

Case No. BZA 72-79 - Hal R. Welch - requests a variance to reduce the front yard setback from 25' to 15'3" on property zoned "AA" One-family dwelling district and generally located

700, C
700, 1/4 sec.
700, 1/4 sec.
MA PD 5-12-80
Record

BZA 72-79

ACTION

DATE

COMMITTEE

Appr.

1-22-80

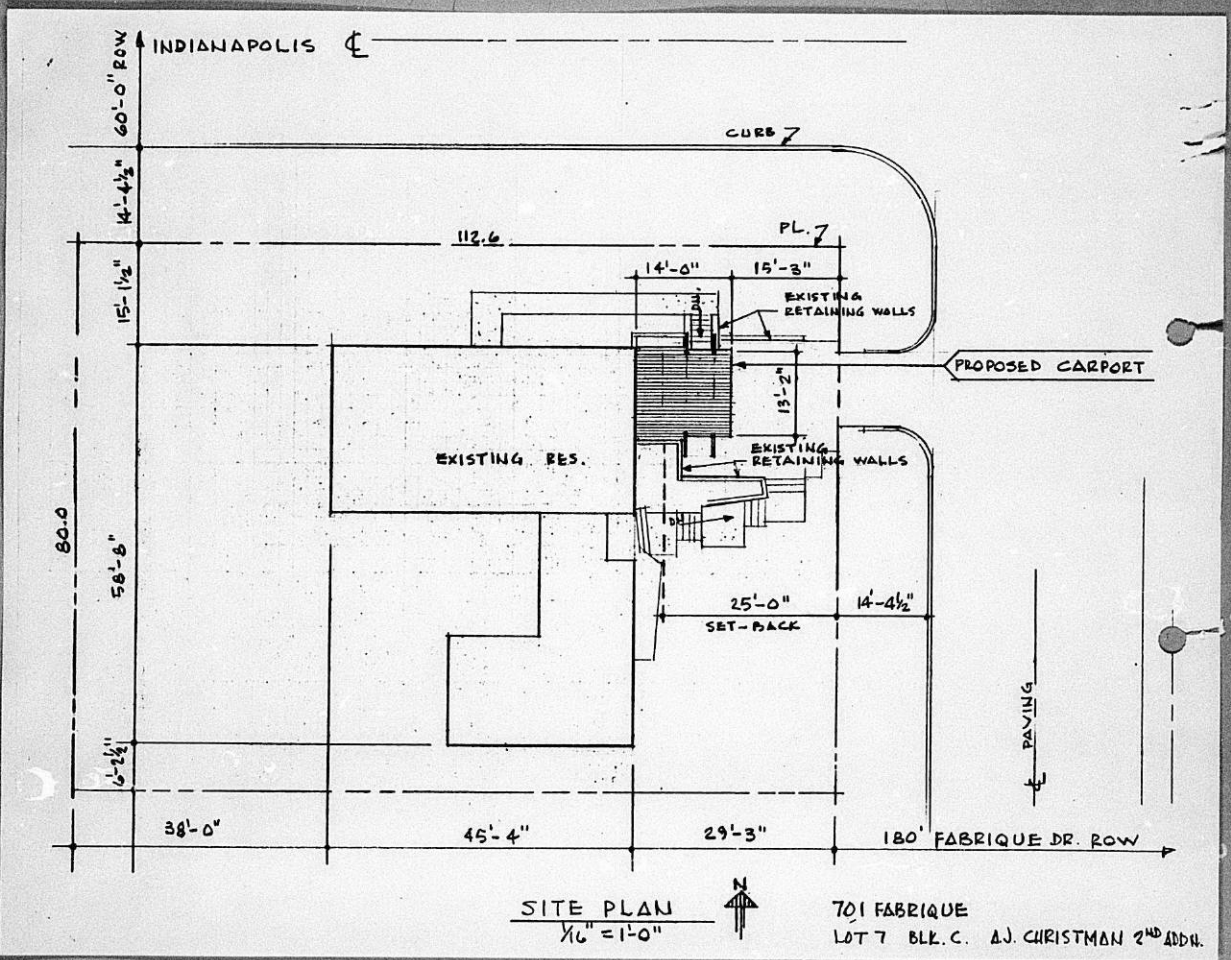
M.A.P.C. _____

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

200' MAPD 3-12-80
200' CI 3-12-80
200' 1/4 Sec.
RECORD _____

✓
POSTED
12-19-79
JA

Case No. BZA 72-79 - Hal R. Welch - requests a variance to reduce the front yard setback from 25' to 15' on "one-family zoned "AA" One-family dwelling district and generally located



January 30, 1980

Hal R. Welch
701 Fabrique
Wichita, Kansas 67218

Re: Case No. BZA 72-79
Request for Variance

Dear Mr. Welch:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1980, in connection with your request for a variance to reduce the front yard setback from 25' to 15'3" on property zoned the "AA" One-family Dwelling District and generally located at the southwest corner of Fabrique and Indianapolis (701 Fabrique).

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

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 72-79

WHEREAS, Hal R. Welch, 701 Fabrique, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita to reduce the front yard setback from 25' to 15'3" on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7, Block C, A. J. Christman 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Fabrique and Indianapolis (701 Fabrique).

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 22, 1980, 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 physical features of the property are not ordinarily found in other locations; 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 distance separation from adjoining residences to the proposed addition should not interfere with the open space to provide light and air to adjacent properties; 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 there is no other location on the property to construct a carport; 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 there should be no need for future street improvements in this area; 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 above four conditions can be found to exist; 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.

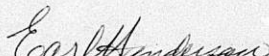
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 25' to 15'3" on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7, Block C, A. J. Christman 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Fabrique and Indianapolis (701 Fabrique)

be approved subject to the following condition:

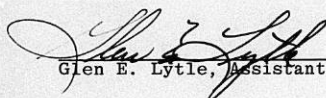
1. Approval shall be only for an open carport as indicated by the applicant's drawings.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1980 .



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

January 24, 1980

Hal R. Welch
701 Fabrique
Wichita, Kansas 67218

Re: Case No. BZA 72-79
Request for Variance

Dear Mr. Welch:

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 22, 1980, your request for a variance to reduce the front yard setback from 25' to 15'3" on property zoned "AR" Single-family Dwelling generally located at the southwest corner of Fabrique and Indianapolis (701 Fabrique) was considered.

It was the action of the Board to approve this request.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE January 22, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 72-79: Southwest corner of
Fabrique and Indianapolis
(701 Fabrique)

At their meeting of January 21, CPO Council "G" considered the captioned case. There was no one present to speak for or against the application.

After comments and discussion, the Council voted 6-0 to recommend approval of the variance request.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the January 22, 1980 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:m1

Noted:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 72-79

APPLICANT: Hal R. Welch, 701 Fabrique, Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25' to 15'3".

GENERAL LOCATION: On the southwest corner of Fabrique and Indianapolis (701 Fabrique).

ZONING: Property is zoned "AA" Single-family as are the surrounding properties.

LAND USE: Properties to the south, west, east and north are all developed as single-family residences. To the northeast across the drainageway is a church and parking lot.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 23 (zoning ordinance).

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BZA AGENDA
1-22-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback from 25' to 15'3" in order to erect an attached carport in front of the existing garage. The applicant's property is located on a corner lot and the existing house is located approximately 4'3" in back of the permitted setback adjacent to Fabrique.

In the statement of justification submitted with the application, the applicant states that with the 180' of right-of-way for Fabrique and the drainageway, the reduction of the front yard should not affect any properties to the east. The carport will be located on the north side of the applicant's property and should not affect the residence to the south. The carport will not project any further to the north than the existing house, so should not affect the residence to the west.

Due to the fact that the carport will be erected in an area that is presently occupied by retaining walls due to the grade of the property, the structure will be only partially above grade. The intersection of Fabrique and Indianapolis is such that all traffic going east on Indianapolis must turn north or south on Fabrique. With this required turning movement of the traffic at this intersection the carport should not significantly be a sight obstruction to traffic.

IQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the physical features of the property are not ordinarily found in other locations.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance request would not adversely affect the adjacent property owners inasmuch as the distance separation from adjoining residences to the proposed addition should not interfere with the open space to provide light and air to adjacent properties.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may create an unnecessary hardship upon the applicant inasmuch as there is no other location on the property to construct a carport.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not affect the public interest inasmuch as there should be no need for future street improvements in this area.

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BZA AGENDA
1-22-30

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the above four conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the zoning ordinance.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the front yard setback from 25' to 15'3" be approved only for an open carport as indicated by the applicant's drawings.

BZA CASE NO. 72-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

32 TOTAL NOTICES SENT 1-2-80

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

January 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 72-79

An application has been filed by Hal R. Welch, 701 Fabrique, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 25' to 15'3" on property zoned "AA" One-family Dwelling District and legally described as follows:

Lot 7, Block C, A. J. Christman 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Fabrique and Indianapolis (701 Fabrique).

This application has been assigned case No. BZA 72-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 72-79

CITY OF WICHITA, KANSAS

FILED 12-17-79

APPLICATION FOR VARIANCE

I. Name of Applicant Hal R. Welch

Mailing Address 701 Fabrique Wichita, Ks. 67218 phone 685-7802

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
requirement of 25 ft. to 15'-3"
~~release from~~ front yard set-back

for property located at the southwest corner of Fabrique and Indianapolis
~~(701 Fabrique)~~

and legally described as: Lot 7 Block C

A.J. Christman 2nd 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.

Hal R. Welch

Applicant

N/A

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (~~pm~~ - p.m.), DECEMBER 17 1979 together with appropriate fee of \$50.00.

A Lytle

Signed

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.

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>OWNERS</u>
Lot 7, Block C,	A. J. CHRISTMAN SECOND	Hal R. and Phyllis J. Welch 701 Fabrique Street Wichita, Kansas 67218
Lot 1, Block C,	A. J. CHRISTMAN SECOND	Ted L. and Lynn A. Bayer 714 Courtleigh Drive Wichita, Kansas 67218
Lot 2, Block C,	A. J. CHRISTMAN SECOND	Anthony Kevin and Sheryl G. McMahon 708 Courleigh Drive Wichita, Kansas 67218
Lot 3, Block C,	A. J. CHRISTMAN SECOND	Glenn S. and Lucille C. Shaffer 702 Courtleigh Wichita, Kansas 67218
Lot 4, Block C,	A. J. CHRISTMAN SECOND	Vivian L. Hodge 6115 E. Indianapolis Wichita, Kansas 67218
Lot 5, Block C,	A. J. CHRISTMAN SECOND	Norman B. and Dorothy Hayes 6121 East Indianapolis Wichita, Kansas 67218
Lot 6, Block C,	A. J. CHRISTMAN SECOND	Veterans Administration 901 George Washington Drive Wichita, Kansas 67211
Lot 7, Block C,	A. J. CHRISTMAN SECOND	Hal R. and Phyllis J. Welch 701 Fabrique Street Wichita, Kansas 67218
Lot 8, Block C,	A. J. CHRISTMAN SECOND	Louis and Susan K. Bourlard 707 Fabrique Street Wichita, Kansas 67218
Lot 9, Block C,	A. J. CHRISTMAN SECOND	Floyd K. and Bonnie L. Norton 713 Fabrique Street Wichita, Kansas 67218
Lot 10, Block C,	A. J. CHRISTMAN SECOND	Herman L. and Lavarre Wright 6913 East Bayley Wichita, Kansas 67207



Fidelity  Title
 COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 11, Block C,	A. J. CHRISTMAN SECOND	✓ Carolyn P. Appleton and Jacqueline L. Brown c/o 6120 E. Gilbert Wichita, Kansas 67218
Lot 12, Block C,	A. J. CHRISTMAN SECOND	✓ Jerry L. and Carolyn J. Combs Address Unknown
Lot 10, Block A,	A. J. CHRISTMAN SECOND	✓ Herbert K. and Alice L. Dodd 656 Courtleigh Wichita, Kansas 67218
Lot 11, Block A,	A. J. CHRISTMAN SECOND	✓ Russell M. and Lois W. Gordon #58 St. Cloud Wichita, Kansas 67230
Lot 12, Block A,	A. J. CHRISTMAN SECOND	✓ Lyle B. and Mary M. Boydston 6120 East Indianapolis Wichita, Kansas 67218
Lot 13, Block A,	A. J. CHRISTMAN SECOND	✓ J. Sam and Lea Good 6126 East Indianapolis Wichita, Kansas 67218
Lot 14, Block A,	A. J. CHRISTMAN SECOND	✓ Randy R. and Nancy G. Miller 647 Fabrique Street Wichita, Kansas 67218
Lot 15, Block A,	A. J. CHRISTMAN SECOND	✓ Clark Jenlink 2226 S. Glendale Wichita, Kansas 67218
Lot 1, Block F,	A. J. CHRISTMAN SECOND	✓ E. George and Lorene Louk 702 Fabrique Street Wichita, Kansas 67218
Lot 2, Block F,	A. J. CHRISTMAN SECOND	✓ Park R. and Dorothy M. Butcher 708 Fabrique Street Wichita, Kansas 67218
Lot 3, Block F,	A. J. CHRISTMAN SECOND	✓ Paul H. and Wanda N. Farmer 714 Fabrique Street Wichita, Kansas 67218
Lot 6, Block F,	A. J. CHRISTMAN THIRD	✓ Wichita Bible Church 633 South Woodlawn Boulevard Wichita, Kansas 67218



DATED AT WICHITA KANSAS THIS 12th DAY OF DECEMBER, 1979 @ 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Patricia M. Price
Vice President

Tracer No. 49549



Variance Request Statement

The proposed carport deck will cover the drive between existing retaining walls of four and five feet height leading to the existing basement garage.

The deck will be approximately three to five feet above the existing north grade and a couple of feet above the south, adjacent grade .

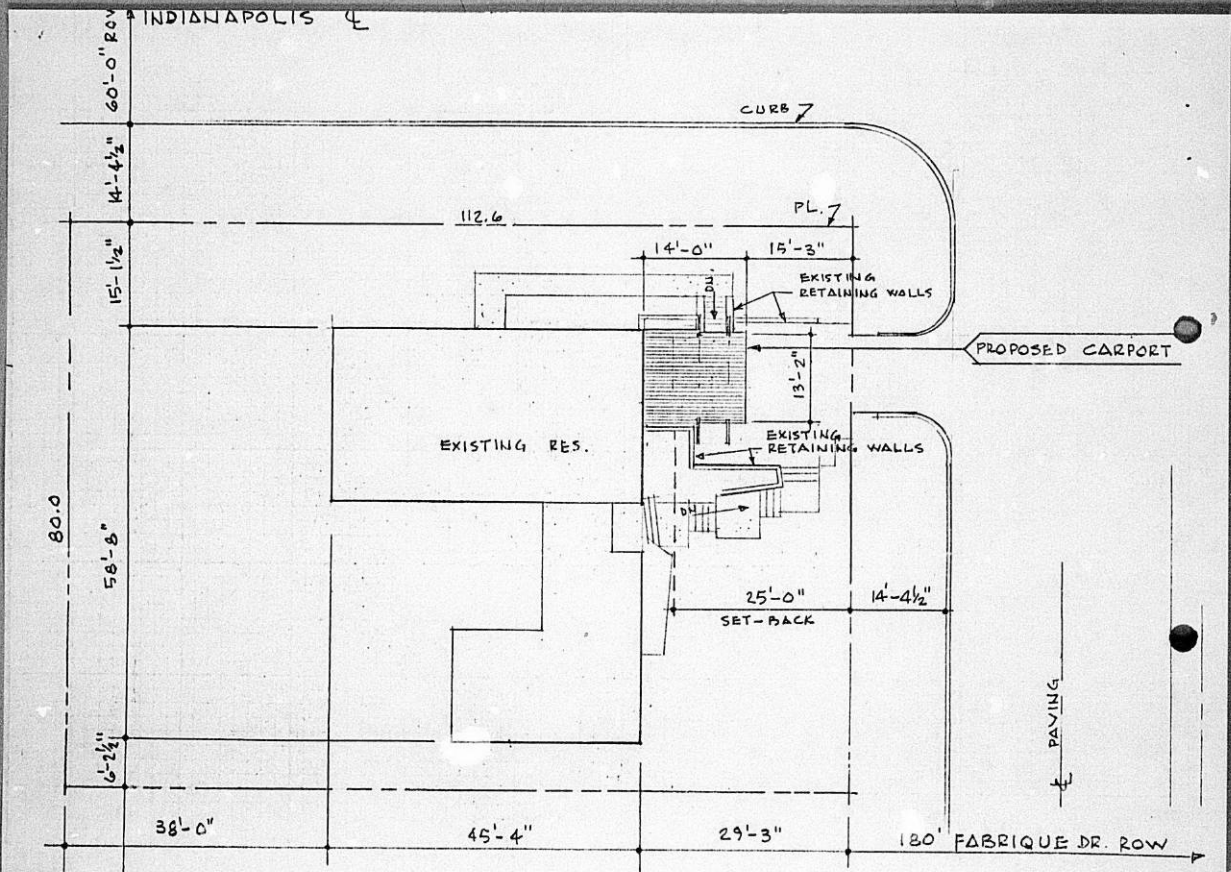
Adjacent planting extends five or six feet above the south grade, so the deck will be visible only from the east and north.

With the 180 foot Fabrique Right of Way and church parking lot northeast of this site, houses are more remote than in a "normal" neighborhood.

The carport will appear depressed into the grade as the garage door does now and is remotely located from the immediately adjacent neighboring property.

Traffic visibility will not be affected since the set-back of the carport is large enough that the grade and not the carport structure is the limiting vision factor between Indianapolis and Fabrique.

Considering the above statements, a reduction, as requested, in the front yard set-back requirement, in this case, complies with the intent of Section 2.12.590.B requirements.



SITE PLAN
 1/8" = 1'-0"



701 FABRIQUE
 LOT 7 BLK. C. A.J. CHRISTMAN 2ND ADD

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.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME HAL WICK

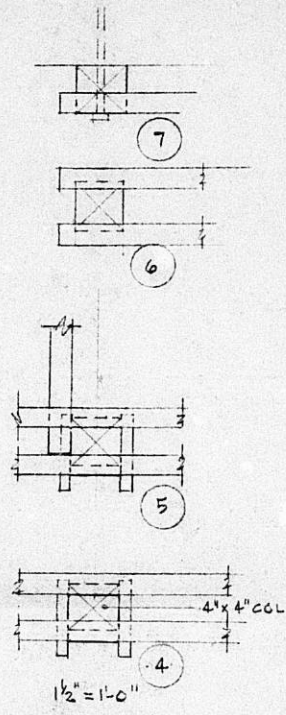
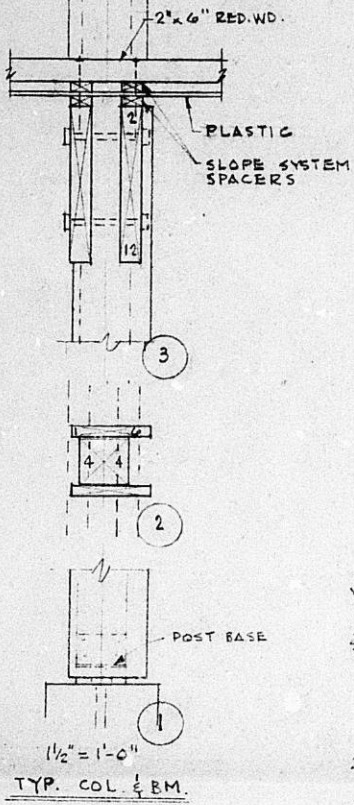
ADDRESS 711 E. 10th St

FUND 71-100-1000 DUE DATE 1-1-50

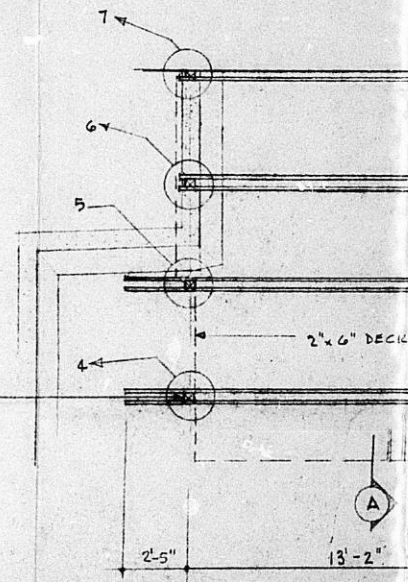
COMMENTS

DATE Dec 17 BY [Signature]

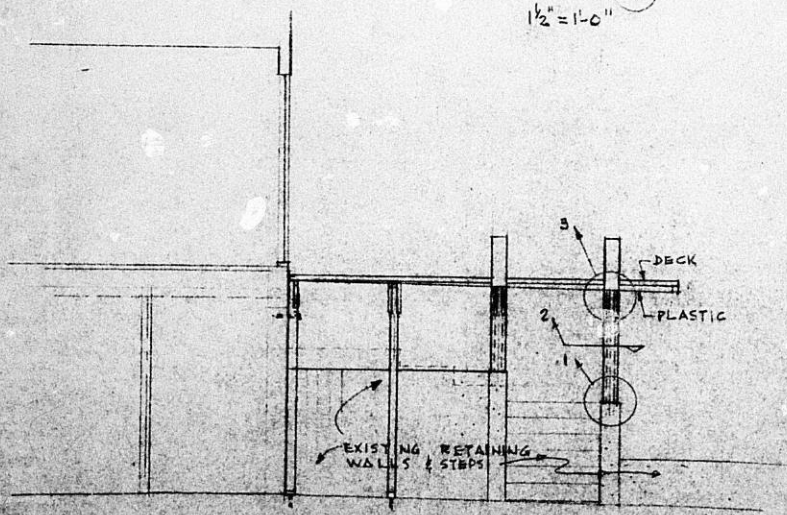
B70 7x-79



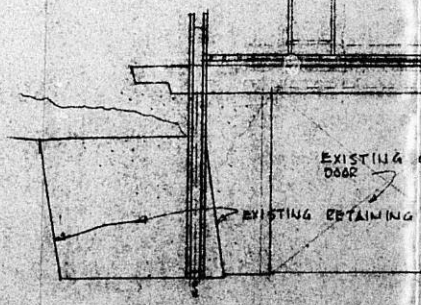
$1\frac{1}{2}'' = 1'-0''$
TYP. COL & B.M.



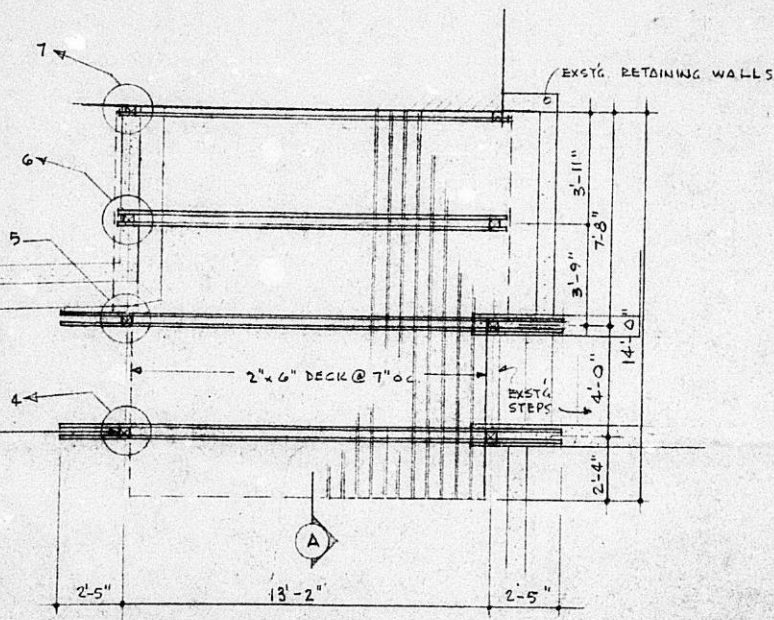
PLAN
 $\frac{1}{4}'' = 1'-0''$



SECT A

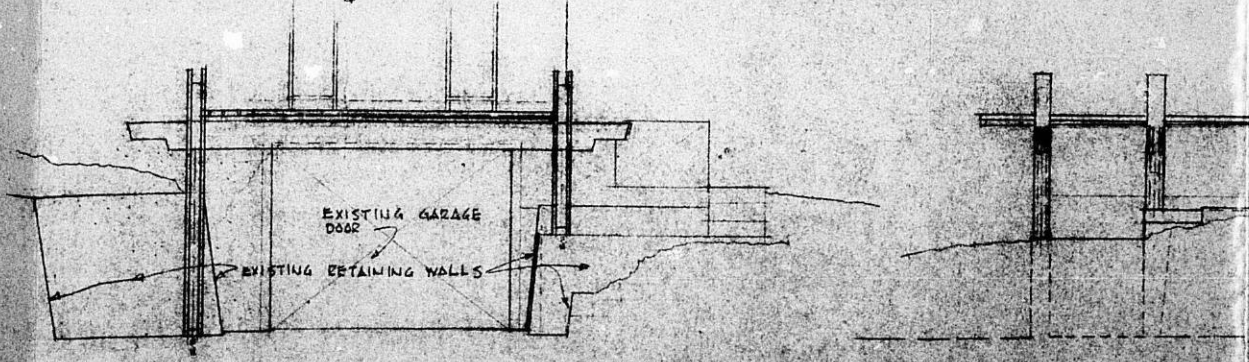


EAST EL



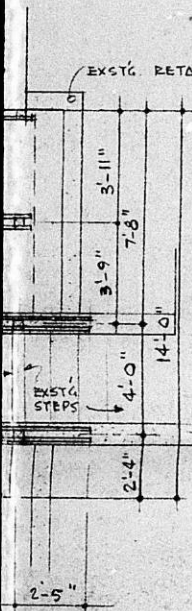
PLAN
 $\frac{1}{4}'' = 1'-0''$

- 3 4x4 8
- 2 4x4 10
- 3 2x12 14
- 4 2x12 13
- 2 2x6 8
- 22 2x6 14
- 8 POST BASES
- 16 $\frac{1}{2}$ x 6 BOLTS
- 1 ROLL PLASTIC

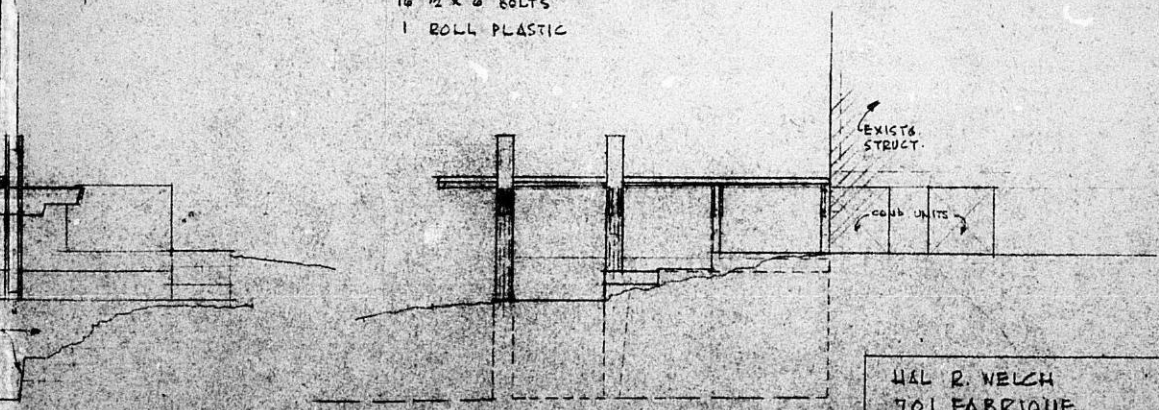


EAST ELEV.

NORTH ELEV.



- 3 4x4 8
- 3 4x4 10
- 3 2x12 14
- 4 2x12 18
- 2 2x6 6
- 22 2x6 14
- 8 POST BASES
- 16 1/2 x 6 BOLTS
- 1 ROLL PLASTIC



NORTH ELEV.

HAL R. WELCH
701 FABRIQUE
LOT 7 BLOCK C
A.J. CHRISTMAN, 2ND ADDN.