

✓  
Roster  
9-6-77  
e.s.v.  
MMP ✓  
10-18-77

Case No. BZA 39-77 - B & F CON-  
STRUCTION COMPANY requests a  
variance to reduce the required  
front yard setback from 25' to  
23' on property generally located  
on the west side of Lori Lane in

ACTION

BZA 39-77 COMMITTEE Approved DATE 9-27-77

M.A.P.C. \_\_\_\_\_

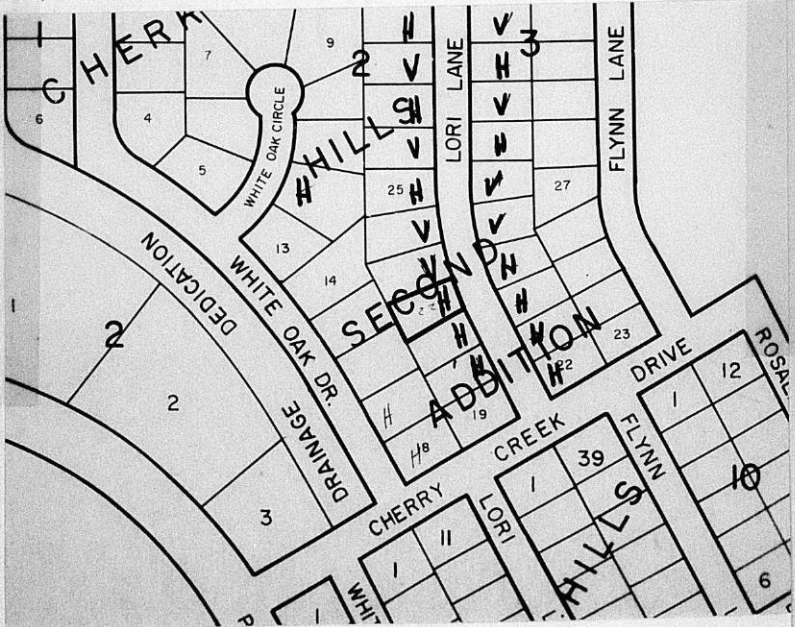
B.C.C./B. CO. C. \_\_\_\_\_

H10  
 Map No. 6045  
 Sec. 32  
 Twp. 27  
 Range 2E

BZA- 39-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.20 ( 70 ft. by 125 ft.  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: \_\_\_\_\_  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Smead®  
 No. 2-153C  
 HASTINGS, MN - LOS ANGELES  
 LOGAN, OH - McREGGOR, TX U. S. A.

RESOLUTION NO. BZA 39-77

WHEREAS, B and F Construction Company, Inc., 2150 Lori Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 23 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 22, Block 2, Second Addition to Cherry Creek Hills, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lori Lane in an area north of Cherry Creek Drive (2125 Lori Lane).

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 September 27, 1977, 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 inward curvature of the front lot line provided greater probability of an error in the measurement of the front yard setback line; 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 2 foot variance requested would not be noticeable on this curved street; 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 owner represented in the application inasmuch as the house is in an advanced stage of construction and to now bring the structure into compliance would involve great expense and inconvenience; 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 this small variance in the front yard setback will still leave an adequate setback area; 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 open space would exist to permit the passage 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 has been found to exist.

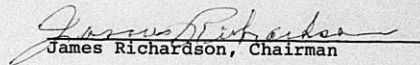
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25 feet to 23 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 22, Block 2, Second Addition to Cherry Creek Hills, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lori Lane in an area north of Cherry Creek Drive (2125 Lori Lane).

be approved.

RESOLUTION NO. BZA 39-77  
Page 2

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1977.

  
James Richardson, Chairman

ATTEST:

Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

October 5, 1977

Tenth Floor, City Hall  
455 N. Main Street

Mr. Stuart Bonesteel  
2150 Lori Lane  
Wichita, Kansas 67207

Re: Requests for Variance  
Case No. BEA 38-77 and  
Case No. BEA 39-77

Dear Mr. Bonesteel:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on September 27, 1977, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 21 feet on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Lori Lane in an area south of Chalet Drive (2016 Lori Lane), Case No. BEA 38-77, and your request for a variance to reduce the required front yard setback from 25 feet to 23 feet on property zoned the "AA" Single Family Dwelling District and generally located on the west side of Lori Lane in an area north of Cherry Creek, (Case No. BEA 39-77).

These Resolutions reflect the official action of the Board to grant your request. They are forwarded to you for your information and files.

If you have any questions concerning these matters, please call.

Very truly yours,

LD:bh

Larry Dobson  
Assistant Secretary

cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall  
455 No. Main Street

September 30, 1977

Stuart Bonesteel  
2150 Lori Lane  
Wichita, Kansas 67207

Re: Error in Front Yard  
Setback for 2016 and  
2125 Lori Lane; (Case  
Numbers BZA 38-77 and  
39-77)

Dear Mr. Bonesteel:

Although the Board of Zoning Appeals approved your variance request of front yard setbacks at 2016 and 2125 Lori Lane, it was requested that both you and the basement foundation contractor, Steve Neal, be cautioned of the potential consequences of such mistakes and that you take every precaution to assure that this type of error does not reoccur.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Steve Neal, Neal's Foundations, Inc., 322 N. West St.  
67203

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE September 23, 1977



TO Larry Dobson, Secretariat to BZA  
FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 39-77 (2125 Lori Lane)

At the September 19, 1977, meeting of CPO Council Area "H", the captioned case was discussed. The Council voted unanimously to recommend approval of the request with the stipulation that a registered letter of reprimand be sent to the general contractor and the subcontractor warning them of possible penalties for violating the City Zoning Ordinance.

Please advise the BZA of the Council recommendation when the case is considered on September 27.

*Bill Morris*  
Bill Morris  
CPO Administrative Aide

BM:rh

NOTED:

*DF*  
\_\_\_\_\_  
David Furnas  
Citizen Participation Coordinator



2125 LORI



2125 LORI

**B&F Construction Co., Inc.**

GENERAL CONTRACTORS  
COMMERCIAL & RESIDENTIAL

2150 LORI LANE  
WICHITA, KANSAS 67207

STUART BONESTEEL  
BRAD BONESTEEL  
LU BONESTEEL

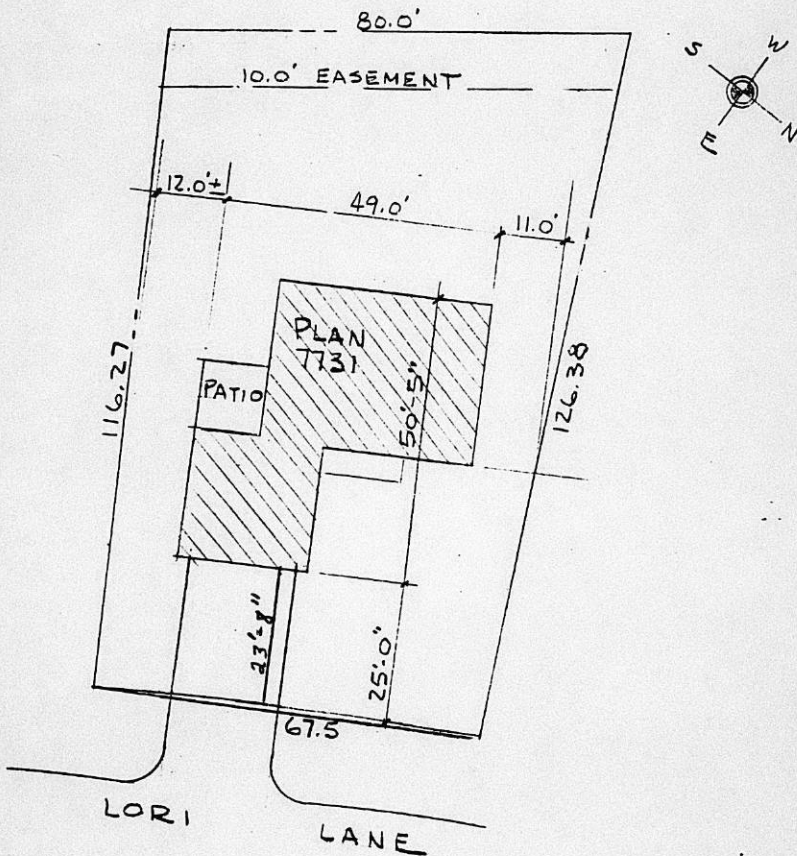
PHONES  
(316) 682-5314  
(316) 682-9544

RESIDENTIAL PLOT PLAN

Address: 2125 LORI LANE Permit No: \_\_\_\_\_

Lot: 22 Block: 2 of 2ND ADDN TO CHERRY CREEK HILLS zoning: \_\_\_\_\_

Scale: 1" = 20.0'



BZA 39-77

I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Garage  Carport  Open Parking  Signed: \_\_\_\_\_ Applicant

September 28, 1977

Mr. Stuart Bonesteel  
2150 Lori Lane  
Wichita, Kansas 67207

Re: Case No. BZA 38-77 and  
Case No. BZA 39-77

Dear Mr. Bonesteel:

At the regular meeting of the Board of Zoning Appeals on September 27, 1977, your request for a variance to reduce the required front yard setback from 25 feet to 21 feet on property zoned the "AA" Single Family Dwelling District and generally located on the east side of Lori Lane in an area south of Chalet Drive (2016 Lori Lane), Case No. BZA 38-77, and your request for a variance to reduce the required front yard setback from 25 feet to 23 feet on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Lori Lane in an area north of Cherry Creek, (2125 Lori Lane), Case No. BZA 39-77 were considered.

It was the action of the Board to grant these requests.

Resolutions setting forth the official action of the Board are being prepared and you will be mailed copies 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:bh

cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing & Zoning Administrator

SECRETARY'S REPORT  
CASE NO. BEA 39-77

APPLICANT: B and F Construction Company, Inc., 2150  
Lori Lane, Wichita, Kansas.

AGENT: Stuart Bonesteel, 2150 Lori Lane, Wichita,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to reduce the re-  
quired front yard setback from 25 feet to 21  
feet.

GENERAL LOCATION: East side of Lori Lane, in an area south of  
Chalet Drive (2016 Lori Lane).

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

LAND USE: Subject property is being developed as a  
single family residence. Properties to the  
north, south and east are undeveloped. To  
the west is a single family residence.

SECRETARY'S REPORT  
CASE NO. BSA 33-77

APPLICANT: B and F Construction Company, Inc., 2150 Lori Lane, Wichita, Kansas.

AGENT: Stuart Bonesteel, 2150 Lori Lane, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 23 feet.

GENERAL LOCATION: West side of Lori Lane in an area north of Cherry Creek Drive (2125 Lori Lane).

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as are properties to the north, south and east. Property to the west is zoned the "A" Two Family Dwelling District.

LAND USE: Subject property and properties to the south and east are developed as single family residences. Properties to the north and west are undeveloped.

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).

SECRETARY'S REPORT  
Cases No. BZA 38-77 and 39-77  
Page 2

COMMENTS BY THE SECRETARY:

The applicant for both cases BZA 38-77 and BZA 39-77, is requesting a variance from the required front yard setback, to 21 feet in the first instance and to 23 feet in the second case.

Both instances involve single family homes under construction by the applicant where, due to error by the basement foundation contractor, the houses both encroach into their respective front yard setbacks. The applicant states that the problem was created by the basement-foundation contractor failing to compensate for the curvature of the front lot line caused by the fact that both lots are located at curved portions of the street. In both cases the contractor, in staking out the basement and stem wall locations, measured in from the front corner stakes of the lot a distance of 25 feet or slightly more, and then drew a straight line between these points representing the front basement wall or garage stem wall. Due to the inward curvature of the front lot line, any point between the extreme points would be closer than the required 25 foot setback.

The applicant contends that the granting of these variances will not adversely affect the adjoining property owners or residential area due to the fact that these houses are on the curved area of the street, eliminating the visual continuity of all the houses being situated on the same setback and the small amount of variance would not be noticed. The applicant states that the houses were more than 50 percent completed when the errors were discovered.

UNIQUENESS

It is the opinion of the Secretary that uniqueness is difficult to justify because of error only, however, due to the inward curvature of the front lot lines in both cases, perhaps uniqueness can be found to exist.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested should not adversely affect the rights of adjacent property owners inasmuch as the minimal amount of variance requested would not be noticeable on this curved street.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 28 (zoning ordinance) may constitute unnecessary hardship upon the applicant inasmuch as the houses were in an advanced state of completion when the errors were discovered and to now correct the errors would be prohibitive in cost and detrimental to the floor plans of the houses affected. Without the granting of the variance or the compliance with the setback requirement, the houses would be difficult to market.

SECRETARY'S REPORT  
Cases No. BZA 38-77 and 39-77  
Page 3

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the granting of these small variances in the front yard setback will still leave adequate setback areas.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of these variances will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate open space would exist to permit the passage of light and air.

RECOMMENDATION:

If the Board determines that the five conditions necessary for the granting of these variance can be found to exist, it is recommended that the variances be approved to reduce the required front yard setbacks from 25 feet to 21 feet for Case No. BZA 38-77 and to 23 feet for Case No. BZA 39-77.

-----

6 notices sent to applicant and adjoining property owners  
10 notices sent to MAPC members  
1 notice sent to CPO  
17 total notices sent on 9-1-77, BZA 39-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main, Wichita, Kansas 67202

September 2, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 39-77

An application has been filed by B and F Construction Company, Inc., 2150 Lori Lane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 23 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 22, Block 2, Second Addition to Cherry Creek Hills, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lori Lane in an area north of Cherry Creek Drive (2125 Lori Lane).

This application has been assigned Case No. BZA 39-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 27, 1977, 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 application 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 Stuart Bonesteel /D/B/A-B & F Constr. Co, Inc.

Mailing Address 2150 Lori Ln., Wichita, Ks. Phone 682-9544  
67207

Name of Authorized Agent Stuart Bonesteel

Mailing Address same Phone \_\_\_\_\_

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

II. The variance requested is \_\_\_\_\_ to reduce the required front yard  
setback from 25 feet to 23 feet.

for property located ~~2016 Lori Ln.~~ & 2125 Lori Ln. Wichita, Ks.

and legally described as: ~~2016 Lori Ln, Lot 11 block 2 Cherry Creek Hills~~  
and 2125 Lori Ln.-Lot 22 - block 2- Cherry Creek Hills <sup>Second Add'n</sup>  
second Add'n

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

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.

Stuart Bonesteel *Stuart Bonesteel*  
Applicant

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

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:35 (a.m) - p.m.), 8-28 1977 together with appropriate fee of \$50.00.

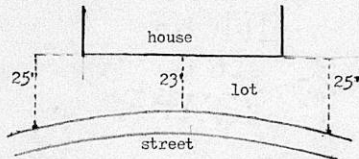
Map 6045  
West side of Lori Lane in an  
area north of Cherry Creek Blvd (2125  
T9-402 Lori Lane)

*Larry Dobson*  
Signed

TO WHOM IT MAY CONCERN:

It has come to my attention that the front yard setback on the two houses shown and described on residential plot plan herewith enclosed are incorrect, and that the distance from the closest front point is less than the required 25 feet.

This problem was created by an error made by the basement foundation contractor at the time he staked out the basement in preparation for the construction of the new house. He failed to take in consideration the fact that the front lot lines in this case were on a curvature due to the fact that the street curved at this point. He measured in, or toward the house from the front survey stakes at each corner of the front of the lot, a distance of 25 feet and pulled a string between these two points, and this was to be the front basement wall or garage stem wall, depending on the particular plan in question. He failed to take in consideration that the curvature was inward, and that at any given point between the distance would naturally be closer than the required 25 feet.



It has always been my practice to be present each time the staking is done and to mention any peculiarities and also to be sure that the foundation contractor has a copy of the plot plan. This was also the case in this instance, however I did not remain with him during the complete process since he gave me the impression that he knew what he was doing and that I had nothing to worry about. This was the first time that I had used his services since my regular man was busy.

In view of the above explanation and information it is necessary that I ask the board to grant a variance in these two cases of not more than 2 feet in each case showing the setback to be 23 feet instead of the required 25 feet.

The houses are better than 50% completed at this time and I did not discover the error until the basement was finished and construction was well underway in one case and in the 2nd, until last week.

The granting of this permit for the variance will not adversely affect the adjoining property owners or residential area due to the fact that these houses are on the curved area and the corners of the houses are actually set back the 25 feet or more. This small amount of variance is not noticeable.

If it were not possible for me to secure this variance it would create a severe hardship on me as a builder, financially and otherwise, since it would not be possible to sell either of these houses because there would be a cloud on the title and would not clear any finance co, or lender.

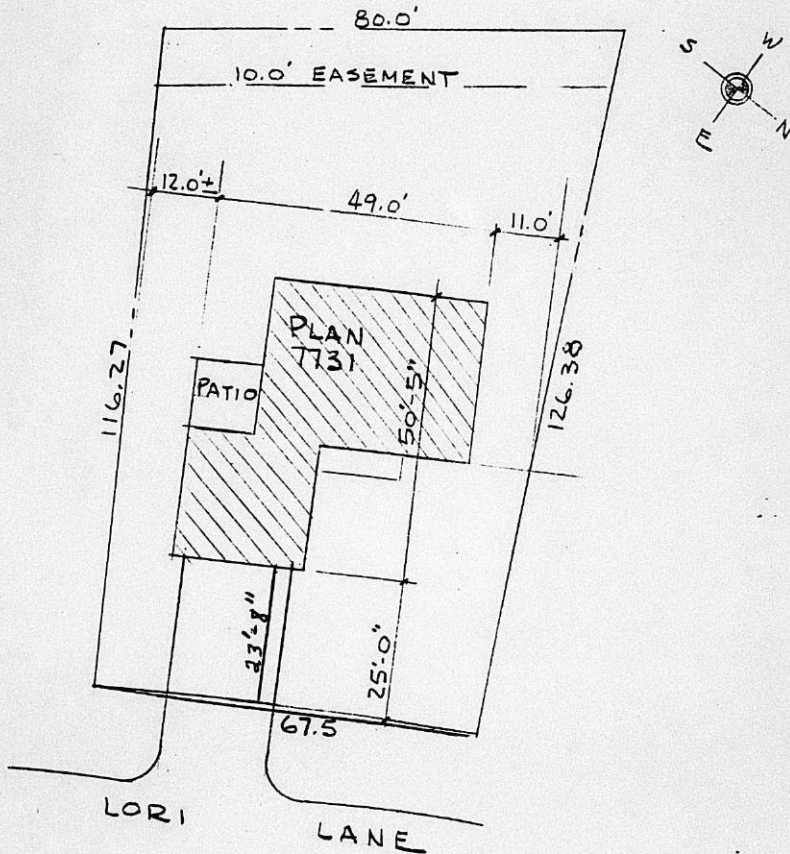
B & F Constr. Co., Inc.  
Stuart Bonesteel, Pres.

RESIDENTIAL PLOT PLAN

Address: 2125 LORI LANE Permit No: \_\_\_\_\_

Lot: 27 Block: 2 of 2ND ADDN TO CHERRY CREEK HILLS zoning: \_\_\_\_\_

Scale: 1" = 20.0'



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Garage  Carport  Open Parking  Signed: \_\_\_\_\_ Applicant

C E R T I F I C A T E   O F   O W N E R S H I P

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas, within a 200' radius of and including the following described property, to wit:

Lot Twenty-two (22), Block Two (2),  
SECOND ADDITION TO CHERRY CREEK HILLS,  
Sedgwick County, Kansas.

Addresses are given as a service only and are not certified to.

<u>Legal Description</u>	<u>Owners/Address</u>
<u>SECOND ADDN TO CHERRY CREEK HILLS</u>	
<u>BLOCK TWO</u>	
Lot 12	✓ Nies Construction Co., Inc. 8251 Cherry Creek 67207
Lots 13 through 16 inclusive	✓ Levitt Development, Inc. formerly Levitt Jewelry Co., Inc. 7930 East Harry 67207
Lot 17 and 18	✓ Nies Construction Co., Inc. 8251 Cherry Creek 67207
Lot 19	✓ Levitt Development, Inc., formerly Levitt Jewelry Co., Inc. 7930 East Harry 67207
Lots 20 through 22 inclusive	✓ Stuart Bonesteel and Luella Bonesteel 2150 Lori Lane 67207
Lots 23 through 25 inclusive	✓ Levitt Development Co., Inc. formerly Levitt Jewelry Co., Inc. 7930 East Harry 67207
Lot 26	✓ Nies Construction Co., Inc. 8251 Cherry Creek 67207
<u>BLOCK THREE</u>	
Lot 16	✓ William T. Haisch and Shirley K. Haisch 2058 Lori Lane 67207
Lots 17 and 18	✓ Levitt Development Co., Inc. formerly Levitt Jewelry Co., Inc. 7930 East Harry 67207
Lot 19	✓ Terry E. Milligan and Elaine M. Milligan 643 North Pershing 67208

Page 2

BLOCK THREE (CON'T)

Lot 20

✓ Daniel A. Kopack  
2132 Lori Lane 67207

Lots 21 and 22

D Stuart Bonesteel and  
Luella Bonesteel  
2150 Lori Lane 67207

Lots 24 through 27 inclusive

D Levitt Development Co., Inc.  
formerly Levitt Jewelry Co., Inc.  
7930 East Harry 67207

Dated this third day of August 1977 at 7:55 a.m.

Wm. C. R. Hart  
Secretary-Treasurer

No. 2715

Form 223-021

**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

*223-021-0000*

Name *Street Council*

Address *1000 S. Broadway*

Type *11-07123* Due Date *8-20-77*

Comments:

Date *8-20-77* By *[Signature]*