwelling unit. This construction necessitates the request for a rear yard setback reduction from 20 feet to 8 feet, as the required rear yard setback for the main dwelling unit on this lot is 20 feet.

The applicants have indicated that the College Hill Neighborhood Association has been informed of the applicants' intention to construct the addition and has approved of their plans.

ADJACENT ZONING AND LAND USE:

| | | |
|--------|------|--------------------|
| NORTH: | SF-6 | Single Family Home |
| SOUTH: | TF-3 | Single Family Home |
| EAST: | TF-3 | Duplex |
| WEST: | SF-6 | Single Family Home |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the existing structures on this lot are in compliance with required building setbacks and the construction of a breezeway to connect the structures would not result in any

structure being closer to the property boundary lines than they are at the present time.

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 there will not be significant changes made to the existing structures on the site, only the relatively minor addition of a breezeway connecting the two existing structures.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as a denial of this variance would prohibit the applicants' home occupation business at this site and rezoning to TF-3, a district which allows a home occupation in a detached structure, has already been denied.

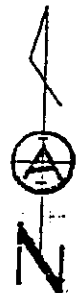
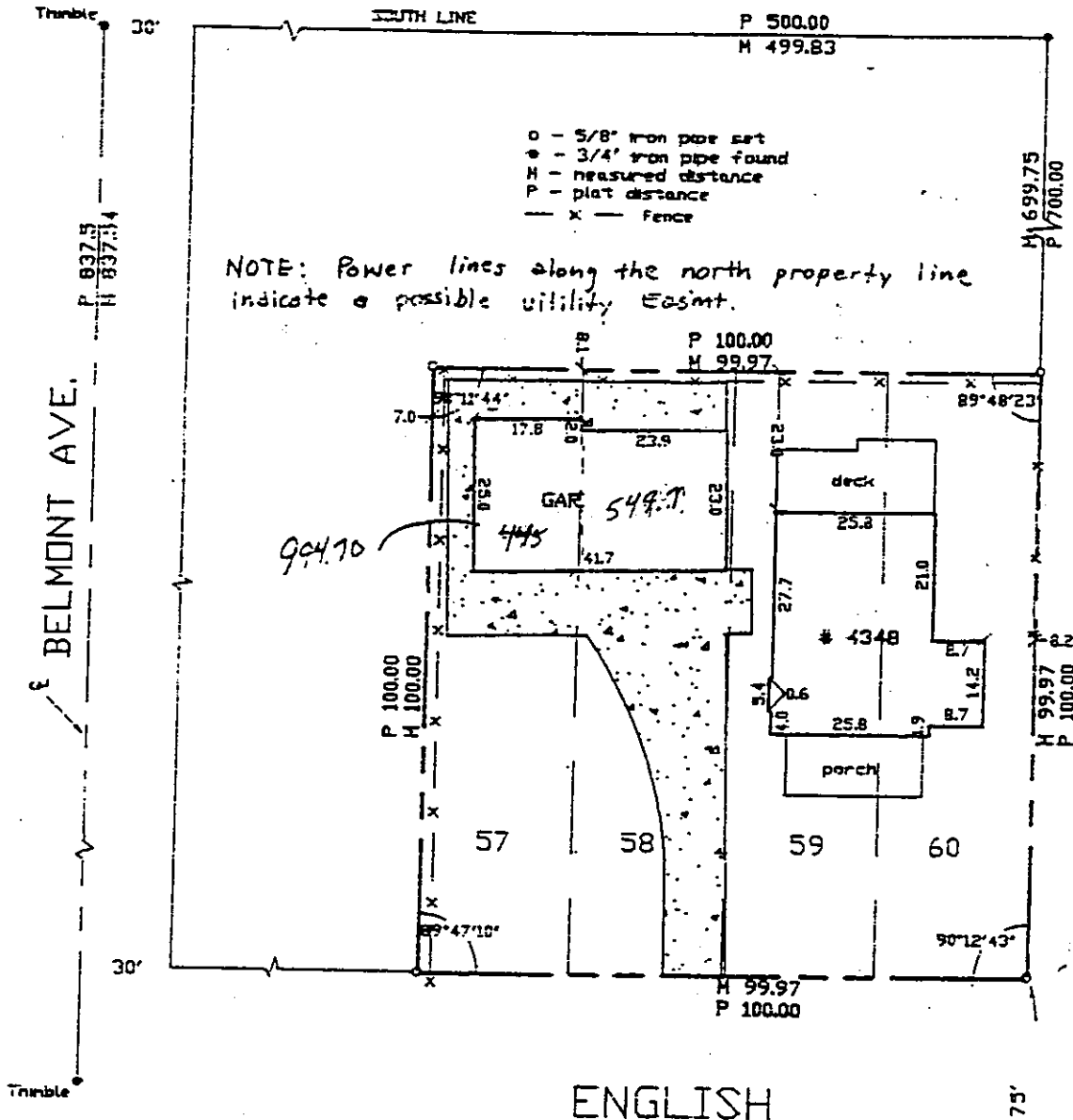
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this rear yard setback reduction request and therefore there will be no 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 regulations inasmuch as adequate separation will be maintained for the protection of adjacent properties and the general public.

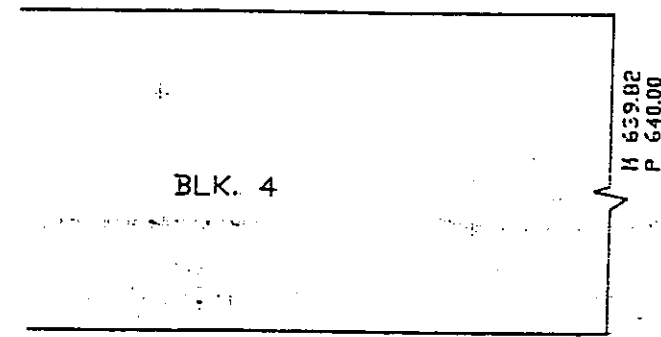
RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. This variance shall apply to only that portion of the rear yard setback adjacent to the existing detached garage which begins approximately 7 feet east of the west property line and extends for approximately 42 feet, as shown on the attached site plan.
2. The applicant shall obtain all local permits necessary to connect the main dwelling to the detached garage with a breezeway and all improvements shall be completed within one year following approval of the variance or the resolution authorizing this variance shall become null and void.

DOUGLAS AVE.



SCALE 1"=30'



BASMENT
475

WATERMAN

BZA 1-97

V.O. #17484-3

NOTE: The fence that runs N and S apparently belongs to neighbor.