

5450A

200'4 Sec 7-18-83

Checked 7-29-83

~~Set~~ 8-2-83

Recorded 8-4-83

Case No. BZA 31-83 - Wilburn J. Ammons, 8002 Dresden Lane, requests a variance to reduce the required rear yard setback from 20' to 6' on property zoned the "A" Two-family Dwelling District and generally located on the southwest

ACTION

B.Z.A. 31-83 APPROVED 6-28-83
DATE

POSTED
6-8-83
G.E.L.

5450A

200'4 Sec 7-18-83

Checked! 779 at

Set 8-2-83

Recorded 8-4-83

Case No. BZA 31-83 - Wilburn J. Ammons,
8002 Dresden Lane, requests a variance
to reduce the required rear yard set-
back from 20' to 6'-on property owned
the "M" Two-family Dwelling District
and generally located on the southwest

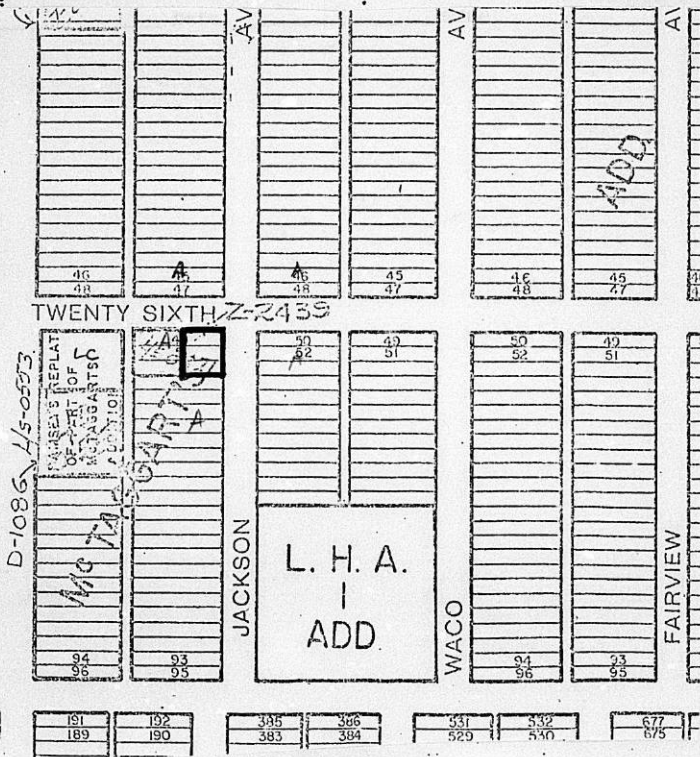
Map No. 5450 A
 Sec. _____
 Twp. _____
 Range _____

BZA- 31-83
 SC2- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (_____ it. by _____ ft.)
2. Adjoining Zoning: E A S A W Agg RBN A
3. Land Use: East Res South Res
 West Res North Res
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted.

PHOTO DATA:
 Taken _____

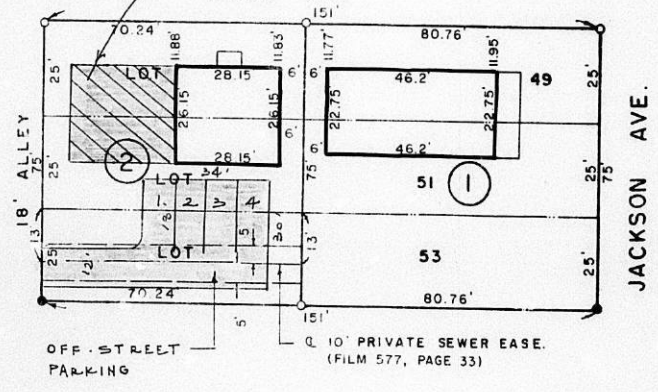


STANDARD
 No. 2153C
 HASTINGS, MN
 LEO J. ANDERSON, CHIEF ENGINEER
 MCGRAW-HILL BUILDING COMPANY, INC.
 U.S.A.



- = 30'
- = EXISTING IRON
- = IRON SET

FUTURE BUILDING EXPANSION
26TH ST.



OFF-STREET PARKING

10' PRIVATE SEWER EASE.
(FILM 577, PAGE 33)

JACKSON AVE.

July 1, 1983

Wilburn J. Ammons
8002 Dresden Lane
Wichita, Kansas 67207

Re: BZA 31-83 & BZA 32-83
Request for Variances

Dear Mr. Ammons:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on June 28, 1983.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosures

cc: Lowell D. High, 1542 South St. Francis, Wichita, Ks.
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE June 20, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT BZA 31-83 Southwest Corner
of Jackson and 26th Street North.

On Thursday, June 16th, CPO Council "J" considered a request for a variance to reduce the required rear yard setback from 20' to 6' on property zoned "A" Two-Family Dwelling District at the captioned location. The Council voted 6-0 to recommend approval of the variance as recommended by the Secretary.

Deborah and David Ammons were present representing the applicant. No area residents were present. Council members were provided a copy of the notice to adjoining property owners and MAPD staff comments.

Please provide the Council's recommendations to the Board of Zoning Appeals when it considers BZA 31-83 on June 28th.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP.

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

June 8, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA BZA 31-83

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 Wilburn J. Ammons, 8002 Dresden Lane, 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 rear yard setback from 20' to 6' on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the west 70.24' thereof, McTaggart's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Jackson and 26th Street North.

This application has been assigned Case BZA 31-83. It will be considered by the Board of Zoning Appeals on June 28, 1983 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.

Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 31-83

WHEREAS, Wilburn J. Ammons, 8002 Dresden Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 20' to 6' on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the west 70.24' thereof, McTaggart's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Jackson and 26th Street North.

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, 1983, 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 dwelling is existing and the distance between the two structures was created prior to annexation to the city and the variance would not reduce any of the existing dimensions; 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 distance to the adjacent dwelling to the rear will not be affected by the variance so that the light and air to both dwellings will remain the same as it now exists; 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 applicant would be unable to secure the lot split approval required for the zoning change; 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 variance will not interfere 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 adequate separation will be maintained to provide light and air to both properties; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the rear yard setback from 20' to 6' on property zoned the "A" Two-family Dwelling District and legally described as:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the west 70.24' thereof, McTaggart's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Jackson and 26th Street North.

be approved subject to the following conditions:

1. The reduction of the rear yard from 20' to 6' shall be only for the existing structure and any future additions or use of the property shall be subject to the required setbacks.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 31-83

APPLICANT: Wilburn J. Ammons, 8002 Dresden Lane, Wichita, Kansas.

AGENT: Lowell D. High, 1542 South St. Francis, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 20' to 6'.

GENERAL LOCATION: On the southwest corner of Jackson and 26th Street North.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as are all adjacent properties. The property to the west has been approved for "RB" Four-family Dwelling District subject to a lot split approval.

LAND USE: Subject property is occupied by a One-family Dwelling as are all adjacent properties.

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 of the rear yard from 20' to 6' which is necessary to be granted prior to the approval of a lot split that has been filed. It should be noted that this case and the following case are both on a property that is owned by the applicant. The property is occupied by two single-family dwellings and approximately one year ago the applicant requested "RB" Four-family zoning on the property in order to construct an additional dwelling onto the rear dwelling. The zoning was approved only for the west portion of the property subject to the applicant securing a lot split approval on the property.

The lot split procedure does not permit approval if a zoning violation is created by the lot split. In this case, the rear yard will not be 20'. It should be noted that both structures were built prior to any requirements on the property, and the distance between the two structures will remain the same.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the dwelling is existing and the distance between the two structures was created prior to annexation to the city and the variance would not reduce any of the existing dimensions.

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 distance to the adjacent dwelling to the rear will not be affected by the variance so that the light and air to both dwellings will remain the same as it now exists.

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 secure the lot split approval required for the zoning change.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the variance will not interfere 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 adequate separation will be maintained to provide light and air to both properties.

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 condition:

1. The reduction of the rear yard from 20' to 6' shall be only for the existing structure and any future additions or use of the property shall be subject to the required setbacks.

BZA CASE NO. 31-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

30 TOTAL NOTICES SENT 6-8-83

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

June 8, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA BZA 31-83

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

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

Jack H. Galbraith
Secretary

FROM LYTLE DATE 6-1

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Funk	<input type="checkbox"/> Lytle	<input type="checkbox"/> Stafford
<input checked="" type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Commer
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Chambers	<input type="checkbox"/> Crook
<input type="checkbox"/> Hanson	<input type="checkbox"/> Curfman	<input type="checkbox"/> Fleck	<input type="checkbox"/> Garland
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input type="checkbox"/> Nagley	<input type="checkbox"/> Singhal
<input type="checkbox"/> Holdeman	<input type="checkbox"/> Flynn	<input type="checkbox"/> Olivarez	<input type="checkbox"/> Whitney
<input type="checkbox"/> Lakin, E.	<input type="checkbox"/> Haas	<input type="checkbox"/> Shirkey	<input type="checkbox"/> —
<input type="checkbox"/> Nelson	<input type="checkbox"/> Hart		
<input type="checkbox"/> Scott	<input type="checkbox"/> Losew		
	<input type="checkbox"/> Shen		
	<input type="checkbox"/> Spain		
	<input type="checkbox"/> Vinson		
	<input type="checkbox"/> —		

<input type="radio"/> Note & Return	<input type="radio"/> Signature
<input type="radio"/> Handle	<input type="radio"/> Library
<input type="radio"/> All Staff	<input type="radio"/> Information
<input type="radio"/> Comment	<input type="radio"/> Files

REMARKS Use ownership list from 32-83 and mail both notices together for both cases.

BOARD OF ZONING APPEALS

CASE NO. 31-83

CITY OF WICHITA, KANSAS

FILED 5-27-83

APPLICATION FOR VARIANCE

I. Name of Applicant Wilburn J. Ammons
Mailing Address 8002 Dresden Lane Phone 682-9560
Name of Authorized Agent LOWELL D. HIGH
Mailing Address 1542 So. ST. FRANCIS Phone 264-0341
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required rear yard from 20 feet to 6 feet

for property located on the southwest corner of Jackson and 26th St. North

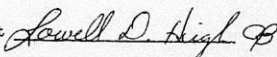
and legally described as: Lots 49, 51 and 53 on Jackson Avenue, Except the west 70.24' thereof, McTaggart's Addition to Wichita, Sedgwick County, Kansas

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. 36-596); 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 Lowell D. High 

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:07 (a.m.-p.m.), MAY 27, 1983 together with appropriate fee of 7500.

Signed 

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hac 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
2 City BZA Vars	150 ⁰⁰

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE Mar 27 1955 BY [Signature]