

BZA 26-88-John & Mary Nodgaard request a
VARIANCE to reduce side yd setback from
6 to 5' on prop. zoned AA 1-Fam. DD at
1002 Lawrence Lane.

~~200~~ 10-26-88
KJ

ACTION

BZA. 26-88 Approved 6/28/88
DNI

200 1/4 Sec. 10-27-88
Checked yo
Shot 1-10-89
Record ✓

DATA SHEET

MAP NO.: 5948D

CASE NO. BZA 26-88

(CPO 2A, 6/20/88)

REQUEST: Variance to reduce the side yard setback from 6 feet to 5 feet

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: East side of Lawrence Lane, 1/4-mile south of 13th Street

APPLICANTS: John C. and Mary L. Nodgaard
ADDRESS: 1002 Lawrence Lane
Wichita, KS 67206

PHONE: 267-5267 (off.)

AGENT: None
ADDRESS:

PHONE:

AREA DATA

Acres: (7,200 sq. ft.)

Adjacent Zoning and Land Use:

North "AA"
South "AA"
East "AA"
West "AA"



PL1-0433

V-1591

Shiloh
No. 2,153C
MASTING, IN
LOS ANGELES-CHICAGO-LOUISVILLE, OH
MCNENEE, TX-LOCUST GROVE, GA
U.S.A.

BZA INSPECTION SHEET

MAP NO.: 5948D

CASE NO. BZA 26-88

REQUEST: Variance to reduce the side yard setback from 6 feet to 5 feet

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: East side of Lawrence Lane, $\frac{1}{4}$ -mile south of 13th Street

APPLICANTS: John C. and Mary L. Nodgaard
ADDRESS: 1002 Lawrence Lane
Wichita, KS 67206

PHONE: 267-5267 (off.)
682-4790 (home)

AGENT: None
ADDRESS:

PHONE:

HEARING DATE: 6/28/88

BZA ACTION: Approved

MAPC FOLLOW-UP DATE: ~~None~~ 12-28-88 Complete vacation case (V-1541)

8-30-88 V-1541 completed.

Approved / Accepted By City Council

AUG 16

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT

8:00 A.M.

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

AUG 30 08 0966475

IN THE MATTER OF THE VACATION OF PORTIONS OF)
A PLATTED BUILDING SETBACK AND UTILITY)
EASEMENT)

PAT KETTLER
REGISTER OF DEEDS

GENERALLY LOCATED ON THE EAST SIDE OF)
LAWRENCE LANE IN AREAS SOUTH OF BEACHY)
(V-1541))

Ed Rasmussen
Deputy

MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 18th day of August, 1988, comes on for hearing the petition for vacation filed by John and Mary Nodgaard, praying for the vacation of the following described portions of a platted building setback and utility easement, to-wit:

BUILDING SETBACK

That part of the platted 15-foot building setback line described as commencing at the southeast corner of Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas; thence N 00° E, along the east line of Lot 1, 23.47 feet to the intersection point of the 15-foot building setback line; thence northwesterly along said 15-foot building setback line, 32.73 feet to a point of beginning; thence northwesterly along said setback line, 31.08 feet having a chord bearing and distance of N 39° 11' 03" W, 31.07 feet; thence S 61° 46' 55" W, 8.5 feet; thence S 28° 13' 05" E, 30.5 feet; thence N 61° 46' 55" E, 14.41 feet to the point of beginning.

UTILITY EASEMENT

That part of the platted 8-foot utility easement described as commencing at the southeast corner of Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas; thence north along the east line of said Lot 1, 50 feet; thence west at right angles to the last described line, 5 feet for a point of beginning; thence north at right angles to the last described line, 40 feet; thence west at right angles to the last described line, 3 feet to a point on the west line of the platted 8-foot utility easement; thence south along the west line of said easement, 40 feet; thence east 3 feet to the point of beginning.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Record of notice of this vacation proceeding for consecutive weeks on AUG 9 & 15, 1988.
2. No private rights will be injured or endangered by the vacation of the above-described building setback and utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s) the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the building setback and utility easement described herein should be approved.

6.00 CA

City Clerk

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of August, 1988, ordered that the above-described building setback and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

S. Kamen
Sheldon Kamen, Mayor

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form
Thomas Powell
Thomas Powell, Director of Law



(State of Kansas)
(Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this AUG 24 1988
Dale E. Rea Deputy City Clerk

RESOLUTION NO. BZA 26-88

WHEREAS, John C. and Mary L. Nodgaard, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, $\frac{1}{2}$ -mile south of 13th Street (1002 Lawrence 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 28, 1988, 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 triangular shape of the lot greatly restricts the buildable area on the south portion of the lot; 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 a 1-foot variance of the yard requirement is almost unnoticeable without measuring it, and both lots to the east have a minimum setback requirement from their west property line of 10 feet, due to a platted utility easement; 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 the requirement to maintain a minimum 6-foot side yard would necessitate the redesign of the proposed additions; 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 vacation proceedings for the existing utility easement along the east property line will have to be completed prior to release of this resolution authorizing a side yard reduction and therefore no utility easement, nor any street right-of-way, will be encroached upon by this proposed addition to the house; 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 adequate separation will still exist between structures on adjacent properties to provide for air, light, drainage and pedestrian circulation; 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.

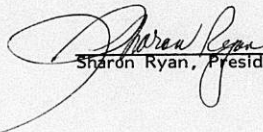
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, $\frac{1}{2}$ -mile south of 13th Street (1002 Lawrence Lane).

subject to the following conditions:

1. Within six months after approval and prior to release of the resolution authorizing this side yard variance, the applicant shall complete the vacation of the portion(s) of the platted 8-foot utility easement necessary to permit the proposed construction to occur within 5 feet of the east property line.
2. The applicant shall obtain a building permit for the proposed construction and shall comply with all applicable building codes.
3. This side yard variance shall not be deemed as authority to encroach upon any utility easement.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1988.


Sharon Ryan, President

ATTEST:


Louise Olivarez, Assistant Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

July 1, 1988

John C. & Mary L. Nodgaard
1002 Lawrence Lane
Wichita, KS 67206

Re: BZA 26-88 - Variance to reduce side yard setback (1002 Lawrence Lane)

Dear Mr. & Mrs. Nodgaard:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1988. This Resolution reflects the official action of the Board to approve 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 questions concerning this matter, please call our office.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

7-14
Resolution should
not have been
released until
condition #1
completed

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE June 22, 1988

TO Louise Oliverez, Principal Planner

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 26-88: East side of
Lawrence Lane, $\frac{1}{4}$ mile South
of 13th Street (1002 Lawrence
Lane)

On Monday, June 20, CPO Rockwell/Northeast Neighborhood Council 2A considered the captioned case, a request for a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One Family Dwelling District.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After extensive discussion, the Council voted 8-0 to recommend approval of the request subject to staff's comments.

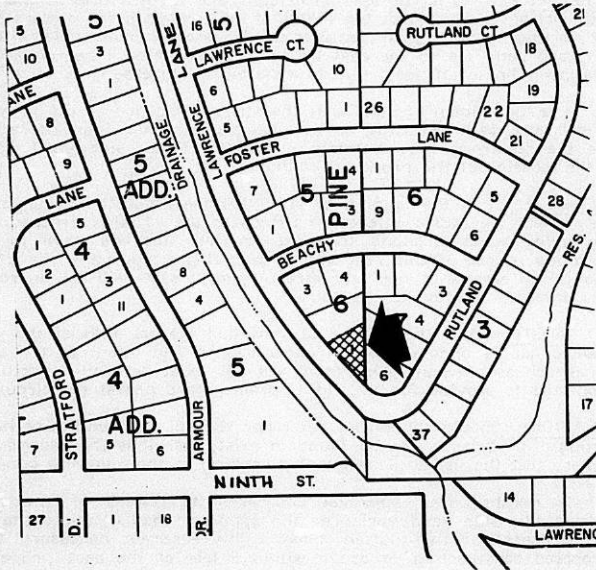
The applicants, John and Mary Nodgaard, were present to describe the request and respond to questions from the Council. Mr. Nodgaard displayed a site plan for viewing by the members and explained that he wanted to extend his garage. Mr. Nodgaard stated that he had met with his neighbors and they had no problems with his request. In summary, Mr. Nodgaard stated that, in his opinion, the variance would not adversely impact the neighborhood since his nearest neighbor is approximately 27 feet from his property.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 26-88 is considered.

BLC:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 26-88
OWNER/APPLICANT/AGENT: John and Mary Nodgaard (owner/applicant)
REQUEST: Variance to reduce the side yard setback from 6 ft. to 5 ft.
CURRENT ZONING: "AA" One-Family Dwelling District
SITE SIZE: 7,200 sq. ft.
LOCATION: East side of Lawrence Lane approximately 1/2-mile south of 13th Street
PROPOSED USE: Addition to residence



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.

BACKGROUND: The applicant is requesting a reduction of the required 6-foot side yard to 5 feet along the east side of the lot in order to accommodate a proposed addition to the house. There is currently an 8-foot utility easement along this east property line, a portion of which will be considered for vacation by the Subdivision & Utility Advisory Committee on June 30.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	Street and drainage right-of-way
EAST	"AA"	Undeveloped
WEST	"AA"	Street and drainage right-of-way

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the triangular shape of the lot greatly restricts the buildable area on the south portion of the lot.

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 a 1-foot variance of the yard requirement is almost unnoticeable without measuring it, and both lots to the east have a minimum setback requirement from their west property line of 10 feet, due to a platted utility easement.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the requirement to maintain a minimum 6-foot side yard would necessitate the redesign of the proposed additions.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the vacation proceedings for the existing utility easement along the east property line will have to be completed prior to release of this resolution authorizing a side yard reduction and therefore no utility easement, nor any street right-of-way, will be encroached upon by this proposed addition to the house.

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 ordinance inasmuch as adequate separation will still exist between structures on adjacent properties to provide for air, light, drainage and pedestrian circulation.

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. Within six months after approval and prior to release of the resolution authorizing this side yard variance, the applicant shall complete the vacation of the portion(s) of the platted 8-foot utility easement necessary to permit the proposed construction to occur within 5 feet of the east property line.
2. The applicant shall obtain a building permit for the proposed construction and shall comply with all applicable building codes.
3. This side yard variance shall not be deemed as authority to encroach upon any utility easement.

BZA CASE NO. 26-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

1 NOTICES SENT TO APPLICANT/AGENT

7 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 6-3-88

1 NOTICES SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY
COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith
Louise Olivarez
Bob Young
Karen Crook

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

June 6, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 26-88

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 John C. and Mary L. Nodgaard requesting a variance.

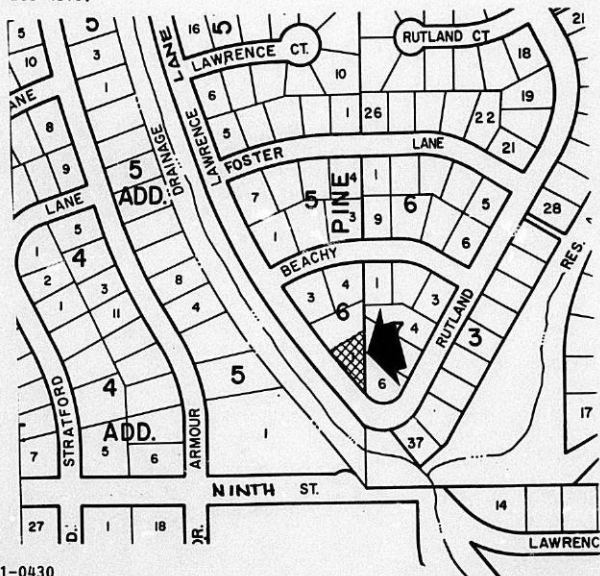
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, $\frac{1}{4}$ -mile south of 13th Street (1002 Lawrence Lane).

This application has been assigned Case No. BZA 26-88. It will be considered by the Board of Zoning Appeals on Tuesday, June 28, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 N. Main Street, Wichita, Kansas. If you have no interest in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 2A, Rockwell/Northeast, will consider this case at their meeting to be held on Monday, June 20, 1988, at 7 p.m., at the Rockwell Branch Library, 5939 E. 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



PL1-0430

(_____) Published in The Daily Reporter, June 3, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 28th day of June, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 23-88 - John A. Van Walleghen, 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 the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 13, Garden Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Tulsa and Pattie Streets (1239 Tulsa).

2. Case No. BZA 24-88 - Patrick M. Chapman, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a used car sales lot on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lots 1241, 1243 and 1245 on Market Street and the north 9 feet of Lot 1244 and all of Lot 1246 on Broadway in Bush's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Market and Broadway.

3. Case No. BZA 25-88 - Rocky L. and Terry L. Wilburn, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 1½ feet for a deck and reduce to 1 foot the setback for the roof over the deck on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 8, Murray's 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Pawnee and Pawnee Court (3860 E. Pawnee Court).

4. Case No. BZA 26-88 - John C. and Mary L. Nodgaard, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the side yard setback from 6 feet to 5 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Lawrence Lane, ¼-mile south of 13th Street (1002 Lawrence Lane).

5. Case No. BZA 27-88 - Quality Child Care Centers, Inc.-Wesley Children's Center, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

The West Half of Reserve D, Ken-Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 17th Street in an area west of Oliver (4401 E. 17th).

6. Case No. BZA 28-88 - Amoco Oil Company, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a detached, single-bay automatic car wash in association with a proposed Amoco service station on property zoned the "LC" Light Commercial District and legally described as follows:

That part of Lot 1, Block 1, Amorado Estates, an addition to Wichita, Sedgwick County, Kansas, described as beginning at the S.W. Corner thereof; thence N 00° E, along the west line of said Lot 1, 175 feet; thence N 86°34'56" E, 213 feet; thence S 00° E, 184.38 feet more or less to a point on the south line of said Lot 1; thence N 79°22'53" W, along said south line of Lot 1, 38.59 feet to a deflection corner of said Lot 1; thence S 86°34'56" W, 175 feet to the point of beginning. Generally located at the northeast corner of 13th Street and Maize Road.

7. Case No. BZA 29-88 - M.H.M. Properties Inc. (Hilton Inn East), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirements from 358 spaces to 341 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 3, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Kellogg and Rock Road.

8. Case No. BZA 30-88 - Rudy Betts, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 14 and 16, Block 6, J.O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Custer in an area south of Central.

9. Case No. BZA 31-88 - Rudy Betts, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 10 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2, 4, 6, 8, 10 and 12, Block 6, J. O. Davidson 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Custer (3015 W. Central).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 3rd day of June, 1988.

Jack H. Galbraith, Secretary

APPLICANT'S STATEMENT


Applicants have requested a variance in the side yard set back requirements under City Ordinance 28.04.040 from 6 feet to approximately 5 feet. Applicant's desire such reduction in order to add a home addition as shown on the site plan attached hereto and incorporated herein by reference.

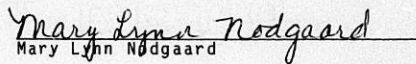
Applicants submit that the only lot which would be effected by this side yard set back is lot 6 of block 7 of Fairfield Estate, Wichita, Sedgwick County, Kansas. That said lot 6, Block 7 of Fairfield Estates is an irregular shaped lot without any structure at this time. Lot 6 already has a ten foot utility easement running north to south adjacent to applicant's lot. In addition a grove of trees lies east of the utility easement on lot 6 approximately 27 feet from the west lot line. The best use for lot 6 and any residential structure to be constructed thereon would be to build facing Rutland Road and lying east of the tree line thus providing a minimum of 27 feet from applicant's lot to any building structure on lot 6. That such distance provides ample clearance between applicant's proposed home addition.

This application for variance is made because of the irregular shape of lot 1, block 6, Fifth Addition to Pine Valley Estates as well as the irregular shape of lot 6, Block 7 of Fairfield Estates Addition and such condition is therefore unique to the property in question is not ordinarily found in the same zone or district and was not created by an action or actions of the property owners or by the applicant. Additionally the granting of the variance will not adversely affect the rights of any adjacent property owners as residents as explained above, and that a strict application of the provisions of Title 28 of which the variance is requested will constitute an unnecessary hardship

on the applicant. Furthermore such variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the community and is not in opposition to the general spirit and intent of Title 28.

Respectfully submitted,

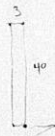

John C. Nodgaard


Mary Lynn Nodgaard

~~That part of the platted 15 foot building setback line described as commencing at the S.E. Corner of Lot 1, Block 6, Fifth Addition To Pine Valley Estates, Wichita, Kansas; thence N 00° E, along the east line of Lot 1, 23.47 feet to the intersection point of the 15 foot building setback line; thence northwesterly along said 15 foot building setback line, 35.28 feet to a point of beginning; thence northwesterly along said setback line, 28.53 feet having a chord bearing and distance of N 39°10'50" W, 28.52 feet; thence S 61°46'55" W, 4 feet; thence S 28°13'05" E, 28 feet; thence N 61°46'55" E, 9.43 feet to the point of beginning.~~

That part of the platted 8 foot utility easement described as commencing at the S.E. Corner of Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas; thence north along the east line of said Lot 1, 50 feet; thence west at right angles to the last described line, 5 feet for a point of beginning; thence north at right angles to the last described line, 40 feet; thence west at right angles to the last described line, 3 feet to a point on the west line of the platted 8 foot utility easement; thence south along the west line of said easement, 40 feet; thence east 3 feet to the point of beginning.

*Portion of
Setback requested
for variance*



APPLICATION FOR VARIANCE

I. Applicant John C. Nodgaard and Mary L. Nodgaard
 Address 1002 Lawrence Lane Zip Code 67206 Phone 267-5267 ^{app}
682-4790 ^{home}
 Agent _____
 Address _____ Zip Code _____ Phone _____
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is a reduction in the side yard set back from
6 feet to approximately 5'

on property zoned residential AA which is
~~119.41~~ 119.41 ft by 119.41 ft by 189.30 ft in size, legally described as:
7,200 sq. ft. (±)

Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas

and located (1002 Lawrence Lane)
east side of Lawrence Lane, 1/2-mile south of 13th Street
 in the City of Wichita.

- 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 *John C. Nodgaard*
 John C. Nodgaard

Applicant *Mary L. Nodgaard*
 Mary L. Nodgaard

Authorized Agent _____

OFFICE USE ONLY:

Map No. 5948D Zoning: (N) AA (S) AA (E) AA (W) AA CPO 2A 6-30

Received in Office of Secretary, Board of Zoning Appeals, _____ (a.m./p.m.),
May 27, 19 88, together with appropriate fee of 200.00.

Signed *Louise Olivarez*

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property:

Lot 1, block 6, Fifth Addition to Pine Valley Estates, Wichita, Sedgwick County, Kansas

Addresses as given are furnished as a courtesy only and are not certified.

DESCRIPTION OWNER/ ADDRESS

FIFTH ADDITION TO PINE VALLEY ESTATES

BLOCK 6

*application
has been*

Lot 1

dup
John C Nodgaard
1002 Lawrence Lane
Wichita, Kansas, 67206

Lot 2

Thomas M Potter
1006 Lawrence Lane
Wichita, Kansas 67206

Lot 3

Joanne M Nohe
7001 Beachy
Wichita, Kansas, 67206

Lot 4

Conrad C Osborne
Lila M Osborne
7007 Beachy
Wichita, Kansas, 67206

FIRST ADDITION TO PINE VALLEY ESTATES

BLOCK 5

Lots 1 and 2

Presbytery of Southern Kansas,
Presbyterian Church (U.S.A.)
216 E 2nd, Rm 420
Wichita, Kansas, 67214

Lot 3

Eastminister United
Presbyterian Church
7202 E 9th St.
Wichita, Kansas, 67206

FAIRFIELD ESTATES

BLOCK 3

Lots 35, 36, & 37

Thirteenth and Rock Land
Partnership, a general partnership
William E Morin-Vice President
1472 Valley View Court 67212
Ralph Rudy-Partner
1621 N Lynnhurst
Wichita, Kansas, 67212

BLOCK 7

Lots 1, 2, 3, 4, 5, 6

Dated this 20th Day of April, 1988 at 7:00 A.M.

GUARANTEE TITLE CO., INC

By:

Annie L. Southill

N: 00182

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA Variance - side yard on Lot, Blk 6

Name 1002 Lawrence Lane 5th Wk. Pine Valley Estate

Address John C. Nordgaard

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount 203.⁰⁰

Date 5-27-88 Due Date 5-27-88 By LD.

Form 00-000