

Case No. BZA 87-84 - Maudie M. Clanin,  
- requests 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

Record

Posted  
12-24-84

# ACTION

B.Z.A. 87-84 APPROVED 1-22-85  
DATE

200'4Sec 3-5-85  
SRoh ✓  
Record 3-19-85

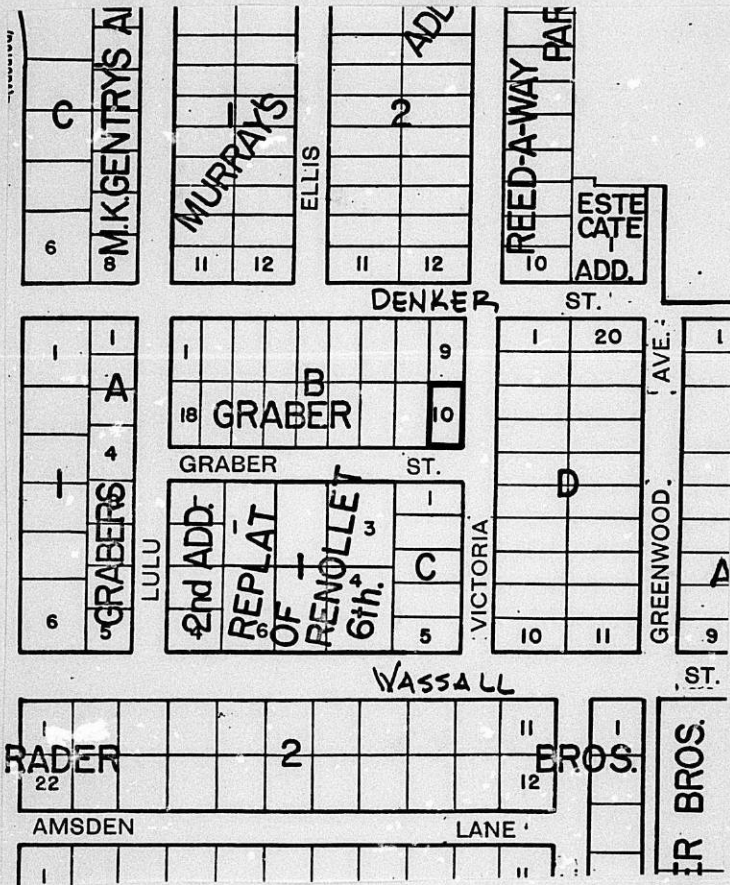
Case No. BZA 87-84 - Maudie M. Chantre.  
- requests a variance to reduce the  
required rear yard setback from 20 feet  
to 10 feet on property zoned the "M"  
One-family Dwelling District and

Map No. 5544 A

BZA 87-84  
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.



HASTINGS, ILL.  
No. 2153C  
LOS ANGELES CHICAGO LOGAN O'P  
MCGREGOR 17 LOCUST DRIVE CA  
"S.A."

**Standard**

January 29, 1985

Maudie M. Clanin  
1520 East Graber  
Wichita, Kansas

Re: BZA 87-84 - Request for Variance

Dear Mrs. Clanin:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1985.

This Resolution reflects the official action of the Board to approve your request, 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 D. Batholomew, 6740 Par Lane #4, Wichita  
Jim Jorgensen, Acting Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 87-84

WHEREAS, Maudie M. Clanin, 1520 East Graber, 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 10, Block B, Graber Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Graber and Victoria (1520 East Graber).

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, 1985, 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 it is located in a block that does not have reversal of frontage and therefore the reduction of the rear yard does not reduce a yard that is adjacent to a side yard of an adjoining dwelling; 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 reduction of the yard only for the existing garage should not interfere with the light and air of any 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 required to maintain a 3 foot separation between the existing garage and the main structure which in affect would serve no useful purpose nor would it change the general appearance of the property; 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 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 adequate separation of structures on adjacent properties will be maintained to comply with the general intent of the zoning regulations; 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.

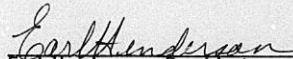
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 10, Block B, Graber Addition to Wichita, Sedgwick  
County, Kansas. Generally located on the northwest  
corner of Graber and Victoria (1520 East Graber).

be approved subject to the following condition:

1. The reduction of the rear yard from 20 feet to 10 feet shall only apply to the existing garage located on the property.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1985.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN RIGHTS & SERVICES**      **DATE** January 16, 1985

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

**FROM**      Shirley Mast, Administrative Aide III

**SUBJECT**      BZA 87-84 NORTHWEST  
CORNER OF GRABER AND  
VICTORIA - 1520 GRABER

CPO Council "D" considered the captioned case at its January 15th meeting and voted 6-0 to recommend that the variance to reduce the required rear yard setback for 20 feet to 10 feet on the property at 1520 Graber be approved subject to the conditions outlined in the MAPD Secretary's report.

No one was present to speak in support or opposition to the case.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered at the January 22nd meeting.

Shirley Mast  
Administrative Aide III

SM/glw

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**RECEIVED**

JAN 17 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 87-84

APPLICANT: Maudie M. Clanin, 1520 East Graber, Wichita, Kansas.

AGENT: William D. Batholomew, 6740 Par Lane #4, 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 northeast corner of Victoria and Graber (1520 East Graber).

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 rear yard setback from 20 feet to 10 feet in order to attach the existing two-car garage to the residence with a room addition. The site plan submitted with the application indicates that the garage is located back from the east property line approximately 29 feet which provides adequate setback for parking in front of the garage doors.

It should be noted that the addition will comply with all setbacks of the "AA" One-family Dwelling District. The existing detached garage also complies with all setbacks as long as the garage remains detached from the main structure. When the addition is constructed, then a 20 foot rear yard will be violated by ten feet. Distances to any adjacent structure on the north presently far exceeds the normal 40 foot rear yard separations on similar properties of residential development.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located in a block that does not have reversal of frontage and therefor the reduction of the rear yard does not reduce a yard that is adjacent to a side yard of an adjoining dwelling.

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 reduction of the yard only for the existing garage should not interfere with the light and air of any 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 required to maintain a 3 foot separation between the existing garage and the main structure which in affect would serve no useful purpose nor would it change the general appearance of the property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the rear yard will not interfere with any needed 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 adequate separation of structures on adjacent properties will be maintained to comply with the general intent of the zoning regulations.

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 10 feet shall only apply to the existing garage located on the property.
-

BZA CASE NO. 87-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>22</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>28</u>	TOTAL NOTICES SENT <u>12-31-84</u>

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

December 31, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 87-84

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 Maudie M. Clanin, 1520 East Graber, 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 on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 10, Block B, Graber Addition to Wichita, Sedgwick, County, Kansas. Generally located on the northwest corner of Graber and Victoria (1520 East Graber).

This application has been assigned Case BZA 87-84. It will be considered by the Board of Zoning Appeals on January 22, 1985 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. 87-84

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Maudie M. Chanin  
Mailing Address 1520 E. Gruber Phone 263-3776  
Name of Authorized Agent William D. Bartholomew  
Mailing Address 6740 Park #4 67209 Phone 945-2927  
Relationship of applicant to property is that of owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is the rear yard requirement of 20 feet to 10 feet

for property located at 1520 E. Gruber

and legally described as: lot 10 BIK B of the Gruber add

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 Maudie Chanin

Authorized Agent William D. Bartholomew

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:30 am (a.m.p.m.), Dec 21, 1984, together with appropriate fee of \$75.

Signed [Signature]

The current zoning of the property located at 1520 E. Grober (Lot 10, block B of the Kuder add) is general av. single family dwellings.

The owner of the property is requesting a variance as to the rear yard requirement under sec 22.04.040 which states that there shall be a rear yard having a depth of not less than twenty feet. The variance requested would allow her to build an approx 16 x 17 addition to the rear of the existing house and to attach it to her detached two car garage, which would leave her only a 10 foot rear yard.

The current ordinance would require her to leave a three foot separation between the house and garage to comply would be to detract from the overall appearance and restrict the room size.

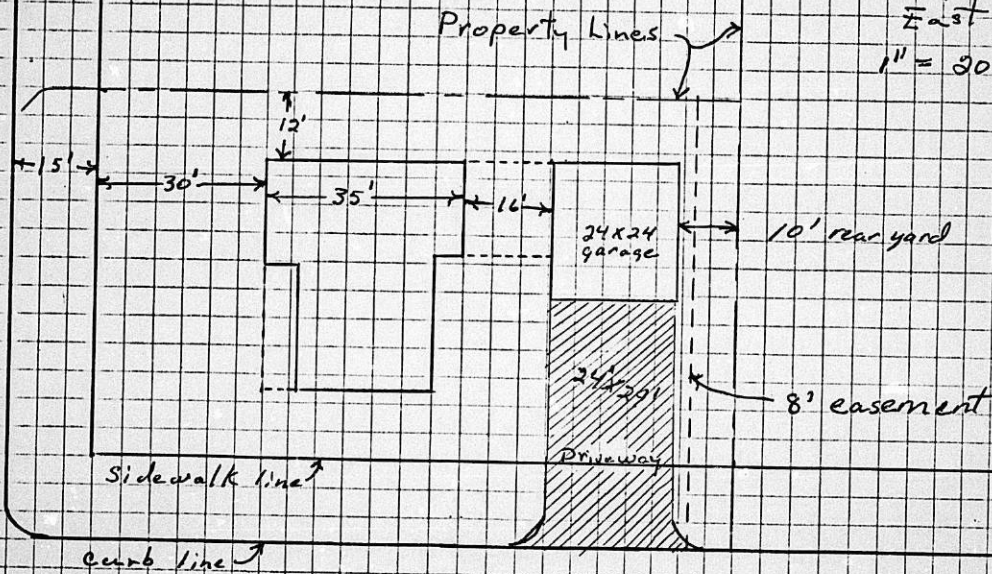
There is currently an 8' utility easement across the rear property line and the existing garage is 10 feet from the property line leaving adequate excess by utility companies and fire equipment.

By granting the variance to allow the existing house and garage to be connected by two additions it would not detract from the general character of the neighborhood but would improve appearance and values of area.

William D. Battantone

Lot 10 B I K B Graber Add

West  
North →  
East  
1" = 20'



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block B	Graber Addition	Robert J. Ihde Rhonda G. Ihde 1501 Denker Wichita, KS 67216
Lot 6	Block B	"	Lynn R. Hughes <del>Karen F. Hughes</del> Address Unknown
Lot 7	Block B	"	Mary Margie Feken 1509 Denker Wichita, KS 67216
Lot 8	Block B	"	R. T. Herman Doris M. Herman 1513 Denker Wichita, KS 67216
Lot 9	Block B	"	Kathleen D. Oldfield 1519 Denker Wichita, KS 67216
Lot 10	Block B	"	Maudie M. Clanin 1520 E. Graber Wichita, KS 67216
Lot 11	Block B	"	Guy G. Tolbert Dorothy L. Tolbert 1514 E. Graber Wichita, KS 67216
Lot 12	Block B	"	Donald Ralph White Judy K. White 1510 E. Graber Wichita, KS 67216
Lot 13	Block B	"	Stanley E. Heinzman Vicki B. Heinzman 1506 E. Graber Wichita, KS 67216
Lot 14	Block B	"	Monte H. Freeman <del>Jo Ann Freeman</del> Address Unknown
Lot 1	Block C	"	Harold D. Rhoades Martha B. Rhoades Address Unknown
Lot 2	Block C	"	Gary D. Phelps Carol A. Phelps 2737 Victoria Wichita, KS 67216
Lot 3	Block C	"	Ned F. Farha Cathi Farha 2743 Victoria Wichita, KS 67216

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block D	Graber Addition	Joseph F. Meissen Juanita M. Meissen Address Unknown  Interest in Property: Coy H. Johnson Address Unknown
Lot 2	Block D	"	Southwest National Bank P.O. Box 1401 Wichita, KS 67201
Lot 3	Block D	"	William C. Brannon Tomika Y. Brannon 2714 Victoria Wichita, KS 67216
Lot 4	Block D	"	Robert C. English Margaret Ann English 2720 Victoria Wichita, KS 67216
Lot 5	Block D	"	James C. Brewer Joyce L. Brewer 2726 Victoria Wichita, KS 67216
Lot 6	Block D	"	Sammy J. Sanders Nancy K. Sanders 2732 Victoria Wichita, KS 67216
Lot 7	Block D	"	Dale Duane Kramer Carole S. Kramer 2738 Victoria Wichita, KS 67216
Lot 15	Block D	"	Jeff M. Scott Lynn A. Scott 2527 Victoria Wichita, KS 67216
Lot 16	Block D	"	Jacob F. Parker Diane L. Warstler 2725 S. Greenwood Wichita, KS 67216
Lot 17	Block D	"	Gerald F. Fager V. Maxine Fager 1423 N. Baltimore Derby, KS 67037
Lot 11	Block 2	Murray's Addition	Robert R. May Mary Lou May 2662 Ellis Wichita, KS 67216
Lot 12	Block 2	"	Aaron Fair Charlene Fair 22 Beaver Ct. Goddard, KS 67052  Steve Katzenmeier Willi Katzenmeier Address Unknown

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 10		Reed-A-Way Park Addition	Indian Southern Baptist Church 1550 Denker Wichita, KS 67216
Lot 3	Block 1	Renollet 6th Addition	Robert C. Schroeder Dortha M. Schroeder 927 E. Market Derby, KS 67037

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

Lot 10, Block B, Graber Addition, Wichita,  
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 4th day of December, 1984, at 7:00 o'clock A.M.

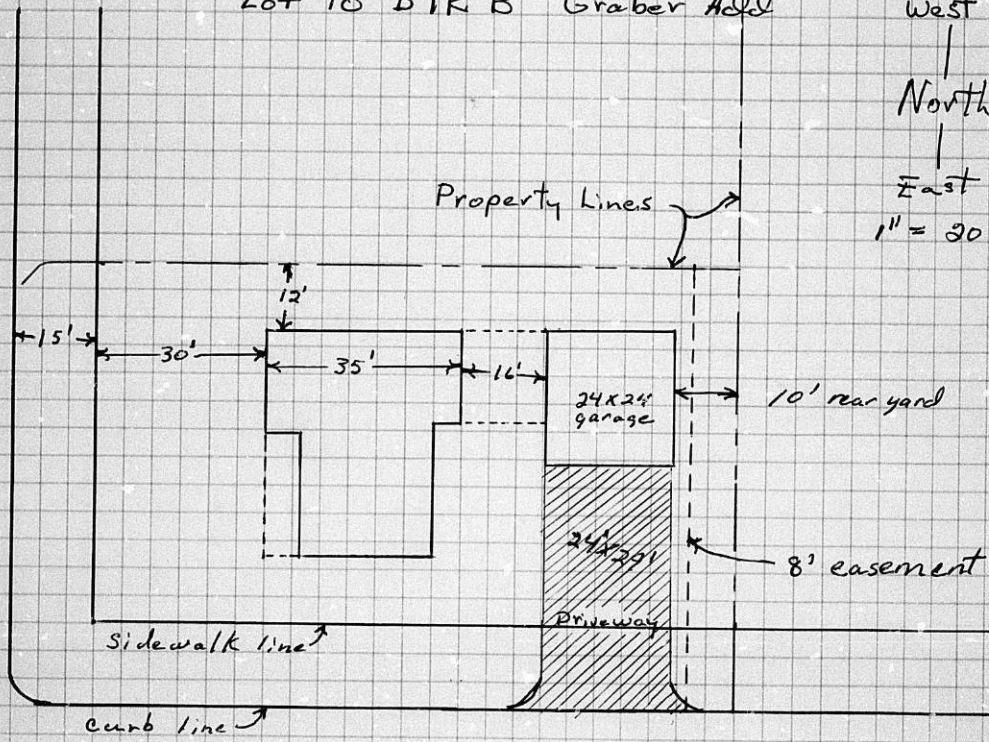
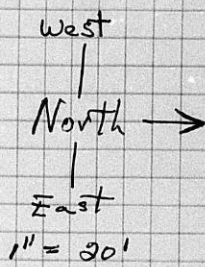
THE SECURITY ABSTRACT AND TITLE  
COMPANY, INC.

By

*Mary Gable*  
Sr. Vice-President

Order No: 341225  
ns

Lot 10 B I K B Graber Add



BZA 87-84

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

December 31, 1984

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**CASE NO. BZA 87-84**

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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 768-4421.

Jack H. Galbraith  
Secretary

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Jack H. Galbraith  
Secretary

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 2 721

PAYMENT NOTICE  
City of Wichita

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

755 40071 003

DESCRIPTION	AMOUNT
	\$75

NAME *Donald D. Bartholome*

ADDRESS *3021 S Glen*

FUND \_\_\_\_\_ DUE DATE *12-21-84*

COMMENTS *37A returned*

DATE *12-21-84* BY *JHO*