

BZA 2-71 - Van E. Fiser requests
VARIANCE to reduce rear yd setback
from 20 ft to 3 ft at NW corner
of Ridgewood and Edgemoor Drive

BZA 4-21-71 Approved

POSTED

3-31-71

~~MAP~~
CIV 5-7-71
MAP

BZA 4-29-71 Approved

BZA 2-71 - Van E. Fiser requests
VARIANCE to reduce rear yd setback
from 20 ft to 3 ft at NW corner
of Ridgewood and Edgemoor Drive

WILLIAM L. KORBER

BAUGHMAN CO.

Surveyors

2222 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7441

RONALD G. WAYMIRE

State of Kansas)
County of Sedgwick) SS

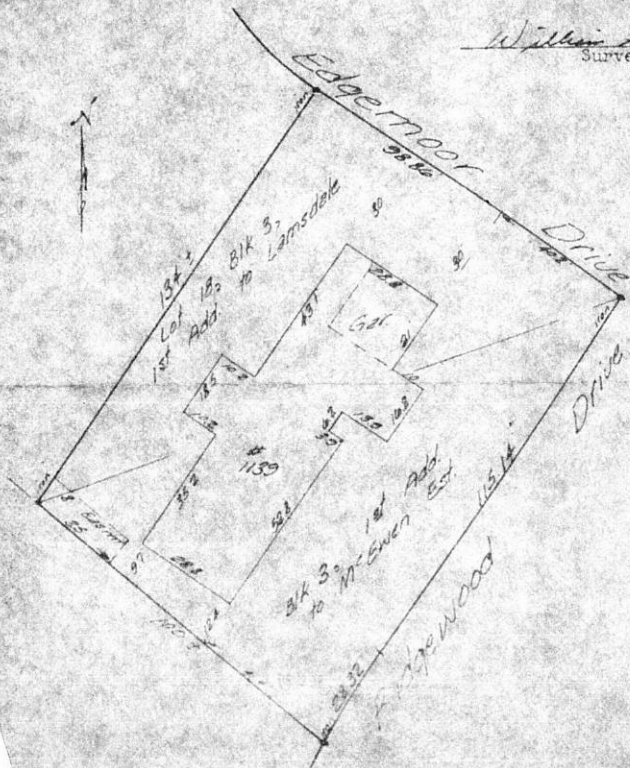
January 27, 1971

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 27th day of January, 1971, survey Lot 18, Block 3, First Addition to Lamsdale, Wichita, Kansas, and Block 3, First Addition to McEwen Estate, Wichita, Kansas.

On said lot is house No. 1139 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

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

William L. Korber
Surveyor



RESOLUTION NO. BZA 2-71

WHEREAS, Van E. Fiser, 1139 North Ridgewood, 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 3 feet, on property zoned "AA" Single Family, and legally described as follows:

A tract comprised of Lot 18, Block 3, First Addition to Lambsdale, Wichita, Kansas; and Block 3, First Addition to McEwen, Wichita, Kansas. Generally located at the northwest corner of Ridgewood and Edgemoor Drive.

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 April 27, 1971, 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 applicant inasmuch as the house maintains a front yard setback from both Edgemoor and Ridgewood due to the setback requirements on double frontage lots and therefore, both the west and south yards can be considered as side yards; and also that the entire west yard is bounded on three sides by an 8 foot solid white cedar fence which, in essence, has eliminated the feeling of open space as it relates to abutting properties; 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 structure would in all probability be almost completely hidden by the existing 8 foot fence; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the applicant and his wife would be denied the year round use of their own private swimming pool; 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 inasmuch as the variance requested is interiorly located; 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 enclosure of the proposed pool would not affect the feeling of open space any more than the existing 8 foot solid wood fence; and

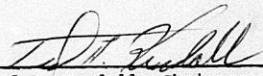
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 3 feet, on property zoned "AA" Single Family, and legally described as:

A tract comprised of Lot 18, Block 3, First Addition to Lambsdale, Wichita, Kansas; and Block 3, First Addition to McEwen, Wichita, Kansas. Generally located at the northwest corner of Ridgewood and Edgemoor Drive.

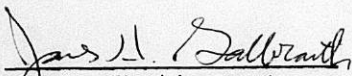
be approved for only that area proposed to be enclosed.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1971.



Ted A. Kendall, Chairman

ATTEST:



Jack H. Galbraith, Secretary

May 3, 1971

Mr. Van E. Fiser
1139 North Ridgewood
Wichita, Kansas 67208

Subject: Case No. BEA 2-71
Request for Variance

Dear Mr. Fiser:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 27, 1971, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 3 feet, on property zoned "AA" Single Family, and generally located at the northwest corner of Ridgewood and Edgemoor Drive.

This Resolution reflects the official action of the Board to approve your request for only that area proposed to be enclosed. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

April 28, 1971

Mr. Van E. Fiser
1139 North Ridgewood
Wichita, Kansas 67208

Subject: Case No. BZA 2-71
Request for Variance

Dear Mr. Fiser:

At the regular meeting of the Board of Zoning Appeals on April 27, 1971, your request for a variance to reduce the required rear yard setback from 20 feet to 3 feet, on property zoned "AA" Single Family, and generally located at the northwest corner of Ridgewood and Edgemoor Drives, was considered.

It was the action of the Board to approve this request for only that area proposed to be enclosed.

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.

Yours very truly,

Jack H. Galbmith
Secretary

JHG:ls

cc Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

BOARD OF ZONING APPEALS

SECRETARY'S REPORT
CASE NO. BZA 2-71

APPLICANT: Van E. Fiser, 1139 North Ridgewood, 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 3 feet

GENERAL LOCATION: At the northwest corner of Ridgewood and Edgemoor Drive

ZONING: Subject property is zoned "AA" Single Family as are those properties to the north, east, south and west.

LAND USE: Subject property is occupied by a single family home as are all surrounding 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 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 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the rear yard setback from the required 20 feet to 3 feet in order to enclose his swimming pool which he proposes to construct, for all weather use. Since the pool enclosure will be attached to the main structure it becomes a part of the main structure and according to the ordinance it must maintain a 20 foot rear yard setback.

UNIQUENESS:

It is the opinion of the Secretary that the site is unique inasmuch as the house maintains a front yard setback from both Edgemoor and Ridgewood due to the setback requirements on double frontage lots and therefore, both the west and south yards can be considered as side yards. It is also the opinion of the Secretary that the site is unique in that the entire west yard is bounded on three sides by an 8 foot solid white cedar fence which, in essence, has eliminated the feeling of open space as it relates to abutting properties.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed structure would in all probability be almost completely hidden by the existing 8 foot fence.

HARDSHIP:

It is the opinion of the Secretary that it is difficult to find a hardship, however, if the variance is not granted the applicant and his wife would be denied the year round use of their own private swimming pool.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the variance requested is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as the enclosure of the proposed pool would not affect the feeling of open space any more than the existing 8 foot solid wood fence.

Page 3 - Secretary's Report
Case No. BZA 2-71

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 be granted for only that area proposed to be enclosed.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

April 7, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 2-71

An application has been filed by Van E. Fiser, 1139 North Ridgewood, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 20 feet to 3 feet, on property zoned "AA" Single Family, and legally described as follows:

A tract comprised of Lot 18, Block 3, First Addition to Lamsdale, Wichita, Kansas; and Block 3, First Addition to McEwen, Wichita, Kansas. Generally located at the northwest corner of Ridgewood and Edgemoor Drive.

This application has been assigned Case No. BZA 2-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*3 notices mailed 4-6-71 for
BZA 4-27-71*

1139 N. Ridgewood
Wichita, Kansas 67208
March 30, 1971

Secretary, Board of Zoning Appeals
Room 402, City Building Annex
104 S. Main, Wichita, Kansas

Dear Sir:

We have applied for a variance from the specific terms of Title 28 for our property located at 1139 N. Ridgewood, in order to reduce the rear yard setback for an attached structure from 20 feet to 3 feet, in order that we may construct an enclosure for our proposed swimming pool.

The proposed structure will consist of permanent white cedar framing with removable side and roof panels of translucent fiberglass. It will be attached to the house by three cedar roof beams in order to give support to the structure. Plans for the enclosure will be drawn by an architect and engineer to meet the requirements of the building codes.

Our property is unique to the area in that it is a double front lot, fronting on both Ridgewood and Edgemoor. The house is set 30 feet from the property line on Edgemoor, and 40.2 feet from the property line on Ridgewood. Easements on both Edgemoor and Ridgewood are in addition to the above setbacks, thus creating large front and side yards which are of little use to us as property owners. The only usable space for outdoor recreational activities therefore is the rear yard of approximately 30 feet by 134 feet, in the northwest corner of which we propose to construct a swimming pool and enclosure.

The entire rear yard is presently enclosed by an 8 foot white cedar fence, constructed approximately six inches inside the property lines. The proposed structure will be entirely within the existing fence and will not be visible to adjacent property owners or from the street. It will therefore in no way affect the rights of other residents of the area. The property adjacent to ours on the west is the only property that could even remotely be affected by our proposed construction. This property is owned by George Hampton, architect for our project, who has given his written consent to the proposal.

If the proposed structure were moved within the six foot setback line as required by the strict application of Title 28, it would destroy the proper balance of the whole yard. The pool and enclosure would be brought 6 feet closer to the house, leaving six feet of unusable free space at the west edge of the property line. The strict application of the setback requirements will therefore make it impossible to enclose the pool, and since an unenclosed pool is rather impractical for the Kansas climate, the strict application of the setback rules would virtually rule out the entire project.

Thank you for your consideration of this variance application.

Respectfully submitted,

Van E. Fiser
Van E. Fiser

HAMPTON & ASSOCIATES

A R C H I T E C T
6111 E. 13TH WICHITA, KAN. 67208 MU 4-6996

APRIL 1, 1971

SECRETARY OF ZONING BOARD OF APPEALS
CITY BUILDING-ROOM 402
104 SOUTH MAIN
WICHITA, KANSAS

DEAR SIR:

OUR OFFICE IS ASSISTING MR. AND MRS. FIBER WITH THEIR PLANS FOR A SWIMMING POOL AND POOL HOUSE.

AS THE NEIGHBOR NEXT TO THIS PROJECT, WE HAVE NO OBJECTION TO THIS PROJECT BEING GRANTED SPECIAL PERMISSION TO BE LOCATED WITHIN THE MINIMUM DISTANCE TO THE PROPERTY LINE.

IF WE CAN BE OF ANY ASSISTANCE ON THIS MATTER PLEASE CALL ON US.

SINCERELY,


GEORGE L. HAMPTON

C.C. VAN FIBER

BOARD OF ZONING APPEALS

CASE NO. BZA 2-71

CITY OF WICHITA, KANSAS

FILED 3-31-71

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ VAN E. FISER

Mailing Address 1139 N. RIDGEWOOD Phone MU 57341
67208

Name of Authorized Agent _____

Mailing Address _____ Phone _____

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

II. The variance requested is TO REDUCE THE REQUIRED
REAR YARD SET BACK FROM 20 FEET TO
3 FEET.

for property located 1139 N. RIDGEWOOD, WICHITA KS.

for a tract comprised of
and legally described as: LOT 18 BLOCK 3 FIRST ADDITION
TO LAMPSDALE, WICHITA, KANSAS and BLOCK 3
FIRST ADDITION TO McEWEN ESTATE, WICHITA, KANSAS

in the City of Wichita; and which is presently zoned AA.

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 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); 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.

Van E. Fiser
Applicant

Authorized Agent

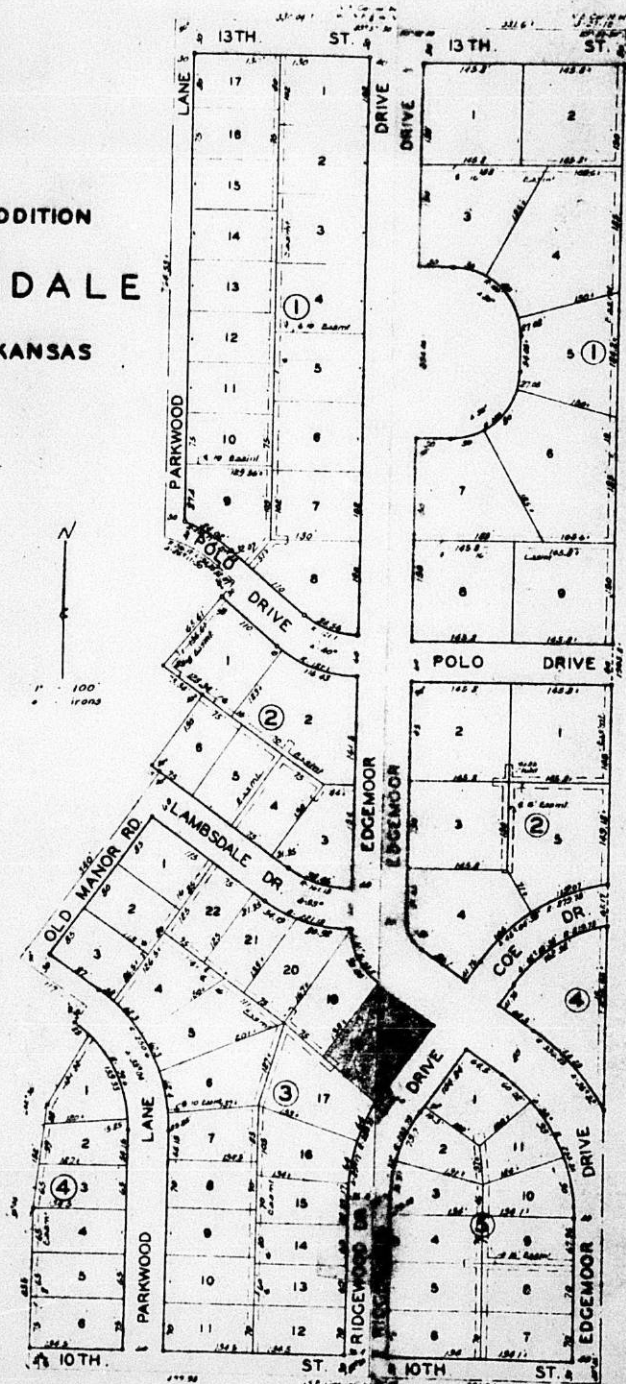
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:00 (a.m. - p.m.), March 31 19 71 together with appropriate fee of \$50.00.

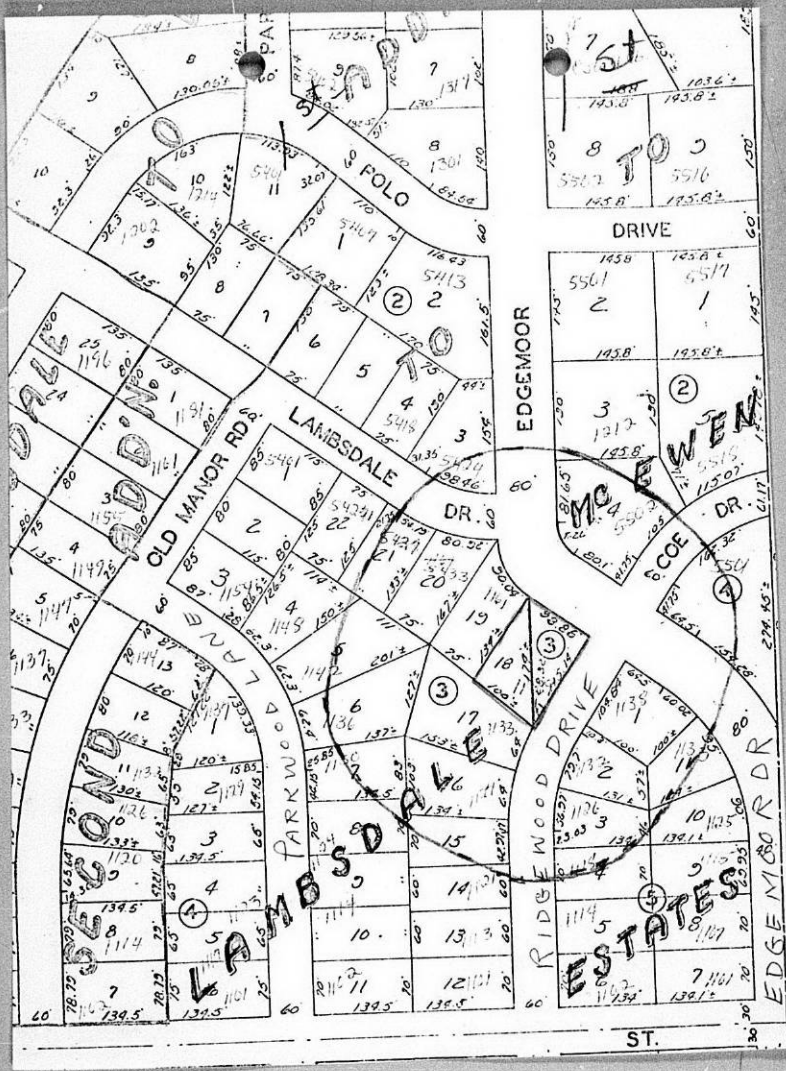
T9-402

G. Lynn Shirley
Signed

Map # 5848

FIRST ADDITION
TO
LAMBSDALE
WICHITA KANSAS





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, viz:

Property lying within a radius of 200 ft of:
 Lot 18, Block 3, First Addition to Lambsdale
 and Block 3, First Addition to McEwen Estates.
 Wichita, Sedgwick County, Kansas.


Fidelity
Title
Company,
inc.

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.)

LOT	BLK	ADDITION	OWNER
18	3	<u>1st Add. to Lambsdale</u>	Van E. Fiser Virginia Fiser, ux 1139 N. Ridgewood 67208
19	3		✓ Emma E. Brunson 1161 N. Edgemoor 67208
20	3		✓ Berta L. White 5433 Lambsdale 67208
21	3		✓ Howard L. Creason Lucille Creason, ux 5427 Lambsdale 67208
4	3		✓ Jerry D. Bupp Norma L. Bupp, ux 1148 N. Parkwood Lane 67208
-5	3		✓ Arnold Grushnys Gertrude Grushnys, ux 1142 N. Parkwood Lane 67208

LOT	BLK	ADDITION	OWNER
6	3	<u>1st Addition to Lambsdale</u>	✓ W. J. Easton, Jr. Florence Easton, ux 1136 N. Parkwood Lane 67208
7	3		✓ H. H. Pence Nellie M. Pence, ux 1130 N. Parkwood Lane 67208
8	3		✓ Lloyd M. Hall Sara C. R. Hall, ux 1124 N. Parkwood Lane 67208
N 25' Lot 14, all 15, 3			✓ William C. Bracas Andrea M. Bracas, ux 1121 N. Ridgewood Dr. 67208
16	3		✓ Carl O. Palm Lucille F. Palm, ux 1127 N. Ridgewood Dr. 67208
17	3		✓ Lloyd D. Clothier Marian Gay Clothier, ux 1133 N. Ridgewood Dr. 67208
3	2		✓ M. D. Mattley Anita W. Mattley, ux 5424 Lambsdale 67208
3	2	<u>1st Addition to McEwen Estates</u>	✓ F. E. Tipton, Jr. Lo Ree Tipton, ux 1212 N Edgemoor 67208
4	2		✓ George F. Mueller Louise P. Mueller, ux 5502 Coe Dr. 67208
All	3		✓ Van E. Fiser Virginia Fiser, ux 1139 N. Ridgewood Dr. 67208
1	5		✓ Ernest P. Katzenmeier, Wilma L. Katzenmeier, 1138 N. Ridgewood ux 67208
2	5		✓ Joe A. Martin Ethel M. Martin, ux 1132 N. Ridgewood 67208
3	5		✓ Rudy C. Havel Ferne E. Havel, ux 1126 N. Ridgewood 67208
4	5		✓ Paul R. Kitch, Jr. Patricia Dianne Kitch, 1118 N. Ridgewood ux 67208

Lot 10, exc beg at NE cor; th SEly along front ✓ William H. Harrison
line 3'; th W to NW cor; th in a straight Rachel K. Harrison, ux
line approximately 124' to the pt of beg., 1125 N. Edgemoor 67208
Block 5, First Addition to McEwen Estates.

Lot 11 & that part of Lot 10, excepted in above ✓ Minford L. Lovett
description. Block 5, First Addition to Louise M. Lovett, ux
McEwen Estates. 1133 N. Edgemoor 67208

That part of Block 4, First Addition to McEwen
Estates desc as fol: Beg at NE cor Blk 4; th
S along E line sd blk, 159.5'; th SW 67.85' on
a curve being the E line Edgemoor Dr. and having
a radius of 335.25'; th NWly along sd curve 71'
to pt of tangency sd curvel th continuing 64.8'
to NW cor sd Blk 4; th NE 41.75' to pt of curva-
ture of a curve to the right having a radius of
219.73'; th along sd curve, being th S line of
Coe Dr, 162.32' to beg.

Eathel Lee Shaw, wdo.
No Address Available
none found

Block 4, First Addition to McEwen Estates, except ✓ D. Glenn Cummins
above described property. Lida U. Cummins, ux
5602 Coe Court 67208

Dated at Wichits, Kansas this 2nd day of
April, 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elvie M. Farrell
Sec. OEM

Tracer # 9369

FORM 273-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
172	50

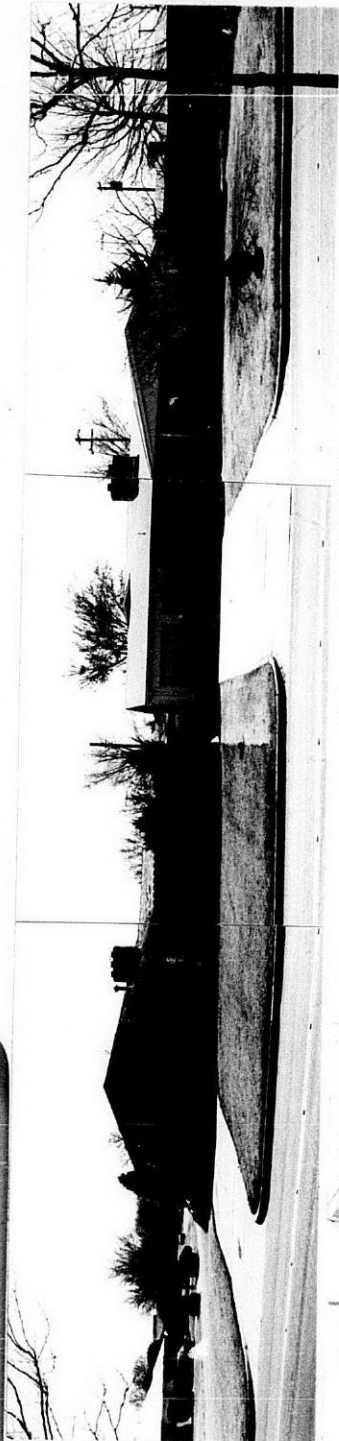
Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date: 3-21-71 By: Lo



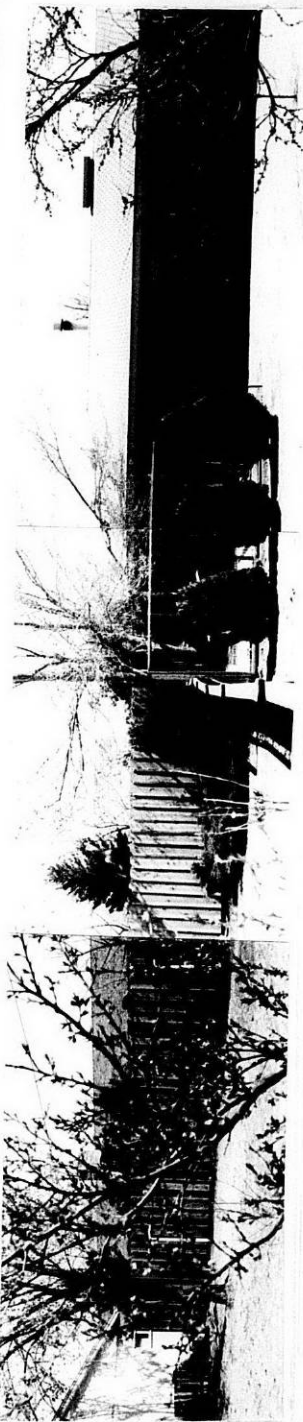
1.



3.



2.



A.

Map No. 58
 Sec. _____
 Twp. _____
 Range _____

- AREA DATA:
 1. Acres;
 2. Adjoining;
 3. Land Use;
 4. Sketch M;
 5. Present M;
 6. Area (is)

PHOTO DATA:
 Taken by _____



Map No. 5848
 Sec. 13
 Twp. 27S
 Range 1E

BZA 2-71
 SCZ-
 CU-
 Filed

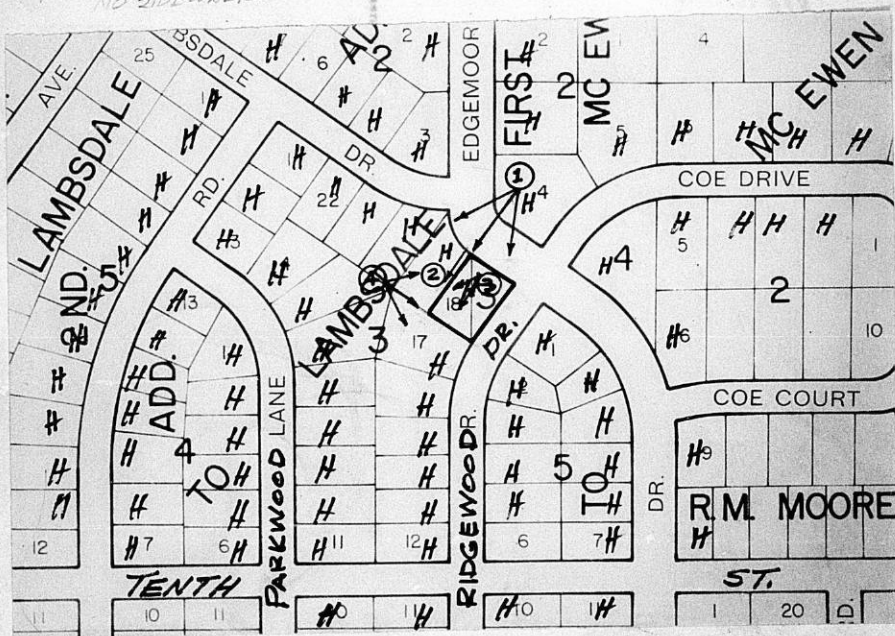
AREA DATA:

1. Acres: 0.32 (97 ft. by 143 ft.)
2. Adjoining Zoning: E S W N
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for:
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by F Date 4-9-71 Time 2:00

No SIDEWALKS.



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1