

Case No. BZA 62-81 - American Imperial Corporation - requests a variance to reduce the required rear yard from 20' to 10' on property zoned the "R-5" General Residence District and generally located on the north side of Winstead

ESADA

200/4sec 2-4-82  
Checked 2-9-82  
Set 2-18-82  
Recorded 2-24-82

BZA  
6-2-81

# ACTION

POSTED  
1-6-82

COMMITTEE APPROVED DATE 1-26-82

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

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

5999A

200/4sec 2-4-82  
checked 2-9-82  
Shot 2-18-82  
Recorded 2-24-82

Case No. EA 62-81 - American Imperial Corporation - requests a variance to reduce the required rear yard from 20' to 10' on property zoned the "R-5" General Residence District and generally located on the north side of Winstead

Map No. 5949  
 Sec. 7  
 Twp. 27  
 Range 2E

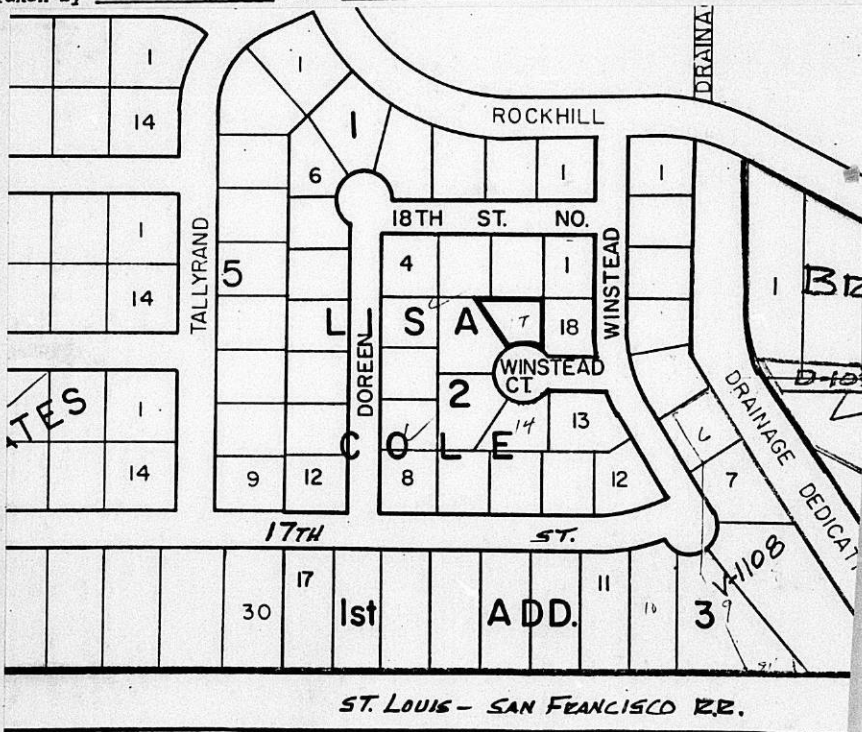
BZA- 62-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

- (IRREGULAR)  
 1. Acres: 0.2 ( 95 ft. by 100 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: \_\_\_\_\_  
 6. Area (is) (is not) platted. UP DATE 2/4 IN FIELD

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



BZA  
 BZA 62

LOS ANGELES COUNTY  
 REGISTERED PROFESSIONAL ENGINEER  
 U.S.A.

**Smyth**  
 No. 2153C

January 29, 1962

American Imperial Corporation  
Box 92  
Wichita, Kansas 67201

Re: BZA Case No's. 61-81 & 62-81  
Requests for Variances

Gentlemen:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on January 26, 1962.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are 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  
Enclosures

cc: Red Oaks, Inc., 1231 South Longfellow, Wichita, Kansas  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 62-81

WHEREAS, American Imperial Corporation, Box 92, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard from 20 feet to 10 feet on property zoned the "R-5" General Residence District and legally described as follows:

Lot 17, Block 2, Lisa Cole First Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Winstead Court (1845-47 Winstead 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 January 26, 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 lot is located on a cul-de-sac and is platted at a lesser depth than are the adjacent properties on the court, and is also less in depth than the 100 foot minimum depth of most residential lots; 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 entire court is being developed by the same owner with similarly designed two-family dwellings; 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 construction was well underway before Central Inspection discovered the error in the issuance of the permit in violation of the ordinance; 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 will 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 side yards are greater than minimum, thus the lot coverage will not be excessive; 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.

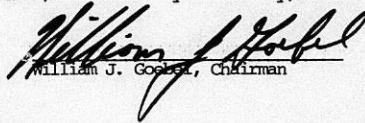
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "R-5" General Residence District and legally described as:

Lot 17, Block 2, Lisa Cole First Addition to Wichita,  
Sedgwick County, Kansas. Generally located on the  
north side of Winstead Court (1845-47 Winstead Court).

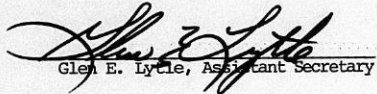
be approved subject to the following conditions:

1. The reduction of the rear yard from 20' to 10' shall be for the existing structure only.
2. No part of the structure shall project or overhang into the utility easement.

ADOPTED AT WICHITA, KANSAS, this 26th day of January, 1982.

  
William J. Goggin, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**

**OFFICE OF** CITIZEN PARTICIPATION

**DATE** January 25, 1982



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

**FROM** Dean Kruihof, Administrative Aide III

**SUBJECT** BZA 62-81, 1845-47 Winstead Court

On Tuesday, January 19th, CPD Neighborhood Council Area "11" considered the captioned request for a variance to reduce the required rear yard from 20' to 10' on property zoned "R-5", General Residence District. No area residents attended the meeting concerning the case.

The Council voted unanimously, 6-0, to recommend that the variance be approved. Please inform the Board of Zoning Appeals of the Council's recommendation when they consider the case on January 26th.

  
Dean Kruihof  
Administrative Aide III

DK:dm

Noted:

  
Sarah Gilbert  
CP Coordinator

SECRETARY'S REPORT  
CASE NO. EZA 62-81

APPLICANT: American Imperial Corporation, Box 92,  
Wichita, Kansas

AGENT: Red Oaks, Inc., 1231 South Longfellow,  
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,  
Code of the City of Wichita, to reduce  
the required rear yard from 20 feet to 10  
feet

GENERAL LOCATION: On the north side of Winstead Court (1845-  
47 Winstead Court).

ZONING: Subject property is zoned the "R-5" General  
Residence District as are all adjacent pro-  
perties.

LAND USE: Subject property is occupied by a two-family  
dwelling under construction. Adjacent pro-  
perties are developed 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 to reduce the required rear yard from 20' to 10'. This application has been filed after Central Inspection found that they had erred in the issuance of the permit for the construction of a two-family dwelling on the property without the required 20 foot rear yard. This was discovered after the foundations had been poured even though the contractor had called for the required inspections.

In this case, the lot is located on a cul-de-sac that reduces the buildable area of the lot much more than the adjacent lots on the court, particularly when the property is platted with a 25 foot front yard setback. The adjacent property not on the cul-de-sac, developed with a similar sized structure, has approximately a 35 foot rear yard. Although the applicant has requested a reduction from 20' to 10', the actual dimension is at least 12'.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is located on a cul-de-sac and is platted at a lesser depth than are the adjacent properties on the court, and is also less in depth than the 100 foot minimum depth of most residential lots.

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 entire court is being developed by the same owner with similarly designed two-family dwellings.

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 construction was well under-way before Central Inspection discovered the error in the issuance of the permit in violation of the ordinance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the structure will not interfere with any public right-of-way or utility 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 the side yards are greater than minimum, thus the lot coverage will not be excessive.

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 reduction of the rear yard from 20' to 10' shall be for the existing structure only.
2. No part of the structure shall project or overhang into the utility easement.

BZA CASE NO. 62-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 1-5-82

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

JANUARY 6, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 62-81

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 American Imperial Corporation, Box 92, 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 from 20' to 10' on property zoned "R-5" General Residence District. A legal description of the applicant's property is as follows:

Lot 17, Block 2, Lisa Cole First Addition to  
Wichita, Sedgwick County, Kansas. Generally  
located on the north side of Winstead Court  
(1845-47 Winstead Court).

This application has been assigned Case No. BZA 62-81. It will be considered by the Board of Zoning Appeals on January 26, 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 CFO 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  
CITY OF WICHITA, KANSAS

CASE NO. 62-81  
FILED 12-28-81

APPLICATION FOR VARIANCE

- I. Name of Applicant American Imperial Corporation  
Mailing Address Box 92, Wichita, Ks 67201 Phone 267-1071  
Name of Authorized Agent RED OAKS, INC.  
Mailing Address 1231 S. Longfellow 67207 Phone 681-0662  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)
- II. The variance requested is to reduce <sup>the required rear yard</sup> ~~twenty (20)~~ foot back  
yard to ten (10) foot back yard  
from 20 feet to 10 feet.  
for property located on the north side of Winstead Court  
(1845-47 Winstead Ct.)

and legally described as: Lot 17, Block 2, Lisa Cole First  
Addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned R-5.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - That he has been advised of the fee requirements established by Section 2.12.500 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
  - 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.
  - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant *James Imperial*

Authorized Agent *Red Oaks*

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m.-p.m.), Dec. 28, 1981, together with appropriate fee of 75.00.

Signed *L. Lytle*



red oaks  
homes

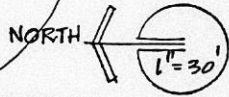
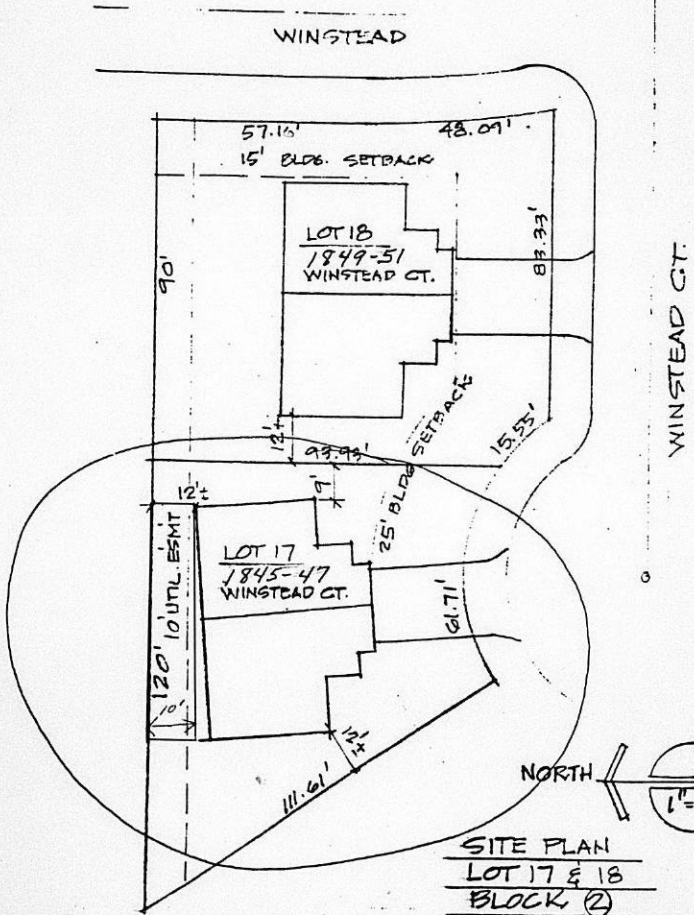
RED OAKS, INC. as agent for AMERICAN IMPERIAL CORPORATION,  
request for a variance from the ordinance of required twenty  
(20) foot back yard, to a ten (10) foot back yard for the  
purpose of continuing with the present development of Lisa  
Cole First Addition.

The variance is requested for Lot 17, Block 2, Lisa Cole  
First Addition to Sedgwick County, Kansas.

RED OAKS, INC.

By: 

D53995



SITE PLAN  
LOT 17 & 18  
BLOCK (2)  
LISA COLE 1ST ADD'TN

11.2.01

CERTIFICATE OF OWNERSHIP

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

Lot 14, Block 2, and Lot 17, Block 2, Lisa Cole 1st Addition,  
Wichita, Sedgwick County, Kansas.

together with all real estate lying within a 200-foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Lisa Cole 1st Addition</u> <u>Block 2</u> Lots	
14	D American Imperial Corporation P.O. Box 92 Wichita, Kansas 67202
17	DO
15	DO
16	DO
19	DO
13	DO
1	Hartman Properties 8330 Limmerick Wichita, Kansas 67206
2	DO
3	D American Imperial Corporation P.O. Box 92 Wichita, Kansas 67202
4	Robert W. Asmann and Karen D. Asmann 14300 Wentworth Wichita, Kansas 67230
5	D American Imperial Corporation P.O. Box 92 Wichita, Kansas 67202
6	Richard N. Weyand and Violet Weyand 223 Pioneer Mulvane, Kansas 67110
7	Roy H. Taylor Jr. and Shirley L. Taylor 8026 E. Morningside Wichita, Kansas 67208

DESCRIPTIONOWNERS AND ADDRESSESLisa Cole 1st Addition (continued)  
Block 2

Lot 8, except that part described as beg. at the SW/corner of sd. Lt. 8; th. east along the south line of sd. Lt. 8, 6.71'; th. NEly 137.82' to a pt. on the north line of sd. Lt. 8; sd. pt. being 90.02' east of the NE/corner thereof; th. west 90.02' to the NW/corner of sd. Lt. 8, th. South 110' to beg.

D Roy H. Taylor Jr. and  
Shirley L. Taylor  
8026 E. Morningside  
Wichita, Kansas 67208

That part of Lt. 8, described as beg. at the SW/corner of said Lt. 8; th. east along the south line of sd. Lt. 8, 6.71'; th. NEly 137.82' to a pt. on the north line of sd. Lt. 8, sd. pt. being 90.02' east of the NW/corner thereof; th. west 90.02' to the NW/corner of sd. Lt. 8; th. south 110' to beg.

✓ William K. Taylor and  
Sharon K. Taylor  
1806 N. Doreen  
Wichita, Kansas 67206

Lot 9

D American Imperial  
Corporation  
P.O. Box 92  
Wichita, Kansas 67202

Lot 10

DO

Lot 11

DO

Lot 12

DO

Block 3

Lot 4

DO

Lot 5

DO

Lot 11

DO

Lot 12

DO

Lot 13

DO

Lot 14

DO

Lot 15

DO

Block 1

Lot 1

D Hartman Properties  
8330 Limmerick  
Wichita, Kansas 67206

Lot 2

D American Imperial  
Corporation  
P.O. Box 92  
Wichita, Kansas 67202

Lot 3

✓ Dennis L. Ross and  
Ann M. Ross  
2039 Flynn  
Wichita, Kansas 67207

DESCRIPTION

OWNERS AND ADDRESSES

Lisa Cole 1st Addition (continued)  
Block 1

Lot 4, except that part described as beg. at the SW/corner thereof; th. SEly along the SWly line of sd. Lt. 4, 31.92'; th. NEly 114.83' to a pt. on the east line of sd. Lt. 4, sd. pt. being 22.38' south of the NE/corner thereof; th. north, 22.38' to the NE/corner of sd. Lt. 4, th. NWly along the north line of sd. Lt. 4, 79.41' to the NW/corner thereof; th. Southerly 126.07' to beg.

Ronald Joseph Blanchat  
7406 E. 18th  
Wichita, Kansas 67206

That part of Lt. 4, described as beg. at the SW/corner thereof; th. SEly along the SWly line of sd. Lt. 4, 31.92'; th. NEly, 114.83' to a pt. on the east line of sd. Lt. 4, sd. pt. being 22.38' south of the NE/corner thereof; th. north 22.38' to the NE/corner of sd. Lot 4; th. NWly along the north line of sd. Lt. 4, 79.41' to the NW/corner thereof; th. southerly, 126.07' to beg.

Jeffery L. Harms  
7404 E. 18th  
Wichita, Kansas 67206

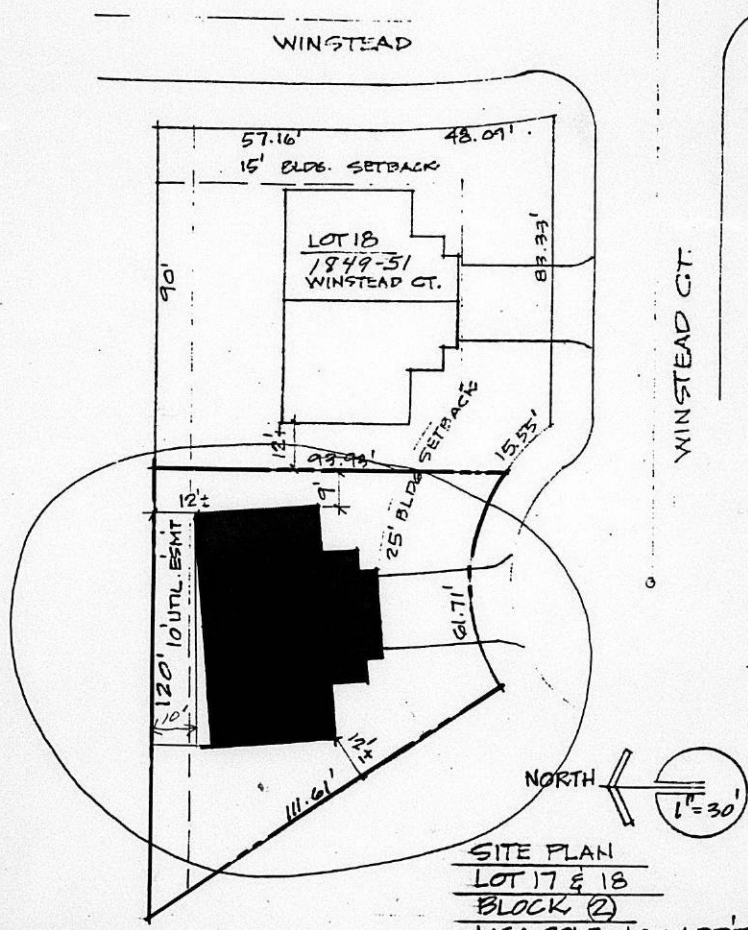
Certified this 12th day of November, 1981, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

By Judy Kowalski  
Judy Kowalski, Abstracter

L171281

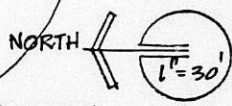
D53995



WINSTEAD

LOT 18  
1849-51  
WINSTEAD CT.

WINSTEAD CT.



SITE PLAN  
LOT 17 & 18  
BLOCK (2)  
LISA COLE 1ST ADD'N  
BZA 62-81

11.2.01

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 021

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
Code Bks	175.00

NAME *Wichita News Inc*

ADDRESS *101 S. Long + Hill*

FUND *100-1001-1001* DUE DATE *10-1-50*

COMMENTS

DATE *10-2-1951* BY *H. J. [Signature]*