

Case No. BZA 27-86 - Buchanan Homes, Inc. requests a variance to reduce one side yard setback from 6 ft to 0 ft for the construction of zero lot line single family detached dwellings on property zoned "A" Two-family Dwelling

DATE
2004 Sec 10.31.86

Shot 11-18

Record ✓

3 conditions

ACTION

B.Z.A. 22-86 Approval sub to 8/24/86
DATE
3 conditions

200'4 Sec 10-31-86

Shot 11-18

Record ✓

Case No. BZA 27-86 - Buchanan Homes, Inc. Requests a variance to reduce one side yard setback from 6 ft to 0 ft for the construction of zero lot line single family detached dwellings on property zoned "A" Two-family Dwelling

August 29, 1986

Brent Wooten
Baughman Company
330 Laura
Wichita, Kansas 67211

Re: BZA 27-86 - Request for Variance

Dear Mr. Wooten:

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 conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG/lw

Enclosure

cc: Buchanan Homes, Inc., 260 N. Rock Rd., Wichita, KS 67206
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 27-86

WHEREAS, Buchanan Homes, Inc., 260 North Rock Road, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce one side yard setback from 6 feet to 0 feet for the construction of zero lot line single-family detached dwellings on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 1, 2 and 3, Block 2, Fourth Addition to Cedar Ridge, Wichita, Sedgwick County, Kansas. (Being replatted as the Sixth Addition to Cedar Ridge). Generally located on the south side of Skinner and east of Laurel.

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 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 it is proposed to reduce the total number of dwelling units that could be constructed on the property by replatting three lots into five lots and limit the construction on each lot to a one-family 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 normal separation of twelve feet will be maintained between each one-family dwelling; 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 without the variance the owners would be unable to replat the property for development of one-family detached patio homes as other lots in the area are being developed; 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 reduction of one side yard will not interfere in any way with any right-of-way or easements; 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 the distance between structures will remain the same as if side yards for individual structures are maintained at six feet; 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.

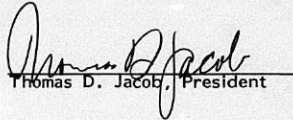
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce one side yard setback from 6 feet to 0 feet for the construction of zero lot line single-family detached dwellings on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 1, 2 and 3, Block 2, Fourth Addition to Cedar Ridge, Wichita, Sedgwick County, Kansas. (Being replatted as the Sixth Addition to Cedar Ridge). Generally located on the south side of Skinner and east of Laurel.

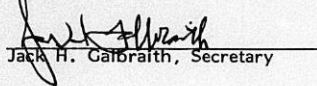
be approved subject to the following conditions:

1. The reduction of one side yard from 6 feet to zero feet shall apply only to the lots that are platted adjacent to a property line where a five foot maintenance easement is provided.
2. The use of any lot in the Sixth Addition to Cedar Ridge shall be limited to a one-family detached dwelling.
3. The release of this resolution is subject to the completion of the Sixth Addition to Cedar Ridge.

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


Thomas D. Jacob, President

ATTEST:


Jack H. Gaibraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE August 12, 1986

TO Glen Lytle, Special Assistant for Zoning
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 27-86: South side of
Skinner and east of Laurel

On Monday, August 11, CPO Council Area "H" considered the above captioned case, a request for a variance to reduce one side yard setback from 6 feet to 0 feet for the construction of zero lot line single-family detached dwellings on property zoned the "AA" Two-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 denial of the request.

The agent had been invited but was not present and consequently could not describe the request and respond to questions from the Council members. There were no area residents present.

The Council recommended denial because of the following reasons: 1) inadequate information on which to base a decision and 2) lack of assurances that conditions #1, #2, and #3 as set forth in Section 2.12.590.B of Title 28 (Zoning Ordinance) had been met.

Please provide this information to the Board of Zoning Appeals when case BZA 27-86.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

AUG 13 1986

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 27-86

APPLICANT: Buchanan Homes, Inc., 260 North Rock Road, Wichita, KS.

AGENT: Baughman Co., 330 Laura, Wichita, KS.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce one side yard setback from 6 feet to 0 feet.

GENERAL LOCATION: On the south side of Skinner Street and west of Webb Road.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as are the properties to the east and north. To the west and south are "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. To the east are two-family dwellings. To the west are one-family dwellings and a school. To the south is vacant.

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 one side yard setback on each lot from 6 feet to 0 feet for the construction of zero lot line detached one family dwellings. This request is being made so that three lots presently platted for the construction of two-family dwellings can be replatted into 5 smaller lots for one-family detached dwellings. This would be a reduction in the number of dwellings permitted on the property from 6 to 5 dwellings. The variance will only be applicable to three of the proposed lots as the other two lots have the required side yards.

Although this is the only variance from the requirements of the zoning ordinance to accomplish the intent of the applicant, it will still be necessary to plat the lots as proposed. The applicant is in the process of replatting the area. In this process it will be necessary to reduce the lot frontage on four of the lots below the 60 foot requirement of the subdivision rules and regulations. This will be the responsibility of the Planning Commission and the City Commission to make the determination on the lot widths.

It should be noted that in the platting process, adequate maintenance easements should be established on the adjoining lots when the side yard is reduced to zero feet. The end lot being replatted adjacent to existing development on the east will not be able to have a zero foot setback next to the adjacent property and maintain the normal separation between structures of 12 feet. On the lot the required setback of six feet should be maintained adjacent to the existing developed lot.

Since the property is located in the "A" Two-family Zoning District, the lot area requirement for a two-family dwelling is 6,000 square feet and a one-family dwelling is 3,500 square feet. In order to limit the use of the lots to one-family dwellings, any approval should include such a condition. This would then not require a change of zoning back to "AA" One-family Dwelling District to limit the development to one-family dwellings.

Most all of this type of housing in Wichita has been developed in areas as a part of a Residential Community Unit Plan. In that case, the Governing Body approves a development plan for a particular type of housing and establishes criteria for the development even though it may not fully comply with the general requirements of the zoning ordinance. In this case, this

process is not possible as the minimum area for development of a Residential C.U.P. is 20 acres.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is proposed to reduce the total number of dwelling units that will be constructed on the property by replatting three lots into five lots and limit the construction to one-family dwellings.

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 normal separation of twelve feet will be maintained between each one-family dwelling.

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 without the variance the owners would be unable to replat the property for development of one-family detached patio homes as other lots in the area are being developed.

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 one side yard will not interfere in any way with any right-of-way or easements.

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 distance between structures will remain the same as if both side yards are maintained at six feet.

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 reduction of one side yard from 6 feet to zero feet shall apply only to the lots that are platted adjacent to a property line where a five foot maintenance easement is provided.
2. The use of any lot in the Sixth Addition to Cedar Ridge shall be limited to a one-family detached dwelling.
3. The release of this resolution is subject to the completion of the Sixth Addition to Cedar Ridge.

BZA CASE NO. 27-86

<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>10</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 27-86

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 Buchanan Homes, Inc., 260 North Rock Road, 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 one side yard setback from 6 feet to 0 feet for the construction of zero lot line single-family detached dwellings on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 1, 2 and 3, Block 2, Fourth Addition to Cedar Ridge, Wichita, Sedgwick County, Kansas. (Being replatted as the Sixth Addition to Cedar Ridge). Generally located on the south side of Skinner and east of Laurel.

This application has been assigned Case No. BZA 27-86. 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

APPLICATION FOR VARIANCE

I. Name of Applicant Buchanan Homes, Inc.

Mailing Address 260 N. Rock Road Phone 681-7271

Name of Authorized Agent Baughman Company

Mailing Address 315 Ellis Phone 262-7271

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

II. The variance requested is for zero lot line setbacks and
minimum lot frontages and size

for property located on Skinner St.

and legally described as: Lots 1-3, Block 2, Fourth Addition
to Cedar Ridge, Wichita, 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. 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.

John Buchanan
Applicant

Ken W. ...
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 5:00 (~~a.m.~~ - p.m.), July 28 1986
together with appropriate fee of \$50.00

300⁰⁰

H. Lytle
Signed

July 25, 1986

Sirs,

I would like to request that variances be approved for a portion of Fourth Addition to Cedar Ridge, Wichita, Kansas. The variances are necessary in order to obtain smaller patio style single family homes which we currently are able to market much better than the duplex homes which are allowed for this area presently.

I intend for Lots 1-3, Block 2, Fourth Addition to Cedar Ridge which are currently zoned A (duplexes) to be replatted into Lots 1-5, Block 1, Sixth Addition to Cedar Ridge. Current zoning allows for 6 dwelling units to be constructed. Our proposal will allow for only 5 dwelling units.

The variances I am requesting for the new lots are (1). From the standard 6' side yard setback to zero side yard lot line setback on one side only, and (2). From the standard 60' lot frontage to a minimum of 51' lot frontage for one of the lots.

I feel this request is justified and consistent with the current development in the immediate area. We will follow thru with the replat of these lots to conform with the style and size of lot development which we need.

Thank you.

Sincerely,



Tim J. Buchanan

TJB/ksb
File
cc: Brent Wooten

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of Register of Deeds, Sedgwick County, Kansas, Of:

Lots 1, 2, and 3, Block 2, 4th Addition to Cedar Ridge, Wichita, Sedgwick County, Kansas.

together with all real estate lying within a 200-foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>1ST ADDITION TO CEDAR RIDGE</u>	
<u>BLOCK 1</u>	
Lot 1	Unified School District #259 428 S. Broadway Wichita, Kansas 67202
<u>BLOCK 3</u>	
That part of Lot 3, Block 3, First Addition to Cedar Ridge described as beginning at the NW Corner; thence SWly along the Wly line of Lot 3, 35.17', thence SEly 130.73' to a point on the Ely line of Lot 3, said point being 55.33' Sly of the NE Corner of said Lot 3, thence Nly 55.33' to the NE Corner of said Lot 3, thence NWly 115.94' to beginning.	Mehl R. Grisham Marjorie M. Grisham 1844 Laurel Wichita, Kansas 67207
Lot 3, Block 3, except that part described as beg. at the NW Corner thereof, thence SWly along the Wly line of Lot 3, 35.17', thence SEly 130.73' to a point on the Ely line of Lot 3, said point being 55.33' Sly of the NE Corner of said Lot 3, thence Nly 55.33' to the NE Corner of said Lot 3, thence NWly 115.94' to beginning.	Melvin Duane Coyle Donna M. Schmidt 329 S. Topeka Wichita, Kansas 67202
That part of Lot 15, Block 3, described as beginning at the NW Corner of said Lot 15, thence Ely along the North line of Lot 15, 107.44' to the Nly front corner of said Lot 15, thence SEly along the front line 24.87', thence SWly 133.46', more or less to a point on the SWly line of said Lot 15, said point being 31.31' SEly of the Western most corner of Lot 15; thence Northwesterly 31.31' to the western most corner of Lot 15, thence NEly 70' to beginning.	David A. Knight Tanya L. Knight 1853 Beech Ave. Wichita, Kansas 67207
Lot 15, Block 3, except that part described as beg. at the NW Corner of said Lot 15, thence Ely along the North line of Lot 15, 107.44' to the Nly front corner of said Lot 15, thence SEly along the front line 24.87', thence SWly 133.46', more or less to a point on the SWly line of said Lot 15, said point being 31.31' SEly of the Western most corner of Lot 15; thence Northwesterly 31.31' to the western most corner of Lot 15, thence NEly 70' to beginning.	Stephen Jay Holmes 1855 Beech Ct. Wichita, Kansas 67207
<u>2ND ADDITION TO CEDAR RIDGE</u>	
<u>BLOCK 3</u>	
Lots 1, 2, 3, 4, 6, 8, 9, 10, 11	Cherry Creek Development, Inc. 8251 Cherry Creek Wichita, Kansas 67207

2ND ADDITION TO CEDAR RIDGE (continued)

BLOCK 3

Lot 5

✓ J. M. Porter Enterprises, Inc.
4237 Eagle Lake Drive
Wichita, Kansas 67220

Lot 7

✓ Morene K. Larrison
1924 Cooper Ct.
Wichita, Kansas 67207

4TH ADDITION TO CEDAR RIDGE

BLOCK 2

Lot 4

✓ Pembroke Company
c/o Tim Buchanon
260 N. Rock Road
Wichita, Kansas 67206

Lots 5, 6, 7

Ⓟ Cherry Creek Development, Inc.
8251 Cherry Creek
Wichita, Kansas 67207
Equitable Interest
Red Oaks, Inc.
✓ c/o American Savings
201 N. Main
Wichita, Kansas 67202

BLOCK 3

Lot 22

Ⓟ Cherry Creek Development, Inc.
8251 Cherry Creek
Wichita, Kansas 67207
Equitable Interest
Red Oaks, Inc.
Ⓟ c/o American Savings
201 N. Main
Wichita, Kansas 67202

5TH ADDITION TO CEDAR RIDGE

BLOCK A

Lots 1, 2, 3, 4, 5, 6, 7, 8

Ⓟ Pembroke Company
c/o Tim Buchanon
260 N. Rock Road
Wichita, Kansas 67206

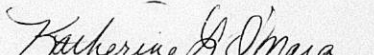
BLOCK B

Lots 1, 2

✓ Pembroke Company
c/o Tim Buchanon
260 N. Rock Road
Wichita, Kansas 67206

Certified this 30th day of June, 1986 at
7:00 A.M.

REALTY TITLE CO., INC.


By: Katherine L. O'Mara

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-0

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
Com 778 1/2	\$ 210.00
NAME	BRADSHAW CO
ADDRESS	315 E 11th
FUND	155-4090-102
COMMENTS	
DATE	11/22/16
BY	[Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3