

Case No. BZA 83-84 - Virginia L. Morgan
- requests a variance to reduce the
required rear yard setback from 20
feet to 10 feet for the construction
of an addition to the rear of the exist

Posted
11-19-84 a.r.c.

ACTION

BZA 83-84 APPROVED 11-23-84
DATE

200' 4 Sec 1-10-85

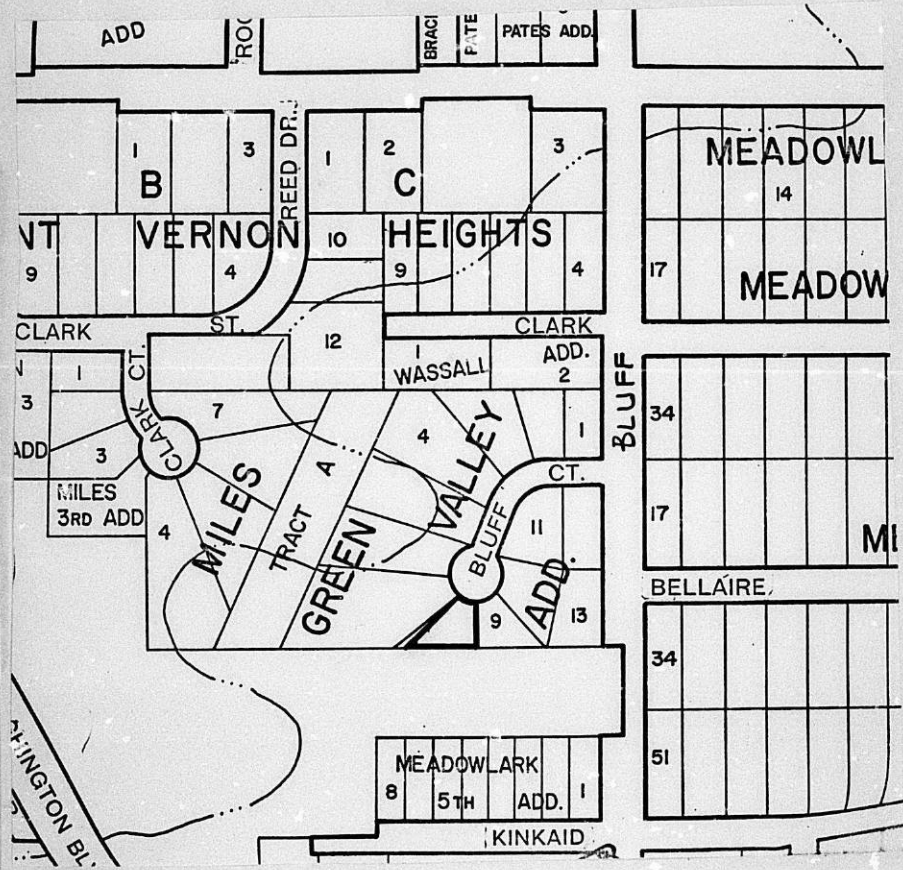
Shoh 1-23-85

Record

Map No. 5745C

BZA 83-84
Filed _____

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



LOG AND RECORDS SECTION, DEPARTMENT OF REVENUE, HASTINGS, MINN.
REGISTERED PLAT OFFICE GROW, GA.
U.S.A.

Standard
No. 2153C

December 19, 1984

Virginia L. Morgan
2119 Bluff Court
Wichita, Ks. 67218

Re: BZA 83-84 - Request for Variance

Dear Ms. Morgan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 18, 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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

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

RESOLUTION NO. BZA 83-84

WHEREAS, Virginia L. Morgan, 2119 Bluff 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 setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 8, Block B; except that portion described as beginning at the southeast corner of Lot 7, thence southwesterly to the southwest corner of Lot 8, thence east 17.6 feet, thence northeasterly to point of beginning; Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located at the south end of the 2100 block of Bluff Court (2119 Bluff 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 December 18, 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 lot is an odd shaped lot with a frontage on a cul-de-sac which has an average depth sufficient to comply with the subdivision rules and regulations but the existing home was constructed in violation of the rear yard setback and the proposed addition will also extend into the rear yard; 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 yard to be varied is adjacent to a large unplatted tract and the variance will only be for a triangular corner of the house into this setback which should not interfere with the light and air to the adjacent property; 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 the addition even though it would not extend closer than the existing house to the south property line; 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 reduction of the rear yard will not interfere with any needed 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 amount of open space at the rear of this residence will average more than is generally maintained on a small lot; 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.

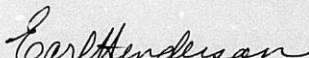
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 8, Block B; except that portion described as beginning at the southeast corner of Lot 7, thence southwesterly to the southwest corner of Lot 8, thence east 17.6 feet, thence northeasterly to point of beginning; Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located at the south end of the 2100 block of Bluff Court (2119 Bluff Court).

be approved subject to the following condition:

1. The reduction of the rear yard to not less than ten feet shall not permit the encroachment of any portion of the structure into or over the utility easement, and the addition shall generally conform to the site plan submitted with the application and dated November 26, 1984.

ADOPTED AT WICHITA, KANSAS, this 18th day of December, 1984.


Earl Henderson, President

ATTEST:


Glen B. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE December 11, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 83-84: Generally located at
the south end of the 2100 block
of Bluff Court (2119 Bluff Court)

On Monday, December 10, CPO Council "F" considered the above captioned case.

The Council voted 7-0-1 with one abstention to recommend approval. Virginia Morgan, the applicant was present to discuss the case with the Council and to show a map of the area. No area residents were present.

Please provide the Council's recommendation to the BZA when it meets to consider the case.

Cindy Entriiken
Cindy Entriiken
Administrative Aide III

CE:dm

RECEIVED

DEC 12 1984

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 83-84

APPLICANT: Virginia L. Morgan, 2119 Bluff Court, Wichita, Kansas.

AGENT: William L. Korber, 330 Laura, Wichita, Kansas

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

GENERAL LOCATION: On the south end of the 2100 block of Bluff 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.

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 required rear yard setback from 20 feet to not less than 10 feet in order to construct an addition to the rear of the existing home. The proposed addition will extend into the rear yard only slightly more than a corner of the present structure.

The property is a lot on a cul-de-sac that is only 85 feet in depth on one side lot line and 139 feet on the other. The original home violated the 20 foot rear yard setback by over 6 feet. There is a 10 foot utility easement along the entire south property line which is the rear yard. With the house located at an angle to the south property line the house will project into this yard with two corners which would only be a small portion of the required yard.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is an odd shaped lot with a frontage on a cul-de-sac which has an average depth sufficient to comply with the subdivision rules and regulations but the existing home was constructed in violation of the rear yard setback and the proposed addition will also extend into the rear yard.

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 yard to be varied is adjacent to a large unplatted tract and the variance will only be for a triangular corner of the house into this setback which should not interfere with the light and air to the adjacent property.

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 the addition even though it would not extend closer than the existing house to the south property line.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the the reduction of the rear yard will not interfere with any needed 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 amount of open space at the rear of this residence will average more than is generally maintained on a small lot.

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 to not less than ten feet shall not permit the encroachment of any portion of the structure into or over the utility easement, and the addition shall generally conform to the site plan submitted with the application and dated November 26, 1984.
-

BZA CASE NO. 2384

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>17</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>20</u>	TOTAL NOTICES SENT <u>11-28-84</u>

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

November 28, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 83-84

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 Virginia L. Morgan, 2119 Bluff 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 10 feet for the construction of an addition to the rear of the existing house on property located in the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 8, Block B; except that portion described as beginning at the southeast corner of Lot 7, thence southwesterly to the southwest corner of Lot 8, thence east 17.6 feet, thence northeasterly to point of beginning; Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located at the south end of the 2100 block of Bluff Court (2119 Bluff Court).

This application has been assigned Case BZA 83-84. It will be considered by the Board of Zoning Appeals on December 18, 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. 83-84

CITY OF WICHITA, KANSAS

FILED 11-19-84

APPLICATION FOR VARIANCE

I. Name of Applicant Virginia L. Morgan
Mailing Address 2119 Bluff Court Phone 265-5611
Name of Authorized Agent William L. Korber
Mailing Address 330 Laura Phone 262-7271
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce rear yard setback
from 20 feet to 10 feet.

for property located 2119 Bluff Court

and legally described as: Part of ~~Lot 8 and part of Lot 7~~, Block B,
Miles Green Valley Addition an Addition in Wichita, Kansas.
(See attached survey)

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 _____

Authorized Agent William L. Korber

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (p.m.), Nov. 19, 1984 together with appropriate fee of 75.00.

Signed S. Lytle

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



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

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

State of Kansas)
) SS
County of Sedgwick)

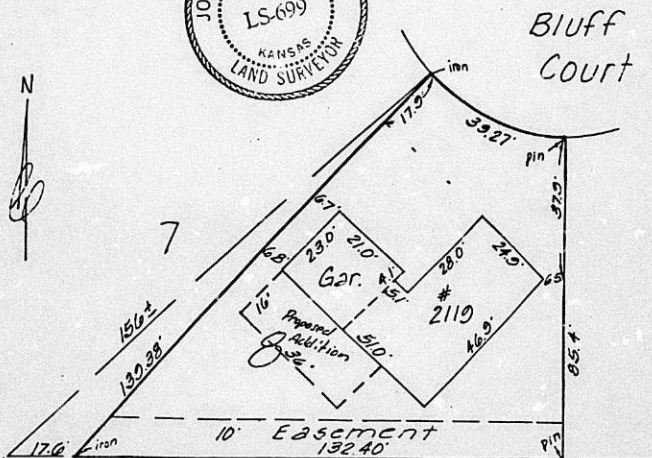
July 26, 1984

We, Baughman Company, P.A., Surveyors in afore-said county and state do hereby certify that we did on this 26th day of July, 1984, survey Lot 8, Block B, Miles Green Valley Addition An Addition in Wichita, Kansas, except beginning at the S.E. Corner of Lot 7, Block B; thence southwesterly to the S.W. Corner of said Lot 8; thence east along the south line of said Block B, 17.6 feet; thence northeasterly to beginning.

On said Lots is house No. 2119 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said Lots by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.

John E. Lundblade
Surveyor



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

State of Kansas)
) SS
County of Sedgwick)

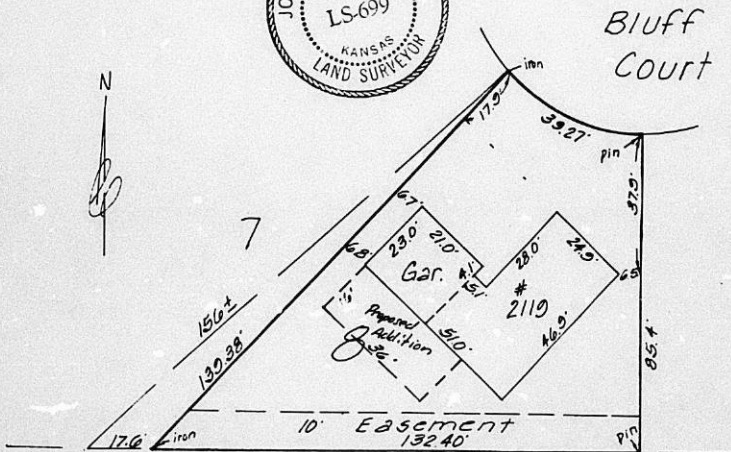
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) SS
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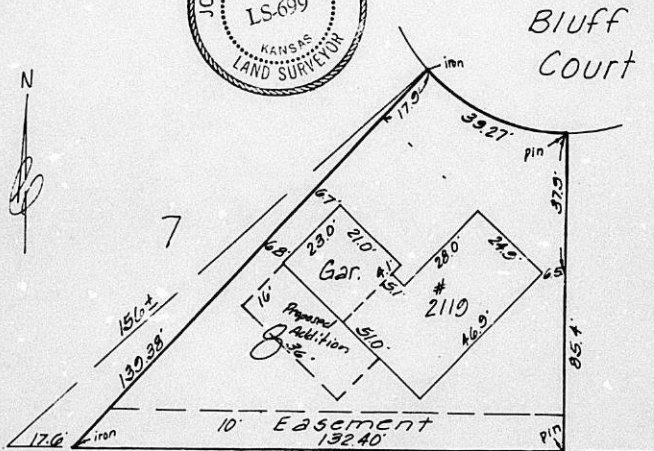
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John E. Lundblade
Surveyor



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4	Block B	Miles Green Valley Addition	✓ Gerda Foshee 2111 Bluff Court Wichita, KS 67218
South 5' Lot 5 & all Lot 6	Block B	"	✓ Victor W. Pickering Mercedes Pickering 2115 Bluff Court Wichita, KS 67218
Lot 5 except South 5'	Block B	"	✓ Katherine Pennington 2113 Bluff Court Wichita, KS 67218
Lot 7	Block B	"	✓ Gene Miller Florine Miller 2117 Bluff Court
Beg. at the Northwesterly corner of Lot 8, Blk. B; th. Southwesterly along line dividing Lots 7 and 8 to Section corner of Lot 8; th. East along South line 17.6'; th. Northerly on straight line to beg.		"	Same As Above
Lot 8 except above desc.	Block B	"	D Virginia L. Morgan 2119 Bluff Court Wichita, KS 67218
Lot 9	Block B	"	✓ Wanda L. Smith 2121 Bluff Court Wichita, KS 67218
That part of Lot 10, Blk. B, beg. at the Northwest corner of Lot 10; th. South along front line 34.03' East to Northeast corner; th. 106.09' Northwesterly 121' more or less to beg. and all of Lot 11, Blk. B.		"	✓ Gary L. Wright Carol L. Wright 2127 Bluff Court Wichita, KS 67218
Lot 10, exc. above desc.	Block B	"	✓ Jack L. Dickerson Willa M. Dickerson 2122 Bluff Court Wichita, KS 67218
Lot 12	Block B	"	✓ R. Dale Gardner Audrey J. Gardner 2131 Bluff Court Wichita, KS 67218
Lot 13	Block B	"	✓ William R. Hannon Jeanne Hannon <u>Address Unknown</u>
			✓ Interest in Property: Robert A. Schmidt Karen J. Schmidt 2133 S. Bluff Wichita, KS 67218

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
East 4' Lot 3	Meadowlark 5th Addition	C. Daren Lane Pauline Lane 3930 E. Kinkaid Wichita, KS 67218
Lot 3, except the East 4' and the East 19' of Lot 4	"	Paul K. Miller Lucy A. Miller 3924 E. Kinkaid Wichita, KS 67218
West 31' Lot 4 & East 23' Lot 5	"	Evelyn Edris 3916 E. Kinkaid Wichita, KS 67218
Lot 5 except the East 23' & the East 38' of Lot 6	"	Quentin Patrick Rowley Betty Lou Rowley 3908 E. Kinkaid Wichita, KS 67218
Lot 6 except the East 38' and the East 42' Lot 7	"	J. R. Cox Faye M. Cox 3902 E. Kinkaid Wichita, KS 67218
West 8' Lot 7 and the East 47' Lot 8	"	Doran W. Barham Alice Kathleen Barham 3820 E. Kinkaid Wichita, KS 67218
West 3' Lot 8	"	Dorothy E. Hummer 1000 S. Woodlawn Blvd. Apt. 1409 Wichita, KS 67218

TRACT DESCRIPTIONS

A tract beg. at a point 445' West of the Southeast Corner of the North Half of the Southwest Quarter of Section 35, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas; th. running North parallel to the West line of said Southwest Quarter 179.35'; th. West parallel to the South line of said North Half of the Southwest Quarter 227.7'; th. South parallel to the West line of said Southwest Quarter 87.35'; th. West parallel to the South line of said North Half of the Southwest Quarter 300' to the East line of George Washington Blvd; th. Southeasterly along said East line of said Blvd. to the South line of said North Half of said Southwest Quarter; th. East along said South line to p.o.b.

Same As Above

Beg. 831.92' West and 1143.25' South of the Northeast Corner of the Southwest Quarter of Section 35, Township 27, Range 1 East; th. North 104.72'; th. East 831.92'; th. South 104.72'; th. West 831.92' to beg.

Alma A. Bain
2145 S. Bluff
Wichita, KS 67218

Beg. 831.92' West and 1038.53' South of the Northeast Corner of the Southwest Quarter of Section 35, Township 27, Range 1 East; th. North 52.36'; th. East 831.92'; th. South 52.36'; th. West to beg.

Same As Above

Page 3

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

Lot 8, Block B, Miles Green Valley Addition, an Addition in Wichita, Kansas, except beginning at the Southeast Corner of Lot 7, Block B; thence Southwesterly to the Southwest Corner of said Lot 8; thence East along the South line of said Block B, 17.6 feet; thence Northeasterly to beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 15th day of November, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Cable
Sr. Vice-President

Order No: 340540
ns

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-021

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
CITY 82A VAIL	\$ 75.00

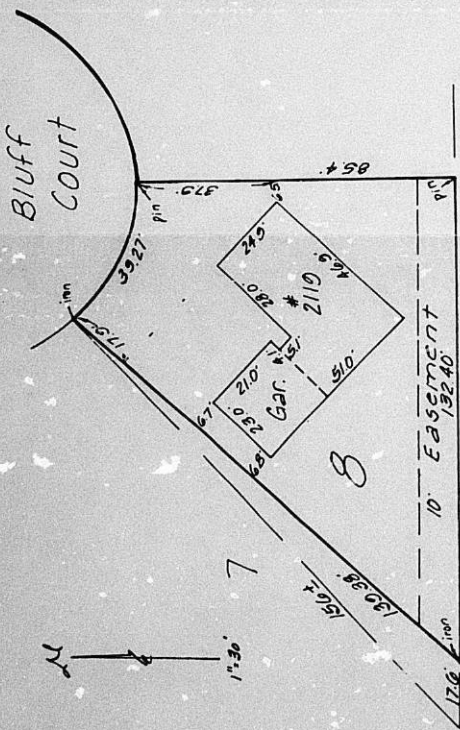
NAME BAUMANN CO.

ADDRESS 330 LAUREL

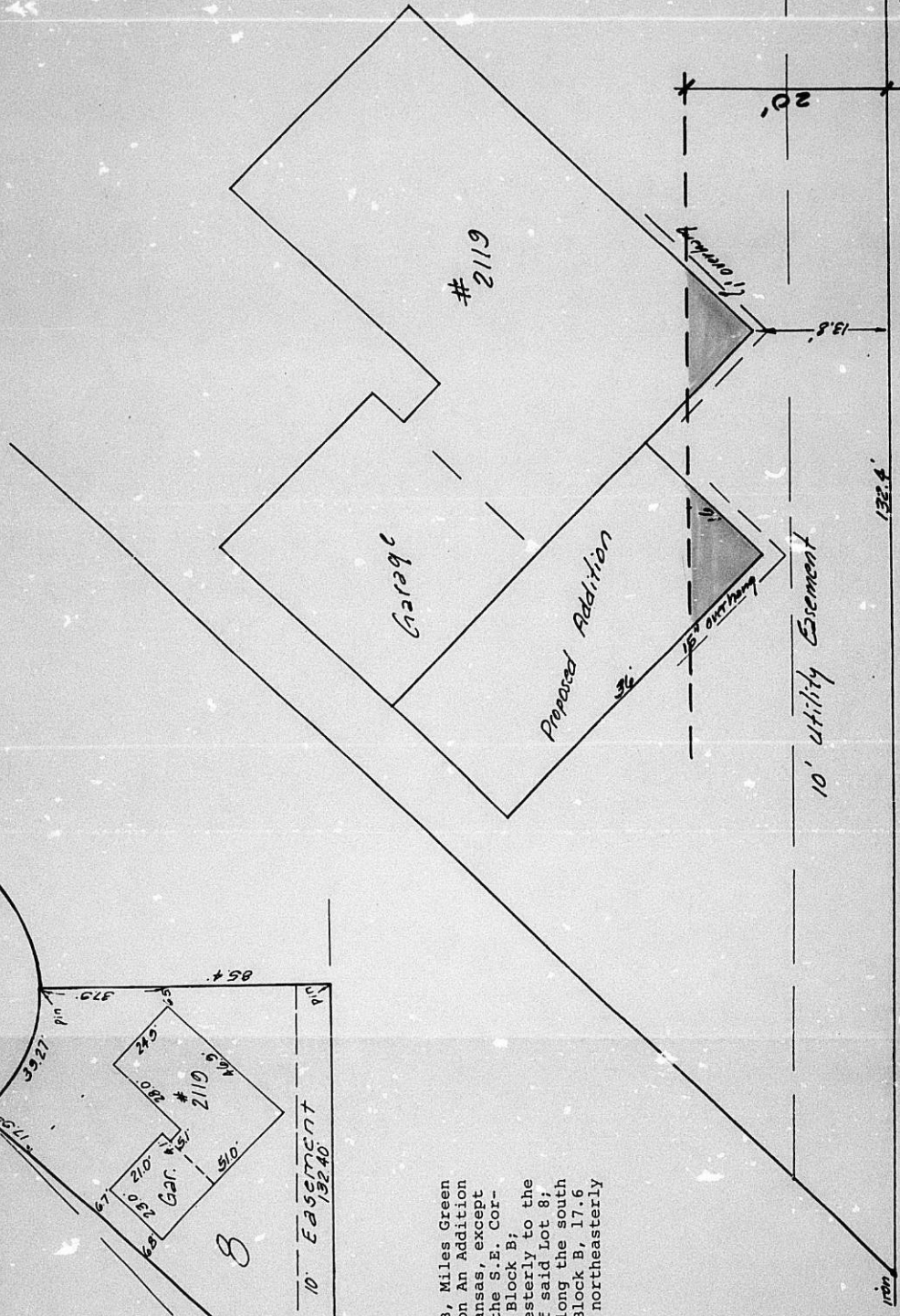
FUND 7-5-40071-103 DUE DATE

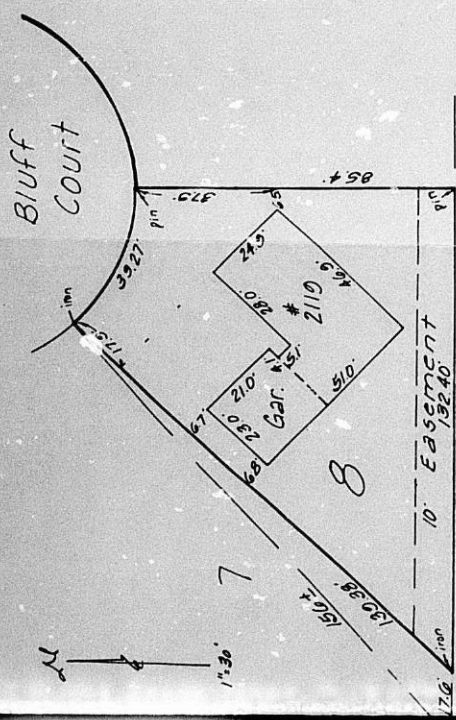
COMMENTS

DATE 11/17/44 BY [Signature]

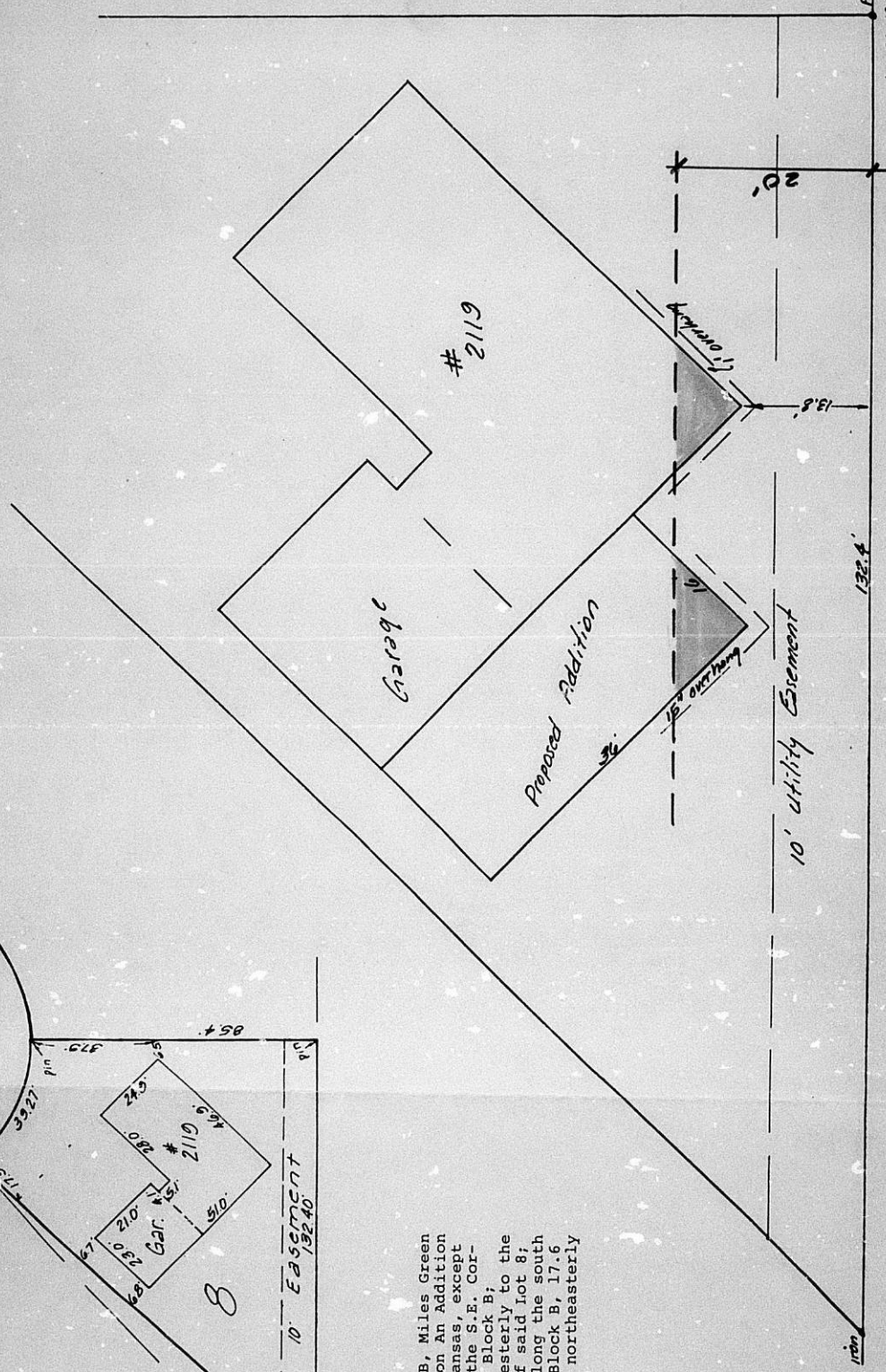


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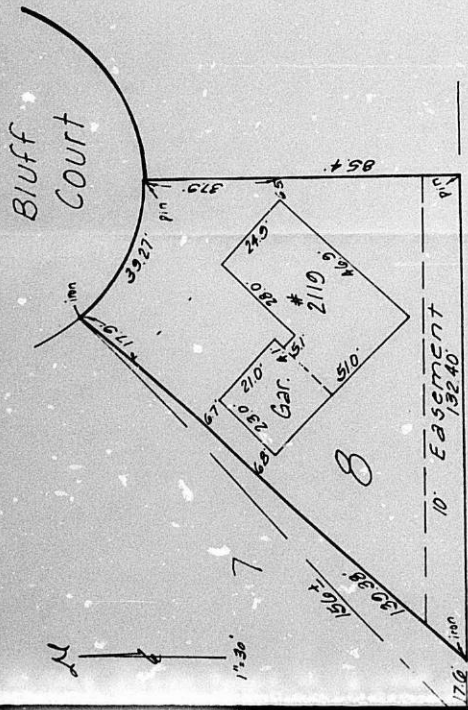
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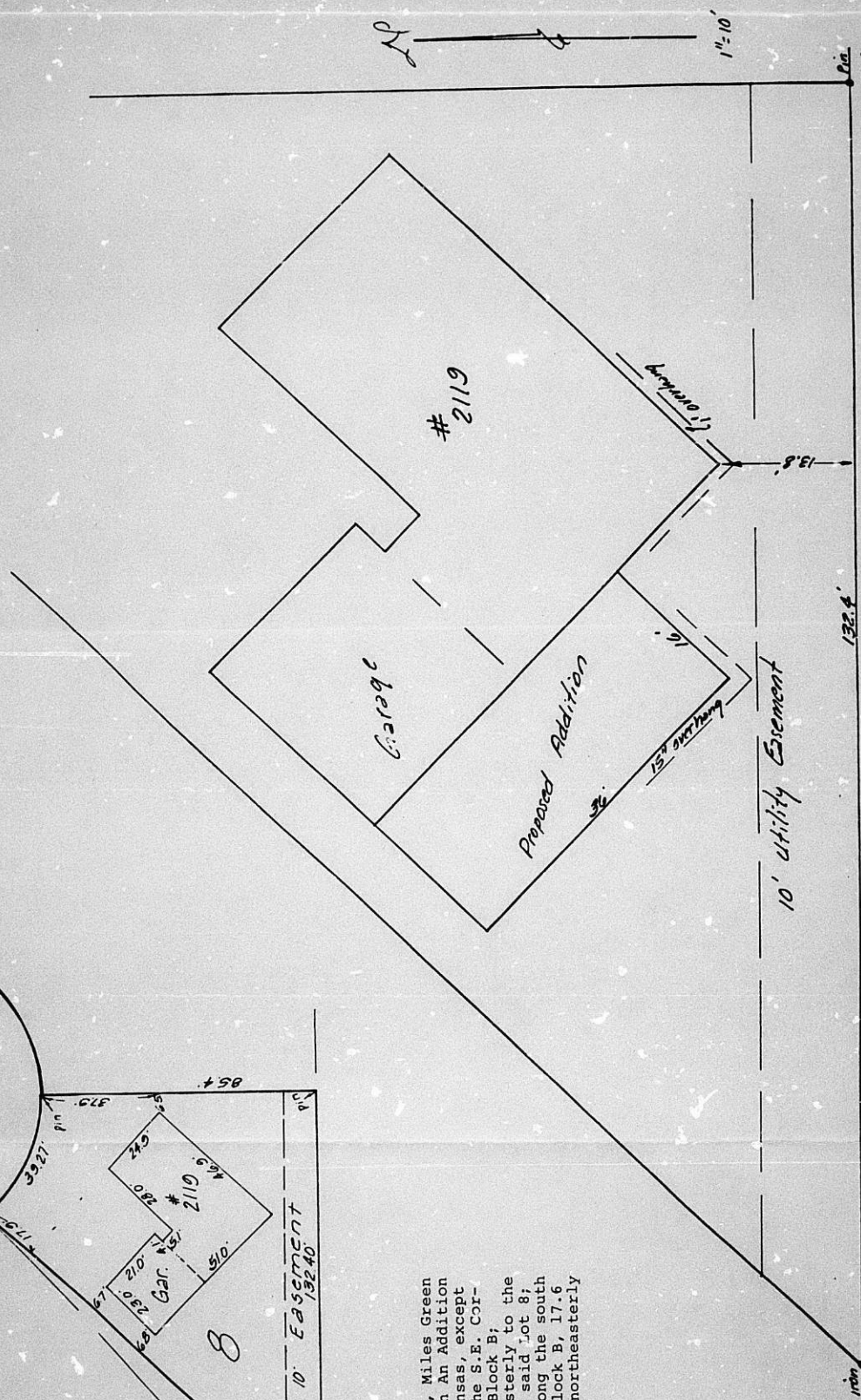
Nov. 26, 1984
BAUGHMAN COMPANY, P.A.
 SURVEYING & ENGINEERING
 316-262-7271 • 330 LAURA • WICHITA, KANSAS 67211



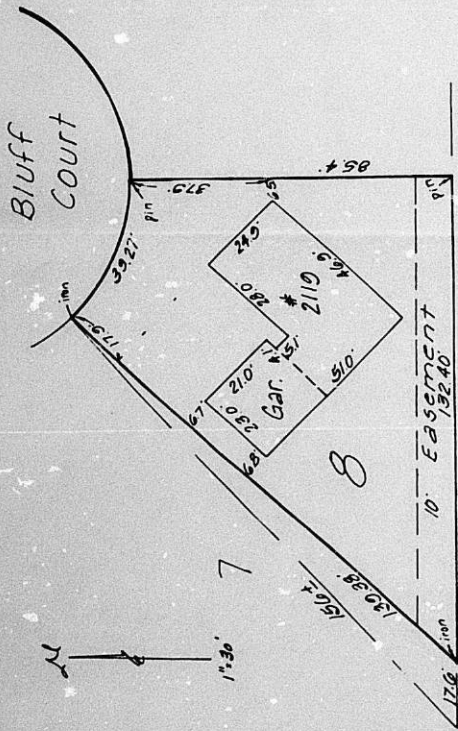
WILLIAM L. KOBER, L.S.
 JOHN E. LINDSLADE, L.S.
 N. BRENT WOOTEN, P.E.



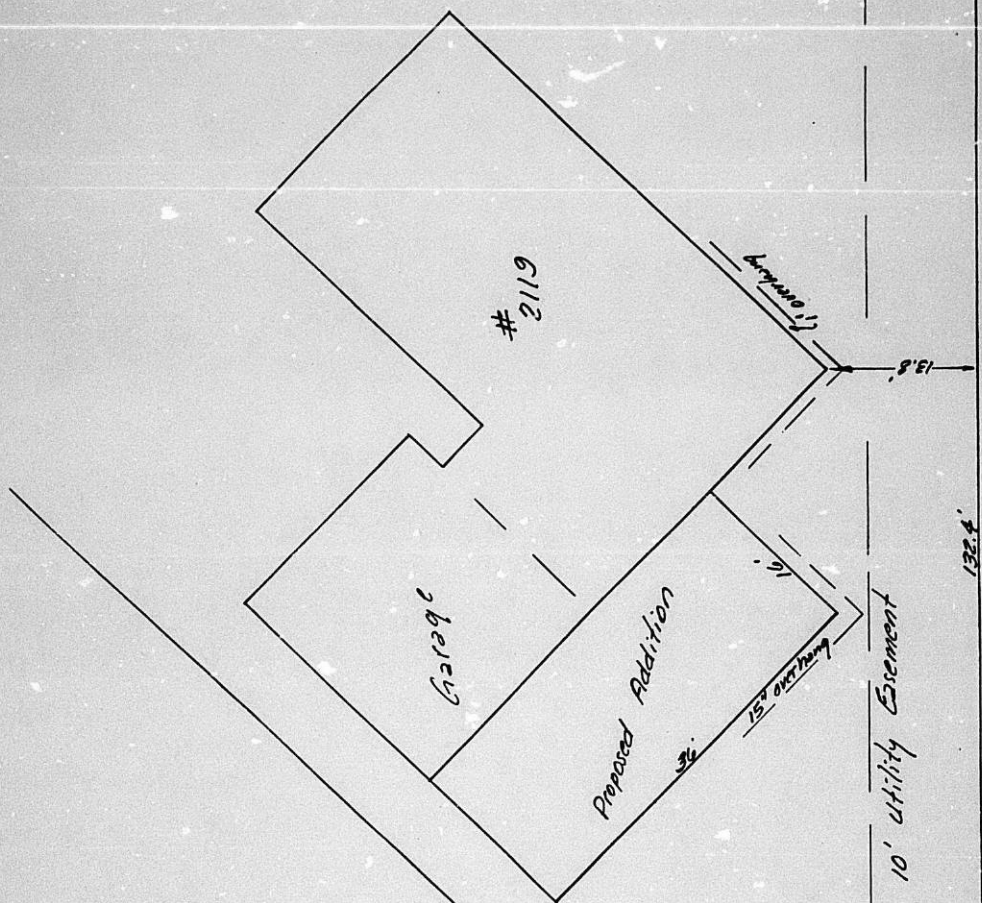
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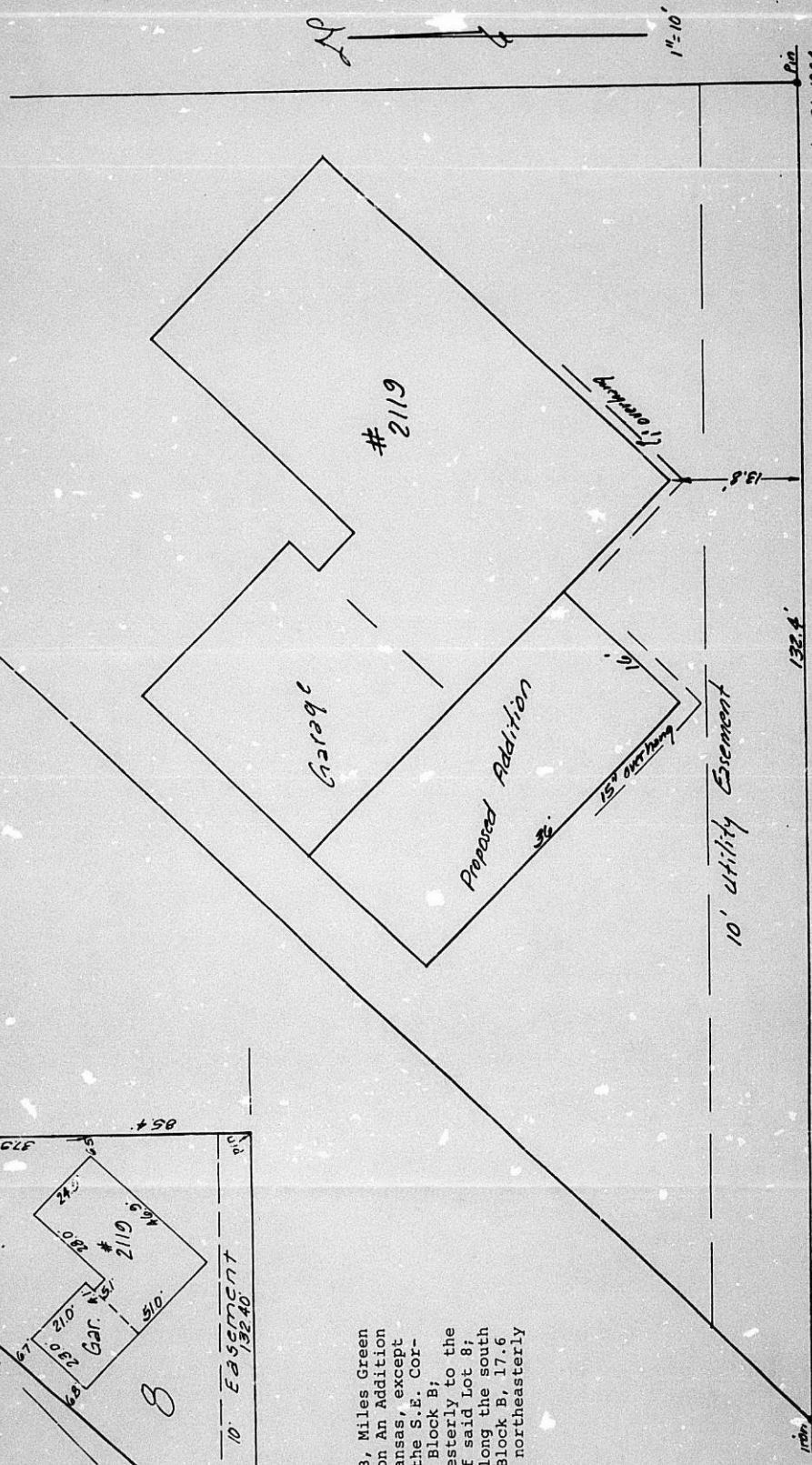
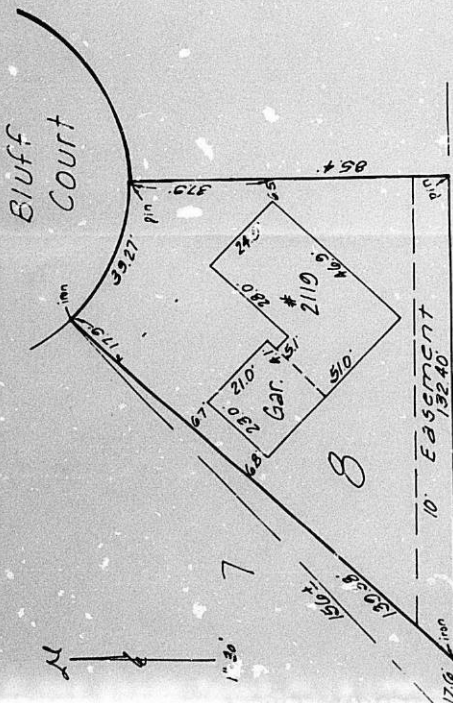


Nov. 26, 1984
BAUGHMAN COMPANY, P.A.
 SURVEYING & ENGINEERING
 316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211
 WILLIAM L. JOHNSON, L.L.
 JOHN E. LUNDGREN, L.L.
 H. BRETT WOOTEN, P.E.



Lot 8, Block B, Miles Green Valley Addition An Addition in Wichita, Kansas, except beginning at the S.E. Corner of Lot 7, Block B; thence southwesterly to the S.W. Corner of said Lot 8; thence east along the south line of said Block B, 17.6 feet; thence northeasterly to beginning.



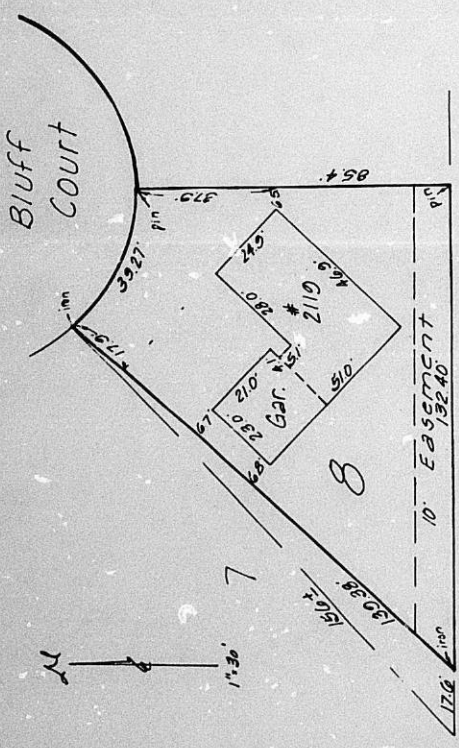


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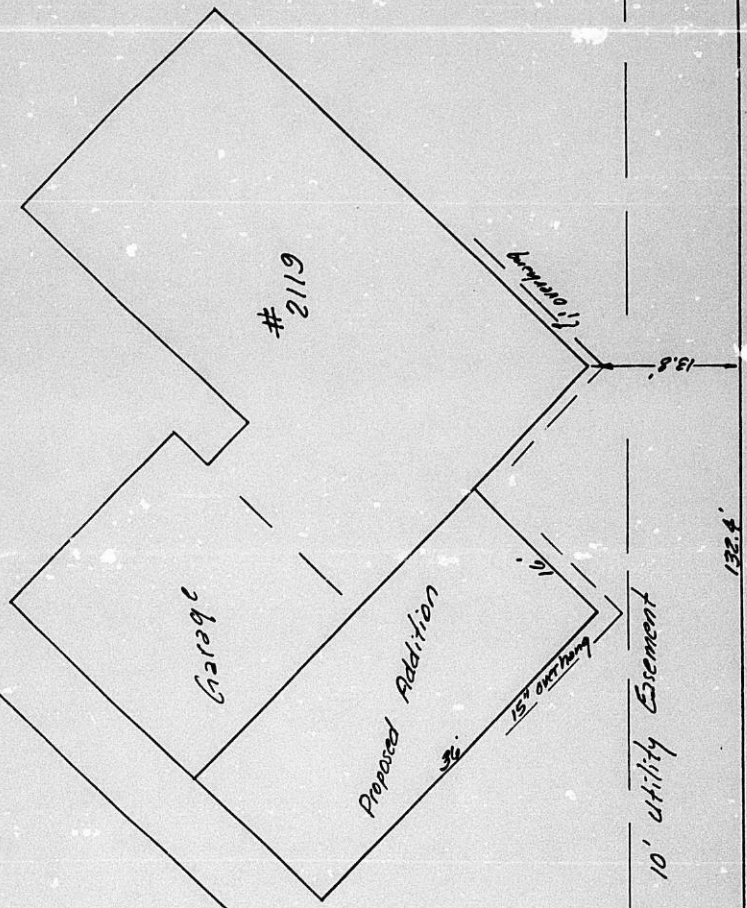
Nov. 26, 1984

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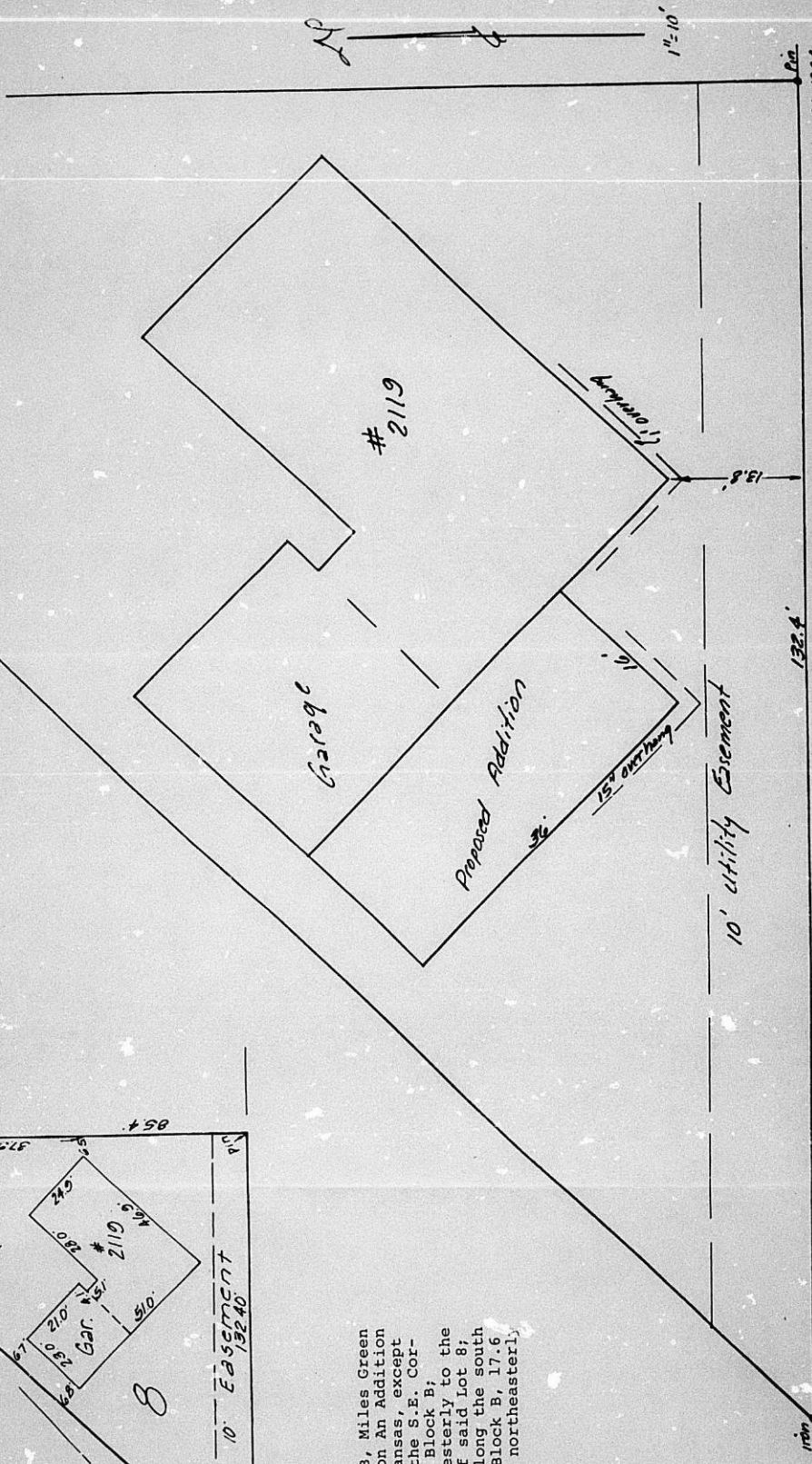
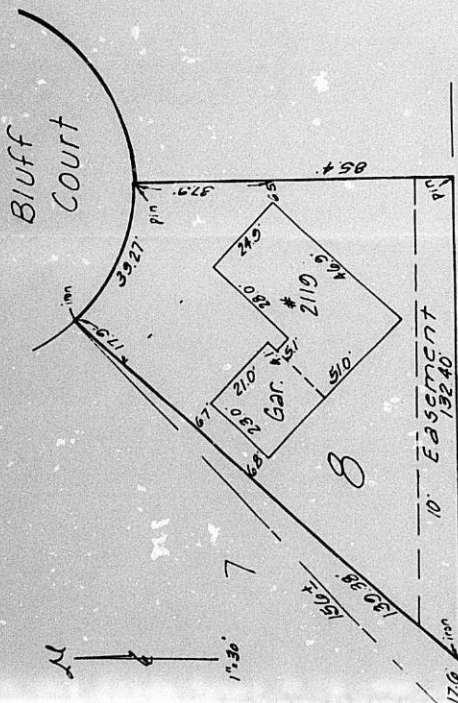


Nov. 26, 19



WILLIAM L. KORNER, L.S.
 JOHN E. LUNDBLAD, L.S.
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