

BZA 10-74 - Leisure Living, Inc.  
requests variance to reduce side  
yard setbacks for NW corner of  
Rock Road and 13th St. No.

POSTED

4-4-74

MPC

O.I.

7-22-74

ACTION

DATE

BZA COMMITTEE

Approved

4-23-74

M.A.P.C.

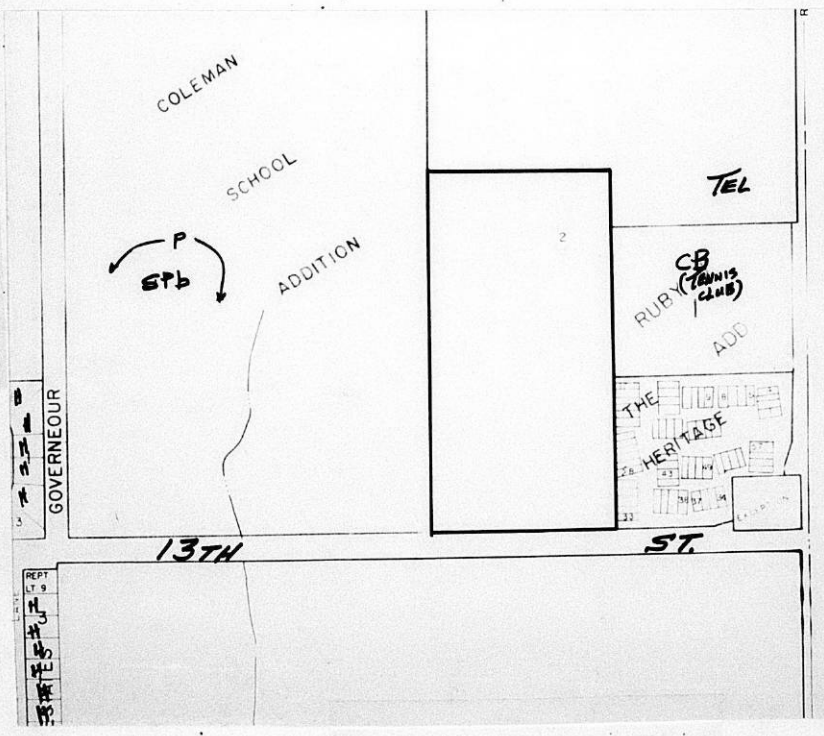
B.C.C./B. CO. C.

Map No. 5949  
Sec. 7  
Twp. 27  
Range 2E

BZA- 10-74  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 18.95 ( 650 ft. by 1270 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East TENNIS CLUB & MULTI FAMIL South UNDEVELOPED  
West UNDEVELOPED North UNDEVELOPED
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use if for: UNDEVELOPED
  6. Area (is) (is not) platted. .

PHOTO DATA:  
Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 10-74

WHEREAS, Leisure Living, Inc., 5920 E. Central, Wichita, Kansas, by Ed Flanagan, 5920 E. Central, Wichita, Kansas, requests a variance to reduce the minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as lots 55 through 58 and 102 through 105 from 20 feet to 15 feet, on property zoned the "AA" One Family Dwelling District (but has been approved for the "R-5" General Residence District), and legally described as follows:

Lot 2, in Coleman School Addition, Wichita, Sedgwick County, Kansas. Generally located in an area north of 13th Street North and west of Rock Road.

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 23, 1974, 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 design concept to be utilized on this project in developing single family patio homes to be clustered around open space areas and developed on private streets is a unique concept. Also the platting of the property, originally by Unified School District #259, caused the property to be less than 20 acres thus not being able to be filed as a Community Unit Plan which would, if approved, have permitted the proposed development, without the need of these variance requests; 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 surrounding character of existing and possible land uses makes a planned development of clustered single family homes on private streets more feasible than conventional single family dwellings; 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 owner represented in the application inasmuch as the proposed development cannot be developed under the existing Community Unit Plan Provisions; 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 property will be developed at a much lower density than the approved "R-5" zoning would permit; and the proposed development is on interior private streets; 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 Community Unit Plan provisions of the zoning ordinance permits this type of development on tracts of this approximate size and larger; 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 minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as Lots 55 through 58 and 102 through 105 from 20 feet to 15 feet, on property zoned the "AA" Single Family Dwelling District (but has been approved for the "R-5" General Residence District), and legally described as follows:

Lot 2, in Coleman School Addition, Wichita, Sedgwick County, Kansas. Generally located in an area north of 13th Street North and west of Rock Road.

be approved subject to the following conditions:

1. That the front yard setback be varied:
  - a. from 25 feet to 10 feet on subject property, proposed to be platted as Lots 59 and 89.
  - b. from 25 feet to 15 feet on subject property proposed to be platted as Lots 60, 94, 97, 100 and 101.
  - c. from 25 feet to 20 feet on all remaining lots.
  - d. that in all cases, the actual setback of the garage to the curb line shall be no less than 20 feet.
2. That the rear yard setback be varied from 20 feet to 15 feet on subject property platted as Lots 55 through 58 and 102 through 105.
3. That the side yard setback be varied from 6 feet to 5 feet on all lots.

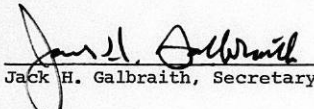
Resolution No. BZA 10-74  
Page Three

4. That the minimum lot area be reduced from 6,000 square feet to 4,500 square feet.
5. That in the event the associated plat, Leisure Living Ventures First Addition, is not recorded with the Register of Deeds, the resolution for the associated variances shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1974.

  
James Richardson, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

May 1, 1974

Mr. Ed Flanagan  
5920 East Central  
Wichita, Kansas 67208

Subject: Case No. BZA 10-74 -  
Request for Variance

Dear Mr. Flanagan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 23, 1974, in connection with your request for a variance to reduce the minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as Lots 55 through 58 and 102 through 105 from 20 feet to 15 feet. This property is zoned the "AA" Single Family District (but has been approved for the "R-5" General Residence District) and is generally located on the north side of 13th Street North, west of Rock Road.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js  
Encl.

cc: Leisure Living, Inc., 5920 E. Central, 67208  
Ralph Eberly, City Clerk  
Robert Feldner, Supt. of Central Inspection  
Joe Donnelly, Central Inspection

**LEISURE LIVING, INC.**

5000 EAST CENTRAL / WICHITA, KANSAS 67208 / (316) 685-1446

April 24, 1974

Jack Galbraith, Chief Planner  
Metropolitan Area Planning Division  
MAPC  
City Building Annex, Room 401  
104 S. Main  
Wichita, Kansas

RE: BZA 10-74  
April 23, 1974

SUBJECT: Raintree Village  
13th & Rock Road

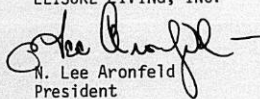
Dear Mr. Galbraith:

On behalf of Leisure Living, Inc., I want to express my appreciation for all the cooperation you and your staff provided in helping us to obtain the BZA's approval on granting our company the above requested variance.

We fully anticipate that Raintree Village will be one of the most attractive and friendly residential communities in Wichita...and I look forward to later this year when we shall have you as our guest at its opening.

Very truly yours,

LEISURE LIVING, INC.

  
N. Lee Aronfeld  
President

NLA/rb



5900 EAST CENTRAL / WICHITA, KANSAS 67208 / (316) 685-1446

**LEISURE LIVING, INC.**

April 24, 1974

Mrs. Martha McMurray  
Assistant Secretary  
MAPC  
City Building Annex, Room 401  
104 S. Main  
Wichita, Kansas

RE: BZA 10-74  
April 23, 1974

SUBJECT: Raintree Village  
13th & Rock Road

Dear Mrs. McMurray:

On behalf of Leisure Living, Inc., I want to express my appreciation for your consideration and approval on granting our company the above requested variance.

We fully anticipate that Raintree Village will be one of the most attractive and friendly residential communities in Wichita...and I look forward to later this year when we shall have you as our guest at its opening.

Very truly yours,

LEISURE LIVING, INC.

  
N. Lee Aronfeld  
President

NLA/rb



LEISURE LIVING, INC.

Mrs. Marth McMurray  
Assistance Secretary  
Metropolitan Area Planning Commission  
City Building Annex, Room 401  
104 S. Main  
Wichita, Kansas



HELP GO  
HELP TH

1000 EAST CENTRAL / WICHITA, KANSAS 67208

LEISURE LIVING VENTURES FIRST ADDITION

LOT SETBACKS AND SIZES

LOT NO.	SETBACKS FT.				FRONT L.F.	AREA S.F.	LOT NO.	SETBACKS FT.				FRONT L.F.	AREA S.F.
	SIDE	SIDE	FRONT	REAR				SIDE	SIDE	FRONT	REAR		
1	5	10	20	25	50	6182	54	5	10	20	20	45	4725
2	5	5	20	25	45	5560	55	5	20	20	15	50	6000
3	5	10	20	25	50	6126	56	5	5	20	15	45	4500
4	5	5	25	20	78.17	8218	57	5	5	20	15	45	4500
5	5	5	20	20	45	4850	58	5	20	20	15	50	6000
6	5	5	20	20	45	4725	59	5	5	10	20	45	4725
7	5	5	20	20	45	4677	60	5	5	15	20	45	4725
8	5	5	20	20	45	4677	61	5	5	20	20	45	4725
9	5	5	20	20	45	4725	62	5	5	20	20	45	4725
10	5	5	20	20	45	4850	63	5	5	20	20	45	4725
11	5	5	25	20	77.94	8174	64	5	5	20	20	45	4725
12	5	5	25	20	45	5700	65	5	5	20	20	45	4725
13	5	5	25	20	45	5744	66	5	5	20	20	45	4725
14	5	30	25	20	70.39	8989	67	5	5	20	20	45	4725
15	5	10	20	20	50	5463	68	5	5	20	20	45	4725
16	5	5	20	20	45	4957	69	5	10	20	20	50	5202
17	5	5	20	20	45	4954	70	5	10	20	20	50	5202
18	5	5	20	20	45	4950	71	5	5	20	20	45	4725
19	5	5	20	20	45	4948	72	5	5	20	20	45	4725
20	5	5	20	20	45	4945	73	5	5	20	20	45	4725
21	5	5	20	20	45	4942	74	5	5	20	20	45	4725
22	5	5	20	20	45	4939	75	5	5	20	20	45	4725
23	5	5	20	20	45	4936	76	5	10	20	20	50	5202
24	5	5	20	20	45	4933	77	5	5	20	20	45	4725
25	5	20	20	20	64.44	6774	78	5	10	20	20	50	5250
26	5	5	20	20	45	4725	79	5	10	20	20	50	5202
27	5	5	20	20	45	4725	80	5	5	20	20	45	4725
28	5	20	20	20	64.40	6754	81	5	5	20	20	45	4725
29	5	5	20	20	45	4914	82	5	5	20	20	45	4725
30	5	5	20	20	45	4911	83	5	10	20	20	50	5202
31	5	5	20	20	45	4908	84	5	5	20	20	45	4725
32	5	5	20	20	45	4905	85	5	5	20	20	45	4677
33	5	5	20	20	45	4902	86	5	5	20	20	45	4725
34	5	10	20	20	50	5396	87	5	5	20	20	45	4725
35	5	20	20	20	63.78	6689	88	5	10	20	20	45	4725
36	5	5	20	20	45	4725	89	5	5	10	20	45	4725
37	5	5	20	20	45	4725	90	5	5	20	20	45	4725
38	5	5	20	20	45	4677	91	5	5	20	20	45	4725
39	5	20	20	20	60	6300	92	5	5	20	20	45	4725
40	5	5	20	20	45	4725	93	5	10	20	20	50	5202
41	5	5	20	20	45	4725	94	5	5	15	20	45	4725
42	5	5	20	20	45	4725	95	5	5	20	20	45	4725
43	5	5	20	20	45	4725	96	5	5	20	20	45	4725
44	5	20	20	20	60	6300	97	5	5	15	20	45	4725
45	5	10	20	20	50	5202	98	5	5	20	20	45	4725
46	5	5	20	20	45	4725	99	5	10	20	20	50	5202
47	5	5	20	20	45	4725	100	5	10	15	20	50	5250
48	5	10	20	20	60	6300	101	5	5	15	20	45	4725
49	5	10	20	20	50	5202	102	5	10	20	15	50	4952
50	5	10	20	20	45	4725	103	5	5	20	15	45	4500
51	5	10	20	20	45	4725	104	5	5	20	15	45	4500
52	5	10	20	20	45	4725	105	5	5	20	15	45	4500
53	5	10	20	20	45	4725	106	5	10	20	20	50	5202

LOT NO.	SETBACKS FT.				FRONT	AREA
	SIDE	SIDE	FRONT	REAR	L.F.	S.F.
107	5	5	20	20	45	4725
108	5	5	20	20	45	4725
109	5	5	20	20	45	4725
110	5	5	20	20	45	4725
111	5	5	20	20	45	4725
112	5	10	20	20	50	5202
113	5	10	20	20	50	5250
114	5	5	20	20	45	4725

April 24, 1974

Mr. Ed Flanagan  
5920 East Central  
Wichita, Kansas 67208

Dear Mr. Flanagan:

Subject: Case No. BEA 10-74 -  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on April 23, 1974, your request for a variance to reduce the minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as Lots 55 through 58 and 102 through 105 from 20 feet to 15 feet, was considered. This property is zoned the "AA" Single Family District (but has been approved for the "R-5" General Residence District) and is generally located on the north side of 13th Street North, west of Rock Road.

It was the action of the Board to approve this request subject to the following conditions:

1. That the front yard setback be varied:
  - a. from 25 feet to 10 feet on subject property, proposed to be platted as Lots 59 and 89.
  - b. from 25 feet to 15 feet on subject property, proposed to be platted as Lots 60, 94, 97, 100 and 101.
  - c. from 25 feet to 20 feet on all remaining lots.
- d. That in all cases, the actual setback of the garage to the curb line shall be no less than 20 feet.

Mr. Ed Flanagan  
April 24, 1974  
Page Two

2. That the rear yard setback be varied from 20 feet to 15 feet on subject property platted as Lots 55 through 58 and 102 through 105.
3. That the side yard setback be varied from 6 feet to 5 feet on all lots.
4. That the minimum lot area be reduced from 6,000 square feet to 4,500 square feet.
5. That in the event the associated plat, Leisure Living Ventures First Addition, is not recorded with the Register of Deeds, the resolution for the associated variances shall be considered null and void.

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.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:js

cc: Ralph J. Martin, AIP  
Walter Richardson Associates  
230 East 17th Street  
Costa Mesa, California 92627

Leisure Living, Inc.  
5920 E. Central  
Wichita, Kansas 67208

Dave Ritchie  
Wichita Racquet Club  
1445 North Rock Road  
Wichita, Kansas 67206

Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 10-74

APPLICANT: Leisure Living, Inc., 5920 East Central, Wichita, Kansas 67208.

AGENT: Ed Flanagan, 5920 East Central, Wichita, Kansas 67208.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as Lots 55 through 58 and 102 through 105 from 20 feet to 15 feet.

GENERAL LOCATION: On the north side of 13th Street North, west of Rock Road.

ZONING: Subject property is zoned the "AA" Single Family District (but has been approved for the "R-5" General Residence District); properties to the West and South are zoned "AA"; property to the North is zoned the "R-1" Rural Residential; property to the East is zoned the "R-5" General Residence District, the "R-1" Suburban Residential, and the "LC" Light Commercial District.

LAND USE: Subject property is undeveloped as are those to the north and south. The properties to the east contain apartments, a tennis club, and a telephone company maintenance area. A Junior High School is located to the west of subject property.

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.

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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 to reduce the required minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the required front yard setback from 25 feet to 10 feet; to reduce the required side yard setback from 6 feet to 5 feet, and to reduce the required rear yard setback for property being platted as Lots 55 through 58 and 102 through 105 in Leisure Living Ventures First Addition from 20 feet to 15 feet.

Subject property contains 19.35 acres; and if the property contained .65 acres more, it could be submitted as a Residential Community Unit Plan (20 acres required) which, if approved, would permit the reduction in lot area and the setbacks desired by the applicant. The applicant is requesting variances which, in effect, would allow him to develop the property as a Residential C.U.P.

The development of Community Unit Plans allows for flexibility and innovation in the development of single family housing. The applicant is proposing to develop the side yards into patio type spaces with each lot having a use easement on the adjoining lot's side yard to create, in essence, zero lot lines on one side and a ten foot patio use area on the other. The use of one lot's side yard to increase the patio space of the other not only creates a useable space where none existed before, but allows the home to be designed for maximum utilization of interior and exterior spaces.

A major advantage of development into a Community Unit Plan concept is the opportunity of including many of the environmental

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features generally restricted to multi-family development. Instead of a uniform pattern of boxes on lots, groups of houses can be clustered around green areas.

The applicant states in his letter of justification that it is felt the existing and possible future land uses in the area make development of subject property with controlled access imperative for the type of development proposed ie: patio homes, undivided ownership in open spaces and developed recreation areas. It should be noted that the 114 units proposed by the applicant is a 52% lower density than the 239 units which would be allowed under the "R-5" General Residence Zoning Classification which has already been approved for the property.

Subject property was formerly owned by Unified School District #259 who platted the property on December 29, 1965. Subject property as platted contains 19.35 acres, but at the time it was platted, a 50 foot strip along 13th Street North, containing .75 acres was dedicated for street purposes and the original size of subject property was 20.11 acres. Thus, had the applicant been able to acquire subject property prior to the action of the School Board, the tract would have been large enough to develop as a Community Unit Plan.

#### UNIQUENESS

It is the opinion of the Secretary that the uniqueness of this request lies in the unique design concept to be utilized on this project in developing single family patio homes to be clustered around open space areas and developed on private streets. Also the part that the platting of the property, originally by Unified School District #259, caused the property to be less than 20 acres thus not being able to be filed as a C.U.P.

#### ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of adjacent property owners due to the surrounding character of existing and possible

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Page Four

land uses. The existence of schools, telephone company storage yard, and tennis club makes a planned development of clustered single family homes on private streets more feasible than conventional single family dwellings.

HARDSHIP

It is the opinion of the Secretary that the strict application of the zoning ordinance will create a hardship in that the proposed development cannot be developed under the existing Community Unit Plan Provisions.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest in that the property will be developed at a much lower density than the "R-5" zoning would permit; and the proposed development is on interior private streets.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the request would not be opposed to the spirit and intent of Title 28 in that the Community Unit Plan provisions permits this type of development on tracts of this approximate size and larger.

RECOMMENDATION

It is the opinion of the Secretary that all of the five conditions necessary to the granting of the variance requests can be found to exist and, therefore, it is recommended that the variance request be granted subject to the following conditions:

1. That the front yard setback be varied:
  - a. from 25 feet to 10 feet on subject property, proposed to be platted as Lots 59 and 89.
  - b. from 25 feet to 15 feet on subject property proposed to be platted as Lots 60, 94, 97, 100 and 101.

Secretary's Report  
BZA No. 10-74  
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- c. from 25 feet to 20 feet on all remaining lots.
  - d. that in all cases, the actual setback of the garage to the curb line shall be no less than 20 feet.
2. That the rear yard setback be varied from 20 feet to 15 feet on subject property platted as Lots 55 through 58 and 102 through 105.
  3. That the side yard setback be varied from 6 feet to 5 feet on all lots.
  4. That the minimum lot area be reduced from 6,000 square feet to 4,500 square feet.
  5. That in the event the associated plat, Leisure Living Ventures First Addition, is not recorded with the Register of Deeds, the resolution for the associated variances shall be considered null and void.

5800 EAST CENTRAL / WICHITA, KANSAS 67206 / (316) 685-1446

**LEISURE LIVING, INC.**

March 26, 1974

Board of Zoning Appeals  
City of Wichita  
104 S. Main  
Wichita, Kansas

RE: Leisure Living Ventures First Addition  
(Lot #2, Coleman School Addition)

Gentlemen:

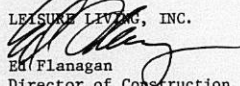
Please find attached our request for variance from specifics listed in title 28 (zoning ordinance). Specifically, this request includes:

1. Application form.
2. Certificate of Ownership by Lawyers Title Insurance Corporation, dated March 19, 1974.
3. Statement prepared by Mr. Richard G. Munsell of Walter Richardson Associates, the project land planners and architects, outlining in depth our request, the proposed development, and the reasons supporting the required variance.
4. Site plan (in duplicate) by Van Doren, Hazard, and Stallings depicting the minimum set backs required. (A rendered site plan is being sent under separate cover by the architects that may more graphically show the proposed development).
5. Our check #1378 made payable to the City of Wichita in the amount of \$50.00.

Please call if you have any questions about this matter or require any additional information.

Sincerely,

LEISURE LIVING, INC.

  
Ed Flanagan  
Director of Construction

CC: John Lundblade  
Ralph Martin

Attachment

**LEISURE LIVING, INC.**

5000 EAST CENTRAL / WICHITA, KANSAS 67208 / (316) 885-1426

April 2, 1974

Board of Zoning Appeals  
City of Wichita  
104 S. Main  
Wichita, Kansas

ATTENTION: Mr. Jack H. Galbraith,  
Chief Planner

RE: Leisure Living Venture First Addition,  
(Lot #2, Coleman School Addition)

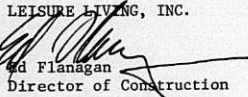
Gentlemen:

To clarify our request for a zoning variance submitted March 26, 1974, we are specifically requesting the following minimum setbacks on certain Lots as shown on the site plan:

1. A lot size of not less than 4,500 sq. ft. in lieu of 6,000 sq. ft.
2. A minimum side-yard setback of 5' in lieu of 6'.
3. A minimum front yard setback of 10' from the lot property line in lieu of 25'. (In all cases, the actual setback from curb would be no less than 20').
4. A minimum lot rear yard setback of 15' in lieu of 20' (In these few instances, a 5' "use" easement will be dedicated from the abutting property to provide a minimum 20' rear yard.)

Sincerely,

LEISURE LIVING, INC.

  
Ed Flanagan  
Director of Construction

CC: John Lundblade  
Ralph Martin

Walter Richardson Associates Architecture/Planning

Walter J. Richardson, AIA  
Huba S. Nagy, AIA  
Ralph J. Martin, AIP

March 22, 1974

Mr. N. Lee Aronfeld  
Leisure Living, Inc.  
5900 East Central  
Wichita, Kansas 67208

Dear Lee:

WRA Job No. 7382  
Coleman Property

The attached material is the supporting statement to accompany your variance request to the City of Wichita. We have cleared the content with Jack Galbreth of the Metropolitan Area Planning Commission and he indicates that he will support your application.

We are looking forward to the zoning hearing on the 23rd of April and are standing by for any other assistance you may find desirable.

Very truly yours,

  
Richard G. Munsell  
Director of Community Development

RGM/so  
cc: Mr. Ed Flanagan  
Mr. John E. Lundblade

11/24/65

Leisure Living Ventures 1st Addition  
Coleman Property

Statement In Support of Variance to Area Regulations

We respectfully submit that the necessary findings for variances to lot size and yard setbacks have been met as follows:

1. A unique condition exists in regard to the parcel size due to the action of Unified School District Number 259, Sedgwick County, a governmental body, not the current property owner or prospective developer. The school district caused subject property to be platted by its action of December 29, 1965. After subject plot was approved by the Wichita-Sedgwick County Metropolitan Planning Commission on December 16, 1965.

Subject parcel as platted contains 19.3534 acres. With the same action, however, the school district dedicated a 50 foot strip for street purposes, along the entire subject parcel totaling 0.7582 acres for a total of 20.1116 acres.

We respectfully submit that (a) the subject parcel, while not now meeting the required minimum 20 acre parcel size required by the Community Unit Plan (CUP) regulations, could have done so except for the actions of the Unified School District, a governmental agency; and (b) the subject parcel is now only a fraction less than the required twenty acres and can best be developed under a planned unit concept to enhance the character and value of the adjoining area as well as to create a better quality living environment than would be available should this site be developed for multiple family uses; and (c) the proposed project is not a traditional single family project that should be controlled by the traditional standards.

2. This variance will not adversely affect the rights of adjacent property owners or residents due to the surrounding character of existing and possible land uses. In fact, the institutional and semi-commercial nature of the schools, telephone company storage yard, radio tower, polo fields, country club and racquet club make a planned development with controlled access imperative.

11/2/88  
Leisure Living Ventures 1st Addition  
Coleman Property  
Page 3

- Windows of the standard single family house look into the neighbor's windows, much of the lot area is wasted in meaningless setbacks and streetscapes offer little more than deadly monotony.
- Single family developers have deftly managed to avoid most of the environmental excitement that multi-family developers are using to successfully market a much less wanted product.

Among the innovations in single family housing mentioned in House and Home are patio homes, zero side yard and clustering. A major advantage of all of these is the opportunity of including many of the environmental features generally restricted to multifamily development. Instead of a uniform pattern of boxes on lots, groups of houses alternate with green areas. Streetscapes take an added interest. Privacy is greatly increased and since few, if any, houses open onto collector roads, traffic safety is much improved.

The zero side yard concept offers the maximum in flexibility with the least change in the traditional single family development. The very process of eliminating one side yard to increase the other not only creates a useable space where none existed before (except for trash cans and unsightly storage) but allows the home to be designed for maximum utilization of interior and exterior spaces. It certainly makes good sense in an age of shrinking lot sizes and therefore higher densities, to design a home intended to be located in close proximity to its neighbor.

Another significant advantage that accrues to this type of development is an opportunity to maximize useable private space around the home creating play yards, gardens and sitting areas of a size that permit the homeowner to enrich his living environment without tying him down to vast gardening and landscape maintenance projects. The balance of what used to be the backyard can be pooled with everyone else's unuseable space creating common green space and mini parks which permit recreation activity heretofore only available at the neighborhood park (usually at least a quarter of a mile away).

11/2/68  
Leisure Living Ventures 1st Addition  
Coleman Property  
Page 2

3. Strict application of the zoning regulations in this instance will create an unnecessary hardship not only to the developer's efforts to create a planned community but to the surrounding community which will be deprived of a quality development to enhance their property values. It should be noted here that the 114 units proposed by this development is nearly 53% fewer units than the current zoning will permit and the development concept includes a property owners' association responsible not only for maintenance of the common open areas but continuous maintenance and control over the exterior of the homes as well.
4. The proposed development is consistent with the intent of Title 28 in promoting the public health, safety, morals and general welfare of the community. The proposed development exceeds the technical standards of the more dense uses permitted in the zone and meets the single family standards in principle. The concept of ownership presented here is more than just owning the land on which your home sits; it includes undivided ownership in open spaces and developed recreation areas which are an integral part of the development and therefore an extension of each individual lot.
5. The proposed development is consistent with the intent of Title 28 (zoning ordinance) in its attempt to guide the growth and development in the City of Wichita to insure a better living environment and enhance the quality of life of its citizens.

A recent article in House and Home (October 1973) talks of new patterns for the single family home. The introductory statement includes a number of comments of startling impact.

- Despite its popularity, the single family house remains essentially the same product it was twenty years ago.
- For the most part we have gone on building replicas of farm or ranch houses originally designed to sit on at least an acre or two of land and putting them on a quarter of an acre.

11/2/81  
Leisure Living Ventures 1st Addition  
Coleman Property  
Page 4

The zero side yard concept provides homes of excellent quality within the reach of the middle income person. The visual impact of the development is an improvement on the standard subdivision. The homes are a little closer together because of the smaller lots however the street scene has greater variation with parking courts and common green vistas into mini parks which include recreation facilities. A sense of community is encouraged by the common open space areas owned and managed by a homeowner's association. Streets can be designed for a size appropriate to the traffic demand to be placed upon them and open spaces and lot orientation can be adjusted to optimize the use of the land.

Higher density, as such, is not a fast buck operation, a slum producer, a cause of property devaluation or simply a way to meet the present market. It can be, rather, a way to better use land and thereby create a better living environment.

The typical suburban scene has three to four houses per acre, while newer townhouses have eight to twelve per acre, garden apartments up to 30 and high-rise projects 50 and over.

None of this is incompatible with quality environment. Developers of planned unit developments and apartment projects now take it for granted that providing a variety of active and passive recreational facilities and visual amenities is a necessary part of a successful project.

A good development should provide at least seven things:

- Total environmental control, including landscaping, building exteriors, graphics and colors.
- Common areas, including recreation areas.
- Audio and visual privacy.
- Separation of pedestrian and automotive traffic.
- Carefully selected places for parking, including recreation vehicles.
- A good property owners association.
- Opportunity to participate in the neighborhood living environment.

This is what is proposed by the Coleman property development.

April 15, 1974

Mr. Jack Galbraith  
City of Wichita  
Board of Zoning Appeals  
104 S. Main  
Wichita, Kansas

Dear Jack:

This letter is in regard to Leisure Living's request for a variance to reduce setbacks and lot sizes for their project in the Coleman School Addition - Cast No. BZA 10-74.

The Wichita Racquet Club (American Leisure Associates, Inc.) owns the land immediately East of this project and we have no objections to the variance request.

Sincerely,

*Dave Ritchie*

Dave Ritchie

DR:lb



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

April 2, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by Leisure Living, Inc., 5920 East Central, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the minimum lot area from 6,000 square feet to 4,500 square feet; to reduce the minimum front yard setback from 25 feet to 10 feet; to reduce the minimum side yard setback from 6 feet to 5 feet; and to reduce the minimum rear yard setback for property being platted as Lots 102 through 105 in Leisure Living Ventures First Addition from 20 feet to 15 feet; on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 2, in Coleman School Addition, Wichita, Sedgwick County, Kansas, currently being platted as Leisure Living Ventures First Addition.  
Generally located on the north side of 13th Street North in an area west of Rock Road.

This application has been assigned Case No. BZA 10-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*9 Notices mailed to  
adjoining property owners  
4-2-74*

*10 Notices mailed  
to mapc members  
4-2-74*

CERTIFICATE OF OWNERSHIP  
-----

LAWYERS TITLE INSURANCE CORPORATION, Guarantee Title Division, hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgewick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 2, in Coleman School Addition,  
Wichita, Sedgewick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>
<u>NORTHEAST QUARTER of Sec. 18-27-2E</u>	
N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 18-27-2E	W. L. Hartman P.O. Box 54 67201
<u>COLEMAN SCHOOL ADDITION</u>	
Lot 1	Unified School District #259 428 S. Broadway 67202
Lot 2	Leisure Living Ventures 5900 E. Central 67208
<u>RUBY J ADDITION</u>	
Lot 1	American Leisure Associates, Inc. 606 West Wisconsin Ave. Milwaukee, Wisc. 53203
<u>SOUTHEAST QUARTER OF Sec. 7-27-2E</u>	
N 200' of E $\frac{1}{2}$ of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7-27-2E	Southwestern Bell Telephone Co. 154 N. Broadway 67202
S 20 acres of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7-27-2E	Radio Station KFJ Company, Inc. 104 S. Emporia 67202
<u>THE HERITAGE</u>	
Lots 13-14-15-17-18-19-20-21-22-23-24 25-26-27-28-29-30-31-32-33-39-40-41-42 43-44-45-46-63-64-65 and part of Lot 16 descr as: Beg at NW cor, S 26' to SW cor, E 7.4'; N 20.67'; E 22.6'; S 4.2', E 5.5'; N 9' to a point 0.5' S of N line; E 36.5'; N 5' to NE cor; W 72' to beg.	Leisure Living, Inc. 5900 E. Central 67208
Lot 16, Except Beg NW cor, S 26' to SW cor; E 7.4'; N 20.67'; E 22.6'; S 4.2'; E 5.5'; N 9' to a point 0.5' S of N line; E 36.5' to E line; N 5' to NE cor; W 72' to beg.	Leah L. & Michael D. Banker 902 Drury 67207

Dated this 19th day of March, 1974 at 7:00 o'clock A. M.

LAWYERS TITLE INSURANCE CORPORATION  
Guarantee Title Division

By Donald R. Hawkins  
Title Officer

No. 369/f



FORM 223-C21

**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
6224	50.00

Name \_\_\_\_\_

Address \_\_\_\_\_  
2723 S. Central

Type \_\_\_\_\_ Due Date \_\_\_\_\_  
1/10/1954 1/10/54

Comments: \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ BY \_\_\_\_\_  
1/10/54 M. J. [Signature]

BOARD OF ZONING APPEALS

CASE NO. 10-74

CITY OF WICHITA, KANSAS

FILED 3-26-74

APPLICATION FOR VARIANCE

I. Name of Applicant Leisure Living, Inc.

Mailing Address 5920 E. Central 67208 Phone 685-1446

Name of Authorized Agent  Ed Flanagan

Mailing Address 5920 E. Central Phone 685-1446

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

II. The variance requested is See Attached

for property located Northwest of thirteenth street and Rock Road North.

and legally described as: Lot #2, <sup>in</sup> Coleman School Addition,

Wichita, Sedgwick County, Ks

in the City of Wichita; and which is presently zoned R5

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. 24-606); 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.

Leisure Living, Inc.

Applicant

Ed Flanagan 

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. - p.m.), March 26 1974 together with appropriate fee of \$50.00.

Martha M. Murphy  
Signed

CERTIFICATE OF OWNERSHIP  
-----

LAWYERS TITLE INSURANCE CORPORATION, Guarantee Title Division, hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

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Lot 1	✓ American Leisure Associates, Inc. 606 West Wisconsin Ave. Milwaukee, Wisc. 53203
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Lots 13-14-15-17-18-19-20-21-22-23-24 25-26-27-28-29-30-31-32-33-39-40-41-42 43-44-45-46-63-64-65 and part of Lot 16 descr as: Beg at NW cor, S 26' to SW cor, E 7.4'; N 20.67'; E 22.6'; S 4.2', E 5.5'; N 9' to a point 0.5' S of N line; E 36.5'; N 5' to NE cor; W 72' to beg.	✓ Leisure Living, Inc. 5900 E. Central 67208
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Dated this 19th day of March, 1974 at 7:00 o'clock A. M.

LAWYERS TITLE INSURANCE CORPORATION  
Guarantee Title Division

By Walter R. Hunker  
Title Officer

No. 369/f

VARIANCES

The board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the board that all of the following conditions have been met:

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).

19/11/4  
114  
6

\*

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