

Posted
5-29-75
C.I.V.
M.H.P.
6-29-75

BZA 24-75 - Faith Powell and
Marlene Brown request Variance of
rear yard setback at NE corner of
Cottontail Lane & Redbarn Lane

ACTION

BZA COMMITTEE Approved DATE 6-24-75

M.A.P.C. _____

R.C.C./B. CO. C. _____

Map No. 4948
 Sec. 16
 Twp. 27
 Range 1W

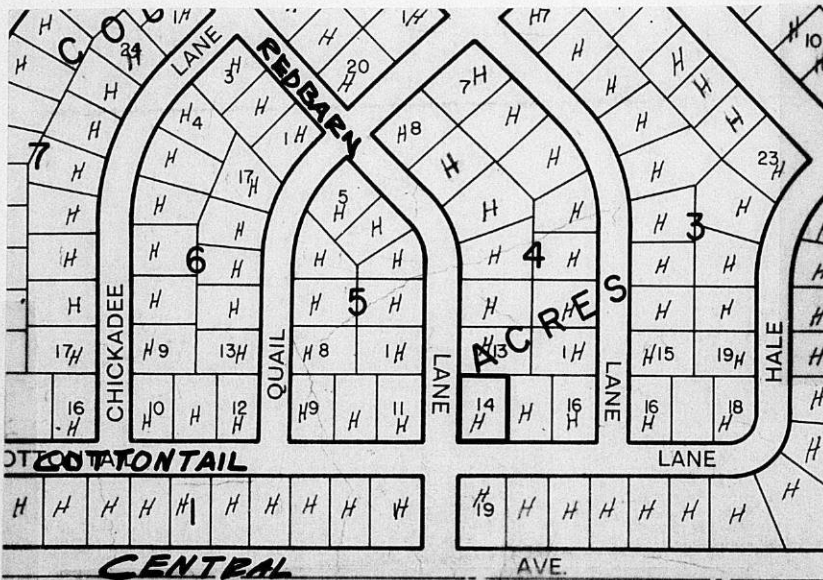
BZA- 24-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.22 (90 ft. by 120 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, MIN. LOS ANGELES
 LOGAN, OH. - WASHINGTON, TX U. S. A.

Smend
 No. 2-153C

RESOLUTION NO. BZA 24-75

WHEREAS, Faith Powell and Marlene Brown, 7620 Cottontail, Wichita, Kansas request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 14, Block 4, in Country Acres, Sedgwick County, Kansas. Generally located at the northeast corner of Cottontail Lane and Redbarn Lane.

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 June 24, 1975, consider said applications; 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 placement of the main structure 10 feet behind the platted front yard setback has created a smaller than normal rear yard and combined with the long rectangular shape of the house has oriented most of the yard area to the east side of the house; 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 only property owner potentially affected is to the north, and they maintain a 25 foot side yard setback and are screened from subject property by a solid 6-foot fence; 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 owner represented in the application inasmuch as the main purpose for requesting this variance is to provide a storm shelter for the applicants; 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 requested variance 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 it appears that the lot would not be overdeveloped and there would still be adequate open space; 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

BZA Case No. 24-75

Page Two

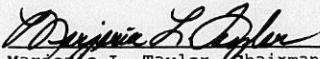
variance can be granted has been found to exist.

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 required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and legally described as:

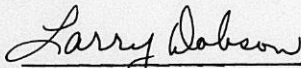
Lot 14, Block 4 in Country Acres, Sedgwick County, Kansas. Generally located at the northeast corner of Cottontail Lane and Redbarn Lane.

be approved for only the 17 foot portion of the rear yard as proposed and shown on the applicant's plat plan.

ADOPTED AT WICHITA, KANSAS, this 24th day of June 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

August 6, 1975

Leon J. Krob
805 South Main
Wichita, Kansas 67203

Subject: Case No. BZA 24-75
Request for Variance

Dear Mr. Krob:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 24, 1975, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and generally located on the northeast corner of Cottontail Lane and Redbarn Lane.

This Resolution reflects the official action of the Board to approve this request for only the 17 foot portion of the rear yard as proposed and shown on the applicant's plot plan. It is forwarded to you for your information and files.

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:el

Encl.

cc: Faith Powell & Marlene Brown, 7620 Cottontail, 67212
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Central Inspection

June 27, 1975

Leon J. Krob
805 South Main
Wichita, Kansas 67203

Subject: Case No. BZA 24-75 -
Request for Variance

Dear Mr. Krob:

At the regular meeting of the Board of Zoning Appeals on June 24, 1975, your request for a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and generally located on the northeast corner of Cottontail Lane and Redbarn Lane, was considered.

It was the action of the Board to approve this request for only the 17 foot portion of the rear yard as proposed and shown on the applicant's plot plan.

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,

Larry Dobson
Assistant Secretary

LD:js

cc: Faith Powell & Marlene Brown, 7620 Cottontail, 67212
Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 24-75

APPLICANT: Faith Powell and Marlene Brown, 7620 Cottontail, Wichita, Kansas

AGENT: Leon L. Krob, 805 South Main, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 10 feet.

GENERAL LOCATION: Northeast corner of Cottontail Lane and Redbarn Lane

ZONING: Subject property and all surrounding properties are zoned the "AA" Single Family Residence District.

LAND USE: Subject property and all surrounding properties are developed as single family residences.

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

Secretary's Report
Case No. BZA 24-75
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5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

COMMENTS BY THE SECRETARY

The applicants are requesting a variance of the required rear yard setback from 20 feet to 10 feet for the purpose of constructing a 16x17 foot addition to their home. A basement storm shelter is proposed to be constructed under the room addition. The existing house does not have a basement or storm shelter.

Subject property is an 80x120 foot corner lot with frontage on Cottontail Lane. The rear yard of this property adjoins the side yard of the adjacent property to the north. The house to the north maintains an approximate 25 foot side yard adjacent to subject property. The applicants' home presently maintains a 26 foot rear yard setback from this common property line. It should also be noted that a six foot high solid wood fence encloses the applicant's rear yard.

The applicants have submitted a plot plan which shows the 16x17 foot addition extending 16 feet into the existing rear yard, leaving a 10-foot rear yard. The plot plan also reveals that this home when originally built was placed 10 feet behind the platted 30 foot setback.

UNIQUENESS

It is the opinion of the Secretary that uniqueness may exist inasmuch as the placement of the main structure 10 feet behind the platted front yard setback has created a smaller than normal rear yard and combined with the long rectangular shape of the house has oriented most of the yard area to the east side of the house.

ADJACENT PROPERTY

It is the opinion of the Secretary that the grant of the variance would not adversely affect adjacent property owners; inasmuch as the only property owner potentially affected is to the north, and they maintain a 25 foot side yard setback and are screened from subject property by a solid 6-foot fence.

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Case No. BZA 24-75
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HARDSHIP

It is the opinion of the Secretary that it is somewhat difficult to determine that an undue hardship would be placed upon the applicant in the event this variance is not granted, but that hardship may exist inasmuch as the main purpose for requesting this variance is to provide a storm shelter for the applicants.

PUBLIC INTEREST

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

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as it appears that the lot would not be overdeveloped and there would still be adequate open space.

RECOMMENDATION

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application to reduce the required rear yard from 20 feet to 10 feet be approved for only the 17 foot portion of the rear yard as proposed on the applicant's plot plan.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

June 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 24-75

An application has been filed by Faith Powell and Mariene Brown, 7620 Cottontail, Wichita, Kansas, pursuant to Section 2.12.590.D, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 14, Block 4, in Country Acres, Sedgwick County, Kansas. Generally located at the northeast corner of Cottontail Lane and Redbarn Lane.

This application has been assigned Case No. BZA 24-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 24, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

6-3-75 - 22 Notices mailed to Adjacent Property Owners
10 Notices mailed to MAPC

The lot north of this property faces Red Barn with the front yard setback being west of the house and the side yard setback being north and south of the house. Since the Powell/Brown house faces Cottontail, the front yard setback is to the south and the back yard setback is to the north. With this situation the Powell/Brown backyard setback is adjacent to the side yard setback on the lot to the north. This condition resulted from the original plot of Country Acres.

Granting this variance will not allow any structure closer than the adjacent side yard setback of the property to the north.

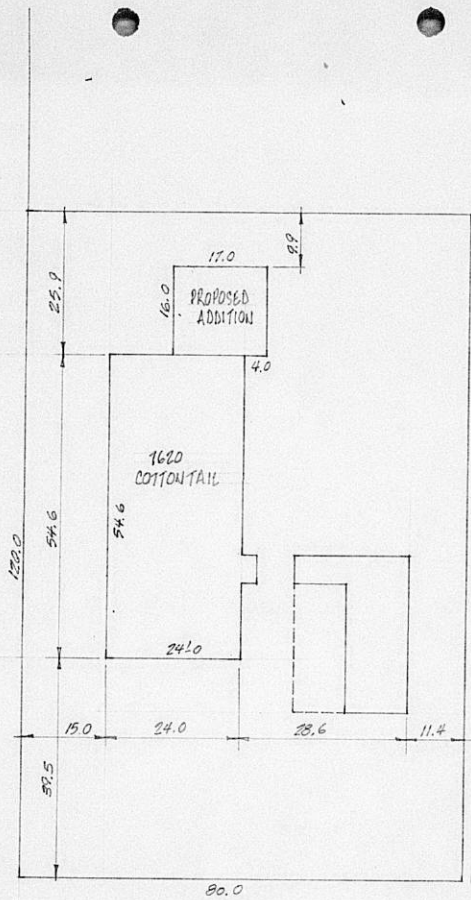
Failure to grant the variance will deny the owner the ability to add a room addition and basement storm shelter. The inability to make the addition renders the home inadequate for the needs of the owner and would cause them to seek shelter elsewhere in the event of a storm.

In addition to the above items, obsolescence of the built-in laundry equipment requires that additional space be allocated for new laundry facilities which are not available in the existing house.

Granting this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the area.

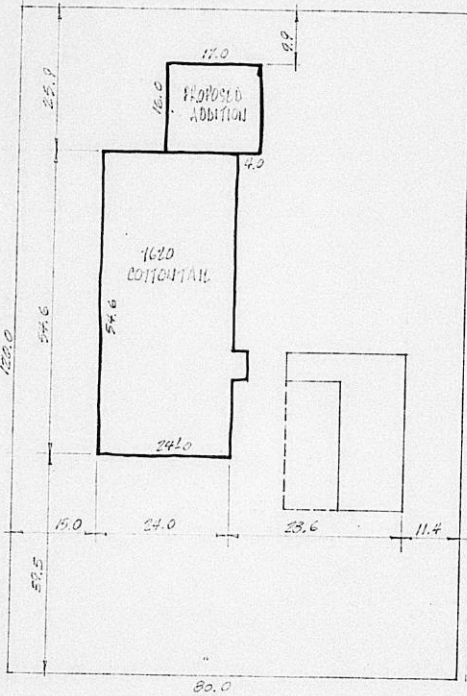
The intent of the ordinance will not be violated since the structure will not extend closer to the property line than the side yard setback distance which provides for structure placement to insure open space control.

REDBARK LANE



COTTONTAIL LANE

REAR LANE



BOTTLENECK LANE

APPLICATION FOR VARIANCE

I. Name of Applicant Faith Powell & Marlene Brown

Mailing Address 7620 Cottontail 12 Phone 722-6306

Name of Authorized Agent Leon L. Krob

Mailing Address 805 S. Main 03 Phone 264-9491

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

II. The variance requested is build an addition within 9.9' of
the north property line.
Rear Yard Setback from 20 - 10.0' L.L.

for property located 7620 Cottontail

and legally described as: Lot 14, Block 4, County Acres,
Sedgwick County, 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 2.12.580 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.

Marlene Brown & Faith Powell
Applicant

Leon L. Krob
Authorized Agent

ME

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 945 AM - May 23, 1975 together with appropriate fee of \$50.00.

Joseph H. Albrecht
Signed

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas,

All the Owners within 200 feet of:

Lot 14, Block 4, in COUNTRY ACRES, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz:
 (Addresses as given are furnished as a service and not certified.)

| <u>LOT</u> | <u>BLOCK</u> | <u>ADDITION</u> | <u>OWNER & ADDRESS</u> |
|------------|--------------|-----------------|--|
| 14 | 4 | COUNTRY ACRES | Frances Faith Powell and Marlene M. Brown 7620 Cottontail Wichita, Kansas 67212 |
| 1 | 1 | COUNTRY ACRES | Robert C. & Frances H. Kyle 701 Redbarn Lane Wichita, Kansas 67212 |
| 2 | 1 | COUNTRY ACRES | Willard S. & Thelma L. Boller 7711 Cottontail Wichita, Kansas 67212 |
| 16 | 2 | COUNTRY ACRES | Donald Ray & Sheryl Lee Sipult Address Unknown |
| 17 | 2 | COUNTRY ACRES | W. Earl & Exelee E. Ambler 7601 Cottontail Lane Wichita, Kansas 67212 |

Fidelity  Title
 COMPANY, INC.

| <u>LOT</u> | <u>BLOCK</u> | <u>ADDITION</u> | <u>OWNER & ADDRESS</u> |
|------------|--------------|-----------------|--|
| 18 | 2 | COUNTRY ACRES | ✓ Duane A. & Ella M. Frederick Address Unknown <i>7611 Cottontail 12</i> |
| 19 | 2 | COUNTRY ACRES | ✓ William A. & Lois E. Reagan 526 South Osage Avenue Wichita, Kansas 67213 <i>ret. 6-5-75</i> |
| 1 | 4 | COUNTRY ACRES | ✓ Richard L. & Betty L. Kammerer 735 Brown Thrush Lane Wichita, Kansas 67212 |
| 2 | 4 | COUNTRY ACRES | ✓ Ray C. & Anna Marguerite Johnson 745 Brown Thrush Lane Wichita, Kansas 67212 |
| 3 | 4 | COUNTRY ACRES | ✓ Albert L. & Mary A. Trissal 753 Brown Thrush Lane Wichita, Kansas 67212 |
| 11 | 4 | COUNTRY ACRES | ✓ Trustees of St. Lukes united Methodist Church 250 North Meridian Avenue Wichita, Kansas 67203 |
| 12 | 4 | COUNTRY ACRES | ✓ James D. & Kathleen K. Linsner 742 Redbarn Lane Wichita, Kansas 67212 |
| 13 | 4 | COUNTRY ACRES | ✓ Ray C. & Effie May Wasser 736 Redbarn Lane Wichita, Kansas 67212 |
| 15 | 4 | COUNTRY ACRES | ✓ Kenneth Joe & Rosella M. Loflin 7612 Cottontail Lane Wichita, Kansas 67212 |
| 16 | 4 | COUNTRY ACRES | ✓ Emmert M. & Lorenea Brown 7600 Cottontail Lane Wichita, Kansas 67212 |
| 1 | 5 | COUNTRY ACRES | ✓ Administrator of Veterans Affairs 5500 East Kellogg Wichita, Kansas 67218 |
| 2 | 5 | COUNTRY ACRES | ✓ Albert B. & Juanita C. Scholl 743 Redbarn Lane Wichita, Kansas 67212 |



| <u>LOT</u> | <u>BLOCK</u> | <u>ADDITION</u> | <u>OWNER & ADDRESS</u> |
|------------|--------------|-----------------|--|
| 3 | 5 | COUNTRY ACRES | ✓ James Rowley & Sandra Kay Wood 751 Redbarn Lane Wichita, Kansas 67212 |
| 7 | 5 | COUNTRY ACRES | ✓ Bruce C. & Ruth K. Quantrell 7821 Quail Lane Wichita, Kansas 67212 |
| 8 | 5 | COUNTRY ACRES | ✓ Delbert C. & June E. Carvell 7825 Quail Lane Wichita, Kansas 67212 |
| 10 | 5 | COUNTRY ACRES | ✓ George A. & Irene E. Smith 435 North West Street Wichita, Kansas 67203 |
| 11 | 5 | COUNTRY ACRES | ✓ Cook-Bretches Co. Inc. 821 Brown Thrush Lane Wichita, Kansas 67212 |



Dated at Wichita, Kansas, this 19th day of May, 1975, at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Carita Gray*
Asst. Sec. ag

Tracer No. 28605



Form 220-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

| | | | |
|--------------|-------------|-------------|-------------|
| Bldg & Elev. | Elec. | Elev. Insp. | Exam. Fees |
| Hse. Mvr. | Hse. Moving | Licse. | Mech. |
| Oil Well | Pav. Cuts | Plan. | Plbg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

| DESCRIPTION | AMOUNT |
|--------------------------|--------|
| BZA VARIANCE APPLICATION | 15000 |

Name: MARLENE BROWN

Address: 7620 COTTAGE

Type: AA 407103 Due Date: 5/23/75

Comments:

Date: 5/23/75 By: [Signature]

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

FILE AS ADDRESSED
WARDING ORDER ON FILE

William A. & Lois E. Reagan
526 S. Osage
Wichita, Ks 67213



24-75