

Case No. BZA 61-84 - Dale & Ramona Zimmerman - requests a variance to reduce the required rear yard setback from 20' to 17' on property zoned the "AA" One-family Dwelling District & gen-

POSTED
8-24-84 654

ACTION

BZA. 61-84 Approved 9-25-84
DATE

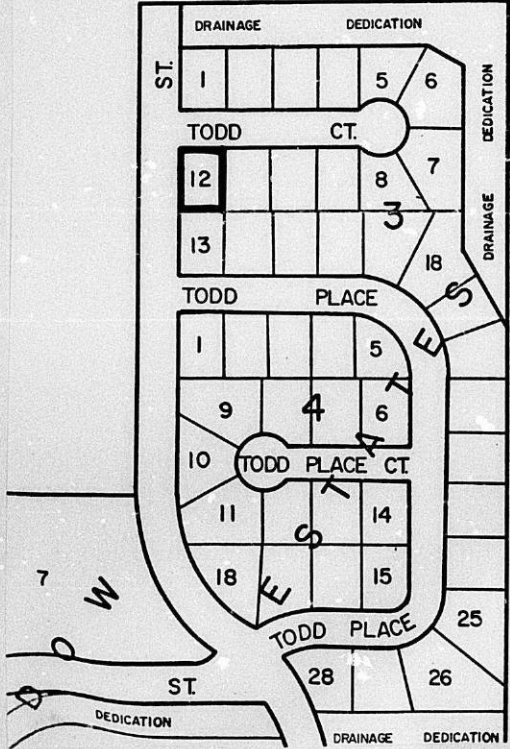
200' Sec. 10-17-84
Sketch 11-14-84
Record

Map No. 6146 C

BZA 61-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East I-F South I-F
West Park North I-F
4. Area (is) (~~is not~~) platted.



Speed.
No. 2153C
HASTINGS, ILL.
LOS ANGELES-CHICAGO-LODAN, OH.
MCKENNON, TX-LACREST DRIVE, GA.
U.S.A.

September 27, 1984

Dale & Ramona Zimmerman
1344 Todd Court
Wichita, Ks. 67207

Re: BZA 61-84 - Request for Variance

Dear Mr. & Mrs. Zimmerman:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 25, 1984.

This Resolution reflects the official action of the Board to approve your request, and sets out the condition of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

GEL:sad
Encl.

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

RESOLUTION NO. BZA 61-84

WHEREAS, Dale and Ramona Zimmerman, 1344 Todd Court, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 20 feet to 17 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 12, Block 3, Park Meadows Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Todd Court and Todd Street (1344 Todd Court).

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 25, 1984, 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 adjacent to a dwelling that has been oriented toward the originally platted side yard, and as such the proposed addition will be located near the garage portion of the adjacent home to the south and will be 37 to 40 feet therefrom; 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 proposed addition at the rear of the applicant's dwelling will maintain a distance of 17 feet to the rear property line which is only a small reduction from the requirement of 20 feet; 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 unable to construct any reasonable addition to the south of the existing dwelling due to the depth of the lot, and an addition to the east would not fulfill the purpose of the proposed addition; 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 right-of-way or 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 distance to remain between the two structures will exceed the minimum distances necessary for adequate light and air to each 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 rear yard from 20 feet to 17 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 12, Block 3, Park Meadows Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Todd Court and Todd Street (1344 Todd Court).

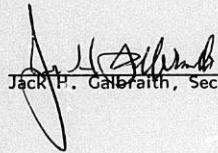
be approved subject to the following condition:

1. The reduction of the rear yard from 20 feet to 17 feet shall only be for a 10 foot by 32 foot addition.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1984.


Earl Henderson, President

ATTEST:


Jack P. Calbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE September 25, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 61-84 Generally located on
the southeast corner of Todd Court
and Todd Street (1344 Todd Court)

On Monday, September 24, CPO Council "H" considered the above case.

The Council voted 6-0 to recommend approval.

Neither the applicant nor any area residents were present to discuss this case with the Council.

Please present the Council's recommendations to the Board of Zoning Appeals when it meets to consider the case.

Cindy Entriiken
Cindy Entriiken
Administrative Aide III

CE:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. 4

SECRETARY'S REPORT CASE NO. BZA 61-84

APPLICANT: Dale and Ramona Zimmerman, 1344 Todd Court, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 20' to 17'.

GENERAL LOCATION: On the southeast corner of Todd Court and Todd Street (1344 Todd Court).

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

LAND USE: Subject property is occupied by a One-family Dwelling as are all adjacent properties to the north, east and south. To the west is a city park.

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 a variance of the rear yard from 20' to 17' in order to construct an addition to the south of the existing dwelling. The addition will be approximately 10 feet by 32 feet and will encroach 3 feet into the required rear yard.

It should be noted that the residence to the south faces west and as such this addition would in effect be adjacent to the garage portion of the adjoining dwelling. It should also be noted that there is a utility easement between the two houses, and at the present time a separation of 37 feet or more will remain between the two dwellings.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located adjacent to a dwelling that has been oriented toward the originally platted side yard, and as such the proposed addition will be located near the garage portion of the adjacent home to the south and will be 37 to 40 feet therefrom.

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 proposed addition at the rear of the applicant's dwelling will maintain a distance of 17 feet to the rear property line which is only a small reduction from the requirement of 20 feet.

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 construct any reasonable addition to the south of the existing dwelling due to the depth of the lot, and an addition to the east would not fulfill the purpose of the proposed addition.

PUBLIC INTEREST:

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

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 distance to remain between the two structures will exceed the minimum distances necessary for adequate light and air to each property.

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 condition:

1. The reduction of the rear yard from 20 feet to 17 feet shall only be for a 10 foot by 32 foot addition.

BZA CASE NO. 61-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>15</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>17</u>	TOTAL NOTICES SENT <u>9-5-84</u>

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

September 5, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 61-84

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 Dale and Ramona Zimmerman, 1344 Todd Court, 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 rear yard setback from 20 feet to 17 feet on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 12, Block 3, Park Meadows Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Todd Court and Todd Street (1344 Todd Court).

This application has been assigned Case BZA 61-84. It will be considered by the Board of Zoning Appeals on September 25, 1984 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

BOARD OF ZONING APPEALS

CASE NO. 61-84

CITY OF WICHITA, KANSAS

FILED 8-24-84

APPLICATION FOR VARIANCE

I. Name of Applicant DALE AND RAMONA ZIMMERMAN
 Mailing Address 1344 TODD COURT Phone 686-5636
WICHITA 67207
 Name of Authorized Agent N/A
 Mailing Address N/A Phone N/A

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

II. The variance requested is to reduce the rear yard setback
from 20 feet to 17 feet ON 20 FOOT REAR YARD SET BACK
FOR 3 FOOT ENCROACHMENT D.I.
on the southeast corner of Todd Street
 for property located at (1344 TODD COURT) D.I.
and Todd Court
WICHITA, KANSAS 67207
 and legally described as: SEC 28 TWP 27 RANGE 2E
LOT 12 - BLOCK 3 SUBDIVISION PARK
MEADOWS ESTATES ADDITION TO WICHITA,
SEDOG. CO., KS.

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 Dale Zimmerman
Ramona Zimmerman

Authorized Agent N/A

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
3:30 (a.m., p.m.), AUGUST 24, 1984, together with
 appropriate fee of 75.00.

Signed [Signature]

To: BOARD of ZONING APPEALS

Aug. 1984

FROM: DALE AND RAMONA ZIMMERMAN
1344 TODD COURT - 67207

We are applying for a (3) three foot variance of the 20 foot set back, on the south side of our existing home. The south side of our property is the only option we have for making an outside exit from the basement and creating a Sun Shine room cover.

After personal inquiry we have found no objections from surrounding property owners. Please find attached a list of signatures from our neighbors.

The existing basement has no outside exit.

Mrs Zimmermans, 68 year old, mother will inhabit part of the basement as she will be residing in our home with us. The (3) three feet would give us room for exit, stairs, and basement level landing. A day window exit would not be sufficient for an elderly person.

Please find attached a brochure and proposal from Sun Shine Rooms, showing the intended structure, which will cover the basement exit, the stairway and landing.

To add beauty and continuity, to our neighborhood, we have chosen this structure to cover an outside exit, stairway, and landing.

(OWNERS)

WE THE UNDERSIGNED, RESIDENTS OF PARK MEADOWS ESTATES, BEING AWARE OF THE THREE (3) FOOT EASEMENT ENCROACHMENT INTENDED, HAVE NO OBJECTION TO THE PURPOSED SUN SHINE ROOM STRUCTURE, ON THE SOUTH SIDE OF THE ZIMMERMAN RESIDENTS, OF 1344 TODD COURT.

OWNER	SIGNATURE	ADDRESS	ZIP CODE	DATE
	Granite R. Hopper	1340 S. Greenwich Rd. (1340 Todd Court (owner))	67207 67207	aug 10-84
	Jacob P. Ory	1400 TODD	67207	8/11/84
	Mr. & Mrs. Paul Fortna	1404 Todd Pl.	67207	8-11-84
	Kath & Marshall Metz	1300 Todd Ct	67207	8-15-84
	Barbara & Gordon Thomson	1401 Todd Place	67207	8-15-84
	Hans & Pat Hansen	1403 Todd Place	67207	8/15/84
	Wahid D. & Sheri Ott	1402 Todd Place	67207 67207	8/15/84
	Roger & Nancy Elliott	1312 Todd Ct	67207	8-15-84
	James W. & Sharon L. Silver	1332 Todd Ct	67207	8-15-84
	Ron & Kathy Ryan	1336 Todd Ct	67207	8-15-84
	#13 Carol Swasaki	1308 Todd Ct.	67207	8-17-84
	Tom & Candy Bakeman	1405 TODD PL	67207	8-18-84
	Steve & Ellen Shuffert	1405 TODD PL	67207	8-18-84
	Pete L	1304 TODD CT.	67207	8/21/84
		Mail (1231 So Longfellow	67207)	

OWNERSHIP LIST

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
1	3	Park Meadows Estate	✓ Keith A. Wetzel and Maribell S. Chiles, 1300 Todd Court, 67207
2	3	" " "	✓ Stephen D. Russell, 1231 South Longfellow, 67207
3	3	" " "	✓ Carol N. Iwasaki, Address Unknown 1208 Todd Ct. 67207
4	3	" " "	✓ Roger A. Elliott and Nancy R. Elliott, 1312 Todd Court, 67207
9	3	" " "	✓ James W. Silver and Sharon L. Silver, 1332 Todd Court, 67207
10	3	" " "	✓ Ronald R. Ryan and Kathryn A. Ryan, 1336 Todd Court, 67207
11	3	" " "	✓ Doyle B. Hopper and Juanita L. Hopper, 1340 South Greenwich Road, 67207
12	3	" " "	D Dale Zimmerman and Ramona Zimmerman, 1344 Todd Court, 67207
13	3	" " "	✓ Jacob P. Sorg and Mary E. Sorg, 1400 Todd Place, 67207
14	3	" " "	✓ Melvin D. Ott and Sharon S. Ott, 1402 Todd Place, 67207
15	3	" " "	✓ Paul S. Fontana and Carla L. Fontana, 1404 Todd Place, 67207
16	3	" " "	✓ Ellen R. Dailey, 1408 Todd Place, 67207
1	4	" " "	✓ Richard W. Evans and Susan P. Evans, 1401 Todd Place, 67207
2	4	" " "	✓ Hans Christian Hansen and Patricia J. Hansen, 1403 Todd Place, 67207
3	4	" " "	✓ Thomas George Hakeman and Mary Jane Hakeman, 1405 Todd Place, 67207

TRACT

A tract in the Southwest Quarter of Section 28, Township 27, Range 2 East of the 6th P.M., beg. 885 feet North of the Southwest corner of said Quarter Section; thence North 870 feet; thence East 2000 feet; thence South 870 feet; thence West 2000 feet to beg.

back
✓ Board of Park Commissioners,
455 N. Main, 67202

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

Lot 12, Block 3, Park Meadows Estates,
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds,
Sedgwick County, Kansas, on the 20th day of August, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable
Sr. Vice President

Order No. 337529
LV/AP

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-11

PAYMENT NOTICE
 City of Wichita

Eldg.	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
CITY BZA VAR	75.00

NAME DALE ZIMMERMAN

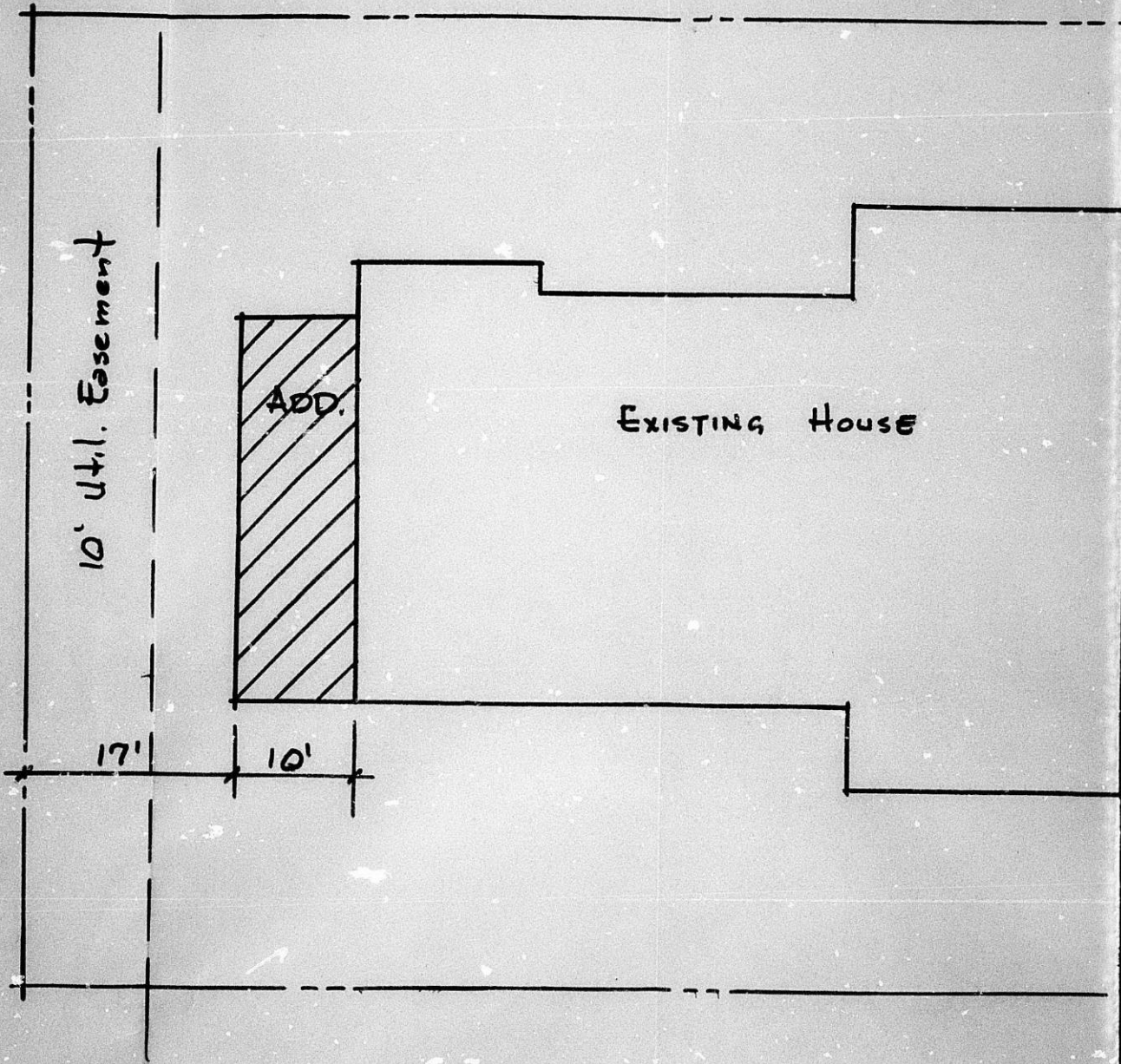
ADDRESS 1344 Todd Court

FUND 555-40091-007 DUE DATE

COMMENTS

DATE Aug 24 1974 BY [Signature]

TODD ST.



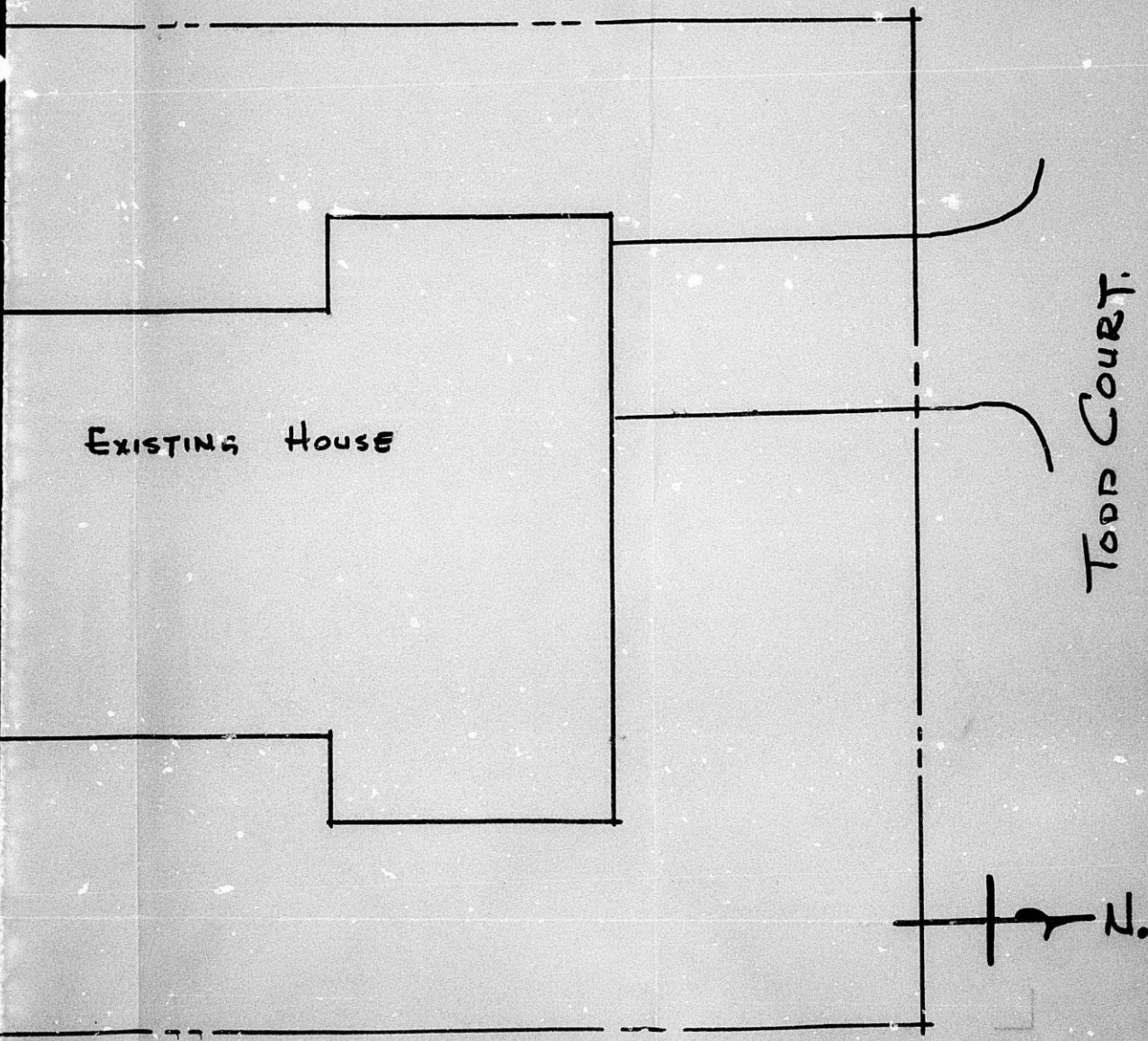
DD ST.

EXISTING HOUSE

TODD COURT.

N.

BZA 61-84



*

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

Roll # 2