

Case No. BZA 82 - Ronald & Raunda Ryan
(Clapp Land Co.) - Requests a variance to
reduce the required rear yard from 15'
to 5' on property zoned "B" Multiple-
family Dwelling District & generally
located on the southwest corner of 18th

POSTED
4-7-82

ACTION

COMMITTEE APPROVED DATE 4-27-82

M.A.P.C. _____

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

5442A

PVA
P-82

200 1/4 Sec 5-22-82
Checked 5-26-82
S. J. 6-18
Recorded

April 30, 1982

Ronald & Raunda Ryan
(Clapp Land Company)
820 Shadyway
Wichita, Kansas 67203

Re: Case No. MEA 8-82
Request for Variance

Dear Mr. & Mrs. Ryan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 27, 1982.

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

GEK:rad
Enclosure

cc: John Egeman, Architect, 1337 North Meridian, #8, Wichita, Ks.
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 8-82

WHEREAS, Ronald & Raunda Ryan, (Clapp Land Co.), 820 Shadyway, 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 15 feet to 5 feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 25, 27, 29 and part of Reserve 'A' adjoining said lots on the west and the east 170 feet of Lots 31, 33, 35, 37, 39, 41, 43, 45 and 47 of Block 1 in Fairview Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 18th Street and Wellington Place.

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, 1982, 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 house is located on an extremely large site consisting of several narrow lots platted with frontage on Wellington Place. Should the applicant replat the property with the frontage to 18th Street, the yard in question would be a side yard and only be required to be 5 feet; 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 residence will still maintain a yard equal to the required side yard adjacent to the adjacent property that fronts on 18th Street; 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 hardship for this structure was created by the sale of a portion of the original property by the City to a separate owner; 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 proposed additions will not interfere with any easements or public right-of-way; 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 proposed additions will not interfere with the light and air to adjacent properties; 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 rear yard setback from 15 feet to 5 feet on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lots 25, 27, 29 and part of Reserve 'A' adjoining said lots on the west and the east 170 feet of Lots 31, 33, 35, 37, 39, 41, 43, 45 and 47 of Block 1 in Fairview Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 18th Street and Wellington Place.

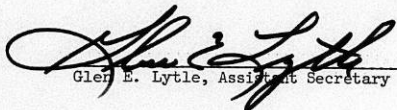
be approved subject to the following condition:

1. The reduction of the rear yard from 15 feet to 5 feet shall only be for the proposed vestibule and attached garage as shown by the applicant's drawing submitted with the application and dated March 29, 1982.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1982.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 20, 1982



TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 8-21: Southwest Corner of
18th Street and Wellington Place

On Monday, April 19th, CPO Neighborhood Council "L" considered the captioned case, a request by Clapp Land Co. for a variance of the rear yard setback from 15' to 5' on property zoned "B", Multiple Family Dwelling District. The Council voted 5-0 to not oppose the variance and to request additional information from the Historic Landmark Preservation Committee when the request is considered for a certificate of appropriateness.

Neither the applicant, nor concerned area property owners or residents were present. Council members were provided the notice to adjoining property owners, map of the area, and MAPD staff comments.

In voting "not to oppose" the requested variance, the Council noted a desire to maintain the historic integrity of the Clapp House. The Council was unaware of any adverse effect to the historic character of the house.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 8-12 is considered on April 27th.

Stan Scott
Administrative Aide III

noted:

Sarah Gilbert
CP Coordinator

RECEIVED

APR 20 1982

METROPOLITAN PLANNING
ROUTE

SECRETARY'S REPORT
CASE NO. BZA 8-82

APPLICANT: Ronald and Raunda Ryan (Clapp Land Co.), 820 Shadyway, Wichita, Kansas.

AGENT: John Hageman, Architect, 1337 North Meridian, #8, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 15' to 5'.

GENERAL LOCATION: On the southwest corner of 18th & Wellington Place.

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District as is all adjacent property.

LAND USE: Subject property is occupied by a One-family Dwelling. Adjacent properties are residential except the property to the north which is an eleemosynary use.

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 of the required rear yard setback from 15' to 5' in order to construct a vestibule and an attached garage adjacent to the west property line. This construction will not be any closer to the west property line than is the present structure.

It should be noted that this property is an Historically designated structure commonly known as the Clapp Residence. The applicant is in the process of refurbishing the house for their residence and are desirous of enclosing a vestibule which would be within the required 15' rear yard. Any additions or remodeling is subject to the receiving a certificate of appropriateness from the Historic Landmark Preservation Committee.

When the City of Wichita acquired the Clapp property, it included the property immediately to the west. This portion was sold separately, and in doing so created the nonconformity of a rear yard of less than 15' on a portion of the property.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the house is located on an extremely large site consisting of several narrow lots platted with the fronts on Wellington Place. Had the lots been platted facing 18th Street, the variance would not be required as the yard to the west would be a side 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 structure will still maintain a yard equal to what is required for a side yard adjacent to a structure that is oriented toward 18th Street.

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 hardship was created by the sale of a portion of the original property by the City to a separate owner leaving but 5' to the property line to the west.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the proposed additions will not interfere with any easements or public right-of-way.

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 proposed additions will not interfere with the required light and air to adjoining properties.

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 reduction of the rear yard from 15' to 5' shall only be for the proposed vestibule and attached garage as shown by the applicants drawing furnished with the application and dated March 29, 1982.

BZA CASE NO. 8-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

23 NOTICES SENT TO ADJOINING PROPERTY OWNERS

36 TOTAL NOTICES SENT 4-7-82

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

April 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 8-82

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 Ronald and Raunda Ryan, (Clapp Land Co.), 820 Shadyway, 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 of the rear yard setback from 15' to 5', on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 25, 27, 29 and part of reserve 'A' adjoining said lots on the west and the east 170 feet of lots 31, 33, 35, 37, 39, 41, 43, 45 and 47 of Block 1 in Fairview Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 18th Street & Wellington Place.

This application has been assigned Case No. BZA 8-82. It will be considered by the Board of Zoning Appeals on April 27, 1982 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
CITY OF WICHITA, KANSAS

CASE NO. 8-82
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Ronald and Raunda Ryan (Clapp Land Co.)
Mailing Address 820 Shadyway Phone 264-1827
Name of Authorized Agent John A. Hageman, Architect
Wilbur F. Kruse, Architects
Mailing Address 1337 N. Meridian #8 Phone 942-0981
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required rear yard
from 15 feet to 5 feet.

for property located on the Southwest corner of 18th street and
Wellington Place.

and legally described as: Lots 25,27,29 and part of reserve 'A'
adjoining said lots on the West and the East 170 feet of lots
31,33,35,37,39,41,43,45,47 of Block 1 in Fairview Addition.

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

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 Ronald and Raunda Ryan

Authorized Agent *John A. Hageman*
John A. Hageman, Architect

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (~~5:00~~-p.m.), MAR 29, 1982 together with appropriate fee of 75.00.

Signed *[Signature]*

KANSAS
513
LICENSE

WILBUR F. KRUSE ARCHITECT
AND PLANNING CONSULTANT
1337 N. MERIDIAN 942-0981
WICHITA, KANSAS 67203

29 March 1982

Board of Zoning Appeals
City of Wichita, Kansas

RE: Application for Variance of building setback line
for rear yard in 'B' zoned property. Property platted
to Wellington Place.

Dear Sirs,

This corner property once included a carriage house which
was sold by previous owners creating a lot split with an 18th
street address.

The rear yard property line which was generated for the corner
property did not allow sufficient setback for the provisions
of Title 28. The encroachment includes part of the building
structure and permanent porch of concrete and brick. The
distance between the porch foundation and property line is
5 feet.

The vestibule, covered breezeway, and garage as proposed
will be necessary to the development of the site as shown in
the attached plan. The primary entry to the residence will be
on the West where the informal living areas (kitchen, dining,
and family room) are located. An air lock vestibule will be
added for energy conservation and convenience. The vestibule
would be build upon existing foundations and would be no
closer to the property line than the existing porch.

The granting of the variance will not adversely affect the
adjacent property owner in that his residence is 12-6" from
his side yard property line which coincides with the rear yard
of the corner property. We feel there is sufficient yard space
between the two houses to meet the intent of Title 28.

Sincerely Yours,

John A. Hageman

John A. Hageman, Architect

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OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 25, 27 and 29, and that part of Reserve A adjacent on the West	1	Fairview Addition	✓ Clapp Land Company 1600 Airport Road 67209
The East 170 feet of Lots 31, 33, 35, 37, 39, 41, 43, 45, 47	1	"	Same as above
The West 31 feet of Lots 31, 33, 35, 37, 39, 41, 43, 45, 47, and that part of Reserve A adjacent on the West	1	"	✓ Linda G. Weir 205 West 18th 67203
Lots 17, 19, 21, 23,	1	"	James E. Goolsby Sharon K. Goolsby ✓ 1817 Wellington Place 1541 S. 151st W. 67203 Goddard 67052
The North 175 feet of the South 300 feet of Reserve A	1	"	Same as above
Lots 1, 3, 5, 7, 9, 11, and that part of Reserve A adjacent to said lots on the West	2	"	✓ The Wichita Fellowship Club Inc. 204 West 18th Street 67203
Lots 21, 23, 25, 27, 29, 31, 33, 35, 37	3	"	✓ Richard H. Rumsey Lorie J. Rumsey 2308 Hyacinth Lane 67204

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 39, 41, 43, 45, and 47	3	Fairview Addition	✓ Orle Marlin Davis Lorraine Cernech Davis 1844 Wellington Place 67203
West 100 feet of Lots 1, 3, 5 and 7	4	"	✓ Richard K. Savina Donna M. Savina 1904 Wellington Place 67203
Lots 1, 3, 5, 7, except the West 100 feet	4	"	✓ Hazel B. Hinnen 120 West 18th Street 67203
Lots 9 and 11	4	"	✓ Albert Ray Alway Violet M. Alway 4457 Arkansas Ave. 67204
Lots 7, 9, 11, 13, 15, except the west 14 feet	Reserve A	Clapp's Replat of (part of) Fairview Addition	D James E. Goolsby Sharon K. Goolsby 1817 Wellington Place 67203
West 14 feet of Lots 1, 3, 5, 7, 9, 11, 13, 15	"	"	✓ Alton Bayless Margaret Bayless 228 West 17th St. 67203
Lot 9	Wellington Place	"	D James E. Goolsby Sharon K. Goolsby 1817 Wellington Place 67203
Lots 13, 15, 17, 19,	"	"	D Richard H. Rumsey Lorie J. Rumsey 2308 Hyacinth Lane 67204
Lots 38 and 40 and the South 50 feet of the North 450 feet of Reserve B	Block 1	Carey Park Addition	✓ H. A. Olschewski Emma Olschewski 1916 Fairview Ave. 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 42 and 44	1	Carey Park	✓ David M. Wigglesworth 1908 Fairview Avenue 67203
Lots 46, 48, and the west 3.32 feet of Reserve B adjacent on the east	1	"	✓ Richard Lee Every Judy M. Every 1902 Fairview Ave. 67203
	Block		
The East 4.68 feet of Reserve B Lying East of Lots 46 and 48, and all of Reserve B lying East of Lots 38, 40, 42, 44	1	"	D Wichita Fellowship Club Inc. 204 West 18th Street 67203
	Block		
East 40 feet Of Lots 50, 52, 54, 56, 58, 60, and that part of Reserve A adjacent on the east of said lots	8	"	D Linda G. Weir 205 West 18th Street 67203
	Block		
East 44 feet of Lots 62, 64, 66, and that part of Reserve A adjacent on the east of said lots	8	"	Same as above
	Block		
East 31 feet of Lot 68 and that part of Reserve A adjacent on the east	8	"	Same as above
	Block		
West 94 feet of Lots 50, 52, 54, 56	8	"	✓ William David Halfhill J. Ruth Halfhill 1856 Fairview 67203
	Block		
West 94 feet of Lots 58 and 60	8	"	✓ Frances Louise Brinegar 1848 Fairview 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
West 90 feet of Lots 62, 64, and west 90 feet of Lot 66, except the South 10 feet	8	Carey Park	✓ Carl A. Lawrence Esther M. Lawrence 1842 Fairview 67203
The South 10 feet of the West 90 feet of Lot 66, and the West 103 feet of Lots 68 and 70	8	"	✓ H. P. Moser Viola Moser 1836 Fairview 67203
The West 126 feet of Lots 72 and 74	8	"	✓ Robert James Eroh Rhonda A. Eroh 1830 Fairview 67203
The East 31 feet of Lot 70, and the East 8 feet of Lots 72, 74, 76, and 78, and that part of Reserve A adjacent to said lots on the East	8	"	D James E. Goolsby Sharon K. Goolsby 1817 Wellington Place 67230
South 225 feet of North 475 feet of South 600 feet of Reserve A	8	"	Same as above
West 126 feet of Lots 76 and 78	8	"	✓ Howard C. Jones Mary E. Jones 1824 Fairview 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 80 and 82	8	Carey Park	✓ Gerald R. Kinney and Esther Jane Kinney 1820 Fairview 67203
Lots 84 and 86 except East 8 feet	8	"	✓ Harold U. Clark Nedra Faye Clark 1814 Fairview 67203
East 8 feet of Lots 84 and 86	8	"	Clapp Investment Address Unknown
East 34 feet of Lots 88, 90 and that part of Reserve A adjacent on the East	8	"	✓ J. Alton Bayless Margaret Bayless 228 West 17th St. 67203
The East 50 feet of the West 100 feet of Lots 88 and 90	8	"	✓ Barbara Ummel Maureen Bratton Max Ummel 230 West 17th St. 67203

Page 6

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

Lots 25, 27, 29 and that part of Reserve A adjoining said lots on the West, and the East 170 feet of Lots 31, 33, 35, 37, 39 41, 43, 45 and 47, Block 1, Fairview Addition to the City of 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 26th day of March, 1982 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Curtis O. Simmons

Vice-President

Order No. 307554
AP

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1

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
<i>CITY 674 462</i>	<i>7.2</i>
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

MOVED LEFT
NO ADDRESS
RETURN TO SENDER



8-82

*1541 S. 151st W.
Goddard*

James E. & Sharon K. Goolsby
~~1817 Wellington Place~~
Wichita, Kansas 67203

67052

*

This BZA: Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2