

Case No. BZA 44-83 - Major Enterprises, Inc. - requests variances to (1) reduce the required lot area from 6,000 sq. ft. to 4,500 sq. ft.; and (2) reduce one side yard from 6' to 0' on property zoned the "AA" One-family Dwelling District and generally located on both sides of Denene Lane between Howard

4001  
Postcard  
7-28-83  
G.E.L.

ACTION

BZA 44-83 DENIED

8-23-83  
DATE



August 24, 1983

Mr. James Minor  
Major Enterprises Inc.  
6606 West Central  
Wichita, Ks. 67212

Re: BZA 44-83 - Request for Variances

Dear Mr. Minor:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 23, 1983.

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

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

**THE CITY OF WICHITA**

**OFFICE OF** CITIZEN PARTICIPATION

**DATE** August 22, 1983

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Dean Kruihof, Administrative Aide III

**SUBJECT** BZA 44-83, Both sides of Denene  
Lane between Harvest Lane and  
11th Street

At its August 17th meeting, CPD Neighborhood Council Area "A" considered the captioned request for variances to 1) reduce the required lot area from 6000 square feet to 4500 square feet; and 2) reduce one side yard from 6' to 0' on property zoned "AA" One-Family.

Jim Miner, the applicant, was present to discuss the case. Approximately 50 area residents were present in opposition to the case.

The Council voted unanimously, 8-0, to recommend denial of the requested variances. Members cited the proposed increase in density, neighborhood opposition, and the incompatibility of the proposal with the existing neighborhood as reasons for recommending denial.

Please provide the Board of Zoning Appeals with the Council's recommendation when the case is considered on August 23rd.

*Dean Kruihof*  
Dean Kruihof  
Administrative Aide III

DK:sm

RESOLUTION NO. 44-83

WHEREAS, Major Enterprises, Inc., 6606 West Central, Wichita, Kansas, requests two variances as provided in Section 2.12.590.B, Code of the City of Wichita; to (1) reduce the required lot area from 6,000 square feet to 4,500 square feet; and (2) reduce one side yard from 6 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lake Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on both sides of Denene Lane between Harvest Lane and 11th Street.

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 23, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has not 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 created by an action or actions of the property owner or the applicant inasmuch as the property has been platted with lots in conformance with all regulations for development under the general confines of the City of Wichita ordinances; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will adversely affect the rights of adjacent property owners or residents inasmuch as adjacent property owners strongly oppose the variances; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant has not shown that such a hardship exists; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that additional run off will be created by the increased density and that additional congestion will be created in the streets; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the minimum lot size for the general area is much larger than is being proposed by the applicant; and

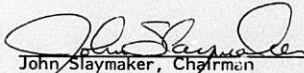
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has not been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to (1) reduce the required lot area from 6,000 square feet to 4,500 square feet; and (2) reduce one side yard from 6 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lake Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on both sides of Denene Lane between Harvest Lane and 11th Street.

be denied.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1983.

  
John Slaymaker, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

August 17, 1983

Board of Zoning Appeals  
10th Floor, City Hall  
455 N. Main  
Wichita, Ks

67202

Dear Board Member:

We live in the immediate area of Westlink Lake Estates and are very concerned about the proposed variance as regards case no. BZA 44-83.

We are not in favor of the variance because of the following reasons;

- Density: population will be double what was planned for- more traffic to the lakes- more traffic on streets- the schools will be overcrowded.
- Drainage: already a problem, could get worse with all the extra concrete and roof area to be added due to additional houses.
- Parking: With proposed lot size, driveways will take so much room that there will be no street parking.
- Water usage: During peak periods water pressure is already too low. Extra houses will make it worse.
- Community Planning Lost-We bought here because of a specific plan. Why should that plan be changed now that we have invested in the area.
- Type of house: Patio houses are more likely to become rentals. This immediately changes the nature of the area.

We STRONGLY OPPOSE the approval of this variance. We want the covenant and restrictions to remain as they are.

Sincerely,

*Glen & Rita Goodwin*  
1123 Crestline  
Wichita, Kans 67212

August 17, 1983

Board of Zoning Appeals  
10th Floor, City Hall  
455 N. Main  
Wichita, Ks

67202

RECEIVED

AUG 19 1983

METROPOLITAN PLANNING

ROUTE

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Sincerely,

*Charles E. Horne*  
*Jean W. Horne*  
*10111 Newell Lane*  
*67212*

August 17, 1983

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Sincerely,

*Bernie & Betty Beckman*

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Sincerely,

*Gary & Susan Hemel*  
*10303 Harvest Ct.*  
*Wichita Kansas 67212*

**RECEIVED**

**AUG 19 1983**

**METROPOLITAN PLANNING**

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Sincerely,

*Robert P. Ewert*  
1308 Denene

*Delma J. Ewert*  
1308 Denene

RECEIVED

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Sincerely,

*Mervyn M. and Paula Mace*  
*950 Tok-M-Hak 67212*

August 17, 1983

Board of Zoning Appeals  
10th Floor, City Hall  
455 N. Main  
Wichita, Ks

67202

RECEIVED

AUG 22 1983

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Sincerely,

*Heidi a Barbara J. Miller*  
10211 Harvest Lane

August 17, 1983

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10th Floor, City Hall  
455 N. Main  
Wichita, Ks

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Sincerely,

*Steven J. Howard*  
1303 Denene  
Wichita, Ks  
67212

August 17, 1983

Board of Zoning Appeals  
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Sincerely,

*Bruce & Janni Moorman  
10319 Harvest Ct. City*

*We live just behind a pond which will collect water from ~~the~~ Denene. We have already come very close to having water in our basement because of the drainage system in this area. Density is a real concern. Harvest Lane is the only direct route to a main street (Main St.).*

RECEIVED

AUG 22 1983

METROPOLITAN PLANNING

ROUTE

August 17, 1983

Board of Zoning Appeals  
10th Floor, City Hall  
455 N. Main  
Wichita, Ks

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Sincerely,

*Mike & Terri Collins*

1351 DENENS

Wichita KANSAS 67212

MAJOR ENTERPRISES, INC.  
8809 WEST CENTRAL  
WICHITA, KANSAS 67212  
Phone 722-2059

BUILDERS OF BEAUTIFUL HOMES  
SOLD EXCLUSIVELY BY CROWN III

August 23, 1983

Board of Zoning Appeals  
City of Wichita

Plat Approved - 25 May, 1978  
Restrictive Covenants - 17 Oct, 1978  
Amendment to covenants - 30 June, 1979

The day of large lots is a thing of the past--not because we want or like it, it is just plain and simple - things cost too much today.

The City of Wichita is constantly asked to approve new plats and most of these plats today are of smaller lots and some zero lot line concepts. It costs money for these new areas while existing areas set idle.

It's obviously very unpopular to take existing large lots that have been passed over because of high land costs and special taxes and come back with smaller lots. This of course, will increase density to more than what was represented to people originally buying in the area.

The lots in question are of that nature. The existing size in square footage are large. I am proposing to increase the density and thus lower costs to consumers. The special taxes now per lot are:

TOTAL	YEARLY	MONTHLY
\$18,500.00 approx	1,500.00 approx	125.00 approx

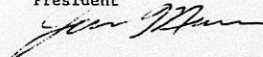
The specials in this addition are spread equal regardless of lot square footage. By approval of this proposal, taxes to the new consumers would be as follows:

TOTAL	YEARLY	MONTHLY
\$ 9,250.00 approx	\$750.00 approx	\$65.00 approx

Thus a larger home could be built for the same monthly costs but would be on a smaller lot.

An alternative to this request would be two family or duplexes. There are duplexes in the first block to the north of this area. I felt that detached units would be the better of the two ways of increasing density and lowering costs.

Sincerely Submitted by  
Jim Miner  
President



D-34088

*Central Blk + Trunk*

LOT 7  
BLOCK 2  
WESTLINK LAKES ESTATE

- A FRONT ST. PAVING
- B SIDE ST. PAVING
- C CURB & GUTTER
- D OTHER PAVING
- E STREET OPENING
- F SUBMAIN SEWER
- G LATERAL SEWER
- H STORM SEWER
- I WATER
- J SIDEWALK

LN	PROJ. NO.	TOTAL ASSMT	ANN PRIN	INT RATE	INT 1 YR	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
1	68-311	2,026.57		11.72		15							1,558.87	62.47	
2				8.13		15							232.68	232.13	
3	81-242	4,170.80		6.00		0							150.60	162.84	176.08
4				6.00		0							535.53	523.59	310.35
5	71-170	1,220.95		10.03		15							55.60	58.94	62.47
6				10.03		15							70.11	66.77	63.24
7	88-127	4,205.49											152.67	167.99	472.39
8													467.71	472.39	
9															
10															
11															
12															
YEARLY TOTALS															
															1,547.07

LN	PROJ. NO.	TOTAL ASSMT	ANN PRIN	INT RATE	INT 1 YR	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993
1				69.73	77.91	87.04	97.24	108.63	121.37	135.59	151.48	169.24	189.07	189.07	189.07
2				224.82	216.64	207.51	197.31	185.92	175.18	158.96	143.07	125.31	105.48	105.48	105.48
3				190.39	205.87	222.61	240.71	260.28	281.44	304.32	329.06	355.81	384.74	384.74	384.74
4				296.04	280.56	263.62	245.72	226.15	204.99	182.11	157.37	130.62	101.60	101.60	101.60
5				66.22	70.19	74.41	78.87	83.60	88.62	93.94	99.57	105.55	111.88	111.88	111.88
6				59.49	55.32	51.30	46.84	42.11	37.09	31.77	26.14	20.16	13.83	13.83	13.83
7				184.83	203.37	223.77	246.22	270.91	298.08	327.98	360.88	397.07	436.90	436.90	436.90
8				455.55	437.01	416.61	394.16	369.47	347.30	312.40	279.50	243.51	203.48	203.48	203.48
9															
10															
11															
12															
YEARLY TOTALS															
															17,017.77
															3,903.36
															2,092.13

1986 8826  
1995 9728  
1994 115.7  
1994 436.90  
1994 203.48

17,017.77  
3,903.36  
2,092.13  
*Handwritten initials*

CITY OF WICHITA, KANSAS  
SPECIAL ASSESSMENT RECORD

D-34097

Central Bank & Trust  
 9, 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12  
 3433 E. Central  
 (081)

LOT 1  
 BLOCK 4  
 WESTLINK LAKES ESTATE

- A FRONT ST. PAVING
- B SIDE ST. PAVING
- C CURB & GUTTER
- D OTHER PAVING
- E STREET OPENING
- J SUBMAIN SEWER
- K LATERAL SEWER
- L STORM SEWER
- M WATER
- S SIDEWALK

LN	PROJ. NO.	TOTAL ASSEMT	ANN PRIN	INT RATE	INT 1 YR	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	
1	18-3-1	2,036.52		11.72		11							55.87	62.42		
2	18-3-2	4,170.80		8.13		11							150.60	176.08		
3	18-3-3	1,200.75		6.00		15							335.83	310.35		
4	18-3-4	4,800.49		10.03		15							52.45	62.47		
5	18-3-5												73.26	70.11		
6													66.77	63.24		
7													152.67	167.99		
8													417.71	472.39		
9																
10																
11																
12																
YEARLY TOTALS																
																1,547.07

1996 883.65  
 1995 972.86  
 1994 125.71  
 1993 192.14

LN	PROJ. NO.	TOTAL ASSEMT	ANN PRIN	INT RATE	INT 1 YR	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	
1						69.73	77.91	87.04	97.24	108.63	121.37	135.59	151.48	169.24	189.07	
2						224.82	216.64	207.51	197.51	185.92	173.18	158.96	143.07	125.31	105.44	
3						190.39	205.87	222.61	240.71	260.28	281.44	304.32	329.06	355.81	384.74	
4						296.04	280.56	263.82	243.72	226.15	204.99	182.11	157.37	130.62	101.09	
5						66.22	70.19	74.41	78.87	83.40	88.42	93.94	99.57	105.55	111.88	
6						59.49	55.52	51.30	46.84	42.41	37.09	31.77	26.14	20.16	13.83	
7						184.83	203.37	223.77	246.22	270.91	298.08	327.98	360.68	397.07	436.90	
8						455.55	437.01	416.61	394.16	369.47	342.30	312.40	279.50	243.51	203.48	
9																
10																
11																
12																
YEARLY TOTALS																
																17,077.77

Hand Total 292,613

CITY OF WICHITA, KANSAS  
 SPECIAL ASSESSMENT RECORD

- A FRONT ST PAVING
- B SIDE ST PAVING
- C CURB & GUTTER
- D OTHER PAVING
- E STREET OPENING
- F SUBMAIN SEWER
- G LATERAL SEWER
- H STORE SEWER
- I WATER
- J SIDEWALK

D-34115

LOT 8  
BLOCK 5  
WESTLINK LAKES ESTATE

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1	82-351	2,026.57		11.72									55.87	55.87	62.42	
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3																
4																
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6												73.26	70.11	66.77	63.24	
7	82-127	4,363.49		10.00												
8																
9																
10																
11																
12																
YEARLY TOTALS																
															1,060.64	1,060.64

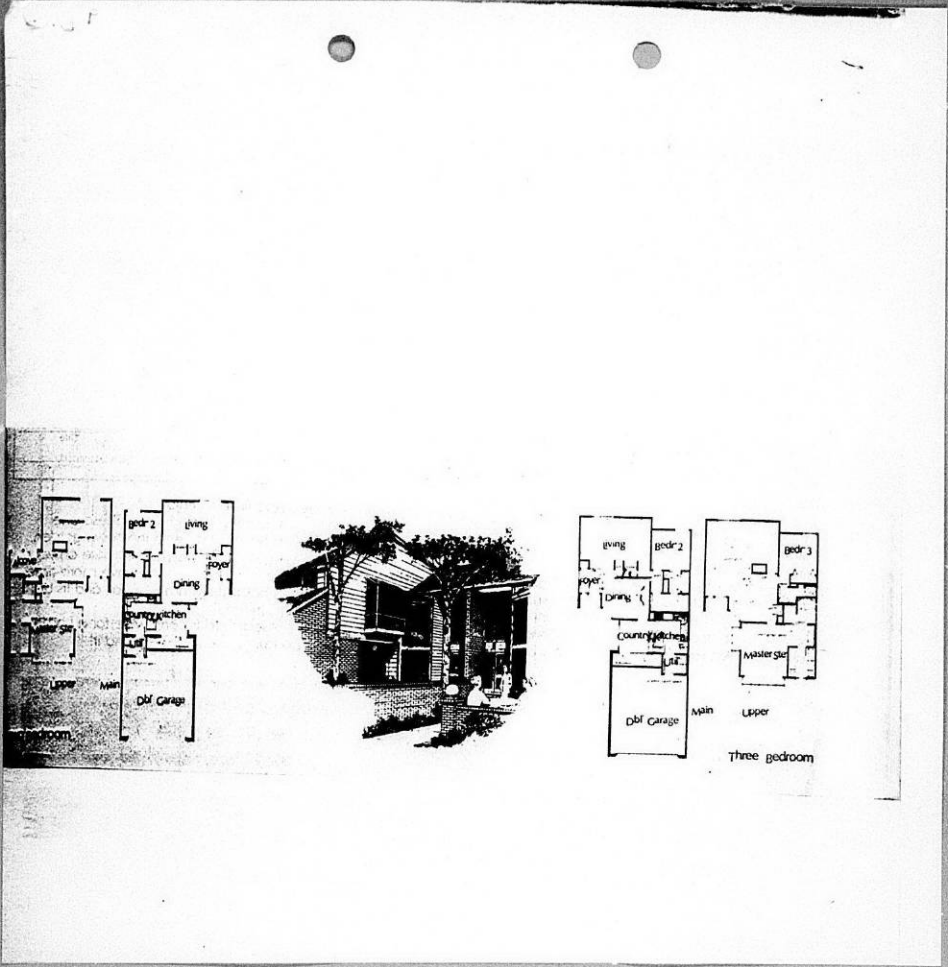
1996  
883.65

1994  
257.44  
1996  
1921.14

LN	PROJ. NO.	TOTAL ASSMT	ANN PRN	INT RATE	INT 1 YR	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	
1						69.73	77.91	87.04	97.24	108.63	121.37	135.59	151.48	169.24	189.07	
2						224.82	216.64	207.51	197.31	185.92	173.18	158.96	143.07	125.31	105.46	
3																
4																
5						66.22	70.19	74.41	78.87	83.60	88.62	93.94	99.57	105.55	111.88	
6						59.49	55.52	51.30	46.84	42.11	37.09	31.77	26.14	20.16	13.83	
7						184.83	203.37	223.77	246.22	270.91	298.08	327.98	360.88	397.07	436.90	
8						455.55	437.01	416.61	394.16	369.47	342.30	312.40	279.50	243.31	203.48	
9																
10																
11																
12																
YEARLY TOTALS																
															11,662.04	11,662.04
															3,074.21	3,074.21
															19,723.25	19,723.25

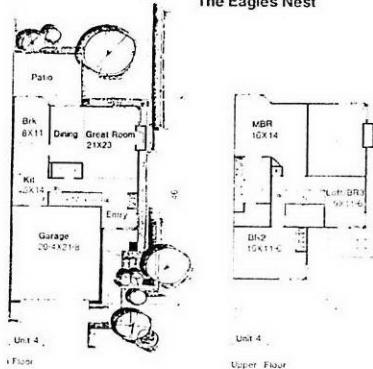
CITY OF WICHITA, KANSAS  
SPECIAL ASSESSMENT RECORD

Grand Total



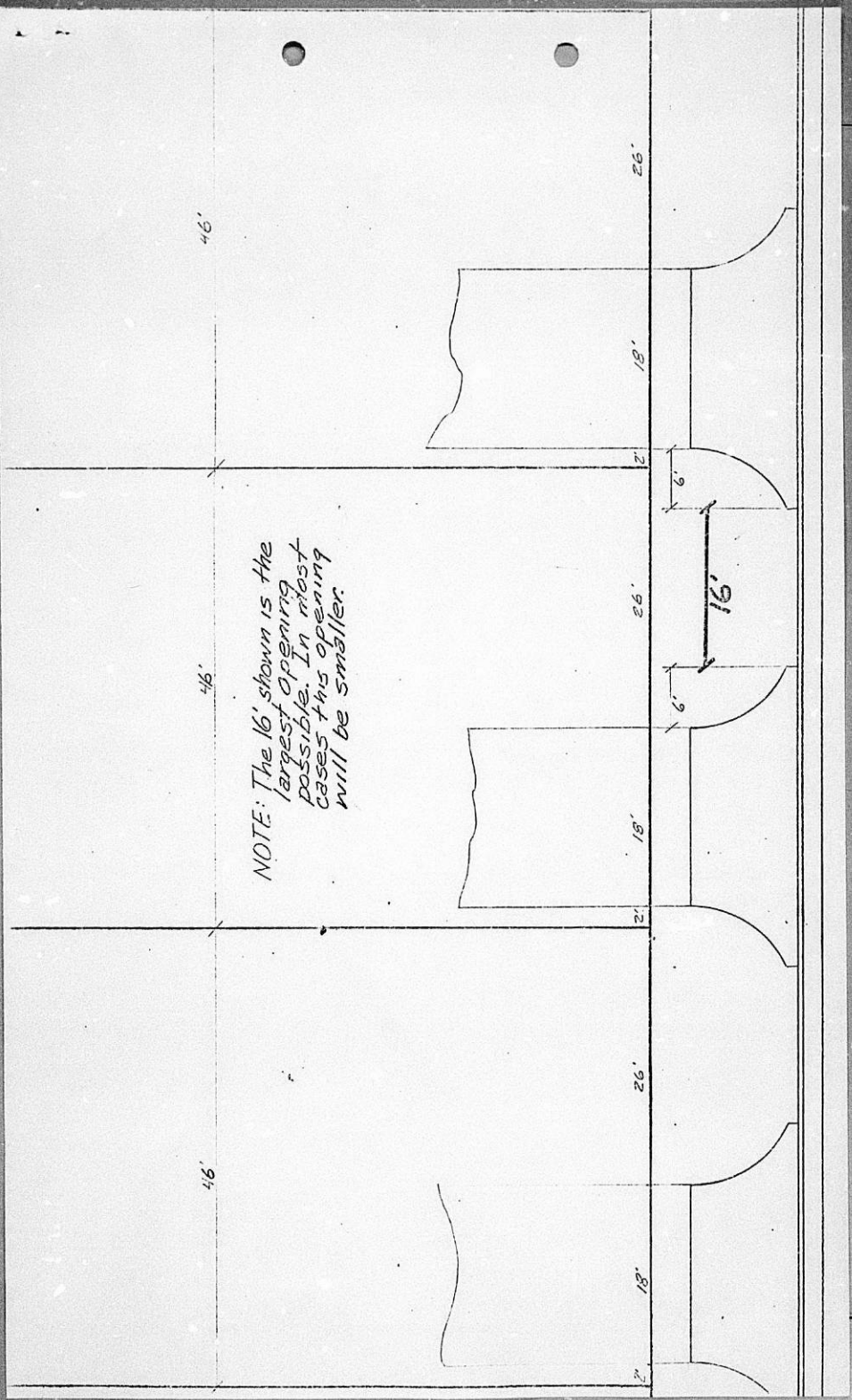
316

### The Eagles Nest



Unit 4  
1st Floor

Unit 4  
Upper Floor



NOTE: The 16' shown is the largest opening possible. In most cases this opening will be smaller.

48'

16'

16'

26'

16'

16'

16'

26'

16'

16'

16'

16'

16'

16'

16'

16'

16'

16'

16'



TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property within 200 feet of Lots 1 thru 5, Block 1, and/or Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully request that you

DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME	DATE	ADDRESS
<u>Georg R. Condy</u>	<u>8-14-83</u>	<u>10108 W. 11<sup>th</sup></u>
<u>Bonnie J. Casady</u>	<u>8-14-83</u>	<u>10108 W. 11<sup>th</sup></u>
<u>Barbara L. Plush</u>	<u>8-14-83</u>	<u>10220 Sabrina</u>
<u>Karen M. DeJesse</u>	<u>8-14-83</u>	<u>1324 Denene</u>
<u>Robert L. Carpenter</u>	<u>8-14-83</u>	<u>10125 Somerset</u>
<u>Richard L. Carpenter</u>	<u>8-14-83</u>	<u>10125 Somerset</u>
<u>Beverly Wake</u>	<u>8/14/83</u>	<u>1100 Crestline Circle</u>
<u>J. Rodney Wake</u>	<u>8-14-83</u>	<u>1100 Crestline Circle</u>
<u>Fred Schiller</u>	<u>8-14-83</u>	<u>1024 Harvont Lane</u>
<u>Barbara Schiller</u>	<u>8-14-83</u>	<u>1024 Harvont Ln.</u>
<u>Rita Goodwin</u>	<u>8-14-83</u>	<u>1123 Crestline</u>
<u>Helen Brook</u>	<u>8-14-83</u>	<u>1117 Crestline av.</u>
<u>Allen R. Goodwin</u>	<u>8-14-83</u>	<u>1123 Crestline Cr</u>
<u>Charles J. Hackey</u>	<u>8-14-83</u>	<u>1208 Penene Ln</u>





TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME	DATE	ADDRESS
<u>S.W. Hoffman</u>	<u>8-15-83</u>	<u>1220 Denene</u>
<u>Mary K Hoffman</u>	<u>8-15-83</u>	<u>1224 Denene</u>
<u>Walter Lewis</u>	<u>8/15/83</u>	<u>1245 Denene</u>
<u>James W. Quirk</u>	<u>8/15/83</u>	<u>1245 Denene</u>
<u>Mervyn Green</u>	<u>8-15-83</u>	<u>1221 Denene</u>
<u>Harold Guelle</u>	<u>8-15-83</u>	<u>1221 Denene</u>
<u>Levi H. Collins</u>	<u>8-15-83</u>	<u>1351 Denene</u>
<u>Steven J. Howard</u>	<u>8/15/83</u>	<u>1303 Denene</u>
<u>Bell Howard</u>	<u>8/15/83</u>	<u>1303 Denene</u>
<u>Kevin Beckman</u>	<u>8/15/83</u>	<u>1300 Denene</u>
<u>Lilly R. Beckman</u>	<u>8/15/83</u>	<u>1300 Denene</u>
<u>De Lynn Brown</u>	<u>8/15/83</u>	<u>1309 N. Denene</u>
<u>Myr Johnson</u>	<u>8/15/83</u>	<u>1324 Denene LN.</u>
<u>Alfred Collins</u>	<u>8/15/83</u>	<u>1351 Denene</u>

TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME	DATE	ADDRESS
<u>Donald L. Wirth</u>	<u>8/15/83</u>	<u>1337 Denene</u>
<u>Marian Wirth</u>	<u>8/15/83</u>	<u>1337 Denene</u>
<u>Mary McCoy</u>	<u>8/15/83</u>	<u>1331 Denene</u>
<u>Charles F. Donham</u>	<u>8/15/83</u>	<u>1348 Denene</u>
<u>Pat Donham</u>	<u>8-15-83</u>	<u>1348 Denene</u>
<u>Balinda A. Munk</u>	<u>8-15-83</u>	<u>1356 Denene</u>
<u>Leddie L. Plunk</u>	<u>8/15/83</u>	<u>10230 SABRINA</u>
<u>Robert J. Hagen</u>	<u>8/16/83</u>	<u>10203 HARVEST LANE</u>
<u>Lure L. Hagen</u>	<u>8/16/83</u>	<u>10203 Harvest Lane</u>
<u>Frances G. Understak</u>	<u>8/16/83</u>	<u>10001 Harvest Lane</u>
<u>Harold G. Understak</u>	<u>8/16/83</u>	<u>10001 Harvest Lane</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME	DATE	ADDRESS
<u>Ronald Cula</u>	<u>8/14/83</u>	<u>10119 Harvest</u>
<u>Shawn M. Johnson</u>	<u>8-14/83</u>	<u>1324 Deere</u>
<u>Jean Harne</u>	<u>8/14/83</u>	<u>10111 Harvest Ln.</u>
<u>Chuck Harne</u>	<u>8/14/83</u>	<u>10111 Harvest Ln</u>
<u>Julma Ewin</u>	<u>8/14/83</u>	<u>1308 Deere</u>
<u>Robert P Ewin</u>	<u>8/14/83</u>	<u>1508 Deere</u>
<u>James P. Schneider</u>	<u>8-14-83</u>	<u>947 Toh-N-hah</u>
<u>Martha Bergner James</u>	<u>8-14-83</u>	<u>10303 Harvest Ct.</u>
<u>James W. Jones</u>	<u>8-14-83</u>	<u>10120 SUNCREST</u>
<u>Ernie Smith</u>	<u>8-14-83</u>	<u>941 Toh-N-Hah</u>
<u>Ronald S. Schneider</u>	<u>8-14-83</u>	<u>947 TOH-N-HAH</u>
<u>Rhoad L. Dean</u>	<u>8-14-83</u>	<u>9312 Briarwood Ct.</u>
<u>Lawrence L. Dean</u>	<u>8/14/83</u>	<u>9312 Briarwood Ct.</u>
<u>Laurie Moolman</u>	<u>8-14-83</u>	<u>10319 Harvest Ct.</u>

TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME DATE ADDRESS

Megan M. Mace 8-14-83 950 Tob-N-Mch  
 Paula Mace 8-14-83 950 Tob-N-Mch  
 David L. Bennett 8-14-83 1232 Denene  
 John R. [unclear] 8/14/83 10110 HARVEST  
 Kaye Fogel 8-14-83 244 TCH-N-HAH  
 Karak Fogel 8-14-83 244 TCH-N-HAH  
 S. Maurice [unclear] 8-14-83 10017 HARVEST  
 Gail [unclear] 8-14-83 10201 W. 11TH  
 Lila J. Schreier 8-14-83 864 Tob-N-Mch  
 Carl M. Boly 8-14-83 10023 HARVEST LN.  
 Carl [unclear] 8-14-83 904 Tob-N-HAH  
 Carl [unclear] 8-14-83 10202 HARVEST  
 Barbara Schiller 8-14-83 10211 Harvest  
 Karen [unclear] 8-14-83 1332 Denene

68





TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

NAME	DATE	ADDRESS
<u>net mes Beni Schum</u>	<u>8/14/83</u>	<u>1300 Deneo</u>
<u>J. Ann Hamung</u>	<u>8/18/83</u>	<u>1104 Crestline Circle</u>
<u>Elaine Choctt</u>	<u>8/18/83</u>	<u>10242 Alamo Ct</u>
<u>Brian Hamung</u>	<u>8/18/83</u>	<u>1104 Crestline Circle</u>
<u>John Hollaway</u>	<u>8-18-83</u>	<u>1110 VALLEYVIEW</u>
<u>Billy Hollaway</u>	<u>8-18-83</u>	<u>1110 Challeguein</u>
<u>J. Hollaway</u>	<u>8-18-83</u>	<u>1110 Valleyview</u>
<u>Jean Rosenbom</u>	<u>8-18-83</u>	<u>1108 Crestline</u>
<u>Bill Rosch</u>	<u>8-18-83</u>	<u>1108 Crestline</u>
<u>John &amp; Meir</u>	<u>8/21/83</u>	<u>1380 Crestline</u>
<u>F.L. Meyer</u>	<u>8/21-83</u>	<u>1373 Crestline</u>
<u>SHARON MEYER</u>	<u>8-21-83</u>	<u>1373 CRESTLINE</u>
<u>Chris Shumden</u>	<u>8/21/83</u>	<u>1325 Crestline</u>
<u>Carol Shumden</u>	<u>8/21/83</u>	<u>1325 Crestline</u>
<u>Ana Nelson</u>	<u>8/21/83</u>	<u>1301 Crestline</u>

TO: BOARD OF ZONING APPEALS

We, the undersigned, being owners of property in the general area of Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2, Westlink Lakes Estates Addition to Wichita, Sedgwick County, Kansas, respectfully

REQUEST THAT YOU DENY

the zoning variance requested by the owners of the aforementioned property (Case # BZA 44-83).

<u>NAME</u>	<u>DATE</u>	<u>ADDRESS</u>
<u>Hoarace</u>	<u>8/18/83</u>	<u>1120 Crestline Circle</u>
<u>W. White</u>	<u>8/18/83</u>	<u>1126 CRESTLINE CIRCLE</u>
<u>Kinder Long</u>	<u>8/18/83</u>	<u>1126 Galilee Circle</u>
<u>Bice L. Allen</u>	<u>8/19/83</u>	<u>1212 Crestline</u>
<u>Royce Ann White</u>	<u>"</u>	<u>1317 Valleyview</u>
<u>Mary L. Allen</u>	<u>8/18/83</u>	<u>1212 Crestline</u>
<u>Cayde Landwin</u>	<u>8/18/83</u>	<u>1308 Crestline</u>
<u>Suzanne Hanna</u>	<u>8/18/83</u>	<u>1317 Crestline</u>
<u>Richard O. Wilson</u>	<u>8-18-83</u>	<u>1301 Crestline</u>
<u>John Schuber</u>	<u>8-18-83</u>	<u>1217 Crestline</u>
<u>Tony Schuber</u>	<u>8/18/83</u>	<u>1217 Crestline</u>
<u>Gerald Shupe</u>	<u>8/18/83</u>	<u>10200 W. 11th</u>
<u>Jeanne Shupe</u>	<u>8-18-83</u>	<u>10200 W. 11th.</u>
<u>Grace Sady</u>	<u>8-21-83</u>	<u>10116 W. 11th</u>





SECRETARY'S REPORT  
CASE NO. BZA 44-83

APPLICANT: Major Enterprises, Inc., 6606 West Central,  
Wichita, Kansas.

AGENT: James Minor, Major Enterprises, Inc., 6606  
West Central, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code  
of the City of Wichita, to (1) reduce the re-  
quired lot area from 6,000 square feet to 4,500  
square feet, and (2) reduce one side yard from  
6' to 0'.

GENERAL LOCATION: In an area on both sides of Denene Lane between  
Harvest Lane and 11th Street.

ZONING: Subject property is zoned the "AA" One-family  
Dwelling District as are all adjacent properties.  
Some "A" Two-family zoning is located to the north.

LAND USE: Subject properties are vacant. Developed adjacent  
properties are one-family dwellings, and some  
property is undeveloped but platted for one-family  
dwellings.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting two separate variances in order to replat an area for development with zero lot line one-family dwellings. The area has been platted since 1978 and has one new home constructed and one now under construction. The applicant indicates that there appears to be two alternatives to the development of the area. One would be to change the zoning as the property to the north and develop as two-family dwellings. The other is to find some method to reduce the special assessments to each dwelling unit, and it is believed by the applicant that a zero lot line development, for one-family detached dwellings is a viable alternative to two-family dwellings.

The general development in the area is for one-family dwellings on lots of 10,000 square feet or greater. The two-family dwellings to the north are located on lots approximating 15,000 square feet in area. The majority of the lots proposed are 5,000 to 5,400 square feet in area. Two of the lots submitted on a preliminary sketch are less than 4,500 square feet and cannot be approved. This could be eliminated by the replat of 20 sites in lieu of the 21 shown by the sketch.

In the opinion of the Secretary it is difficult to justify the five conditions as required by the State Statutes, however, the following are submitted for the Board's consideration.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the property has been platted for a number of years and development has been slow. Also, the cost of the special assessments has made it difficult to construct affordable housing on the lots as platted.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested may not adversely affect the rights of adjacent property owners inasmuch as the development will still be one-family detached dwellings and maintaining the twelve foot separation of units and the normal 25' front yard setback.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the owner would be forced to develop the property as platted with large lots or submit an application for a zoning change to allow the construction of dwellings other than one-family detached dwellings.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances will not adversely affect the public interest inasmuch as the property will be platted to comply with the general provisions of the subdivision rules and regulations once the variances are granted.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the same separation and setbacks will be provided for each dwelling as is normally required for one-family detached structures, and other areas have been approved for lot sizes of less than 6,000 square feet.

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 conditions:

1. The area shall be replatted into lots not less than 4,500 square feet in area.
2. Any side yard setback on a corner lot shall not be less than 15'.

-----

**MAJOR ENTERPRISES, INC.**

8809 WEST CENTRAL  
WICHITA, KANSAS 67212  
Phone 722-2059

BUILDERS OF BEAUTIFUL HOMES  
SOLD EXCLUSIVELY BY CROWN III

August 4, 1983

Board of Zoning Appeals  
City of Wichita, Kansas

The property in question happens to be a development that was put in place during the peak of inflationary cost for all services. Bond interest on one special was at 11.72%. At the present time there is approximately \$20,000 of future specials to pay per lot. These specials are payable at approximately \$1,500.00 per year or \$125.00 per month. The lots were platted with unusually wide frontages.

At the present time I have a purchase contract to buy the land subject to this application being approved. The present owner is Central Bank and Trust. They have become the owners because, I believe, the competition in the market today does not make these lots competitive because of size and total special taxes.

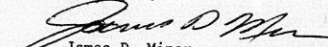
The two blocks to the north were zoned two family and contain a mixture of two family and one family homes. I guess the obvious is to ask for two family zoning on all of these lots. I believe the smaller lots would allow single family detached homes and this would blend into the existing neighborhood better than duplexes. The lots to the south enjoy some nice rolling ground and contain two small ponds. These are all single family detached homes. I also will purchase these lots for single family home construction.

I assume that the denial of higher density of the land in question would discourage the development of this land and possibly would become a situation that would make it hard to keep taxes paid.

Higher density, zero lot lines, patio homes concept is one answer to creating single family detached homes. We have been producing duplexes and selling each side to owners by deed splits of lots. The requested zero lot line development is a better control and will blend to this neighborhood with no adverse condition to existing property values.

The spirit of Title 28 is to create affordable homes for the people of Wichita and we all have to become progressive with our thinking to discharge this responsibility.

Thank you,

  
James D. Miner  
President

JDM:sd

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

August 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 44-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Major Enterprises, Inc. 6606 West Central, Wichita, Kansas, as a request for variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce the required lot area from 6,000 square feet to 4,500 square feet; and (2) reduce one side yard from 6' to 0' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 1 thru 5, Block 1, and Lots 2 thru 7, Block 2,  
Westlink Lake Estates Addition to Wichita, Sedgwick  
County, Kansas. Generally located on both sides of  
Denene Lane between Harvest Lane and 11th Street.

This application has been assigned Case BZA 44-83. It will be considered by the Board of Zoning Appeals on August 23, 1983, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith  
Secretary

BZA CASE NO. 44-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

21 NOTICES SENT TO ADJOINING PROPERTY OWNERS

33 TOTAL NOTICES SENT 8/3/83

BOARD OF ZONING APPEALS

CASE NO. 44-83

CITY OF WICHITA, KANSAS

FILED 7-27-83

APPLICATION FOR VARIANCE

I. Name of Applicant MAJOR ENTERPRISES INC.

Mailing Address 6606 W. CENTRAL Phone 942-1891 67212

Name of Authorized Agent James Minor

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

Relationship of applicant to property is that of CONTR. PURCH.  
(Owner, Tenant, Lessee, Other)

II. The variances requested are (1) to reduce the required lot area from 6,000 sq. ft. to 4,500 sq. ft. and (2) reduce one side yard from 6 feet to 0 feet.

for property located on both sides of Danene Lane between Harvest Lane and 11th Street

and legally described as: Lots 1 thru 5, Blk. 1, and Lots 2 thru 7, Blk. 2, WESTLINK LAKES ESTATES, <sup>ADD:</sup> TO WICHITA, SEDGWICK COUNTY, KANSAS

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. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant

Major Enterprises Inc.

Authorized Agent

James Minor

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:00 (~~pm~~-p.m.), JULY 27, 1983 together with appropriate fee of 150.00.

Signed

A Lytle

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas:

A 200-foot Radius of: Lots 1 thru 5, Block 1, and  
Lots 2 thru 7, Block 2,  
Westlink Lakes Estates, Wichita,  
Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>WESTLINK LAKES ESTATES</u>	
<u>BLOCK 1</u>	
Lots 1 thru 5 (inclusive)	✓ Central Bank & Trust 3433 E. Central Wichita, Kansas 67208
Lot 6	✓ Dennis V. Hefling & Cynthia Hefling 9401 Provincial Lane Wichita, Kansas 67212
Lot 7	✓ Fidelity Savings Association 229 S. Market Wichita, Kansas 67202
<u>BLOCK 2</u>	
Lot 1	✓ Alexander Schott & Mottie E. Schott 1435 Melrose Lane Wichita, Kansas 67212
Lots 2 thru 7 (inclusive)	∇ Central Bank & Trust 3433 E. Central Wichita, Kansas 67208
<u>BLOCK 3</u>	
Lots 1, 2 & 3	∇ Central Bank & Trust 3433 E. Central Wichita, Kansas 67208
<u>WESTLINK VILLAGE 10TH ADDITION</u>	
<u>BLOCK 1</u>	
Lots 20 & 21	✓ Barbara G. Zody 3110 Meadowlake Dr. Hutchinson, Kansas 67501
<u>BLOCK 2</u>	
Lot 12	✓ Charles Y. Harley & Kathleen M. Harley 1208 Denene Wichita, Kansas 67212
Lot 13	✓ Lawrence A. Sanders & Nettie Lee Sanders 1200 Denene Wichita, Kansas 67212
Lot 14	✓ Gerald R. Shupe & Jeanne E. Shupe 10200 W. 11th Wichita, Kansas 67212
Lot 15	✓ Margaret Smith 1209 Crestline Wichita, Kansas 67212
<u>BLOCK 8</u>	

DESCRIPTION  
WESTLINK VILLAGE 10TH ADDITION  
BLOCK 8 cont'd

OWNERS AND ADDRESSES

Lot 1	✓ Jack L. Horsch & Janice A. Horsch 10201 W. 11th Wichita, Kansas 67212
Lot 2	✓ Glen R. Goodwin & Rita J. Goodwin 1123 Crestline Circle Wichita, Kansas 67212
Lot 3	✓ Helen L. Brooks 1117 Crestline Circle Wichita, Kansas 67212
Lot 4	✓ Donald R. Olson & R. Gayle Olson 1111 Crestline Circle Wichita, Kansas 67212
Lot 5	✓ Benjamin W. Spooner & Darla J. Spooner 1105 Crestline Circle Wichita, Kansas 67212
Lot 6	✓ J. Rodney Wake & Beverley A. Wake 1100 Crestline Circle Wichita, Kansas 67212

MARCIE ADDITION  
BLOCK 1

Lot 3	✓ Phillip L. Morris & Cleta V. Morris 10118 Harvest Lane Wichita, Kansas 67212
Lot 4	✓ Carl L. Gipson & Karen D. Gipson 10202 Harvest Lane Wichita, Kansas 67212
Lot 5	✓ David Ellis Rogers & Miriam L. Rogers 10210 Harvest Wichita, Kansas 67212

BLOCK 2

Lot 5	✓ Friedrich Schiller & Barbara A. Eiler 10211 Harvest Lane Wichita, Kansas 67212
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MARANATHA ADDITION

Lot 1	✓ West Evangelical Free Church of Wichita 652 Valleyview Wichita, Kansas 67212
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RANGE LAND DESCRIPTION

S/2 of the NE/4, except the North 113.9'  
& except beginning 113.9' South of the  
NE Corner; thence west 697'; thence  
South 373'; thence East 697' th. North  
373' to beginning; Section 18, Township  
27 South, Range 1 West,

✓ Carl Jaax, Jr. &  
Ka ron Jaax  
R. R. 7  
Wichita, Kansas 67209

Dated this 25th day of July, 1983, at 7:00 o'clock A.M. REALTY TITLE CO., INC.

W 29783

By Judy Cachard  
Judy Cachard

**MICROFILMED**  
FROM THE BEST  
AVAILABLE COPY

FORM 29-1

PAYMENT NOTICE  
City of Wichita

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

Planning

DESCRIPTION

AMOUNT

2007-07A Var \$150.00

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

Nov 29 1988

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm

Roll # 2