

Case No. BZA 45-81 - Robert Stuchal - requests a variance to reduce the front yard setback from 27.5 feet to 23 feet on property zoned "RB" Four-family Dwelling District and generally located on the northeast corner of

ACTION

BZA 45-81
COMMITTEE APPROVED DATE 10-27-81

M.A.P.C. _____

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

5346B

for Mrs. Stuchal
checked 11-4-81
checked 11-9-81
checked 11-17-81
Recorded

Map No. 5346
 Sec. 30
 Twp. 27
 Range 1E

BZA- 45-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.2 (75 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



all 20

DATE

ACTION

October 30, 1981

Robert Stuchal
1130 South Vine
Wichita, Kansas 67213

Re: Case No. BZA 45-81
Request for Variance

Dear Mr. Stuchal:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 27, 1981.

This Resolution reflects the official action of the Board to approve 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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

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

RESOLUTION NO. EZA 45-81

WHEREAS, Robert Stuchal, 1130 South Vine, 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 27.5 feet to 23 feet on property zoned the "RB" Four-family Dwelling District and legally described as follows:

West 70 feet of Lots 22, 24 and 26, Block 9, in replat of McCormick's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Stillwell and Vine (1130 South Vine).

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 October 27, 1981, 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 lot is only 70 feet in depth which only allows expansion of the dwelling toward Vine Street; 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 corner of the addition will be nearly 40 feet from the adjacent residential structure; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would not be able to add to the front of the house; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the addition will not interfere with any easements or public right-of-way; 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 the intent of the regulations is to not obstruct the light and air to adjacent properties; 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.

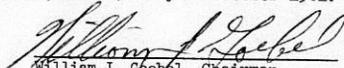
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard from 27.5 feet to 23 feet on property zoned the "RB" Four-family Dwelling District and legally described as:

West 70 feet of Lots 22, 24 and 26, Block 9, in replat of McCormick's Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Stillwell and Vine (1130 South Vine).

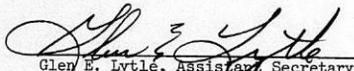
be approved subject to the following conditions:

1. The variance to reduce the front yard setback from 27.5 feet to 23 feet shall only apply for an addition to the existing structure.
2. The addition shall not exceed 16 feet by 6 feet.

ADOPTED AT WICHITA, KANSAS, this 27th day of October 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE October 16, 1981

TO Glen Lytle, Special Assistant for Zoning
FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 45-81: Northeast Corner
of Stillwell and Vine

CPD Council "0" considered the captioned case at their October 15th meeting and voted 5-0 to recommend approval of the variance request to reduce the front yard setback from 27.5 feet to 23 feet subject to the conditions specified in the MAPD Secretary's report.

The applicant was present to speak in support of the case. No one was present to speak in opposition.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at their October 27th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

Noted

Sarah Gilbert
Sarah Gilbert
CP Coordinator

RECEIVED

OCT 21 1981

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 45-81

APPLICANT: Robert Stuchal, 1130 South Vine, Wichita, Kansas 6721

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 27.5 feet to 23 feet.

GENERAL LOCATION: On the northeast corner of Stillwell and Vine (1130 South Vine).

ZONING: Subject property is zoned "RB" Four-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a One-family Dwelling. D All adjacent properties are residential.

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 and 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 a variance of the front yard setback from 27-1/2 feet to 23 feet so that an addition can be added to the front of the house. The normal required front yard setback in the "RB" is only 20 feet, however, there is a provision in the ordinance that requires a greater setback when adjacent to a structure that has a setback in excess of the minimum. In this particular case, the house adjacent has a setback in excess of 35 feet so in using the formula in the ordinance, the applicant's house must maintain a 27.5 foot setback.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the house is small and has a lot depth of only 70 feet which allows for expansion only toward Vine Street.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the corner of the addition will be nearly 40 feet from the adjacent structure.

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 applicant would be unable to add any to the front of the house.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the variance will not interfere with any easements or public right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to not obstruct the light and air of adjacent properties and the limited expansion will not.

RECOMMENDATION:

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

1. The variance to reduce the required front yard from 27-1/2 feet to 23 shall only apply for an addition to the existing structure.
2. The addition shall not exceed 16 feet by 6 feet.

BZA CASE NO. 45-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

23 NOTICES SENT TO ADJOINING PROPERTY OWNERS

35 TOTAL NOTICES SENT 10-7-81

BOARD OF ZONING APPEALS

CASE NO. 45-81

CITY OF WICHITA, KANSAS

FILED 9-25-81

APPLICATION FOR VARIANCE

I. Name of Applicant ROBERT STUCHAL
Mailing Address 1130 So. Vine ⁶⁷²¹³ Phone 265-6890
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard setback from 27 1/2 feet to 23 feet

for property located on the Northeast corner of St. Howell and Vine (1130 So. Vine)

and legally described as: West 70 feet of Lots 22, 24 and 26, Block 9, in Replat of McCormicks Addition to Wichita, Sedgwick County, Kansas

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

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 Robert Stuchal

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3.00 (~~4.00~~ p.m.), Sept 25, 1981, together with appropriate fee of 75.00

Signed L. Lytle

KENNETH O. TAYLOR
524 1/2 NORTH MARKET
TELEPHONE 4-4072
WICHITA 5, KANSAS

May 5, 1952

State of Kansas)
County of Sedgwick) ss

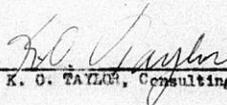
RE: 1137 S. Vine

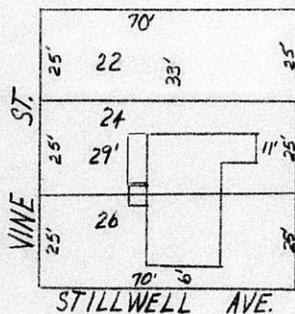
I, K. O. Taylor, a licensed professional engineer in the State of Kansas and a competent surveyor, do hereby certify that I did on the 5th day of May, 1952, survey the following:

The west 70 feet of Lots 22, 24, and 26, Block 9
in the resub of part of McCormicks Addition to
Wichita, Sedgwick County, Kansas.

On said lots is a house which is in the clear of all boundary lines. There are no encroachments on said lots by buildings on adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.


K. O. TAYLOR, Consulting Engineer.

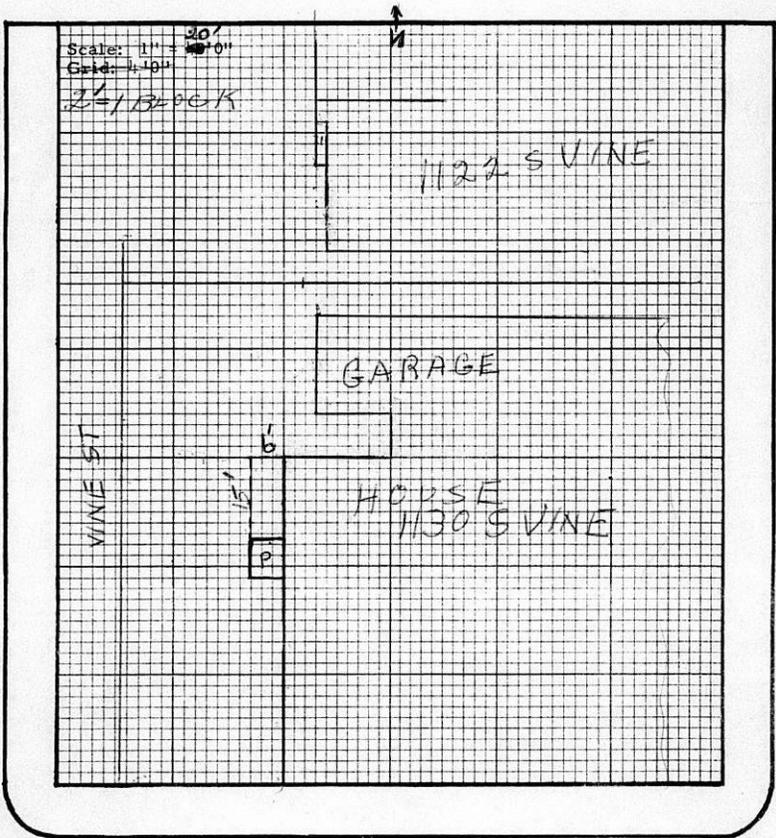


— AREA REQUESTED
VARIANCE

RESIDENTIAL PLOT PLAN

ADDRESS: 1130 S VINE PERMIT NO. _____

LOT(S): _____ BLK. _____ OF _____ ZONING _____



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

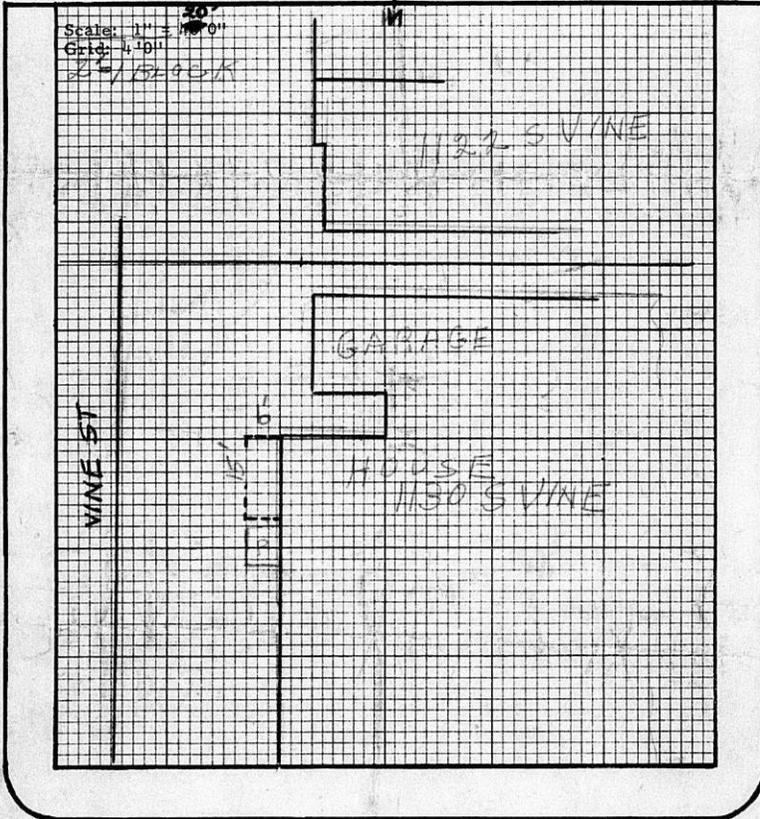
Signed: _____
(Applicant)

White Copy - File Yellow Copy - Applicant Pink Copy - Hold
Form No. KA-345 (2/76)

RESIDENTIAL PLOT PLAN

ADDRESS: 1130 S VINE PERMIT NO. _____

LOT(S): _____ BLK. _____ OF _____ ZONING _____



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

Signed: _____
(Applicant)

White Copy - File

Yellow Copy - Applicant

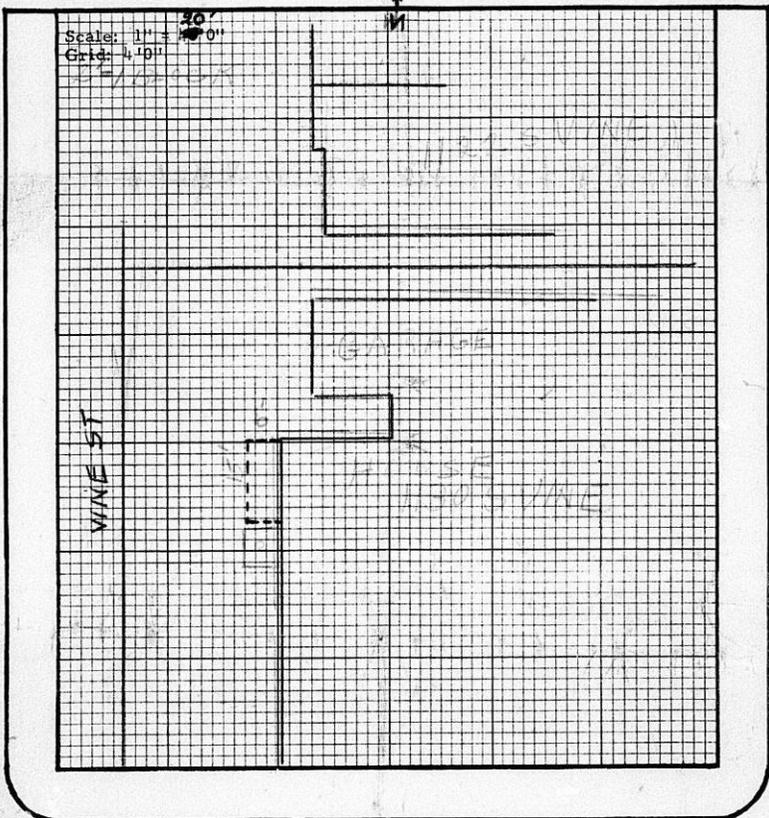
Pink Copy - Hold

Form No. KA-345 (2/76)

RESIDENTIAL PLOT PLAN

ADDRESS: 1130 S VINE PERMIT NO. _____

LOT(S): _____ BLK. _____ OF _____ ZONING _____



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

Signed: _____
(Applicant)

White Copy - File Yellow Copy - Applicant Pink Copy - Hold

Form No. KA-345 (2/76)

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY 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 of Sedgwick County, Kansas, covering a 200 foot radius of the following described property:

The West 70 feet of Lots 22, 24 and 26, Block 9, in Replat of part of John McCormick's Addition to Wichita, Sedgwick County, Kansas.

Note: Address are furnished as a service only and are not certified.

DESCRIPTION	OWNER/OWNER'S ADDRESS
<u>Replat of John McCormick's Addition</u>	
<u>Block 8</u>	
Lots 5 and 7	✓ Frank Marguard Francis Marguard 1107 S. Vine Street Wichita, Kansas 67213
Lots 9 and 11	✓ Donald E. Blow Evelyn I. Blow 850 West Mona Lane Wichita, Kansas 67217
Lots 13 and 15	✓ Elsie Mae Bartholomew 4415 West 10th Wichita, Kansas 67212
Lots 17, 19 and 21	✓ Ronald H. Dorpinghaus Sherrill L. Dorpinghaus 1123 S. Vine Wichita, Kansas 67213
Lot 23 and 25	✓ Janet L. Messamore 1131 S. Vine Wichita, Kansas 67213
<u>Block 9</u>	
Lots 5, 7 and 9	✓ Kenneth D. Huffmier Joan E. Huffmier 1109 S. Millwood Wichita, Kansas 67213
Lots 6, 8, 10 and 12	William Earl Adams ✓ Doris Virginia Adams 1102 S. Vine Wichita, Kansas 67213
Lots 11 and 13	✓ Marie A. Glisson 1115 S. Millwood Wichita, Kansas 67213
Lots 14 and 16	✓ Orval J. Highland Clara M. Highland 1116 S. Vine Wichita, Kansas 67213
Lots 15 and 17	✓ Genevieve A. Sheldon 1117 S. Millwood Wichita, Kansas 67213
Lots 18 and 20	✓ Wilda L. Cook 1122 S. Vine Wichita, Kansas 67213
Continued	Norman L. Miller Carol E. Miller

CERTIFICATE OF OWNERSHIP
(2-continued)

Block 9 Continued

Lots 19 and 21

✓ Marion L. Miller
Carol E. Miller
1121 S. Millwood
Wichita, Kansas 67213

The East 70 feet of Lots 22, 24 and
26

✓ Lloyd V. Collins
Mary M. Collins
RT 3 Box 664
Pine Bluff, Arkansas

The West 70 feet of Lots 22, 24 and
26

D Robert G. Stuchal
Dorothy W. Stuchal
1130 S. Vine
Wichita, Kansas 67213

Lots 23 and 25

✓ John F. Spurgeon
Eloise B. Spurgeon
1125 S. Millwood
Wichita, Kansas 67213

Block 20

Lots 1 and 3

✓ Durward H. Norton
Elizabeth Gamet Norton
C/O A. L. Turner
566 W. Douglas
Wichita, Kansas 67203

Lots 2 and 4

✓ Lenn E. Ball
Helen M. Ball
1202 S. Vine
Wichita, Kansas 67213

Lots 5 and 7

✓ Virgil LeRoy Goebel
Dortha M. Goebel
1207 S. Millwood
Wichita, Kansas 67213

Lots 6, 8 and the North Half of
Lot 10

✓ John J. Posch
Joyce Irene Posch
1208 S. Vine
Wichita, Kansas 67213

Lot 9

✓ Lyle F. Swan
M. Mazine Swan
1211 S. Millwood
Wichita, Kansas 67213

The South Half of Lot 10 and
all Lot 12

✓ Erma M. Foster
1214 S. Vine
Wichita, Kansas 67213

Block 21

Lot 1 and 3

✓ Betty Ann Storrer
1201 S. Vine
Wichita, Kansas 67213

Lots 5 and 7

✓ Ray E. Butterfield Jr.
Fairy Margareter Butterfield
1205 S. Vine
Wichita, Kansas 67213

Lot 9

✓ Gerard E. Favreau
1211 S. Vine
Wichita, Kansas 67213

Continued

CERTIFICATE OF OWNERSHIP
(3-Continued)

Dated this 24th day of September, 1981

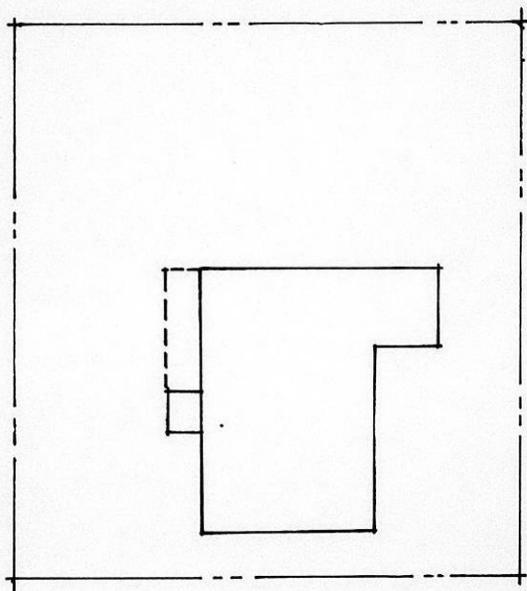
GUARANTEE TITLE CO. INC.

#5302

Carrie L. Douthett
Vice-President



VINE ST.



STILLWELL AVE.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-

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
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	