

BZA 35-88 - France - Brinegar req. VARI-
ANCE to reduce the front, side & rear yd
setbacks on prop zoned "A" 2-Fam. DD at
W side Ferrell Dr bet 15th & 17th St.

transmittal

ACTION

B.Z.A. 35-88 Approved 7/26/88
DATE

SP9C

200'Sac 8-25-88
Checked 10
Shot 9-21-88

DATA SHEET

MAP NO.: 5449C

CASE NO. BZA 35-88

(CPO 5B, 7-20-88)

REQUEST: Variance to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft.

EXISTING ZONING: "A" Two-Family Dwelling District

GENERAL LOCATION: West side of Ferrell Drive between 15th Street and 17th Street (1643 Ferrell Drive)

APPLICANT: Frances Louise Brinegar
 ADDRESS: 1848 Fairview
 Wichita, KS 67203

PHONE: 265-7761 (Bus.)
 262-0752 (Res.)

AGENT: Wayne L. Brinegar
 ADDRESS: 7700 E. 13th, #12
 Wichita, KS 67206

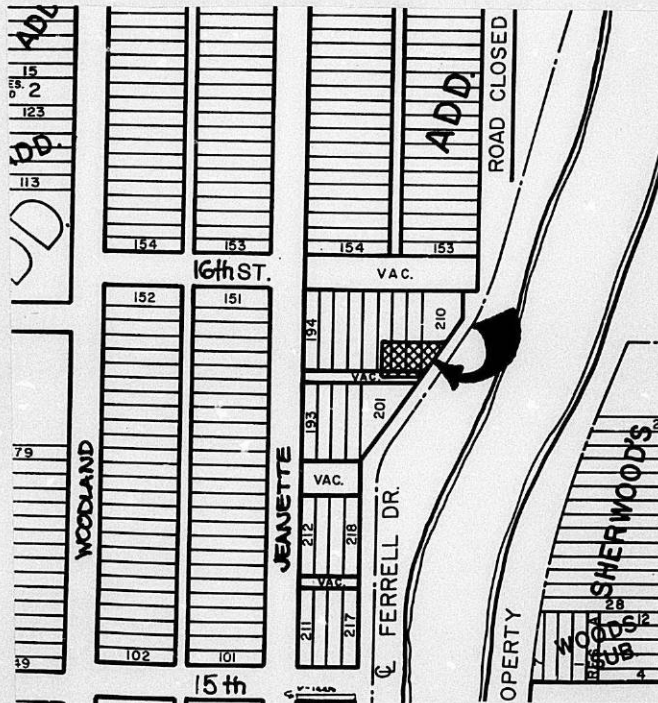
PHONE: 264-4301 (Bus.)
 682-7155 (Res.)

AREA DATA

Acres: ±.13 (ft. by ft.)

Adjacent Zoning and Land Use:

North "A"
 South "A"
 East River
 West "A"



SHERRILL
 10 2-151C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOGAN, OH
 MEMPHIS, ST. LOUIS, GROVE, GA
 U.S.A.

BZA INSPECTION SHEET

MAP NO.: 5449C

CASE NO. BZA 35-88

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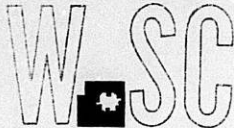
HEARING DATE: 7/26/88

BZA ACTION: *Approve*

FOLLOW-UP DATE: *None*

BZA 35-88 INSPECTION SHEET

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

July 27, 1988

Wayne L. Brinegar
7700 E. 13th, #12
Wichita, KS 67206

Re: BZA 35-88 - Variances on front yard, side yard and rear yard setbacks at 1643 Ferrell Drive

Dear Mr. Brinegar:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 26, 1988. This resolution reflects the official action of the Board to 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,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Frances L. Brinegar, 1848 Fairview, Wichita, KS, 67203
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

RESOLUTION NO. BZA 35-88

WHEREAS, Frances Louise Brinegar, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District and legally described as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

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 July 26, 1988, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for variances 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 variances arise from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and are not created by an action or actions of the property owner or the applicant inasmuch as the structures which are not in conformance with the setback requirements of the zoning ordinance have existed for approximately 30 years and are located in a neighborhood with many similar setback encroachments; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the alignment of Ferrell Drive is such that each house with its accessory structures in this block is uniquely situated in relation to adjacent structures so that the "normal" setbacks are not readily apparent anyway; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the structures have existed at these locations for approximately 30 years and a failure to obtain the requested variances may cloud the title to the property and create undesirable delays in obtaining future mortgage funds or in later disposition of the property; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that none of the structures encroach into existing or proposed street right-of-way or utility easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as adequate separations still exist between adjacent structures to provide for light, air and access; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before variances 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 variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the

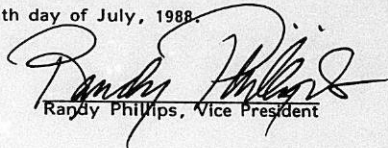
rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District and legally described as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

subject to the following condition:

1. Any future additions to the house or any new accessory structures located elsewhere in the yard shall observe the setbacks required by the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1988.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Assistant Secretary

*original signature
page of resolution
sent to Wayne Brinson
because he wants to
record it with the Register
of Deeds*

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 26, 1988

TO Louise Olivarez, Principle Planner

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 35-33: West side of Ferrell
Drive between 15th and 17th
Streets (1643 Ferrell Drive)

On Wednesday, July 20, CPO Neighborhood Council 5B considered the captioned case, a request for zoning variances to 1) reduce the front yard setback from 25 to 23 feet; 2) reduce the side yard setback for a detached accessory structure from 3 feet to not less than 1½ feet; and 3) reduce the rear yard setback for a detached accessory structure from 5 feet to 4 feet. Following discussion, the Council voted 8-0 to recommend approval of the request subject to MAPD staff comments.

Frances Louise Brinegar (applicant,) and Wayne L. Brinegar (agent) were present to describe the request and respond to questions. Mr. Brinegar explained that the variances have been requested to bring the existing structures on the property into compliance with setback requirements.

Two area residents were present to address the requests and expressed support for the requested variances. Council members were provided the notice of public hearing, MAPD staff comments, map of the area, and site plans.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 35-88 is considered on Tuesday, July 26.

SJS:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 35-88

OWNER/APPLICANT/AGENT: Frances Louise Brinegar (owner/applicant)
Wayne L. Brinegar (agent)

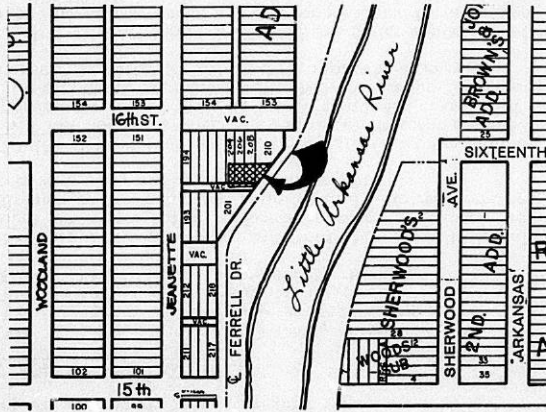
REQUEST: Variances to reduce the front yard setback from 25 feet to 23 feet; reduce the side yard setback for a detached accessory structure from 3 feet to not less than 1½ feet; and reduce the rear yard setback for a detached accessory structure from 5 feet to 4 feet.

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 5,760± sq. ft.

LOCATION: West side of Ferrell Drive between 15th & 17th Streets (1643 Ferrell Drive)

PROPOSED USE: Single-family residence (existing)



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 three variances of yard requirements for residential structures which have been in existence for more than 30 years. The applicant is the new owner of this residence and desires to clear up these encroachments to assure that there will be no future cloud on the title. The requested variances are: (1) a reduction of the front yard from 25 ft. to 23 ft. (only the southeast corner of the house encroaches the setback); (2) a reduction of the south side yard for accessory structures from 3 ft. to 1½ ft.; and (3) a reduction of the rear yard for an accessory structure from 5 ft. to 4 ft.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|-----|---------------------|
| NORTH | "A" | One-family dwelling |
| SOUTH | "A" | One-family dwelling |
| EAST | "A" | One-family dwelling |
| WEST | "A" | One-family dwelling |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the structures which are not in conformance with the setback requirements of the zoning ordinance have existed for approximately 30 years and are located in a neighborhood with many similar setback encroachments.

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 the alignment of Ferrell Drive is such that each house with its accessory structures in this block is uniquely situated in relation to adjacent structures so that the "normal" setbacks are not readily apparent anyway.

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 structures have existed at these locations for approximately 30 years and a failure to obtain the requested variances may cloud the title to the property and create undesirable delays in obtaining future mortgage funds or in later disposition of the property.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as none of the structures encroach into existing or proposed street right-of-way or utility easements.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate separations still exist between adjacent structures to provide for light, air and access.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, then it is the recommendation of the Secretary that the variances be granted, subject to the following condition:

1. Any future additions to the house or any new accessory structures located elsewhere in the yard shall observe the setbacks required by the zoning ordinance.

WILLIAM L. NORBER, L.S.
JOHN E. LUNDGLADE, L.S.
N. BRENT WOOTE, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316/262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

State of Kansas)
County of Sedgwick)

SS

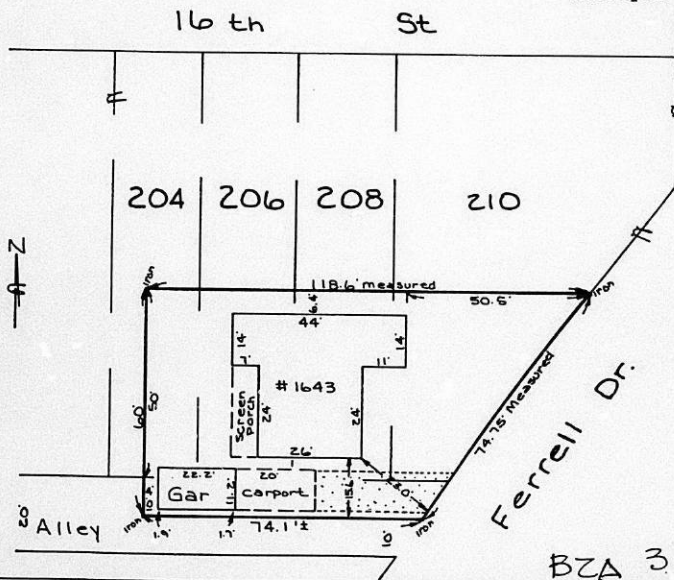
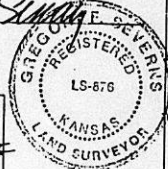
June 14, 1988

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 14th day of June, 1988, survey that portion of the east fifteen feet of Lot 204 and that portion of Lots 206, 208, and 210 on Sixteenth Street, which lies south of a line running east and west exactly fifty feet north of the south line of Lot 204 such line extending on east and west through each of the Lots mentioned and the $N\frac{1}{2}$ of the vacated alley on the south, all in Rich's Addition to the City of Wichita, Kansas.

On said Lots is house No. 1643 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said Lots by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Gregory E. Severis
Surveyor



Ferrell Dr.

BZA 35-88

(_____) Published in The Daily Reporter, July 1, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 26th day of July, 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 32-88 - Herndon Bettis Schwartz Kissling Herndon, Optometrists, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

2. Case No. BZA 33-88 - 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 as an accessory use to a service station on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Continental Addition, Wichita, Sedgwick County, Kansas; AND the North 35 feet of the West 117 feet of Lot 1, Pearl E. Woods Addition, Sedgwick County, Kansas. Generally located at the southeast corner of 13th and West Streets (3935 W. 13th).

3. Case No. BZA 34-88 - Williams Investment Group Ltd., d/b/a Quality Inn, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 210 spaces to 180 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The North 100 feet of Lot 3, except the West 155 feet thereof, and the West 155 feet of Lot 3 and all of Lot 4, all in Ruth Addition to the City of Wichita, Sedgwick County, Kansas (8300 E. Kellogg).

4. Case No. BZA 35-88 - Frances Louise Brinegar, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District and legally described as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

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 1st day of July, 1988.

Louise Olivarez
Louise Olivarez, Assistant Secretary
Board of Zoning Appeals

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

July 1, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 35-88

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 Frances Louise Brinegar requesting three variances.

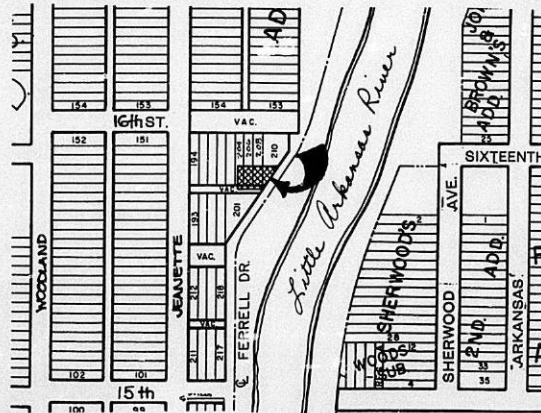
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District. A legal description of the applicant's property is as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

This application has been assigned Case No. BZA 35-88. It will be considered by the Board of Zoning Appeals on Tuesday, July 26, 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 variances, 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 5B, Northwest, will consider this case at their meeting to be held on Wednesday, July 20, 1988, at 7:15 p.m. in Senior Services, Orchard Park Community Center, 4808 W. 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



BZA CASE NO. 35-88

15 LEGAL ADVERTISEMENT SENT TO M/PC & BZA

___ NOTICES SENT TO APPLICANT/AGENT

___ NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT _____

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

PL1-0062

118.6
 + 74.1
 2) 192.7
 2) 96.35
 4: 175

A residential building permit, No. A-12468, was issued February 28, 1951 to erect a single-family dwelling and detached single-car garage to be located at 1643 Ferrell Drive, Wichita, Kansas. Both of these structures were erected and the premises occupied in late 1951 or early 1952. The property has since changed hands several times and one of the prior owners added a 20' carport attaching it to the front entrance of the garage and in line with same. The carport was added to provide some protection from the elements for a second car. Due to the size and shape of the property and existing location of the dwelling, it was not practical to construct a two-car garage on the premises.

The property is being acquired by the applicant, Frances Louise Brinegar, and one of the requirements for issuance of unconditional title insurance is that the property shall not be in violation of zoning laws.

A review of the Zoning Ordinance of the City of Wichita, Kansas, indicates that the property at 1643 Ferrell Drive may not be in conformance with the following provisions of the zoning ordinance:

1. Provision 28.04.050 C 1.2 prescribes that a dwelling shall have at least a 25' front setback whereas only a 23' setback exists at the extreme southeast corner of the subject dwelling.
2. Provisions 28.04.050 C 2.4 and C 3.2 prescribe that an accessory structure, in this case the detached garage, located in the rear one-half depth of the lot, shall have no less than a 3' side yard setback and a 5' rear yard setback. The garage on the subject property has a 1.7' to 1.9' side yard setback and a 4' rear yard setback.
3. Provisions 28.04.050 C 2.4 and 2.2 prescribe that an accessory structure, in this case the carport, located less than one-half the depth of the lot behind the front property line shall have a 6' side yard setback. About 50% of the carport is located in the front one-half distance and its side yard setback is +2'. According to footages shown on the survey, the front of the carport is +28' back from the front property line.

*variance
 depth of lot
 is 46.35'
 1/2 of 96.35 is 48.175'
 ...if accessory structure
 are up rear 48.175'
 They are in rear half.*

The applicant requests that variances be granted to provide for zoning relief of the above described pre-existing conditions. Without the granting of such variances title to the property could become clouded, future mortgage funds could be very difficult to obtain and later disposition of the property by the applicant would be restricted.

The variances requested arise from actions taken by prior owners, some of which actions occurred over 35 years ago. Also, the size and shape of the property is unique due to layout of Ferrell Drive along the Little Arkansas River.

Granting of the requested variances should not adversely affect the rights of the adjacent property owners or residents as the layout of the existing adjacent lots or buildings thereon would not change from that which has existed for a number of years.

City records indicate that utilities exist in the 10' wide strip of the south half of the vacated alley lying immediately adjacent to the south line of the subject property. Therefore, it is highly unlikely that any structures will be built on this 10' strip of ground.

Also, the dwelling (duplex) located on the property adjacent to the south boundary line of the subject tract is situated on the western portion of their land with primary street access thereto being from Jeanette. This adjacent building is located west of a south extension of the rear boundary line of the applicant property.

The granting of the requested variances should not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare and would not be opposed to the general spirit and intent of Title 28 of the Zoning Ordinance.

BZA 35-88

APPLICATION FOR VARIANCE

I. Applicant Frances Louise Brinegar
 Address 1848 Fairview, Wichita, KS Zip Code 67203 Phone 265-7761 (Bus.)
262-0752 (Res.)
 Agent Wayne L. Brinegar
 Address 7700 E. 13th #12, Wichita, KS Zip Code 67206 Phone 264-4301 (Bus.)
682-7155 (Res.)
 Relationship of applicant to property is that of contract buyer
 (Owner, Tenant, Lessee, Other)

II. The variance requested is a reduction of side and rear set-back distances of existing detached garage, reduction of side set-back distance of existing carport attached to front of garage and reduction of front set-back distance of existing residence.
 on property zoned "A", two family which is
ft by ft (or ±.13 acres) in size, legally described as: That portion of the east 15 feet of Lot 204 and that portion of Lots 206, 208 and 210, on Sixteenth Street, which lies south of a line running East and West, exactly 50 feet north of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive between 17th Street and 15th Street (aka: 1643 Ferrell Drive)
 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.

* a reduction of the front yard setback from 25' to 23'. a reduction of the side yard setback for a detached accessory structure from 3' to not less than 1 1/2'; and a reduction of the rear yard setback for a detached accessory structure from 5' to 4'.

Applicant Frances Louise Brinegar

Authorized Agent Wayne L. Brinegar

OFFICE USE ONLY:

Map No. 5449 C Zoning: (N) A (S) A (E) (River) (W) A CPO 5B 7-20

Received in Office of Secretary, Board of Zoning Appeals, 4 (a.m./p.m.),
June 27, 1988, together with appropriate fee of _____.

Signed Loise Olway, Principal Planner

OWNERSHIP LIST

| Property Description | | Property Owner |
|---|------------------------------------|---|
| The South 50 feet of Lots 194, 196, 198, 200 and 202 and the South 50 feet of the West 10 feet of Lots 204 and the N $\frac{1}{2}$ of vacated alley adjacent on the South, to said lots. | Rich's Addition on 16th Street | Arnold L. Fortune Norma M. Fortune 1654 Jeanette Wichita, KS 67203 |
| The North 50 feet of Lots 194, 196, 198, 200 and 202 and the North 50 feet of the West 10 feet of Lot 204 and the S $\frac{1}{2}$ of vacated 16th Street adjacent, to said lots. | " | Elmer E. Quigg Margaret M. Quigg 1660 Jeanette Wichita, KS 67203 |
| The North 50 feet of the South 100 feet of Lots 194, 196, 198, 200 and 202 and the North 50 feet of the South 100 feet of the West 10 feet of Lot 204. | " | Same As Above |
| That part of the East 15 feet of Lot 204, and that part of Lots 206, 208 and 210, which lies South of a line running East and West, 50 feet North of the South line of Lot 204, such line extending East and West thru said lots, together with the N $\frac{1}{2}$ of vacated alley adjacent on the South. | " | Robert Richard Saari Phyllis J. Saari 1643 Ferrell Drive Wichita, KS 67203 |
| The East 15 feet of the North 50 feet of the South 100 feet of Lot 204, and the North 50 feet of the South 100 feet of Lots 206, 208 and 210. | | David W. Sarver 1651 Ferrel Drive Wichita, KS 67203 |
| The East 15 feet of the North 40 feet of Lot 204, and the North 40 feet of Lots 206, 208 and 210 and the S $\frac{1}{2}$ of 16th Street adjacent, to said lots. | " | Clifford N. Lomax Margaret Lomax 114 E. Gilbert Wichita, KS 67211 |
| Lots 193, 195, 197, 199 and 201 and the S $\frac{1}{2}$ of vacated alley adjacent on the North | Rich's Addition on Beatrice Street | Paul L. Donham Jr. Kay Donham 1637 Ferrel Ave. Wichita, KS 67203 |
| Vacated Beatrice Street adjacent to Lots 212, 124, 216 and 218, on the North. | " | Charles A. Chippeaux Lorrene Chippeaux 1626 Jeanette Wichita, KS 67203 |
| Lots 137 and 139 | Rich's Addition on Jeanette | Sylvia M. Lamb 1647 N. Jeanette Wichita, KS 67203 |
| Lots 141 and 143 | " | Patrick W. Page Marjorie N. Page 1653 Jeanette Wichita, KS 67203 |
| Lots 145 and 147 | " | Roy O. Adams Velma M. Adams 1657 Jeanette Wichita, KS 67203 |

*see collection
also*

*7-15-88 Wayne Swanson
said Estates Commission
is new to owner.*

| Property Description | Property Owner | Property Owner |
|---|-----------------------------|--|
| Lots 154 and 156 and the N½ of vacated 16th Street adjacent to Lot 154 on the South. | Rich's Addition on Jeanette | Roy E. Farrell May A. Farrell 1702 N. Jeanette Wichita, KS 67203 |
| Lots 153 and 155, and the N½ of vacated 16th Street adjacent to Lot 153 on the South. | " | F. Dean Monroe 1701 <i>Jewell Drive</i> Juanita Monroe Wichita, KS 67203 |
| Lots 2, 4, 6 and 8, on Sherwood Avenue, except the East end of said lots described as: Beginning at the NE/c of Lot 2; th. West 153.81 feet; th. in a SW'ly direction following a 3°8' curve across the West line of Lots 2, 4, and 6 at points 182.80, 171.39 and 179.61 respectively, from the East line of said Lots on their respective South lines to a point on the South line of Lot 8, 187.43 feet West from the East line of said lots; th. East 187.48 feet; th. North 100 feet to beginning. | Sherwood's Second Addition | The City of Wichita 455 N. Main Wichita, KS 67202 |
| Beginning 91.85 feet West of the intersection of the West line of Sherwood with the South line of Lot 26, Johnson & Brown Addition; th. West to the bank of the Little Arkansas River; th. South 163 feet; th. East to a point 153.81 feet West of the West line of Sherwood Avenue; th. in a NE'ly direction along a curve convex to the West, having a radius of 1828.8 feet to place of beginning. | | Same As Above |
| and All land lying between the East bank of the Little Arkansas River, and the center of said Little Arkansas River extending South from the South line of Johnson & Brown's Addition to the North line of Sherwood 2nd Addition. | | Same As Above |

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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210, on Sixteenth Street, which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive between 17th Street and Beatrice Avenue.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of June, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Lable

By

Sr. Vice-President

Order No. 396322
nj

RESOLUTION NO. BZA 35-88

WHEREAS, Frances Louise Brinegar, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the rear yard setback for a detached accessory structure from 5 ft. to 4 ft. on property zoned the "A" Two-Family Dwelling District and legally described as follows:

That portion of the East 15 feet of Lot 204 and that portion of Lots 206, 208 and 210 on Sixteenth Street which lies South of a line running East and West, exactly 50 feet North of the South line of Lot 204, such line extending on East and West through each of the lots mentioned, all in Rich's Addition to the City of Wichita, Sedgwick County, Kansas, together with the North Half of the vacated alley adjoining said property on the South, and located on the West side of Ferrell Drive in an area south of 17th Street (1643 Ferrell Drive).

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 July 26, 1988, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for variances 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 variances arise from such conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and are not created by an action or actions of the property owner or the applicant inasmuch as the structures which are not in conformance with the setback requirements of the zoning ordinance have existed for approximately 30 years and are located in a neighborhood with many similar setback encroachments; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the alignment of Ferrell Drive is such that each house with its accessory structures in this block is uniquely situated in relation to adjacent structures so that the "normal" setbacks are not readily apparent anyway; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 23 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the structures have existed at these locations for approximately 30 years and a failure to obtain the requested variances may cloud the title to the property and create undesirable delays in obtaining future mortgage funds or in later disposition of the property; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that none of the structures encroach into existing or proposed street right-of-way or utility easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as adequate separations still exist between adjacent structures to provide for light, air and access; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before variances 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 variances to reduce the front yard setback from 25 ft. to 23 ft.; reduce the side yard setback for a detached accessory structure from 3 ft. to not less than 1½ ft.; and reduce the

NY 00259

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA Variance(s) + 1 sign
Name Frances Brueger
Address 1848 Finney 67203
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount 353⁰⁰
Date 6-27-88 Due Date 6-27-88 By LL

Form 00-000