

*For EPD  
4-1-80*

**ACTION**

*BZA  
17-80*

COMMITTEE *Approved* DATE *4-22-80*

M.A.P.C. \_\_\_\_\_

R.C.C./B. CO. C. \_\_\_\_\_ *6-4-80 JWH Sec checked out*

Case No. BZA 17-80 - Barry L. Hooper - Requests a variance to reduce the sideyard setback from 6' to 5.4' on property zoned "AA" One-family Dwelling District and generally located



BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

April 1, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 17-80

An application has been filed by Barry L. Hooper, 440 South Oliver, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the sideyard setback from 6' to 5.4' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7 Block 4 Builders Fourteenth Addition  
to Wichita, Sedgwick County, Kansas. Generally  
located on the south side of Richmond Court  
(2952 Richmond Court).

This application has been assigned case No. BZA 17-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

April 30, 1980

Barry L. Hooper  
440 South Oliver  
Wichita, Kansas 67218

Re: Case No. BZA 17-80  
Request for Variance

Dear Mr. Hooper:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 22, 1980, in connection with your request for a variance to reduce the sideyard setback from 6' to 5.4' on property zoned the "AA" One-family Dwelling District and generally located on the south side of Richmond Court.

This Resolution reflects the official action of the Board to approve your request. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 17-80

WHEREAS, Barry L. Hooper, 440 South Oliver, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the sideyard setback from 6' to 5.4' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7 Block 4 Builders Fourteenth Addition  
to Wichita, Sedgwick County, Kansas. Generally  
located on the south side of Richmond Court  
(2952 Richmond Court).

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 April 22, 1980, 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 lot in question is adjacent to one on a cul-de-sac and the adjacent structure is located further south and also 23-1/2 feet from the applicant's dwelling; 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 reduction of .6 foot is insignificant; 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 an error was made by the foundation sub-contractor and to correct the small error would be a great expense; 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 the request is interiorly located; 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 an adequate sideyard is being maintained to provide light and air to both properties; and

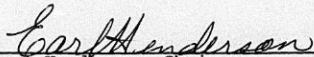
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the sideyard from 6' to 5.4' on property zoned the "AA" One-family Dwelling District and legally described as:

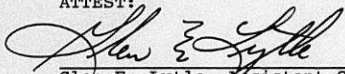
Lot 7 Block 4 Builders Fourteenth Addition  
to Wichita, Sedgwick County, Kansas. Generally  
located on the south side of Richmond Court  
(2952 Richmond Court).

be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1980.

  
\_\_\_\_\_  
Earl Henderson, Chairman

ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

April 23, 1980

Barry L. Hooper  
440 South Oliver  
Wichita, Kansas 67218

Re: Case No. BEA 17-80  
Request for Variance

Dear Mr. Hooper:

At the regular meeting of the Board of Zoning Appeals on April 22, 1980, your request for a variance to reduce the sideyard setback from 6' to 5.4' on property zoned the "AA" One-family Dwelling District and generally located on the south side of Richmond Court was considered.

It was the action of the Board to approve this request.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

**THE CITY OF WICHITA**  
OFFICE OF CITIZEN PARTICIPATION

DATE April 16, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 17-80: SOUTH SIDE OF RICHMOND  
COURT (2952 RICHMOND COURT)

On April 15, CPO Council "B" considered the captioned case and voted 6-0 to recommend approval of the requested zoning change.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is heard on April 22.

*Stan Scott*  
Stan Scott  
CPO Administrative Aide

SS:rs

Noted:

*Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator

**RECEIVED**

APR 17 1980

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT  
CASE NO. BZA 17-80

APPLICANT: Barry L. Hooper, 440 South Oliver, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required sideyard from 6' to 5.4'.

GENERAL LOCATION: On the south side of Richmond Court (2952 Richmond Court).

ZONING: Subject property is zoned "AA" One-family Dwelling District as are properties to the east, south and west. Property to the north is "RB" Four-family District.

LAND USE: Subject property is developed with a One-family Dwelling. Property to the north is developed with Four-family Dwellings.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2  
EZA 17-80  
EZA AGENDA  
4-22-50

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required sideyard from 6' to 5.4' along the east property line for a one-family dwelling. The applicant indicates the variance is needed due to an error made by the foundation subcontractor in the placement of the foundation.

The applicant states that the distance between the existing structure and the structure to the east is 23-1/2 feet. This separation, however, cannot be guaranteed to remain as the property owner to the east could construct an addition to the 6' required sideyard line.

It is the Secretary's opinion that the .6 foot variance is insignificant and would not be detrimental to the neighborhood.

UNIQUENESS:

It is the opinion of the Secretary that this may be somewhat unique inasmuch as the lot in question is adjacent to one on a cul-de-sac and the adjacent structure is located further south and also 23-1/2 feet from the applicant's dwelling.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of .6 foot is insignificant.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicant inasmuch as an error was made by the foundation subcontractor and to correct the small error would be at great expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the requested variance would not be opposed to the spirit and intent of the zoning ordinance inasmuch as an adequate sideyard is being maintained to provide light and air to both properties.

RECOMMENDATION:

If the Board finds all five conditions necessary for the granting of a variance to exist, it is the recommendation of the Secretary that the variance be approved.

BOARD OF ZONING APPEALS  
Tenth Floor - City Hall  
455 North Main, Wichita, Kansas 67202

April 1, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 17-80

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It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

BZA CASE NO. 17-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

9 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 4-1-80

BOARD OF ZONING APPEALS

CASE NO. 17-80

CITY OF WICHITA, KANSAS

FILED 3-24-80

**APPLICATION FOR VARIANCE**

I. Name of Applicant Barry L. Hooper

Mailing Address 440 S. Oliver Wichita, KS 67218 Phone 685-0384

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

Relationship of applicant to property is that of Builder  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the sideyard setback from 6 feet to 5.4 feet  
To allow a side yard setback of 5.4 feet rather than the required 6 feet.

\_\_\_\_\_ on the south side of Richmond Court  
for property located (2952 Richmond Court)

and legally described as: Lot 7 Block 4 Builders Fourteenth  
Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned AA.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.500 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Barry L. Hooper  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:00 (a.m. - p.m.), March 24, 1980 19\_\_\_\_  
together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley  
Signed



WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



# BAUGHMAN COMPANY, P.A.

S U R V E Y O R S

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

State of Kansas )  
County of Sedgwick )

SS

February 18, 1980

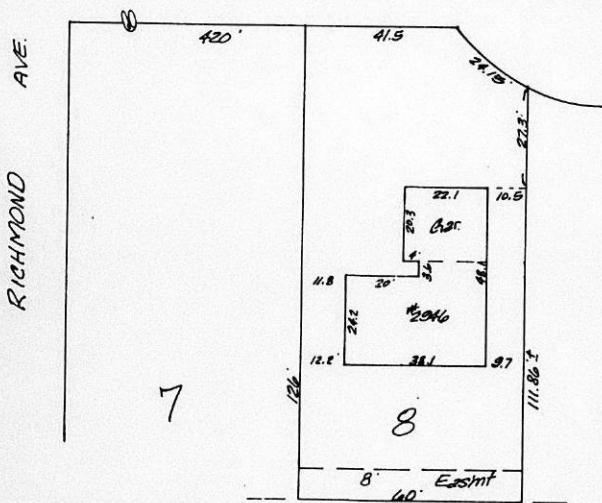
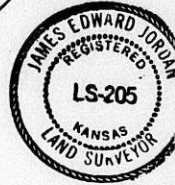
We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 18th day of February, 1980 survey Lot 8, Block 4, Builders Fourteenth Addition to Wichita, Kansas.

On said lot is house No. 2946 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.

*James E. Jordan*  
Surveyor

RICHMOND CT.



March 21, 1980

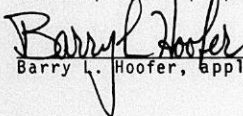
Board of Zoning Appeals

This request for variance arises from a condition created by my basement subcontractor constructing the foundation for the structure at 2952 Richmond Court a distance of 5.4 feet from the property line rather than the required 6.0 feet.

The distance between the structure at 2952 Richmond Court and the adjacent structure at 2946 Richmond Court at the nearest points is 23.5 feet.

While the required 6 foot side setback was not met it is my contention that the intent and general spirit of the zoning ordinance is being met in that there is adequate room between structures for safety and emergency access.

Therefore, granting of the permit for variance will not adversely affect the rights of adjacent property owners or residents, or their public health, safety and general welfare. Strict application of the zoning provisions would however create unnecessary hardship on the property owner.

  
Barry L. Hooper, applicant

OWNERSHIP LIST

Lot	Addition	Property Owner
lot 3, Block 4	Builders 14th Addition	✓ LaVaughn Minnis 2976 South Richmond 67217
lot 4, Block 4	Same	✓ Dale G. Adams and Patricia Adams 7411 Newell 67212
lot 5, Block 4	Same	✓ Gregory D. Pippin and Paula M. Pippin 505 North Rock Road Apt. 712 67206
lot 6, Block 4	Same	✓ Douglas C. Shultz and Jeanine M. Shultz Address Unknown 2958 RICHMOND CT. 67217
lot 7, Block 4	Same	✓ Darrell C. Elliott and Kornelia Elliott Address Unknown 2952 RICHMOND CT. 67217
lot 8, Block 4	Same	✓ James W. Harsh and Debra L. Harsh Address Unknown 2946 RICHMOND CT. 67217
lot 9, Block 4	Same	✓ Fred R. Clark Sr. and Esther H. Clark 2726 South Elizabeth 67217
lots 10 thru 16 Block 4	Same	✓ Crane Homes of Kansas Inc. <del>6712 30th St. Court 67226</del> <i>no mail received their resent to: 2148 71 Old Manor 67208</i>
lots 5 thru 9 Block 3	Same	Same
lots 4 thru 12 Block 2	Meridian Village	✓ Meridian Village Inc. 2502 Wildwood 67217



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lot 7, Block 4,  
Builders Fourteenth Addition, Wichita,  
Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 19th day of March, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

*Mary Gable*

Vice President

Order No. 286507

wh

WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



# BAUGHMAN COMPANY, P.A.

S U R V E Y O R S

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

State of Kansas )  
                  ) SS  
County of Sedgwick)

February 18, 1980

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 18th day of February, 1980 survey Lot 8, Block 4, Builders Fourteenth Addition to Wichita, Kansas.

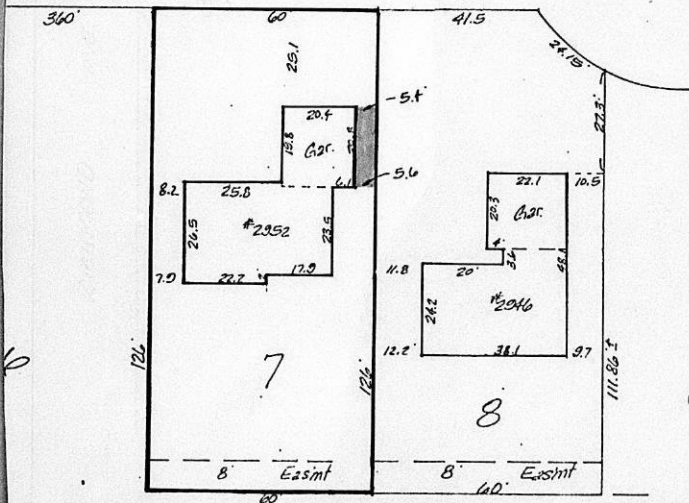
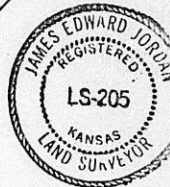
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The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.

*James E. Jordan*  
Surveyor

RICHMOND

CT.



**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2-121      PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City EZA	50.00
Distance	

NAME: *Erroy H...  
ADDRESS: 470 1/2 Olive  
FUND: 170-4755-00      DUE DATE: 4-7-80  
COMMENTS:  
DATE: 4/24/80      BY: *[Signature]**

WICHITA - SEDGWICK COUNTY

**W S C**  
17-82

BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR  
435 NORTH MAIN STREET

WICHITA, KANSAS 67202  
SEE TO SENDER

*Shuler*  
682-4755      Resent to:  
2148 N. Old Main  
(Main Office)  
4-7-80

Crane Homes of Kansas Inc.  
6412 30th St. Court  
Wichita, Ks. 67226

WICHITA, KANSAS  
APR 24 AM 1980

no mail received  
at 6412 30th St. Ct.

WICHITA, KANSAS  
APR 13 1980  
15

*Vacant*  
*WCH*