

Case No. BZA 21-86 - James L. Kastens requests a variance to reduce the required front yard setback from 25 feet to 15 feet on property zoned the "A" Two-family Dwelling & generally located on the north end of Mt. Carmel Cr. & north

POSTED 5-20-86

ACTION

B.Z.A. 21-86 *Deferred to Aug. Mtg. 6/24/86*
at request of applicant DATE

BZA *Approved subject to* 8/26/86
3 conditions

5288A

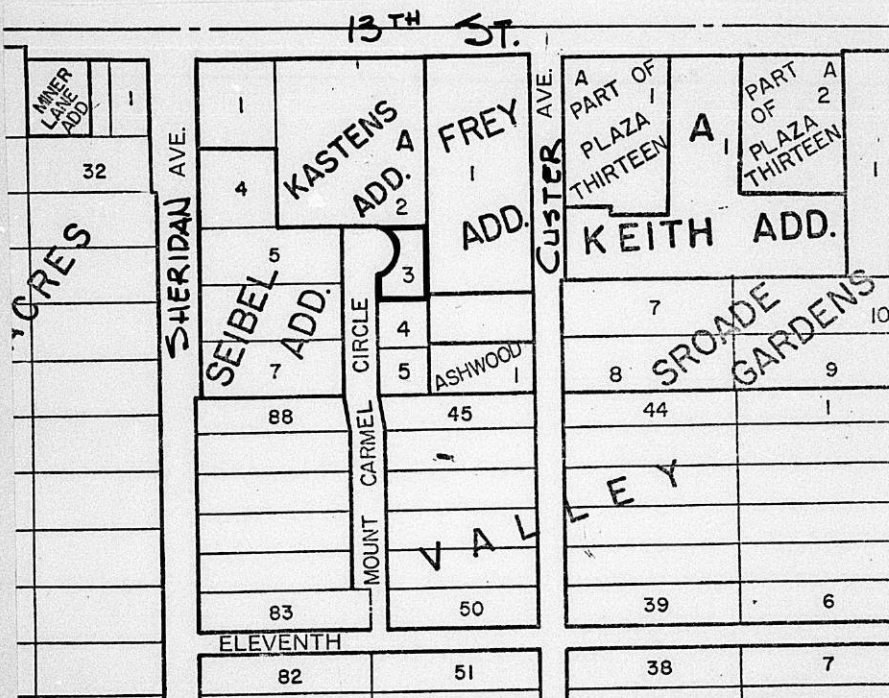
200'4Sec 11-3-86
Shot 1/18-86
Record ✓

Map No. 5248A

BZA 21-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "BB" S "A" W "AA" N "LC"
3. Land Use: East OFF South 2-F
West 1-F North Comm
4. Area (is) (~~is not~~) platted.



LOS ANGELES - CHICAGO - LOS ANGELES, OH
HASTINGS, MN
HOMERSON, TN
JACKSONVILLE, FL
USA

Standard
No. 2-153C

August 28, 1986

Brian Corrigan
6314 Legion
Wichita, Kansas 67204

Re: BZA 21-86 - Request for Variances

Dear Mr. Corrigan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 26, 1986.

This Resolution reflects the official action of the Board to grant your request and sets out the following conditions of approval. It is forwarded to you for your information and files.

1. The front yard setback shall be reduced to 20 feet only on the cul-de-sac portion of the lot.
2. The rear yard setback shall be reduced to 15 feet only for a north-south distance not to exceed 35 feet.
3. A grading plan shall be submitted to the Office of Central Inspection for approval at the time of issuance of a building permit. The plan shall reflect that all drainage from subject property shall be to the west to Mount Carmel Circle.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG/lw

Enclosure

cc: James L. Kastens, DVM, 3059 W. 13th St., Wichita, KS 67203
Mike Miller, 1305 N. Custer, Wichita, KS 67203
Max Prier, 1223 N. Sheridan, Wichita, KS 67203
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 21-86

WHEREAS, James L. Kastens, 3059 West 13th St., Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to (1) reduce the required front yard setback from 25 feet to 20 feet, and (2) reduce the required rear yard setback from 20 feet to 15 feet on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lot 3, Block A, Kastens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side at the north end of Mt. Carmel Circle and north of 11th Street.

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 August 26, 1986, 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 variances arise 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 has been platted with a cul-de-sac that limits the effective buildable depth at only 20 feet when all setbacks are observed which severely limits the useability of the property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the structure will still be in back of the structure located on the lot to the south by the amount of front yard maintained on the cul-de-sac; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be unable to utilize the same general design on this property as is being constructed on the adjacent lot; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that reduction of the front and rear yard setbacks will not interfere with any area needed for right-of-way or easements on the property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the structure will be located on the property in such a manner that the reduction of the setback will still be at a greater distance from the structure across the street than the separation generally afforded between houses fronting on the same 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 these variances can be granted has been found to exist.

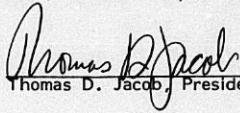
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to (1) reduce the required front yard setback from 25 feet to 20 feet, and (2) reduce the required rear yard setback from 20 feet to 15 feet on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lot 3, Block A, Kastens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side at the north end of Mt. Carmel Circle and north of 11th Street.

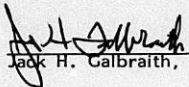
be approved subject to the following conditions:

1. The front yard setback shall be reduced to 20 feet only on the cul-de-sac portion of the lot.
2. The rear yard setback shall be reduced to 15 feet only for a north-south distance not to exceed 35 feet.
3. A grading plan shall be submitted to the Office of Central Inspection for approval at the time of issuance of a building permit. The plan shall reflect that all drainage from subject property shall be to the west to Mount Carmel Circle.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1986.


Thomas D. Jacob, President

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE August 14, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 21-86: (East side at the
north end of Mt. Carmel Circle
and north of 11th Street)

Due to the lack of a quorum at its August 13th meeting, CPO Neighborhood Council "N" will be unable to provide a recommendation to the Board of Zoning Appeals for the captioned case.

(It should be noted that three adjoining property owners were present and expressed opposition to the variances; and the contract purchaser was present and voiced support for the application.)

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 21-86

APPLICANT: James L. Kastens, 3059 West 13th Street, Wichita, KS 67203.

AGENT: Brian Corrigan, 6314 Legion, Wichita, KS 67204.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the front yard setback from 25 feet to 20 feet; and (2) reduce the rear yard setback from 20 feet to 15 feet.

GENERAL LOCATION: On the north end and the east side of Mt. Carmel Circle and north of 11th Street.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as is the property to the south. To the north is "LC" Light Commercial and to the east is "BB" Office District. To the west is "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. To the north is a small animal clinic and to the east is an office. To the west is a one-family dwelling and to the south is a two-family dwelling under construction.

JURISDICTION:

The Board has jurisdiction to consider the variances requested 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.

COMMENTS BY THE SECRETARY:

The applicant is requesting two separate variances for the construction of a two-family dwelling on the property. First, a reduction of the front yard setback adjacent to the cul-de-sac from 25 feet to 20 feet; and secondly, the reduction of the rear yard setback from 20 feet to 15 feet.

This case was first considered by the Board on June 26, 1986 as a variance request only for the reduction of the front yard setback from 25 feet to 15 feet. After considerable discussion, it was recommended that the applicant consider amending his request to move the building 5 feet to the east and maintain a 20-foot front yard setback in front of the garage of the north unit.

As was stated by the Secretary in the previous staff report, the shape of the lot is somewhat unique due to the amount of buildable area when observance of all setbacks are maintained. It was the staff recommendation from the first contact with the applicant that he should maintain not less than 20 feet between the west property line and the front of the garage.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot has been platted with a cul-de-sac that limits the effective buildable depth at only 20 feet when all setbacks are observed which severely limits the useability of the property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested will not adversely affect the rights of adjacent property owners inasmuch as the structure will still be in back of the structure located on the lot to the south by the amount of front yard maintained on the cul-de-sac.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to utilize the same general design on this property as is being constructed on the adjacent lot.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances will not adversely affect the public interest inasmuch as the reduction of the front yard setback will not interfere with any area needed for right-of-way or easements on the property.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the structure will be located on the property line in such a manner that the reduction of the setback will still be at a greater distance from the structure across the street than the separation generally afforded between houses fronting on the same 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:

1. The front yard setback shall be reduced to 20 feet only on the cul-de-sac portion of the lot.
2. The rear yard setback shall be reduced to 15 feet only for a north-south distance not to exceed 35 feet.

BZA CASE NO. 21-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>14</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>17</u>	TOTAL NOTICES SENT <u>8/4/86</u>

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

August 1, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by James L. Kastens, 3059 West 13th Street, Wichita, Kansas, requesting two variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the required front yard setback from 25 feet to 20 feet, and (2) reduce the required rear yard setback from 20 feet to 15 feet on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 3, Block A, Kastens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side at the north end of Mt. Carmel Circle and north of 11th Street.

This application has been assigned Case No. BZA 21-86. It will be considered by the Board of Zoning Appeals on August 26, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

June 30, 1986

Mr. Brian Corrigan
6314 Legion
Wichita, Kansas 67204

RE: BZA 21-86 Request for Variance

Dear Mr. Corrigan:

At the regular meeting of the Board of Zoning Appeals on June 26, 1986, your application for a variance was deferred to the meeting of August 26, 1986. This will permit you to amend your application to request an additional variance of the rear yard setback, as suggested by the Board, in order to maintain a distance of twenty feet from the front of the garage to the right-of-way adjacent to the cul-de-sac.

The filing fee for the second variance on the same lot is \$75. Any deferral at the request of the applicant, requiring the mailing of new notices or advertisement, is \$50. In order to accomplish this, it will be necessary for you to advise this office of your wishes on or before July 28, 1986 and pay the additional fees.

If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

cc: James L. Kastens, 3059 W. 13th Street, Wichita, KS 67203.

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 24, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 21-86: North end of Mt.
 Carmel Circle and north of
 11th Street

CPO Council "N" considered the captioned case at its June 11 meeting and voted 5-0 to recommend that the variance to reduce the front yard setback from 25 feet to 15 feet be denied for the following reasons:

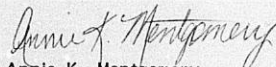
- 1) the lack of depth of the lot due to the cul-de-sac that was built years ago;
- 2) construction of the two-family dwelling as proposed will reduce the parking area available, result in parking of the sidewalk area, and increase off-street parking which could create traffic problems with the small cul-de-sac turn around; and
- 3) according to the City Code, a variance may be granted when certain conditions exist. It is the Council's opinion that strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship on the applicant since the applicant was advised that there was not sufficient room for a two family structure when the property was rezoned.

The applicant nor the agent was present to discuss the case with the Council. One adjoining property owner was present and spoke in opposition to the variance. Please advise the Board of Zoning Appeals of the Council's recommendation when case BZA 21-86 is considered.


Shirley Mast
Administrative Aide III

SM:dm

Noted:


Annie K. Montgomery
CRS Director

June 20, 1986

Board of zoning appeals
South Libon City Hall
455 North Main
Nicksa, KS 67202

RECEIVED

JUN 23 1986

METROPOLITAN PLANNING

ROUTE

Dear J. R. Keeton and Don Trunks:

I would appreciate you looking into an overdue matter (problem) that has been occurring with the water situation in my backyard with the runoff of the rain from the person that graded the property behind us (for duplexes) did not take care of this situation as promised. A retaining wall or comparable should be put in place to take care of this problem because as it stands now it is a serious health hazard.

I do not appreciate the fact that this problem was not looked into and I guarantee there will be further investigation to end this situation.

Sincerely,
Mr. & Mrs. Randy Libon
1305 N. Quater - PH 943-1225

June 21, 1986

Glen E. Lytle
Board of Zoning Appeals
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Lytle:

Re: Case No. BZA 21-86

We the undersigned neighbors living within the notification area of the variance requested by Jim Kastens are opposed to the variance for the following reasons:

At the time of the platting of the three lots owned by Mr. Kastens the CPO opposed putting three lots in that small space. Mayor Casado, a real estate dealer himself, publicly stated that a duplex could not be built on the north lot next to the cul-de-sac.

In the future, those planning to build on lots across the street, will have problems getting out of their drives if more on street parking is allowed. If a variance should be allowed will there be enough room to park in the driveway?

The cul-de-sac is small and tight to turn around; will not another cut affect the circulation of traffic?

CPO unanimously opposed this variance at their meeting last week. They, too, are acquainted with the area.

We urge you to deny this request for a variance. It will only add to the congestion of the dead end street.

Many of us are retired, have health problems or work and can't attend the meeting.

Max & Prier and Alta^m Prier 1224 N. Sheridan
Loathy & Brown 1306 N. Sheridan
Eugene G. Brown 1306 N. Sheridan
Leta E. Andersen 1310 N. Sheridan
Willard J. Neal 1314 N. Sheridan
Velma C Neal 1314 N. Sheridan
Danny & Janet Wood 1230 N Mt Carmel Circle
Randy Gibson 1305 N Custer
Mary Beth Gibson 1305 N. Custer
Shelma M. Patterson, 1302 N. Sheridan
Lil Wong 1302 N Mt. Carmel

cc: Tom Jacob, 9026 Windwood, Wichita, Kansas 67226
Mary Kopietz, 443 South Bleckley, Wichita, Kansas 67218
Earl Henderson, 1035 South West Street, Wichita, Kansas 67213
Danny Jenkins, P. O. Box 1402, Wichita, Kansas 67201

SECRETARY'S REPORT
CASE NO. BZA 21-86

APPLICANT: James L. Kastens, 3059 West 13th Street, Wichita, KS 67203.

AGENT: Brian Corrigan, 6314 Legion, Wichita, KS 67204.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to 15 feet.

GENERAL LOCATION: On the north end and the east side of Mt. Carmel Circle and north of 11th Street.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as is the property to the south. To the north is "LC" Light Commercial and to the east is "BB" Office District. To the west is "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. To the north is a small animal clinic and to the east is an office. To the west is a one-family dwelling and to the south is a two-family dwelling under construction.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback from 25 feet to 15 feet. This request is being made in order to construct a two-family dwelling on the lot that is of the same general design as the structure being placed on the property to the south.

The lot in question is of sufficient size to comply with the lot area requirements for the construction of a two-family dwelling. The shape of the lot, however, is effectively reduced by the cul-de-sac being dedicated and constructed to the east of the centerline of the street. This reduces the buildable area to 20 feet at the narrowest part of the property when the front and rear setbacks are observed.

In preliminary discussions of this matter with the applicant's agent, it was recommended that the structure be redesigned to fit the lot. This was not an acceptable solution to the applicant's agent as he wanted to build the same general plan as is being constructed to the south. It was then suggested that any reduction of the front yard setback that would be in front of a garage should not be reduced to less than 20 feet. This allows the use of the driveway for a parking space that will not violate parking in the sidewalk area. This suggestion was not followed as the site plan indicates that the garage on the north unit will be within 15 feet of the property line.

It is the Secretary's opinion that the property warrants some adjustment in the setbacks due to the shape of the lot. Without a driveway approach at the location shown, this request could be supported without question. It is suggested that if the applicant wishes to place a driveway approach on the cul-de-sac, that is in front of a garage, the setback should not be less than 20 feet. This could be accomplished with this design by a reduction of the rear yard from 20 feet to 15 feet.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot has been platted with a cul-de-sac that limits the

effective buildable depth at only 20 feet when all setbacks are observed which severely limits the useability of the property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the structure will still be in back of the structure located on the lot to the south by the amount of front yard maintained on the cul-de-sac.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to utilize the same general design on this property as is being constructed on the adjacent lot.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the front yard setback will not interfere with any area needed for right-of-way or easements on the property.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the structure will be located on the property line in such a manner that the reduction of the setback will still be at a greater distance from the structure across the street than the separation generally afforded between houses fronting on the same 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:

1. The front yard setback shall be reduced to 15 feet only on the cul-de-sac portion of the lot.
2. Under no circumstances shall the front of a garage be located closer than 20 feet to the front property line.

BZA CASE NO. 81-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>13</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>13</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>16</u>	TOTAL NOTICES SENT <u>4/2/86</u>

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

May 30, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by James L. Kastens, 3059 West 13th Street, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 25 feet to 15 feet on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 3, Block A, Kastens Addition to Wichita, Sedgwick County, Kansas. Generally located on the north end of Mt. Carmel Circle and north of 11th Street.

This application has been assigned Case No. BZA 21-86. It will be considered by the Board of Zoning Appeals on June 26, 1986, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 21-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant James L. Kastens
 Mailing Address 3059 W. 13th Phone 942-3900
 Name of Authorized Agent Brian Corrigan
 Mailing Address 6314 Legion Phone 264-0311
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is ⁽¹⁾ to ~~change~~ ^{reduce} the front setback from 25 feet to 20 feet (5 foot variance), and ⁽²⁾ to reduce the rear setback from 20 feet to 15 feet (5 foot variance) *W.L.*

for property located 1300 Block N. Mt. Carmel Circle
 and legally described as: Lot 3 Block A Kastens Addition to Wichita, Sedgwick County, Kansas

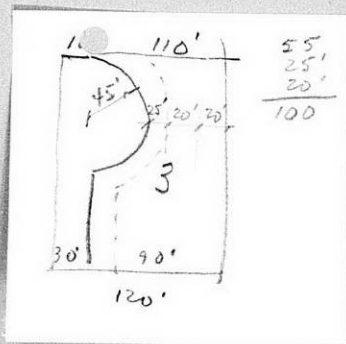
in the City of Wichita; and which is presently zoned "A".

- 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 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); 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.

Applicant _____

Authorized Agent Brian E. Corrigan

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3 (a.m.p.m.), 5-5, 1986
 together with appropriate fee of 75.00
2nd Variance 75.00 + 50.00 readvar. fee. - Recvd. 7-25-86
 Signed [Signature]



To Whom This May Concern:

1. This lot is located at the end of the block and turn-around was established as a benefit for the entire block. In order to maintain the alignment of the houses already built, a variance of 10 feet is requested. I feel that without proper alignment the integrity of the entire block will be disturbed.
2. The petitioners own the property on both sides of block A lot 3 and fully agree that granting this variance will enhance the entire area.
3. While it is possible to alter the plans to fit the present restrictions, this will entail additional costs and could cause the project to become impractical.
4. In our opinion, by allowing this variance, this will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but will maintain the integrity of the neighborhood which is what zoning is all about.

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block A	Kastens Addition	✓ James L. Kastens Patricia B. Kastens 3059 W. 13th Wichita, KS 67203
Lot 2	Block A	"	✓ James L. Kastens Patricia B. Kastens 3059 W. 13th Wichita, KS 67203
Lot 3	Block A	"	✓ James L. Kastens Patricia B. Kastens 3059 W. 13th Wichita, KS 67203
Lot 4	Block A	"	✓ Ronald R. Franks 1302 Mt. Carmel Cir. Wichita, KS 67203 AND ✓ Brian E. Corrigan 6314 Legion Wichita, KS 67204
Lot 5, Block A, except point beginning at the NW/c; th. South 42.87 feet; th. East to a point 42.32 feet South of the NE/c of Lot 5; th. North 42.32 feet to the NE/c of Lot 5; th. West 90 feet to the p.o.b.		"	✓ Richard L. Wong 5901 Kenawee Wichita, KS 67220
That part of Lot 5, Block A, described as beginning at the NW/c; th. South 42.87 feet; th. East to a point 42.32 feet South of the NE/c of Lot 5; th. North 42.32 feet to the NE/c of Lot 5; th. West 90 feet to the p.o.b.		"	✓ James L. Kastens 3059 W. 13th Wichita, KS 67203
Lot 4		Seibel Addition	✓ Maxine Wainscott Gordon R. Wainscott 1318 N. Sheridan Wichita, KS 67203 AND ✓ Nancy L. Huenergardt 2420 Cardinal Dr. Wichita, KS 67204
Lot 5		"	✓ Wilbur E. Neal Velma E. Neal 1314 N. Sheridan Wichita, KS 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
The South 33.34 feet of Lot 6 and the North 33.34 feet of Lot 7		Seibel Addition	Eugene F. Brown Dorothy I. Brown ✓ 1306 N. Sheridan Wichita, KS 67203
The South 66.66 feet of Lot 7 except the East 30 feet for street		"	✓ Thelma M. Patterson 1302 N. Sheridan Wichita, KS 67203
The North 66.66 feet of Lot 6		"	✓ Floyd K. Anderson Ruth E. Anderson Address Unknown 1310 N. Sheridan Kansas Childrens Service League ✓ 1365 N. Custer Wichita, KS 67203
Lot 1		Frey Addition	
Lot 1		Ashwood Addition	✓ Sherwood Glen Developers Inc. 3535 W. 13th Wichita, KS 67204
Lot 45, except the East 140 feet, and except the portion lying West of the following described line: Beg. at a point on the South line and 30 feet East of the SW/c of said Lot 45; th. NW'ly to a point on the North line and 18.75 feet East of the NW/c of said Lot 45.		Valley Acres Addition	✓ Danny C. Ward 1230 N. MtCarmel Wichita, KS 67203
The East 140 feet of Lot 45		"	✓ Thomas I. Elliott DeVora Elliott 1225 N. Custer Wichita, KS 67203
Lot 88		"	✓ Max C. Prier Alta Prier 1223 N. Sheridan Wichita, KS 67203

Tract Description

Beginning 470 feet South of the NE/c of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 27, Range 1 West; th. South 172 feet; th. West 216 feet; th. North 172 feet; th. East 216 feet to the p.o.b. except beginning 470 feet South of the NE/c of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; th. South 86 feet; th. West 216 feet; th. North 86 feet; th. East 216 feet to the p.o.b. except the East 25 feet.

✓ James F. Roach
Cheryl K. Roach
5733 N. St. Clair
Wichita, KS 67204

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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

Lot 3, Block A, Kastens Addition to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 17th day of April, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Isable

By

Sr. Vice-President

Order No: 359360
nj

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FORM 20-021 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
Planning (K4)	16,200.00

NAME Patricia Kesting
 ADDRESS 3059 W 13th
 FUND 75540710 003 DUE DATE
 COMMENTS
 DATE 5/5/86 BY J. H. [Signature]

FORM 20-021 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
Exam Fees	75.00
Boiler Insp.	50.00
Plan Rev. (P.W.)	100.00

NAME Edward [Signature]
 ADDRESS 400 N. [Signature]
 FUND 75540710 003 DUE DATE
 COMMENTS
 DATE July 25, 1986 BY [Signature]