

Case No. BZA 33-78 - Jerry and Susan Sill request a variance to permit a covered attached patio to extend 10 feet into the 20 foot rear yard setback on property generally located on the [unclear] St. in an [unclear]

Handwritten: 8-22-78
M.A.F.C.
@ I.D.
C. 8-9-78
10 #

7-26-78

ACTION

BZA 33-78 COMMITTEE approved DATE 8-22-78

M.A.F.C. _____

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

Map No. 4849
Sec. 8
Twp. 27
Range 1W

BZA- 33-78
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 0.32 (95 (IRREGULAR) ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Single Family South Single Family
West Vacant North Undeveloped
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: undeveloped
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, MN - LOS ANGELES
LOOMIS, OH - MADISON, WI - U.S.A.

Sinead
No. 2153C

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

August 1, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 33-78

An application has been filed by Jerry and Susan Sill, 647 Chipper, Wichita, Kansas, pursuant to Section 2.12.590.B, 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 46, Block 3, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Amarado Court in an area south of Amarado.

This application has been assigned Case No. BZA 33-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

August 31, 1978

James D. Miner
3809 W. Central
Wichita, Kansas 67212

Re: Case No. BZA 33-78
Jerry and Susan Sill
Request for Variance


Dear Mr. Miner:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 22, 1978, in connection with your request for a variance on property zoned "AA" Single Family and generally located on the west side of Amarado Court in an area south of Amarado.

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

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

Sincerely,


Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Jerry and Susan Sill, 647 Chipper, 67212
Robert Feldner, Supt. of Central Inspection
Joe Donnelly, Central Inspection
Don Giesick, City Clerk

RESOLUTION NO. BZA 33-78

WHEREAS, Jerry and Susan Sill, 647 Chipper, 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 46, Block 3, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the west side of Amarado Court in an area south of Amarado.

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 22, 1978, 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 this irregular shaped lot, although having an ample lot area of approximately 11,000 square feet, has a very minimum "buildable" depth of only 40 to 45 feet; 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 adjacent property to the rear is an open space reserve; 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 they would be deprived of the utilization of an attached covered patio on the west side of their house, in an area without any mature trees; 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 structure will not encroach over the utility easement; 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 abundant open space exists between the proposed location of this structure and the nearest buildable lot; 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 required rear yard setback from 20 feet to 10 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

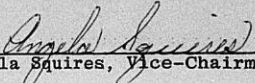
Lot 46, Block 3, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the West side of Amarado Court in an area south of Amarado.

be approved subject to the following condition:

RESOLUTION NO. BZA 33-78
Page 2

1. There shall be no encroachment of structure or roof overhang into the 10 foot utility easement.

ADOPTED AT WICHITA, KANSAS this 22nd day of August, 1978.



Angela Squires, Vice-Chairman

ATTEST:



Larry Dobson, Assistant Secretary

Dobson

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE August 17, 1978

TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 33-78

At its meeting of August 16, CPO Council "A" considered the captioned case and voted 8-0, with one abstention due to a financial conflict of interest, to recommend reduction of the required rear yard setback from 20 feet to 10 feet.

James Miner, agent for the applicant, was present at the meeting and stated that repositioning the house to maintain a 15 foot rear yard setback is not possible.

On the basis of Mr. Miner's statement, and the existence of abundant open space to the rear of the subject property, the Council recommended approval of the requested variance.

Please provide this recommendation to the Board of Zoning Appeals when they consider the case on August 22.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:rh

NOTED:

David Furnas
David Furnas
Citizen Participation Coordinator



August 23, 1978

Jerry and Susan Sill
647 Chipper
Wichita, Kansas 67212

Re: Case No. BZA 33-78
Request for Variance

Dear Mr. and Mrs. Sill:

At the regular meeting of the Board of Zoning Appeals on Tuesday, August 22, 1978, your request for a variance to attach a covered patio 10' into the 30' rear yard setback on property zoned "AA" Single Family and generally located on the west side of Amarado Court in an area south of Amarado was considered.

It was the action of the Board to approve the request subject to the following condition:

1. There shall be no encroachment of structure or roof overhang into the 10 foot utility easement.

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.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bbs

cc: Mr. James D. Miner, 8809 W. Central, 67212
Robert Feldner, Supt. of Central Inspection
Joe Donnelly, Housing & Zoning Administrator
Don Giesick, City Clerk

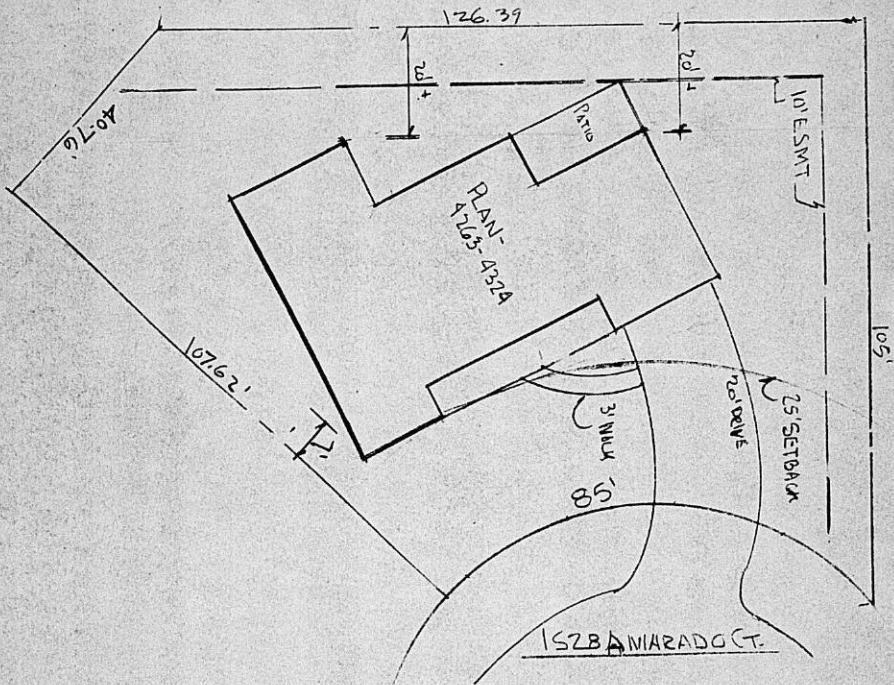
1528 AMARADO CT

LOT 46

BK-3

AMARADO ESTATES
WICHITA, KANSAS

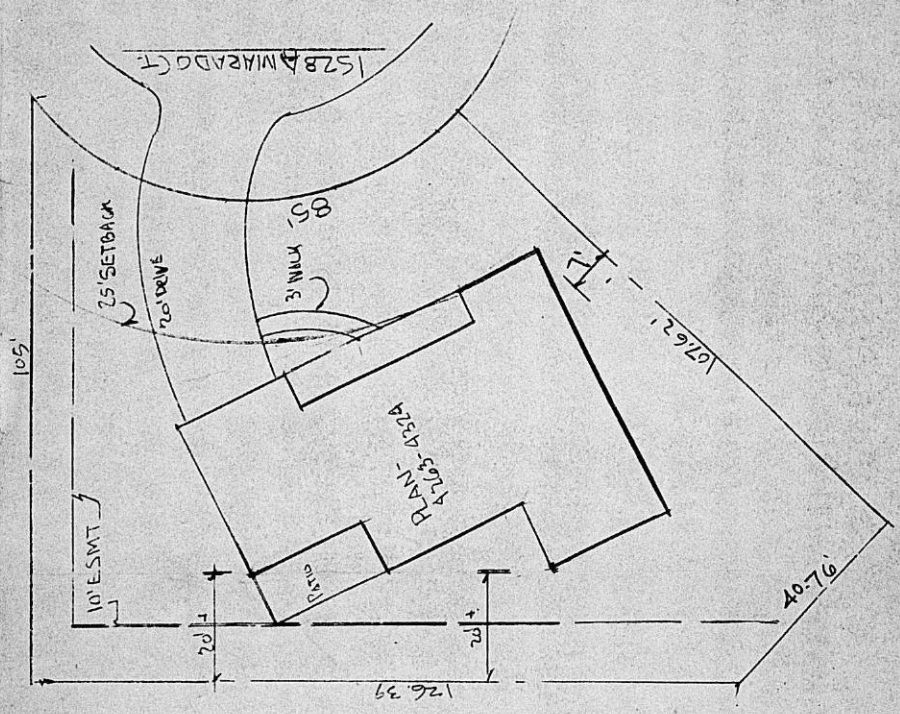
NORTH



LOT PLAN
SCALE - 1" = 25'-0"

Plot Plan

SCALE: 1" = 20'-0"



AMARADO ESTATES
WILHITA KAUSAS

Lot 46 BK-3

1528 AMARADO CT

SECRETARY'S REPORT
CASE NO. BZA 33-78

APPLICANT: Jerry and Susan Sill, 647 Chipper, Wichita, Kansas

AGENT: James D. Miner, 8809 W. Central, 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: West side of Amarado Court in an area south of Amarado

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

LAND USE: Subject property is vacant, undeveloped property as are properties to the north and west. South and east is single family residential development.

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
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 rear yard setback from the required 20 feet to 10 feet for the purpose of attaching a covered patio to a proposed single family residence to be constructed on subject property.

The application area is an irregular shaped lot located in a new subdivision north of 13th Street between Tyler and Maize Road, known as Amarado Estates. The plat design of Amarado Estates Addition incorporates open space areas at the rear of each platted lot. Subject property is located on a cul-de-sac, and although the lot has ample lot area, the depth of the lot at its narrowest point is only 85 to 90 feet.

The applicants can position the main portion of their proposed house on the lot in accordance with all required setbacks, but are desirous of attaching a covered patio to the back of the house which would encroach 10 feet into the 20 foot rear yard setback. It is not known at this writing whether the covered patio would be enclosed or open and unenclosed. A utility easement is located on the rear (west) 10 feet of subject property. Open space and drainage reserves adjoin subject property on the west and southwest. The nearest lot west of the property in question is over 150 feet away.

In reviewing the submitted site plan, it would appear that a slight repositioning of the house on the lot would enable the house to maintain a 15 foot rear yard setback. This solution would place the structure 5 feet from the utility easement rather than right to the easement.

Uniqueness:

It is the opinion of the Secretary that this may be a unique situation inasmuch as this irregular shaped lot, although having an ample lot area of approximately 11,000 square feet, has a very minimum "buildable" depth of only 40 to 45 feet.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance desired would not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property to the rear is an open space reserve.

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 applicants inasmuch as they would be deprived of the utilization of an attached covered patio on the west side of their house, in an area without any mature trees.

SECRETARY'S REPORT

Case No. BZA 33-78

Page 3

Public Interest:

It is the opinion of the Secretary that the granting of the variance desired should not adversely affect the public interest as long as the structure does not encroach over the utility easement.

Spirit and Intent:

It is the opinion of the Secretary that the granting of this variance will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as abundant open space exists between the proposed location of this structure and the nearest buildable lot.

RECOMMENDATION:

If the Board concurs that the above five conditions can be found to exist it is recommended that a variance of the rear yard setback be granted. It is suggested that the possibility of approving a variance to 15 feet instead of 10 feet be explored by the Board and addressed by the applicant at the meeting. If a variance is approved to 10 feet the following condition is suggested as a condition of approval:

1. There shall be no encroachment of structure or roof overhang into the 10 foot utility easement.

12 notices sent to applicant, agent and adjoining property owners
10 notices sent to MAPC members
1 notice sent to CPO
23 total notices sent on BZA 33-78, August 1, 1978

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

August 1, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 33-78

An application has been filed by Jerry and Susan Sill, 647 Chipper, Wichita, Kansas, pursuant to Section 2.12.590.B, 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 46, Block 3, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Amarado Court in an area south of Amarado.

This application has been assigned Case No. BZA 33-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Jerry and Susan Sill

Mailing Address 647 Chipper Phone 722-2551

Name of Authorized Agent James D. Miner

Mailing Address 8809 W. Central Phone 722-2054

Relationship of applicant to property is that of proposed new home buyer.
(Owner, Tenant, Lessee, Other)

II. The variance requested is for the right for a covered attached patio to
be 10' into 20' rear yard set back

for property located N/A

and legally described as: Lot 46, Block 3, Amarado Estates

in the City of Wichita; and which is presently zoned single family.

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.

Jerry T. Sill
Applicant

James D. Miner
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:50 (a.m. p.m.), 7-24 19 78 together with appropriate fee of \$50.00.

4849 W. side of Amarado Ct.
in an area S. of Amarado
T9-402

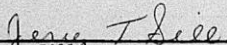
Larry Johnson
Signed

July 24, 1978

Board of Zoning Appeals
City of Wichita
455 N. Main
Wichita, Kansas

Amarado Estates is a new concept of sub-division planning. The concept of open space (green belts) behind the rear of each platted lot provides for a well maintained rear yard. When this platting takes place, sometimes the individual lots become smaller. The odd shape of my lot has created a problem of placing my home with the covered patio I desire. The covered patio will extend 10' from what has been interpreted to be the rear yard. The zoning requirement of a 20' rear yard is why I am asking for a variance. The green belt still creates the rear division of my home and my neighbors.

Sincerely,


Jerry Sill

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 the Register of Deeds, Sedgwick County, Kansas

Lot 46, Block 3, Armado Estates, an Addition
to Wichita, Sedgwick County, Kansas

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

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
--------------------	-----------------------------

AMARADO ESTATES

Block 3
Lot 35

✓ McGinnis Const. Inc.
~~515 S. Cardinal Lane~~
Wichita, Kansas 67230

Lot 36

✓ Randall R. Hay
Patricia C. Hay
1510 Caddy Lane Ct.
Wichita, Kansas 67212

Lot 43

✓ Amarado Inv. Co., Inc.
230 S. Market
Wichita, Kansas 67202

Lot 44

D Amarado Inv. Co., Inc.
230 S. Market
Wichita, Kansas 67202

Lot 45

D Amarado Inv. Co., Inc.
230 S. Market
Wichita, Kansas 67202

Lot 46

D Amarado Inv. Co., Inc.
230 S. Market
Wichita, Kansas 67202

Lot 47

✓ David Cole
Donna Cole
1532 Amarado
Wichita, Kansas 67212

Lot 48

✓ H.W. Keys Const. Co., Inc.
428 N. Emporia Apt. 3 ¹¹⁴³⁹²
Wichita, Kansas 67202 ^{Hydrant}

Lot 49

D H.W. Keys Const. Co., Inc.
428 N. Emporia Apt. 3
Wichita, Kansas 67202 ^{Melrose}

Lot 50

D H.W. Keys Const. Co., Inc.
428 N. Emporia Apt 3
Wichita, Kansas 67202

Lot 52

✓ Dean Wm. Baesel
Betsy Jane Baesel
900 No. Tyler
Wichita, Kansas 67212

Lot 53

D McGinnis Const. Inc.
~~515 S. Cardinal Lane~~
Wichita, Kansas 67230

Lot 54

D H.W. Keys Const. Co., Inc.
428 N. Emporia Apt 3
Wichita, Kansas 67202

DESCRIPTION
AMARADO ESTATES cont'd

OWNERS AND ADDRESSES

Block 3
Lot 55

Peter G. Pankratz
 Elfriede H. Pankratz
 327 Wind Rows Lake Dr.
 Goddard, Kansas 67052

Lot 56

Peter G. Pankratz
 Elfriede H. Pankratz
 327 Wind Rows Lake Dr.
 Goddard, Kansas 67052

Lot 57

Andrews Wood Inv.
 1142 Valleyview
 Wichita, Kansas 67212

Lot 59

Biltmore Homes Inc.
 851 No. West
 Wichita, Kansas 67302

Lot 60

J. Dean Wasser
 Marilyn C. Wasser
 1519 Caddy Lane Ct.
 Wichita, Kansas 67212

Reserve A

Amarado Inv. Co., Inc.
 230 S. Market
 Wichita, Kansas 67202

Reserve B

Amarado Inv. Co., Inc.
 230 S. Market
 Wichita, Kansas 67202

BLOCK 5
AMARADO ESTATES

Lot 1

Amarado Inv. Co., Inc.
 230 S. Market
 Wichita, Kansas 67202

Lot 2

Amarado Inv. Co., Inc.
 230 S. Market
 Wichita, Kansas 67202

Reserve A

Amarado Inv. Co., Inc.
 230 S. Market
 Wichita, Kansas 67202

Dated at Wichita, Kansas
 this 19th day of July, 1978

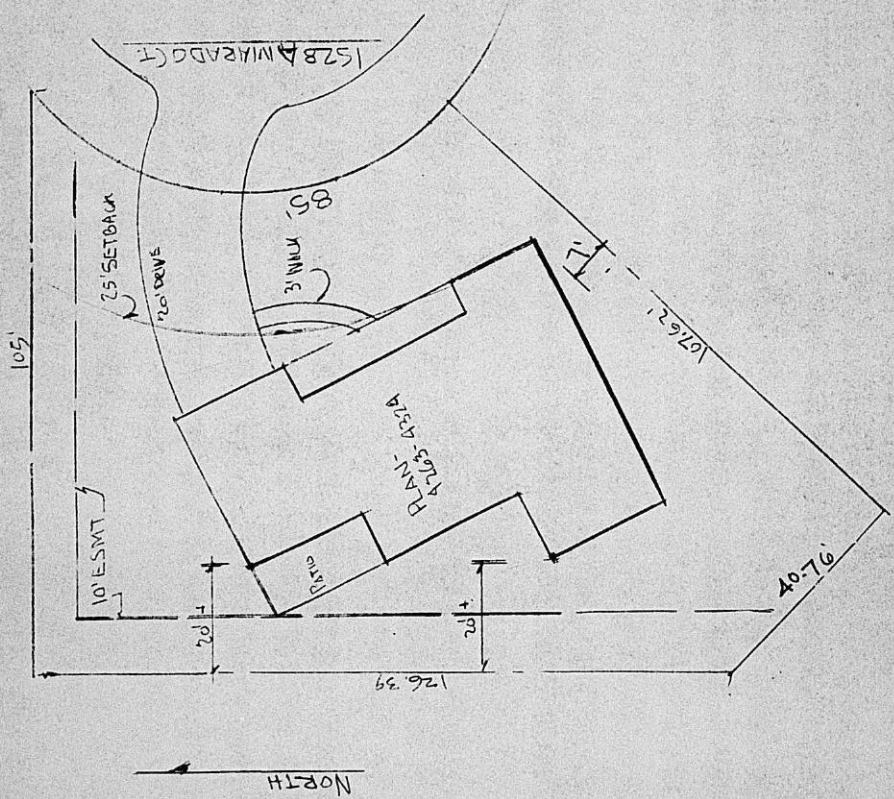
REALTY TITLE CO., INC.

By *Linda Ayala*
 Linda Ayala-Vice President

A72478



Plot Plan
SCALE - 1" = 25' 0"



1528 AMARADO CT
BK-3
LOT 46
AMARADO ESTATES
WILHILM KAUSAS

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

August 1, 1978

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Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Important!
Notice of Hearing
Enclosed


NO SUCH NUMBER



McGinnis Construction Co., Inc.
515 S. Cardinal Lane
Wichita, Kansas 67230

*not in phone
book 8-9-78*

FORM 223-021

PAYMENT NO.
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Flbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev.	Cement	M.S.P.

DESCRIPTION	AMOUNT
BZA Variance	150.00

NAME Jerry S. II

ADDRESS 647 Chippew

FUND 110-00-010-400 DUE DATE 71-003-000-000

COMMENTS

DATE 7-24-78 BY ed

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
456 NORTH MAIN STREET
WICHITA, KANSAS 67202

RETURNED TO SENDER
ADDRESSEE UNKNOWN
GMP

Berkeley
David Keys
11439 S
Hydraulic
Mulvan
per phone
note



H. W. Keys Construction Co., Inc.
428 N. Emporia, Apartment 3
Wichita, Kansas 67202

Important!
Notice of Hearing
Enclosed

Resent 8-9-78

33-78

X