

Case No. BZA 5-83 - Manfred Menking - requests a variance to reduce the required rear yard from 20' to 10' on property zoned the "A-1" One-family Dwelling District and generally located on the southwest corner of Post Oak Road and Rockwood Road (7419 Rockwood).

*Post Oak  
2-11-83*

ACTION

B.Z.A. 5-83 Approved 2-22-83  
DATE

5947A

200' 4 Sec. 3-3-83  
Checked 3-3-83 ant  
Shot 3-4-83  
Recorded 3-14

Map No. 5947  
 Sec. 19  
 Twp. 27  
 Range 2E

BZA- 5-83  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.8 ( 100 ft. by 110 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 if for: SINGLE FAM
  6. Area (is) (is not) platted.



LOS ANGELES CITY AND COUNTY  
 REGISTERED PLAT OFFICE  
 1200 WEST 7TH STREET  
 LOS ANGELES, CALIFORNIA 90015

Shiloh  
 No. 2-153C  
 HASTINGS, MINN.

53

February 23, 1983

Manfred Menking  
7419 Hickwood  
Wichita, Ka. 67206

Re: Case No. BEA 5-83  
Request for Variance

Dear Mr. Menking:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1983.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions 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

GKL:sad  
Enclosure

cc: Peake & Peake, Inc., Box 18768, Wichita 67218  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gaisick, City Clerk

RESOLUTION NO. EZA 5-83

WHEREAS, Manfred Menking, 7419 Rockwood, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 5, Block 4, Rockwood First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Post Oak Road and Rockwood Road (7419 Rockwood).

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 February 22, 1983, 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 location of the existing structure on the property which limits any expansion of the dwelling to the south and to add a two car garage, without a smaller addition to the main structure would effectively eliminate needed window areas of the existing residence; 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 structure immediately to the south is located within 22' of the common property line and a separation of 32 feet will be maintained between the two residences; 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 existing structure is located in compliance with all setbacks, and the only area available for an addition is to the south which is required a twenty foot setback; 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 addition will not interfere with any easements on the property; 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 will be maintained between the two adjacent structures to provide light and air to each; 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' to 10' on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 5, Block 4, Rockwood First Addition to Wichita,  
Sedgwick County, Kansas. Generally located on the  
southwest corner of Post Oak Road and Rockwood Road  
(7419 Rockwood).

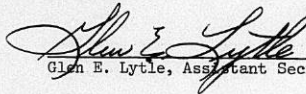
be approved subject to the following conditions:

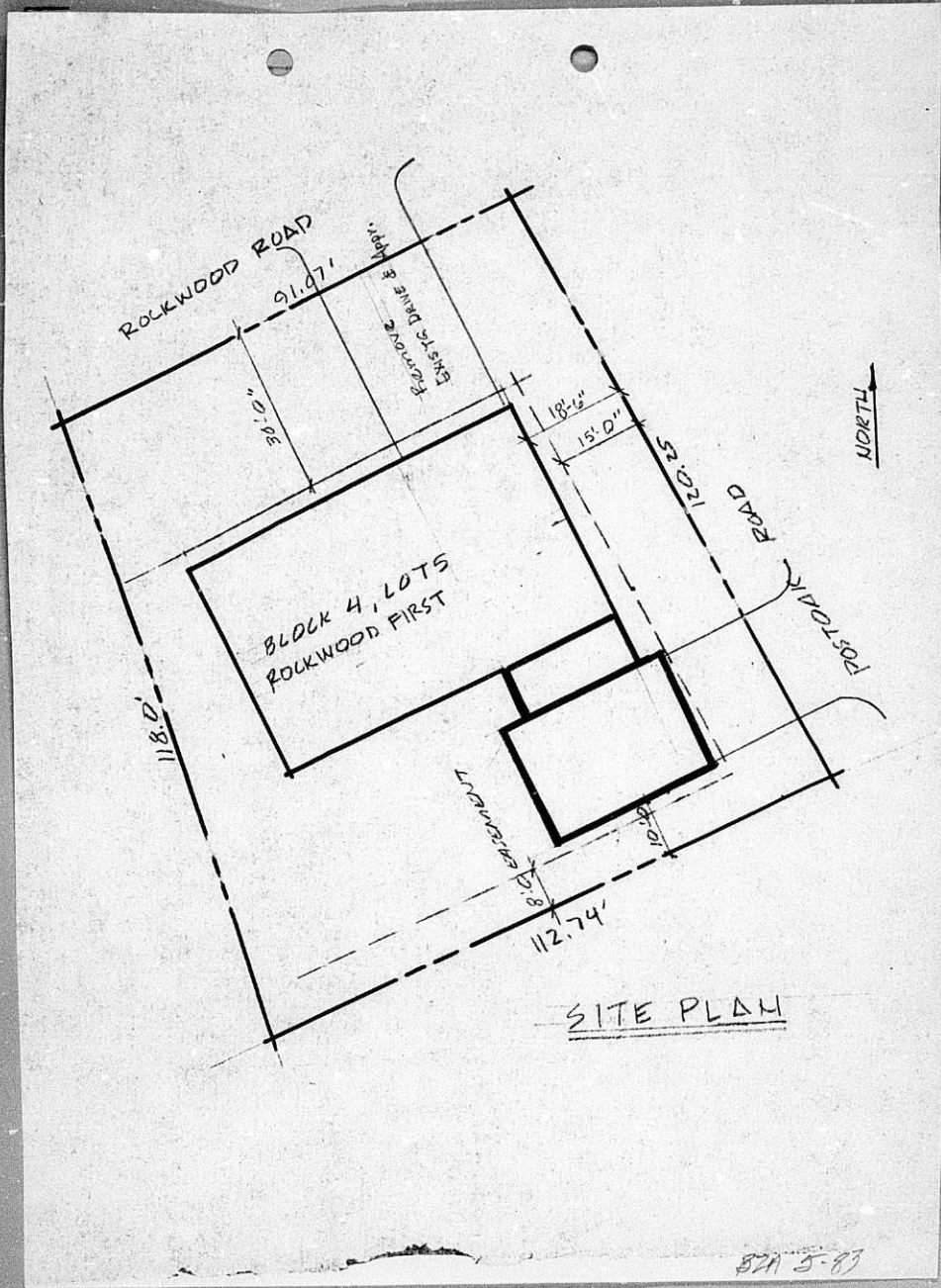
1. The addition encroaching into the required 20 foot rear yard setback shall not occupy more than 400 square feet of the required rear yard area.
2. The existing driveway approach to Rockwood shall be removed and the front yard area shall be returned to landscaping.
3. The front of the garage shall not be located closer than 20 feet to the property line of Post Oak Road.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.

  
\_\_\_\_\_  
Tom Jacob, Chairman

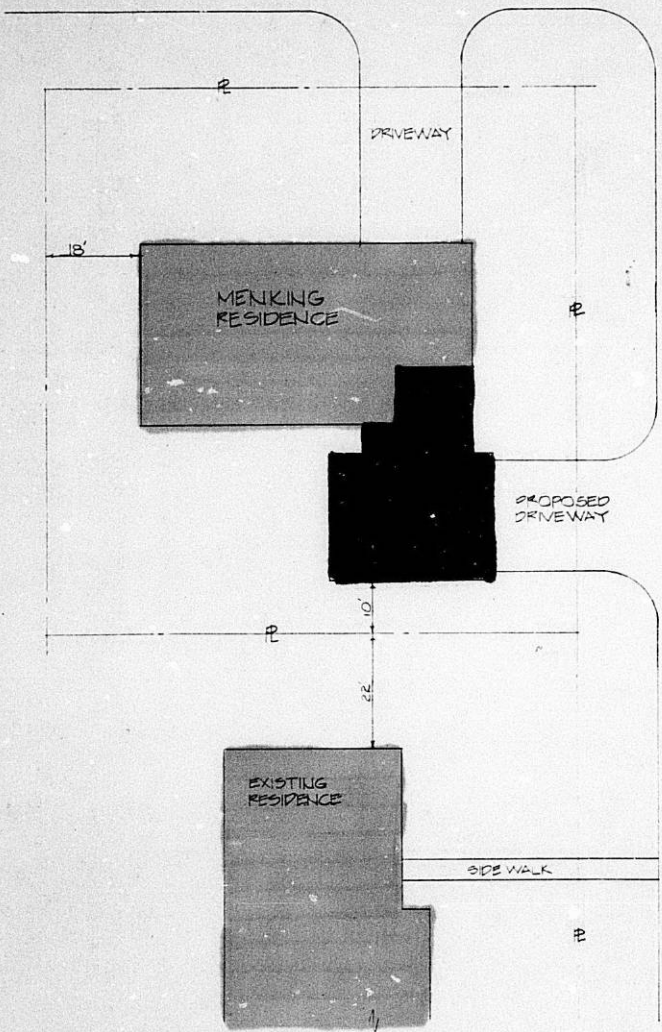
ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

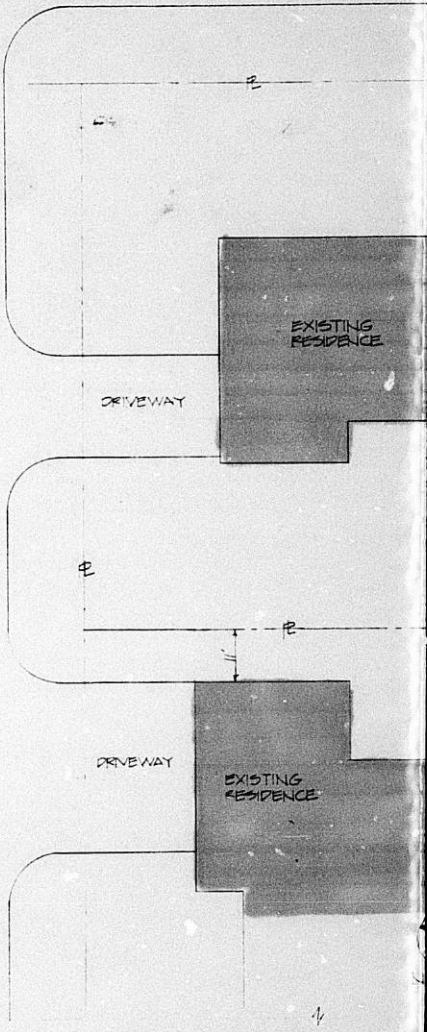


BZA 5-83

ROCKWOOD ROAD

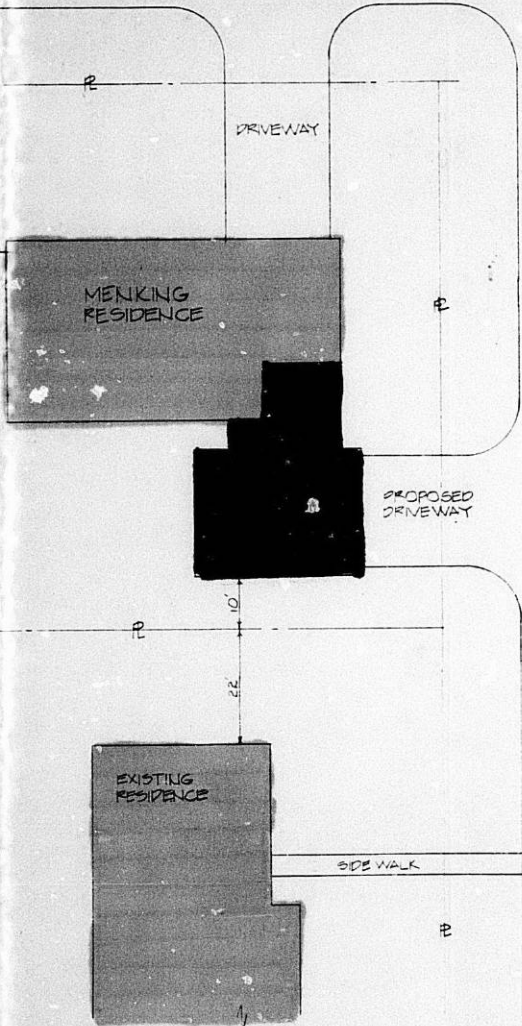


POSTOAK ROAD

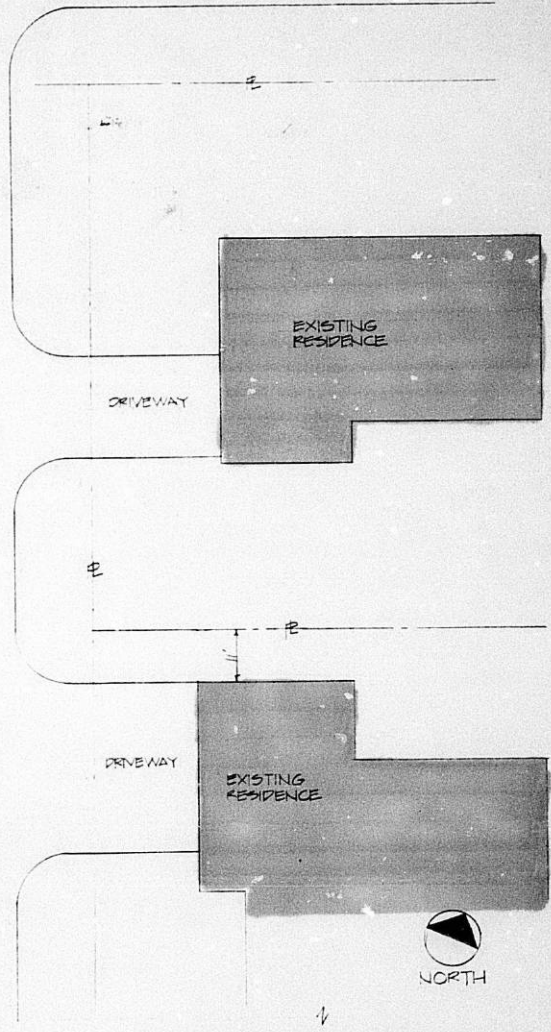


MENKING RESIDENCE  
PROPOSED ADDITION  
BY: PEAKE & PEAKE INC.  
WICHITA, KANSAS

ROCKWOOD ROAD



POSTOAK ROAD



MENKING RESIDENCE  
PROPOSED ADDITION  
BY: PEAKE & PEAKE INC.  
WICHITA, KANSAS

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE February 11, 1983

RECEIVED

FEB 11 1983

TO Glen Lytle, Special Assistant for Zoning  
FROM Clemencia L. Prieto, Administrative Aide III

METROPOLITAN PLANNING  
ROUTE  Lytle

SUBJECT BZA 5-83, southwest corner of  
Post Oak and Rockwood Roads.

At its Monday, February 7th meeting, CPD Neighborhood Council Area "H" considered the above captioned case, a request for a variance to reduce the required rear yard from 20 feet to 10 feet on property zoned the "AA", One-family Dwelling District. The Council voted 6-0 to recommend approval of the variance.

Susan Menking, the applicant, was present to explain the request to the Council. One area resident was present and expressed no opposition to the project.

Please provide the Council's recommendation to the Board of Zoning Appeals when it considers the request.

*Clemencia L. Prieto*  
Clemencia L. Prieto  
Administrative Aide III

SECRETARY'S REPORT  
CASE NO. BZA 5-83

APPLICANT: Manfred Menking, 7419 Rockwood, Wichita, Kansas.

AGENT: Peake & Peake, Inc., Box 18788, 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 southwest corner of Post Oak Road and Rockwood Road (7419 Rockwood).

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. All adjacent properties are one-family dwellings.

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 setback from 20 feet to 10 feet in order to add to the existing residence. The addition will be to the rear extending along Post Oak Road which is adjacent to a 12-foot rear yard of the residence to the south which faces Post Oak. This will provide a 22 foot separation between the two structures which is considerably less than the 40 foot normally required.

It is difficult to justify any uniqueness to the property, as it appears that the property is of sufficient size to design an addition that would comply with the required setbacks. The addition will include a two car garage that will have access to Post Oak Road. The existing garage will be converted to living space. The site plan does not show the removal of the existing driveway, but if the application is approved, it would be necessary to remove the existing driveway in order to comply with the limitations on the amount of surfacing within the setbacks. The new garage should be setback a distance of 20 feet from Post Oak so as to be able to park in front of the garage without cars extending into street right-of-way.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to justify uniqueness to the property, however, if any uniqueness does exist it is due to the location of the existing structure on the property which limits any expansion of the dwelling to the south and to add a two car garage, without a smaller addition to the main structure would effectively eliminate needed window areas of the existing residence.

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 structure immediately to the south is located within 12 feet of the common property line and a separation of 22 feet will be maintained between the two residences.

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 existing structure is located in compliance with all setbacks, and the only area available for an addition is to the south which is required a twenty foot setback.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition will not interfere with any easements on the property.

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 will be maintained between the two adjacent structures to provide light and air to each.

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 addition encroaching into the required 20 foot rear yard setback shall not occupy more than 400 square feet of the required rear yard area.
2. The existing driveway approach to Rockwood shall be removed and the front yard area shall be returned to landscaping.
3. The front of the garage shall not be located closer than 20 feet to the property line of Post Oak Road.

BZA CASE NO. 5-83

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

25 NOTICES SENT TO ADJOINING PROPERTY OWNERS

38 TOTAL NOTICES SENT 2-2-83

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

February 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 5-83

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 Manfred Menking, 7419 Rockwood, 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 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 5, Block 4, Rockwood First Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Post Oak Road and Rockwood Road (7419 Rockwood).

This application has been assigned Case No. BZA 5-83. It will be considered by the Board of Zoning Appeals on February 22, 1983 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





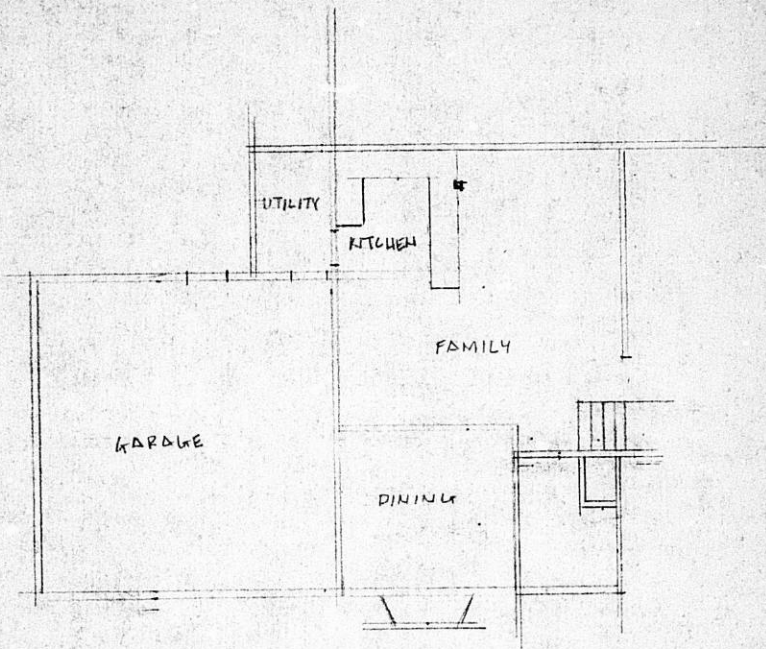
PEAKE & PEAKE INC.

DESIGN - BUILD • P.O. BOX 18788 • WICHITA, KANSAS 67218 • (316) 602-6467

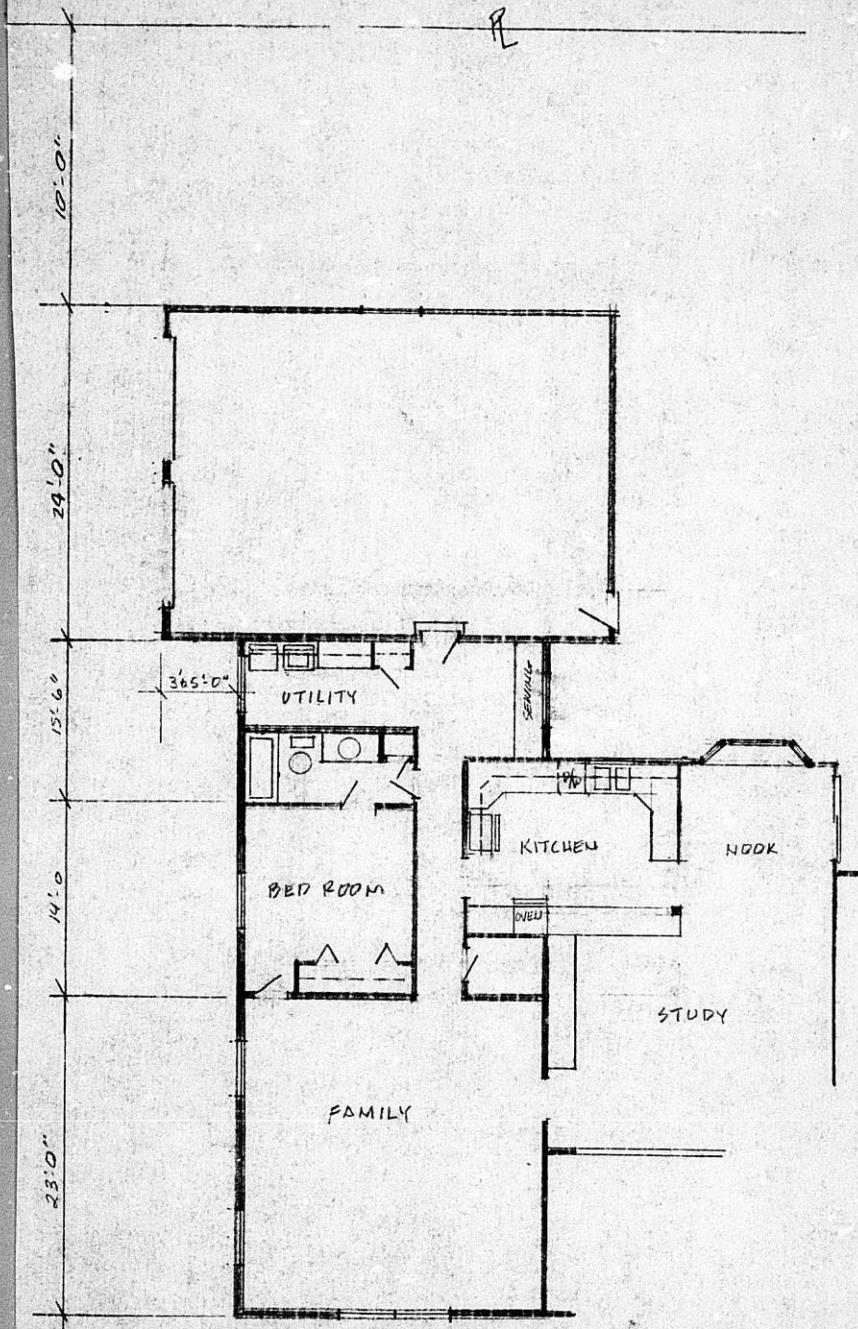
It is requested that an variance be permitted in the rear yard requirement. Instead of a 20 feet set back it is requested that it be allowed to be 10 feet.

This variance request is submitted because of the following:

- 1) The lot is a corner lot and access to the east property line is good.
- 2) There is no possibility of additional structure being constructed on the north or west portions of the residence because of set back requirements.
- 3) Addition structure to the north (rear yard) is limited because such construction would ~~require~~ second floor bed room windows.
- 4) The residence to the <sup>SOUTH</sup> ~~south~~ of the property has its front yard facing Post oak Road and is within 12 feet of the south property line. There would, therefore, be 22 feet between the two residence.
- 5) The structure to be placed upon the normal 20 feet rear yard area will be a garage. This relationship is allowed if the garage is detach. The applicant would prefer an attached garage both for function and form of the structure.
- 6) A side loading garage can be achieved from Post oak (the east property line) and be within the zoning requirements.



EXISTING PLAN



PROPOSED PLAN

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2	4	Rockwood First Addition	<del>Raymond G. Bloss (dec.)</del> Dorothy E. Bloss ✓ 7319 Rockwood Road 67206
Lot 3	4	"	David C. Hale ✓ Malerie C. Turner 7333 Rockwood Road 67206
Lot 4	4	"	✓ Steve G. Gombkoto Melba R. Gombkoto 7407 Rockwood 67206
Lot 5	4	"	F. W. Manfred Menking D Susan M. Menking 7419 Rockwood 67206
Lot 7	3	"	Ernest C. Wagner ✓ Virginia V. Wagner 7320 Rockwood 67206
Lot 8	3	"	E. Ellsworth Kauffman ✓ E. Irene Kauffman 7332 Rockwood 67206
Lot 9	3	"	Theodore Lund Thompson ✓ Katherine Latimer Thompson 7408 Rockwood 67206
Lot 10	3	"	William H. Scott ✓ Virginia Lynn Scott 7416 Rockwood 67206
Lot 11	3	"	Oliver G. Burton ✓ Ruth Ann Burton 7424 Rockwood 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 12	3	Rockwood First Addition	S. Donald Miner Shirley Ann Miner 7432 Rockwood 67206
Lot 24	3	"	Mary K. Vestring 7407 Tanglewood Ct. 67206
Lot 25	3	"	Richard E. Black Celinda Z. Black 7339 Tanglewood Ct. 67206
Lot 2	2	Rockwood Second Addition	Madolyne O. Martin 7318 Norfolk Dr. 67206
Lot 3	2	"	Leslie Ruthven Courtney L. Ruthven 7330 Norfolk Dr. 67206
Lot 4	2	"	Kenneth W. Havener, Jr. Susan Jill Havener 7406 Norfolk Drive 67206
Lot 5	2	"	James I. Nutter Joan A. Nutter 7412 Norfolk Dr. 67206
Lot 6	2	"	Arthur A. Winquist JoAnn J. Winquist 251 Post oak 67206
Lot 17	2	"	Kenneth L. Ingham Jan Ingham 7433 Rockwood 67206
Lot 18	2	"	Paul G. Austin Kathryn M. Austin 7425 Rockwood 67206

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4	3	Rockwood Third Addition	Marion Muncrief Juliet Muncrief 7401 Norfolk 67206
Lot 5	3	"	Ward V. Lawrence Jane H. Lawrence 7407 Norfolk Dr. 67206
Lot 6 and the West 1 foot of Lot 7	3	"	Phillip G. Wahlbeck Donna G. Wahlbeck 7413 Norfolk Dr. 67206
Lot 7, except the West 1 foot	3	"	Bernard A. Benson Mary Ann Benson 7421 Norfolk Dr. 67206
Lot 1	1	Rockwood 12th Addition	Vernon L. Lieurance 7502 Norfolk Circle 67206
Lot 2	1	"	Richard V. Foote Lois Earlene Foote 7506 Norfolk Circle 67206
Lot 15	1	"	Hal H. McCoy Elizabeth A. McCoy 7503 Norfolk Circle 67206

Page 4

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 5, Block 4, Rockwood First  
Addition, an Addition to 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 25th day of January, 1983 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By *Mary Dable*  
Vice-President

Order No: 316198  
AP

**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

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_