

BZA 35-69 - Hazel I. Fresch requests  
a VARIANCE to reduce rear setback  
20 ft. to 14 ft. at 8901 W. 10th

*approved*

1-27-70

POSTED

1/3/70

MADV ✓

C.I. ✓

*approved*

1-27-70

BZA 35-69 - Hazel I. Fresch requests  
a VARIANCE to reduce rear setback  
20 ft. to 14 ft. at 8901 W. 10th

Map No. 4848  
 Sec. 17  
 Twp. 27  
 Range 1W

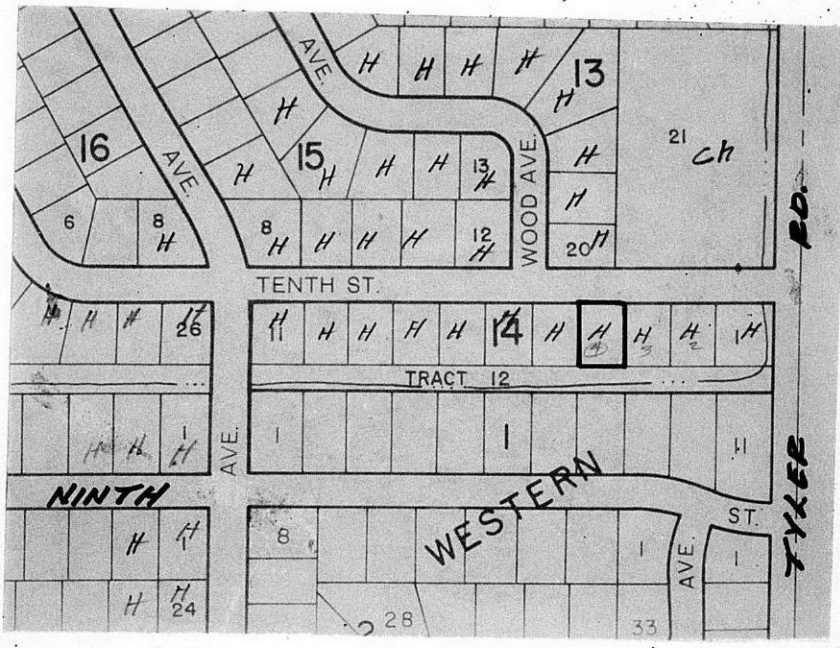
BZA 35-69  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.12 ( 80 ft. by 110 ft.)
2. Adjoining zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SINGLE FAM South UNDEVELOPED P  
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Mrs. Hazel I. Fresch  
8901 West 10th Street  
Wichita, Kansas

Subject: Case No. BZA 35-69  
Request for Variance

Dear Mrs. Fresch:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 27, 1970, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 14 feet on property zoned "AA"-Single Family and generally located on the south side of 10th Street in an area west of Tyler Road.

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

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls  
Enclosure

cc Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

RESOLUTION NO. BZA 35-69

WHEREAS, Hazel I. Fresch, 8901 West 10th Street, 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 setback from 20 feet to 14 feet on property zoned "AA"-Single Family, and legally described as follows:

Lot 4, Block 14, Westlink Village 5th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of 10th Street in an area west of Tyler Road.

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 January 27, 1970, 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 there exists a platted tract of 50 feet adjacent to the south property line which is utilized for drainage and provides additional open space; 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 same sideyard setbacks will be maintained that presently exist and the proposed addition will be 64 feet from the rear property line of the lot to the south; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the applicant desires only to expand the facility so as to provide better living conditions for her family which, for all practical purposes, affects no one; 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 inasmuch as the variance requested is interiorly located, being on the rear portion of the lot; 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 sufficient open space will remain to provide adequate amounts of light and air; and

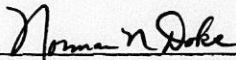
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the required rear yard setback from 20 feet to 14 feet on property zoned "AA"-Single Family, and legally described as:

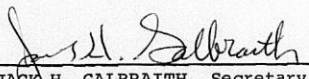
Lot 4, Block 14, Westlink Village 5th Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of 10th Street in an area west of Tyler Road.

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of January, 1970.

  
\_\_\_\_\_  
NORMAN N. DOKE, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

January 27, 1970

Mrs. Hazel I. Fresch  
8901 West 10th Street  
Wichita, Kansas

Dear Mrs. Fresch:

Subject: Case No. BZA 35-69  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 27, 1970, your request for a variance to reduce the required rear yard setback from 20 feet to 14 feet on property zoned "AA" - Single Family, and generally located on the south side of 10th Street in an area west of Tyler Road was considered.

It was the action of the Board to approve this request as requested.

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,

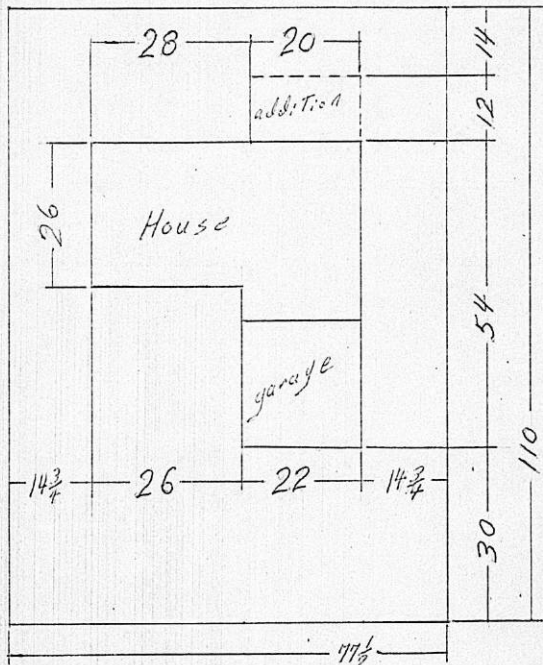
Jack H. Galbraith  
Secretary

JHG:ls

cc Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

South  
↑

Drainage Ditch



Scale 1 In To 20 Ft.

HAZEL FRESCH  
8901 LQ 10  
LOT 4 BLOCK 14  
WESTLINK VILLAGE  
5TH ADDITION

SECRETARY'S REPORT

CASE NO. BZA 35-69

APPLICANT: Hazel I. Fresch, 8901 West 10th, 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 14 feet

GENERAL LOCATION: South side of 10th Street in an area west of Tyler Road.

ZONING: Subject property is zoned "LA" - Single family as are all surrounding properties

LAND USE: Subject property is occupied by a single family residence as are those properties to the north, east and west, south is a drainageway and undeveloped land

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 applicant is requesting a variance of the required rear yard setback from 20 feet to 14 feet on property zoned "AA" - Single Family.

The applicant, in her statement of justification, points out that she is unable to purchase a larger dwelling to provide adequate housing for her family and therefore is requesting this variance in order to construct an additional room on the south side of the existing residence.

It should be pointed out that a small scale drawing submitted with the application indicates that the proposed addition will be constructed on line with the existing structure which presently maintains a side yard setback of 14 3/4 feet from both the east and west property lines.

Uniqueness

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as there exists a platted tract of 50 feet adjacent to the south property line which is utilized for drainage. If a drainage problem had not existed in the area at the time Westlink Village 5th Addition was platted, this 50 feet would have become a part of the lots facing 10th Street. This would have increased the depth of these lots to 160 feet rather than the 110 feet of depth that now exists.

Adjacent Property

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as the same sideyard setbacks will be maintained that presently exist and the proposed addition will be 64 feet from the rear property line of the lot to the south.

Hardship

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the applicant desires only to expand the

Page 3 - Secretary's Report  
Case No. BZA 35-69

the facility so as to provide better living conditions for her family which, for all practical purposes, affects no one.

Public Interest

It is the opinion of the Secretary that the variance requested would not adversely affect the public interest inasmuch as the variance requested is interiorly located, being on the rear portion of the lot.

Spirit and Intent

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as sufficient open space will remain to provide adequate amounts of light and air.

Recommendation

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted to reduce the required rear yard setback from 20 feet to 14 feet.

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

January 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 35-69

An application has been filed by Hazel I. Fresch, 8901 West 10th Street, 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 14 feet on property zoned "AA" - Single Family and legally described as follows:

Lot 4, Block 14, Westlink Village 5th Addition,  
Wichita, Sedgwick County, Kansas. Generally located  
on the south side of 10th Street in an area west of  
Tyler Road.

This application has been assigned Case No. BZA 35-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 27, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
SECRETARY

*11 copies mailed 1-5-70*

BOARD OF ZONING APPEALS

CASE NO. 35-69

CITY OF WICHITA, KANSAS

FILED 12-30-69

APPLICATION FOR VARIANCE

I. Name of Applicant HAZEL I. FRESCH  
Mailing Address 8901 W 10 Phone 722-3023  
Name of Authorized Agent \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of \_\_\_\_\_  
(Owner, Tenant, Lessee, Other)

II. The variance requested is REDUCE REQUIRED REAR  
SETBACK FROM 30 FT TO 14 FT

for property located 8901 W 10

and legally described as: LOT 4 BLOCK 14  
WESTLINK VILLAGE 5TH ADDITION

in the City of Wichita; and which is presently zoned "AA"

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - 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.
  - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Hazel I. Fresch  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:45 (a.m. - p.m.), December 30 1969 together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley  
Signed

January 29, 1969

Mrs. Hazel Fresch

8901 W 10<sup>th</sup>

Lot 4 Block 14

Westlink Village

5<sup>th</sup> Addition

Board of Zoning Appeals  
City of Wichita, Kansas

I hereby request a variance for the rear yard setback from 20 feet to 14 feet.

The front of the house beginning 30 feet instead of the required 25 feet from the property line imposes a hardship in such that it is impossible to add an extra room under the present zoning statutes.

This granting of the permit will not affect the rights of adjacent property owners, however the refusal of this variance will create a hardship on said applicant, being unable to purchase a larger dwelling to provide adequate housing for her family.

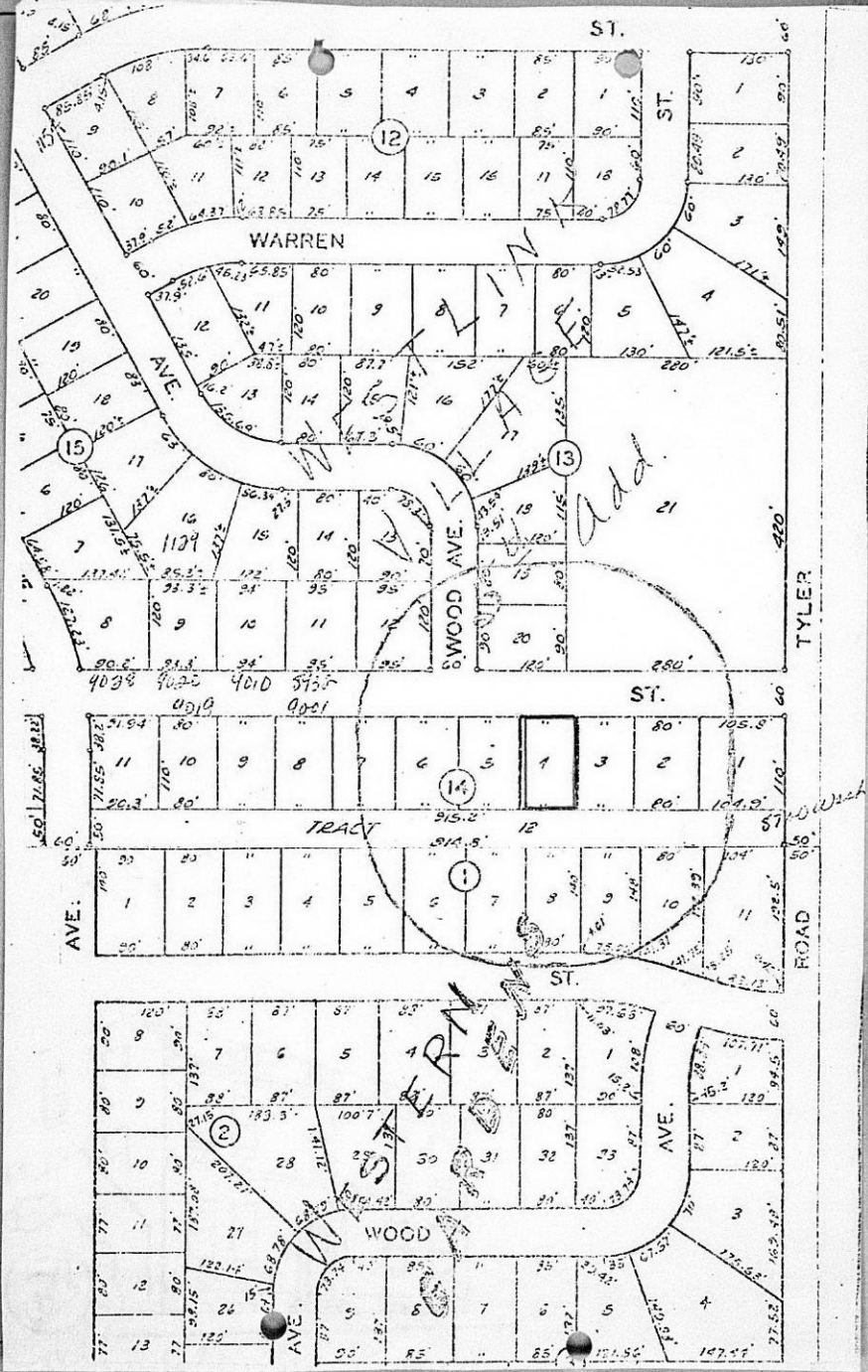
This variance desired will not affect public health or general welfare of others, since there is a drainage ditch at the back of the property in question, utility poles being located on the far side of the ditch, and the sewer lines located directly on the property line.

This variance granted will increase property value of applicant and probably that of adjacent property owners, therefore would not be opposed.

Mrs. Hazel Fresch

8901 W 10

Wichita Kan 67212



## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

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

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

Property lying within a radius of 200 ft of:  
 Lot 4, Block 14, Westlink Village Fifth Addition,  
 Sedgwick County, Kansas.

  
 Fidelity  
 Title  
 Company,  
 inc.

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

LOT	BLK	ADDITION	OWNER
19 & 20, 21,	13	<u>WESTLINK VILLAGE 5th.</u>	Westlink Christian Church 8810 W. 10th St. 67212
1 & E 2' Lot 2,	14		Wayne R. Widener Luanne Widener, ux 8801 W. 10th St. 67212
2, exc E 2' & E 2' of Lot 3,	14		Joe J. Schmeidbauer Alice C. Schmeidbauer, ux 8819 W. 10th St. 67212
3, exc E 2' ,	14		Anthony G. Vernon Shirley J. Vernon, ux 8829 W. 10th St. 67212
4, exc W 2.5',	14		Paul D. Fresch Hazel I. Fresch, ux 216 N. Grove 67214
5, exc W 2.5' & W 2.5' of Lot 4,	14		Earl D. Holloway Karolyn K. Holloway, ux 8911 W. 10th 67212



LOT	BLK.	ADDITION	OWNER
6 & W 2.5' Lot 5,	14	<u>WESTLINK VILLAGE 5th.</u>	✓ Roy A. Boast, Jr. Mildred M. Boast, ux 8919 W. 10th St. 67212
7,	14		✓ Jay L. Conover Geraldine K. Conover, ux 8927 W. 10th St. 67212
12,	15		✓ Roy E. Schiefelbein Dottie J. Schiefelbein, ux 8924 W. 10th St. 67212
5, 6, 7, 8, 9, 10, 11, 1	1	<u>WESTERN GARDENS</u>	✓ Leo B. & Vernita Neville, Dennis & Valeria Neville Francis J. Dugan Catherine Dugan Bernard & Regina Schauf George & Kathleen Neville Cletus & Patricia Neville Edward T. & Rita Neville Francis Stapleton Mary Stapleton Pauline Maus 9625 W. Maple St. 67209

Dated at Wichita, Kansas this 29th day  
of December, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Eddie M. Farrell  
Sec. OEM

Tracer # 3966

FORM 20-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION	AMOUNT
4-17-69 17a	16

Name

Address

Type

Due Date

Comments:

Date

By

12-30-69

Law