

**CASE NUMBER**

BZA-2025-213

**PUBLIC HEARING DATE**

February 10, 2026

**APPLICANT/PROPERTY OWNER**

Joe and Freda S. (Bolf) Brown & Jennifer S. Porter

**PROPERTY ADDRESS/LOCATION**

1117 N 9<sup>th</sup> Street

**SUMMARY OF REQUEST**

Joe & Freda Brown and Jennifer Porter have requested a variance to allow the construction of a carport on the front yard setback at 1117 N 9<sup>th</sup> Street. The area surrounding the property is residential. The applicant wishes to construct a carport on their driveway on the front yard setback to protect their vehicle from inclement weather. To allow the placement of the carport in the front yard, a variance would have to be granted. There is alley access, so they do not qualify for the administrative exception. The applicant is requesting this variance based on a health issue. However, staff are unable to offer a recommendation of approval because there is a rear lot access.



Map data ©2026 Esri World Topographic map

EXISTING ZONING R-2 Medium Density Residential District	EXISTING LAND USE Single Family Residential	SURROUNDING ZONING North-R-2 South-R-2 West-R-2 East-R-2	SITE IMPROVEMENTS Single Family Dwelling and small accessory structure	SIZE OF PROPERTY 55' X 130' 0.16 acres
---	--	--	--	--

**STAFF RECOMMENDATION**

☐ **APPROVE**

☐ **APPROVE WITH CONDITIONS**

☒ **DENY**

1.

**DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?**

No, there is an alley access although this does present challenges for the applicant for health reasons as noted in a letter from her physician.

**PROPERTY HISTORY**

According to county records, the home was built in 1956, and the accessory building was added in 1980. No other land use records were found.

**RELIEF SOUGHT:**

- A variance to reduce the front yard setback to 5 feet for the construction of a carport at 1117 N 9<sup>th</sup> Street.

## Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

**1. Does the variance requested arise from a 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 action of the property owner or applicant?**

No, there is an alley access although this does present challenges for the applicant for health reasons as noted in a letter from her physician.

**2. Will the granting of the variance adversely affect the rights of adjacent property owners?**

No, the granting of the variance should not adversely affect the rights of adjacent property owners.

**3. Will the strict application of the provisions of the zoning regulations of which the variance is requested constitute unnecessary hardship upon the property owner represented in the application?**

Not specifically except the challenges noted for the applicant in #1

**4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?**

The variance desired will not affect public health, safety morals, order, convenience, prosperity or general welfare. It should not cause any visual obstructions along the street or for any neighboring properties.

**5. Will the granting of the variance be opposed to the general spirit and intent of the zoning regulations and Comprehensive Plan objectives?**

The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives. Granting variances to setbacks is a common occurrence when specific provisions create a hardship on the applicant. Whether or not the hardship exists is for the Board to determine.

**6. The recommendations of professional staff.**

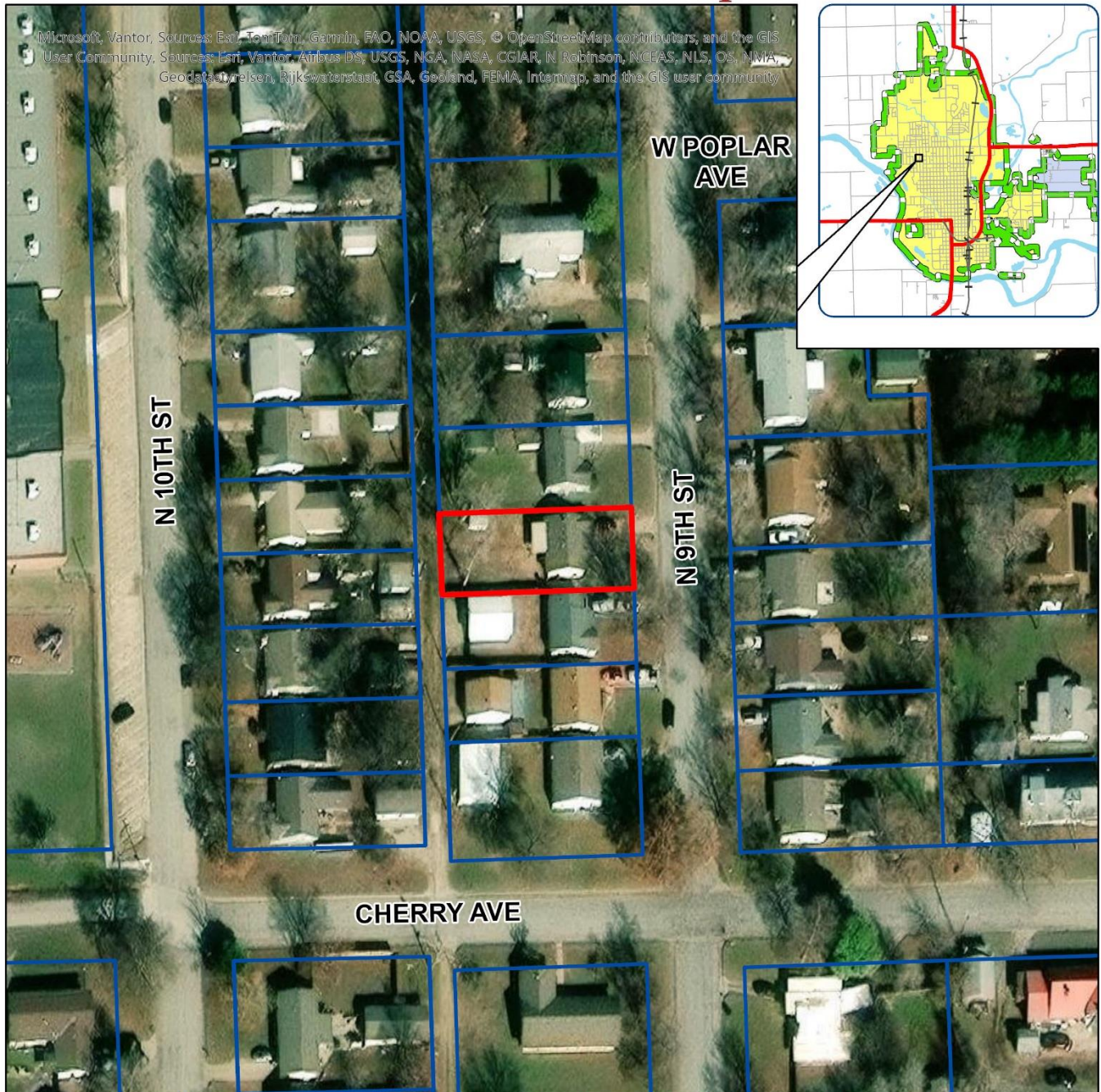
It is the recommendation of staff that a variance for an encroachment onto the front yard for the construction of a carport with a 5-foot front yard setback be denied:

Based on the following:

- There is alley access
  - The proposal does not meet the newly amended regulations to build a carport in the front yard when alley access is not available
  - The project could set a precedent for allowing carports in front yards throughout the city.
-

## Area map

# Front Yard Variance Request



A request for a variance to the front yard requirements for the placement of a carport

Required: 25 feet

Requested: 5 feet

-  BZA-Variance
-  Property Lines

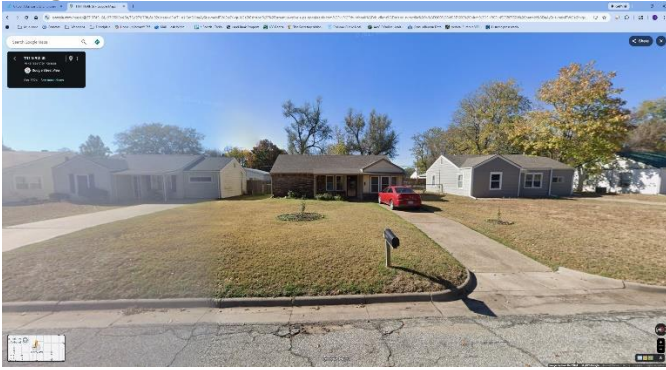
Produced by the  
City of Arkansas City GIS  
using the best available  
data to date.  
Created: January 05, 2026

Arkansas City  
KANSAS





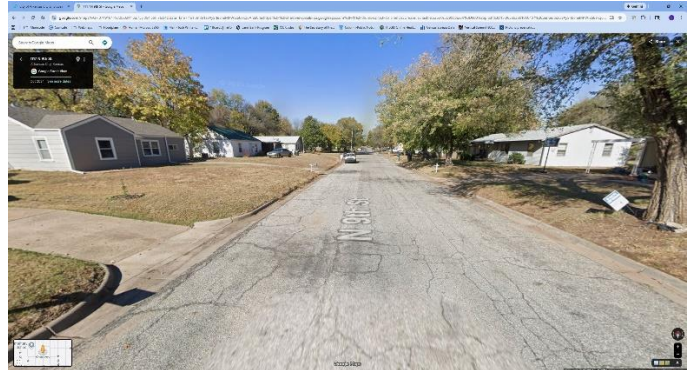
## Neighborhood Photos



The subject property-Google Streetview October 2024



Looking south along 9<sup>th</sup> Street-Google Streetview October 2024



Looking north along 9<sup>th</sup> Street-Google Streetview October 2024