

Case No. BZA 47-82 - Friedrich Schiller -
requests a variance to reduce the re-
quired side yard setback from 25' to 1'
for the construction of an accessory
structure on property zoned the "AA"
One-family Dwelling District and gen-

200'4 Sec 12-7-82
Checked 12-10
Shot 12-13-82
Recorded 12-17-82
RL

POSTED
11-9-82

ACTION

B.Z.A.
47-82

~~APPROVED~~

11-23-82
DATE

48480

200'4 Sec 12-7-82
Checked 12-10
Shot 12-13-82
Recorded 12-17-82
KE

Case No. EZA 47-82 - Friedrich Schiller -
requests a variance to reduce the re-
quired side yard setback from 25' to 1'
for the construction of an accessory
structure on property zoned the "M1"
One-family Dwelling District and gen-

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

BZA- 47-82
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.33 (95 ft. by 154 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 _____



LOS ANGELES COUNTY
 REGISTERED PLANNING DIVISION
 1200 N. GARDEN ST.
 LOS ANGELES, CALIF. 90015
 U.S.A.

Standard
 No. 2453C

November 24, 1952

Friedrich Schiller
10211 Harvest Lane
Wichita, Ks. 67212

Re: Case No. HZA 47-52
Request for Variance

Dear Mr. Schiller:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 23, 1952.

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:mad
Enclosure

cc: William Korber, 330 Laura, Wichita, Ks. 67211
Robert Feldner, Superintendent of Central Inspection (2)
Don Giesick, City Clerk

RESOLUTION NO. EZA 47-82

WHEREAS, Friedrich Schiller, 10211 Harvest Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard from 25 feet to 1 foot for an accessory structure on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 5, Block 2, Marcie Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Harvest Lane and Harvest Court (10211 Harvest 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 November 23, 1982, 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 property is located at the lower part of the subdivision that carries runoff water from a number of properties to the east thereby limiting the location of an accessory structure on the property; 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 location of the accessory structure to the west of the house behind the fence is acceptable to the neighbors; 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 be required to reconstruct the drainage through the rear yard in order to locate the structure in compliance with the required set backs, 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 structure does not interfere with any public right-of-way or utility easements; 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 structure will be located behind a fence and does not interfere with the required open space of any adjacent property; 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 side yard setback from 25 feet to 1 foot for an accessory structure on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 5, Block 2, Marcie Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Harvest Lane and Harvest Court (10211 Harvest Lane).

be approved subject to the following conditions:

1. The variance shall apply only to one accessory structure (32.4 feet by 6.3 feet) located west of the existing dwelling.
2. The applicant shall secure a minor street privilege from the Director of Engineering for the sprinkler system located on public right-of-way.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November, 1982.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF **CITIZEN PARTICIPATION**

DATE November 19, 1982

TO Glen Lytle, Special Assistant for Zoning

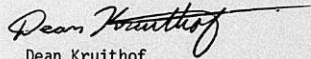
FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 47-82, 10211 Harvest Lane

At its November 17th meeting, CPO Neighborhood Council Area "A" considered the captioned request for a variance to reduce the required side yard setback from 25 feet to 1 foot for the construction of an accessory structure on property zoned "AA" One-Family Dwelling District. Friedrich Schiller was present representing the applicant. One area resident was present in support of the variance request.

The Council voted unanimously (5-0) to recommend that the variance be approved.

Please inform the Board of Zoning Appeals of the Council's recommendation when the case is considered on November 23rd.



Dean Kruithof
Administrative Aide III

DK:dm

November 12, 1982

Dear Sir:

In reference to case No. BZA 47-82, Friedrich Schiller,
10211 Harvest Lane, Wichita, Kansas.

We Gary and Gloria Hamel at 10303 Harvest Court would like
to inform you that we have no objection on the location
for a utility shed. Due to the location and the surround-
ing cedar fence we hardly notice it.

We would like to recommend to grant the variance.

Thank you,

Gary Hamel

Gloria A. Hamel

RECEIVED

NOV 15 1982

METROPOLITAN PLANNING

ROUTE

Cycle

SECRETARY'S REPORT
CASE NO. BZA 47-82

APPLICANT: Friedrich Schiller, 10211 Harvest Lane, Wichita, Kansas

AGENT: William Korber, 330 Laura, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to 1 foot for an accessory structure.

GENERAL LOCATION: On the southeast corner of Harvest Lane and Harvest Court (10211 Harvest Lane).

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

LAND USE: Subject property is occupied by a one-family dwelling as are the adjacent properties.

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 required side yard setback for the construction of an accessory structure on the west side of the property. The property in the application is located on a corner with the house located approximately 22 feet from the west property line.

It should be noted that on a corner lot, the rear of which abuts upon the side of another lot, an accessory structure must not project beyond the front yard setback of the lot to the rear. In this case the property to the rear has a 25 foot platted setback so this would require a similar setback for an accessory structure on the applicant's property.

In this case, the property owner has constructed a detached accessory structure within 1 foot of the west property line. This construction was done without the benefit of a permit and was eventually red tagged by Central Inspection as being in violation of the required side yard setback and the structure is not completed.

The property is fenced on the west and south with an eight foot board fence along the property lines. It is the Secretary's opinion that the lot is of more than ample size to accommodate the accessory structure without violating any of the setback requirements. When the property was first platted, only a six foot side yard would be required. However, the platting of the property to the west and south established different setbacks by the location of Harvest Court immediately west of the applicant's property.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the property is more than adequate in size to accommodate an accessory structure in accordance with all regulations.

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 structure is located behind an eight foot fence that makes it nearly obscure from the vision of any adjoining properties.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as the property is of sufficient size to accommodate the structure and if any hardship exists it was created by the applicant in the construction of the accessory structure without a permit to assure proper location.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the protection of open space and visual appearance adjacent to the streets in residential neighborhoods is not maintained if setbacks are not observed.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist and the variance should not be approved.

BZA CASE NO. 47-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

25 TOTAL NOTICES SENT 11-3-82

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

November 3, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 47-82

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 Friedrich Schiller, 10211 Harvest Lane, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required side yard setback from 25 feet to 1 foot for the construction of an accessory structure on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 5, Block 2, Marcie Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Harvest Lane and Harvest Court (10211 Harvest Lane).

This application has been assigned Case No. BZA 47-82. It will be considered by the Board of Zoning Appeals on November 23, 1982 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

APPLICATION FOR VARIANCE

I. Name of Applicant Friedrich Schiller
Mailing Address 10211 Harvest Lane Phone 722-9647
Name of Authorized Agent William L. Korber
Mailing Address 330 Laura, Wichita, KS. Phone 262-7271
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is reduce the ^{required} side yard setback from 25 feet to 1 foot for construction of a ^{an accessory structure} shed.

for property located ^{on the} S.E. Corner of Harvest Lane and Harvest Ct.
(10211 Harvest Lane)

and legally described as: Lot 5, Block 2, Marcie Addition, 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. 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.

Applicant
William L. Korber
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:00 (~~4:00~~ - p.m.), OCT. 25 19 82
together with appropriate fee of ~~650.00~~
75.00

[Signature]
Signed

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

This property was platted in April, 1974, and at that time Harvest Lane ended at the west property line and a temporary drainage ditch was constructed on the west edge of this property to drain Harvest Lane. In November, 1978, the property to the west was platted and Harvest Court was dedicated adjacent to the west line of this property. In December, 1980, Harvest Court was paved and the drainage ditch was no longer needed. Due to Harvest Court being built a lot lower than the finish grade along the west edge of this house, the owner filled the drainage ditch and he constructed an 8 foot board fence on his west property line. He is now trying to construct a small shed adjacent to the fence. The only part of the shed that can be seen from the street will be part of the roof. The roof of the shed is less than 8 feet high on the west side adjacent to the fence and about 9 feet high on the east side.

If the variance is granted, it will not affect the adjacent property owners as the only part of the shed that can be seen from the adjacent lots is part of the roof.

If the shed has to be moved to the rear yard, it would be in the part of the rear yard that is collecting all the drainage from the properties to the east.

Granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare as the shed can not be seen due to the fence.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

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

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


Record Owners within 200 feet of: Lot 5,
 Block 2, MARCIE ADDITION, Sedgwick County,
 Kansas.



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

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 5, Block 2,	MARCIE	D Friedrich Schiller and Barbara A. Eiler 10211 Harvest Lane Wichita, Kansas 67212
Lot 4, Block 2,	MARCIE	✓ Kenneth E. & June S. Darnell 10203 Harvest Lane Wichita, Kansas 67212
Lot 3, Block 2,	MARCIE	✓ Ronald G. & Ruth Ann Cuda 10119 Harvest Lane Wichita, Kansas 67212
Lot 2, Block 2,	MARCIE	✓ Charles E. & Jean M. Horne 10111 Harvest Lane Wichita, Kansas 67212
Lot 5, Block 1,	MARCIE	✓ David Ellis & Mariam L. Rogers 10210 Harvest Lane Wichita, Kansas 67212

Fidelity  **Title**
 COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 4, Block 1,	MARCIE	✓ Carl L. & Karen D. Gipson 10202 Harvest Lane Wichita, Kansas 67212
Lot 3, Block 1,	MARCIE	✓ Phillip L. & Clela V. Morris 10118 Harvest Lane Wichita, Kansas 67212
Lot 2, Block 1,	MARCIE	✓ John R. & Jean E. McKinney 10110 Harvest Lane Wichita, Kansas 67212
Lot 6, Block 1,	WESTLINK LAKES ESTATE	✓ Central Bank & Trust 3433 East Central Wichita, Kansas 67208
Lot 7, Block 1,	WESTLINK LAKES ESTATE	✓ Fidelity Savings Association Of Kansas P.O. Box 1007 Wichita, Kansas 67201
 Lots 2, 3, 5 and 6, Block 3,	WESTLINK LAKES ESTATE	✓ Central Bank & Trust 3433 East Central Wichita, Kansas 67208
Lot 4, Block 3,	WESTLINK LAKES ESTATE	✓ Bruce B. & Tauni L. Moorman 10319 Harvest Court Wichita, Kansas 67212
That part of Lot 6, Block 3, described as beginning at the front corner common to Lots 6 and 7 in Block 3; thence S 68° 37' 15" E, 129.90 feet to the rear corner common to said Lots 6 and 7; thence N 74° 45' 40" W, 98.37 feet; thence N 50° 28' W, 33.77 feet to beginning.	WESTLINK LAKES ESTATE	✓ Gary W. & Gloria A. Hamel 10303 Harvest Court Wichita, Kansas 67212
Lot 6 except beginning at the front corner common to Lots 6 and 7 in Block 3; thence S 68° 37' 15" E, 129.90 feet to the rear corner common to said Lots 6 and 7; thence N 74° 45' 40" W, 98.37 feet; thence N 50° 28' W, 33.77 feet to beginning.	WESTLINK LAKES ESTATE	✓ Sunflower Developers Inc. 1640 North Byron Road Wichita, Kansas 67212

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 7, Block 3,	WESTLINK LAKES ESTATE	✓ Gary W. & Gloria A. Hamel 10303 Harvest Court Wichita, Kansas 67212
Lot 8, Block 3,	WESTLINK LAKES ESTATE	✓ Jerry W. & Sharon Sykes 10120 Suncrest Wichita, Kansas 67212

Dated in Wichita, Kansas, this 18th day of October, 1982
at 7:00 A.M:

FIDELITY TITLE COMPANY, INC.

Medina A. Sutter
By Assistant Secretary

Tracer No. 58591



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-41

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

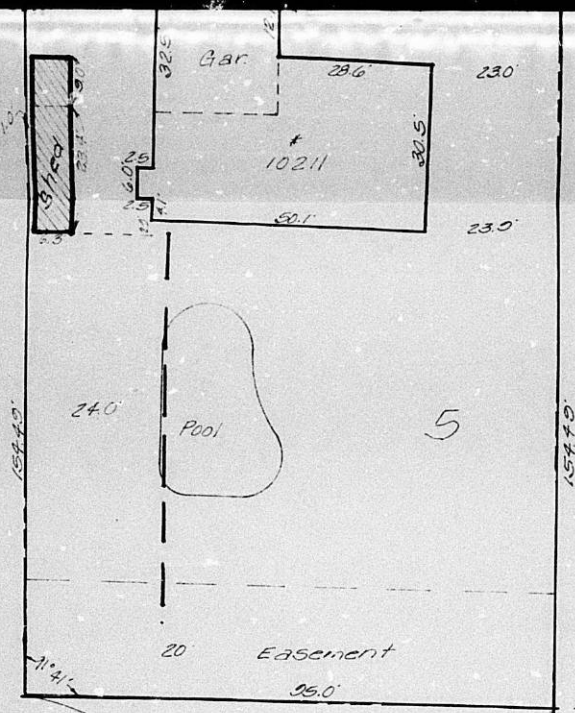
DUE DATE

COMMENTS

DATE

BY

Harvest Ct.

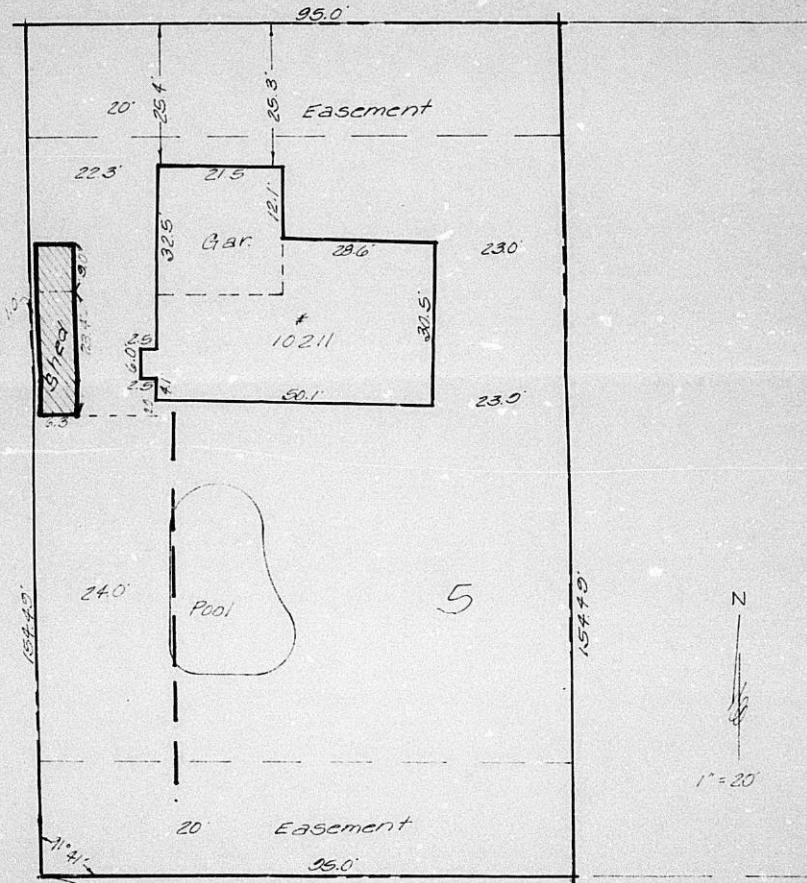


Lot 5, Block 2, Marcie Addition

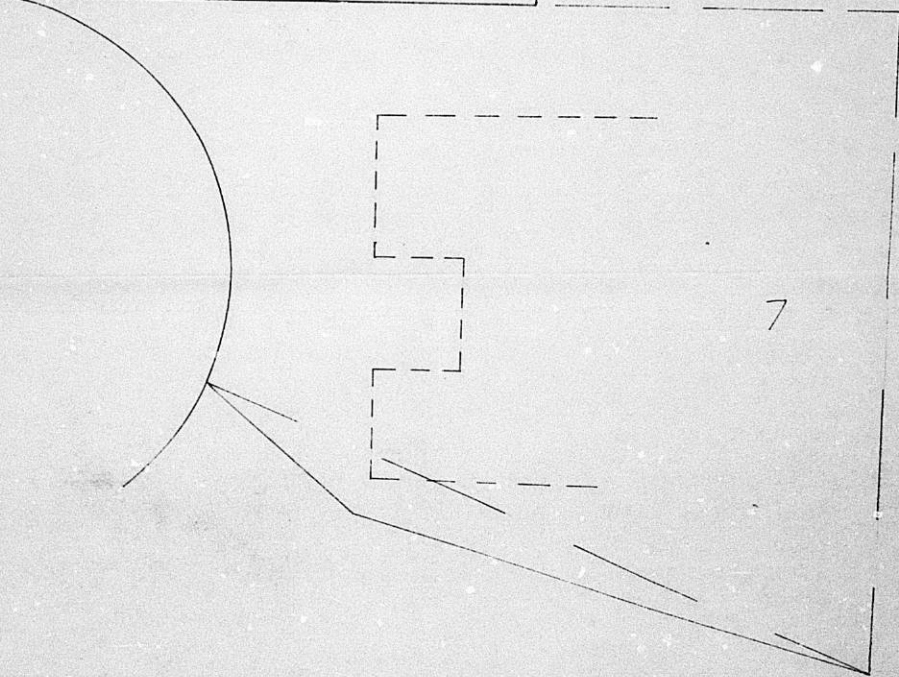
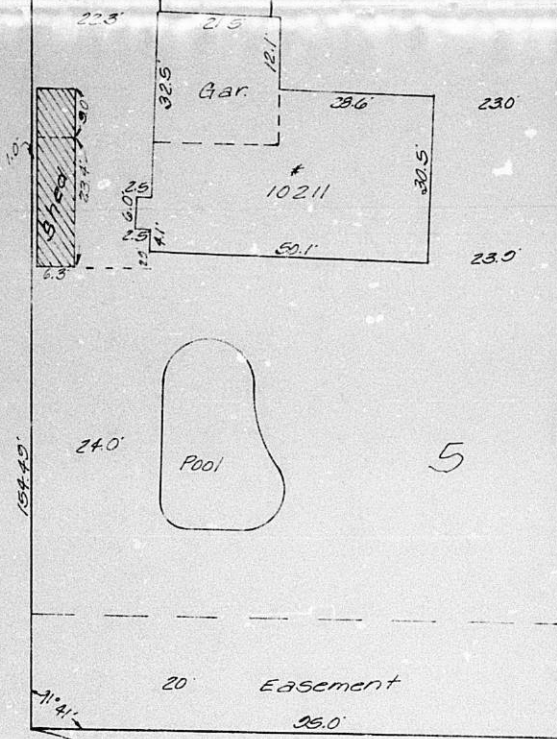
10/18/82
Baughman Co. PA

Harvest

Harvest Ct



Harvest Ct

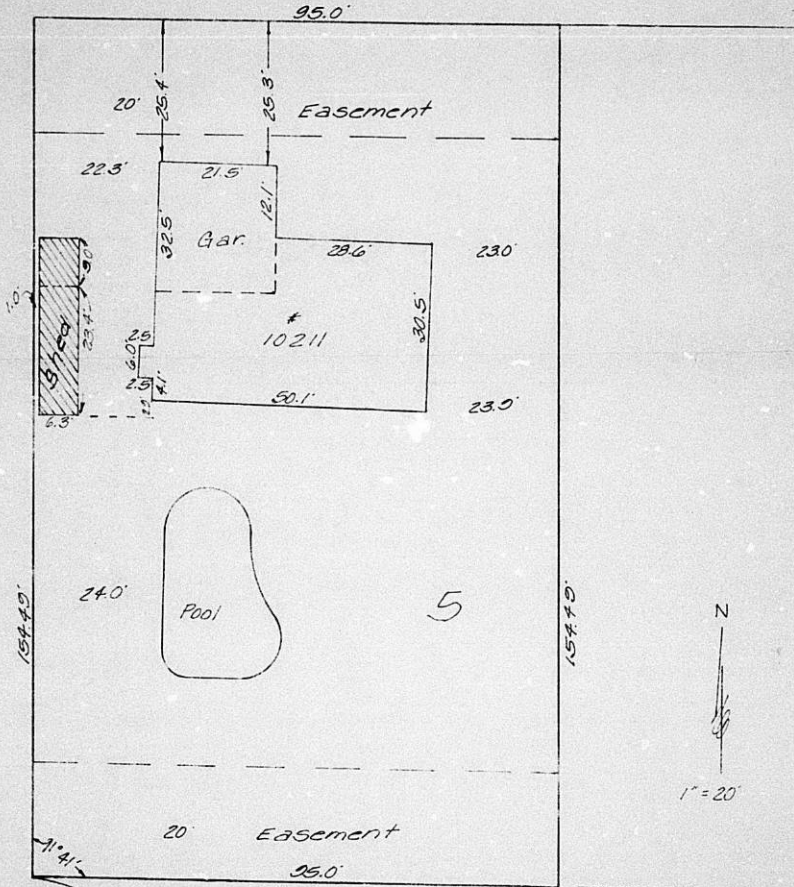


Lot 5, Block 2, Marcie Addition

10/18/82
Baughman Co. P.A.

Harvest

Harvest Ct.



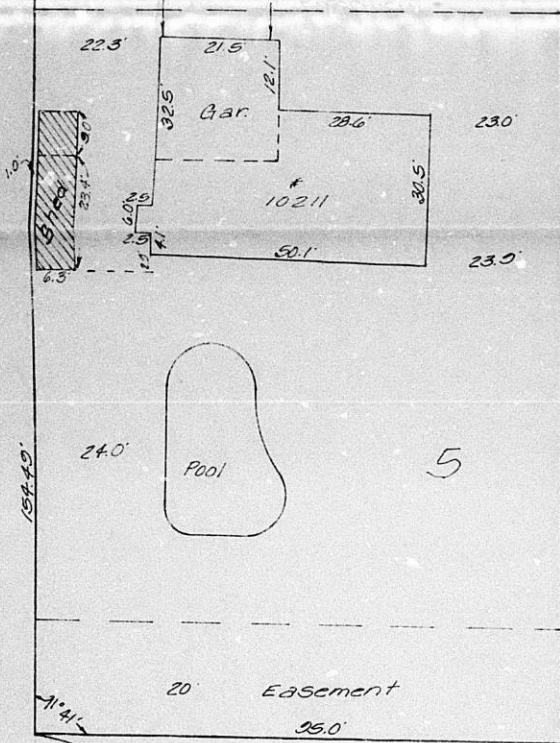
9.0'
2.3'

157.40'

157.40'

7

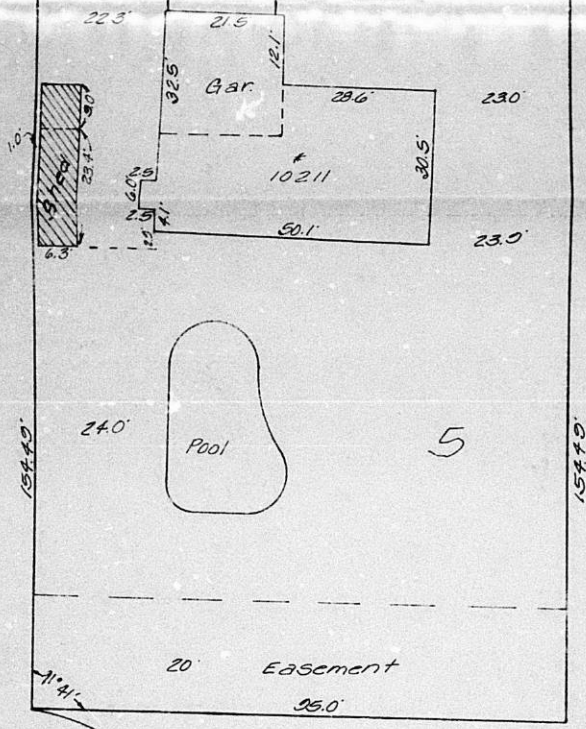
Harvest Ct.



Lot 5, Block 2, Marcie Addition

10/10/82
Baughman Co. P.A.

Harvest Ct.

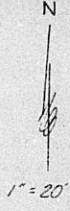


154.45'

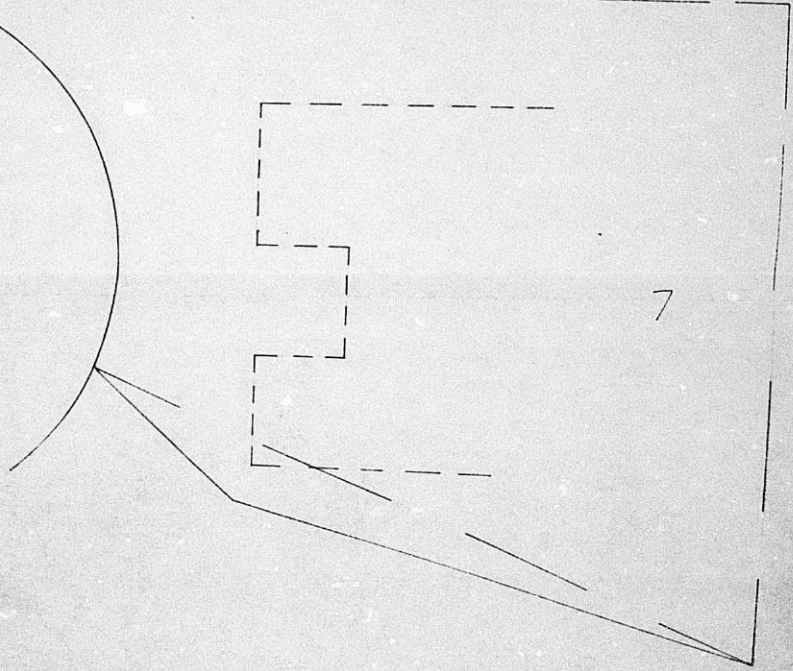
24.0'

Pool

5



20' Easement
25.0'



7

Lot 5, Block 2, Marcie Addition

10/18/82
Baughman Co. P.A.

Harvest

Harvest Ct.

