

Case No. BZA 21-81 - James R. & Phyllis
M. Haigh - request a variance to reduce
rear yard from twenty feet to eleven
feet on property zoned the "A" Two-
family Dwelling District & generally
located on the west side of Christine.

BZA 21-81

Recorded
Shot
Checked
2/1/81
2/1/81
18-1/11-2
Scale A

BZA
2-1-81

ACTION

POSTED
8-1-81
[Signature]
7

COMMITTEE APPROVED DATE 6-23-81

M.A.P.C. _____

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

5846 A

BZA 2-1-81

300' Sec 2-1-81
Checked 2-1-81
Shot 2-1-81
Recorded 2-1-81
KCC

Case No. EDA 21-81 - James R. & Phyllis M. Haligh - request a variance to reduce rear yard from twenty feet to eleven feet on property zoned the "A" Two-Family Dwelling District & generally located on the west side of Christine.

Map No. 5846A
 Sec. 25
 Twp. 27
 Range 1E

BZA- 21-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.15 (60 ft. by 115 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.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



STANDARD
 No. 2153C
 DRAWINGS MADE ACCORD TO
 LOG AND FIELD NOTES OF
 MORSESON, TULLOCH & BOWEN, S.A.
 U.S.A.

June 30, 1981

James R. & Phyllis M. Haigh
737 South Christine
Wichita, Kansas 67218

Re: Case No. BEA 21-81
Request for Variance

Dear Mr. & Mrs. Haigh:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 23, 1981.

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

OEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 21-81

WHEREAS, James R. & Phyllis M. Haigh, 737 South Christine, 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 from 20' to 11' on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lot 14, Block 2, Christy Manor Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Christine, north of Morris (737 South Christine).

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 June 23, 1981, 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 existing house is located on the property in such a manner as the only logical expansion is to the rear; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of the rear yard should not interfere with the light or air of the adjacent properties; 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 addition would have to be two-story if attached, or the garage would have to remain detached; 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 in no way interfere with any public easement or right-of-way or create a visual obstruction to vehicular traffic; 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 provided between the structures on 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.

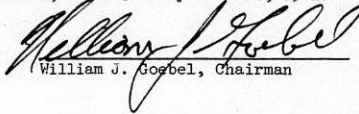
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the rear yard from 20' to 11' on property zoned the "A" Two-family Dwelling District and legally described as:

Lot 14, Block 2, Christy Manor Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Christine, north of Morris (737 South Christine).

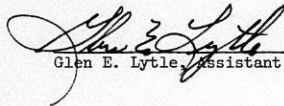
be approved subject to the following conditions:

1. The rear yard shall be reduced from 20' to 11' only for a north, south dimension of 24 feet.
2. The existing garage shall be removed and no additional detached accessory structure shall be permitted.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

June 25, 1981

James R. & Phyllis M. Haigh
737 South Christine
Wichita, Kansas 67218

Re: Case No. BZA 21-81
Request for Variance

Dear Mr. & Mrs. Haigh:

At the regular meeting of the Board of Zoning Appeals on June 23, 1981, your request for a variance was considered.

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

1. The rear yard shall be reduced from 20 feet to 11 feet only for a north, south dimension of 24 feet.
2. The existing garage shall be removed and no additional detached accessory structure shall be permitted.

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 yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE June 17, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 21-81 (West side of Christine,
north of Morris - 737 S. Christine)

CPO Council "G" considered the captioned case at their June 15th meeting and voted 5-0 to recommend approval of the requested variance to reduce the rear yard from 20' to 11' on property zoned the "A", Two-family Dwelling District.

The applicant was present to speak in support of the case. No one was present to speak in opposition to the application.

Please inform the Board of Zoning Appeals of the Council's recommendation when the case is considered at the June 23rd meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:ml

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

RECEIVED

JUN 18 1981

METROPOLITAN PLANNING

]

SECRETARY'S REPORT
CASE NO. EZA 21-81

APPLICANT: James R. & Phyllis M. Haigh, 737 South Christine,
Wichita, Kansas

AGENT: none

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
rear yard from 20 feet to 11 feet.

GENERAL LOCATION: On the west side of Christine and north of
Morris (737 South Christine).

ZONING: Subject property is zoned "A" Two-family as are all
adjoining properties.

LAND USE: Subject property is occupied by a One-family Dwelling
as are all adjacent properties.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita 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 from 20 feet to 11 feet in order to build an addition to their home. This addition will be for a two car garage and a room to the home. In order to build the addition, the applicant will be removing the existing detached garage which is located approximately 12 feet from the rear yard line.

The applicant states that the addition could be built within the limitations of the zoning ordinance by making a part of the addition two-story, however, they feel that a one-story addition would be best, since the entire neighborhood is of one-story dwellings. It should also be noted that the proposed addition will only occupy approximately one-half the width of the buildable area in the rear yard, thus leaving adequate yard area for light and air to the adjacent properties.

UNIQUENESS:

It is the opinion of the Secretary that if this property is somewhat unique it would be due to the fact that the existing house is located on the property in such a manner that the only place for expansion is in the rear 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 reduction of the rear yard should not interfere with the light or air of the adjacent properties.

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 addition would have to be two-story if attached, or the garage would have to remain detached.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition would in no way interfere with any public easement or right-of-way or create a visual obstruction to vehicular traffic.

Page 2
EZA 21-81
EZA AGENDA
6-23-81

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 provided between the structures located on adjacent 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 rear yard shall be reduced from 20 feet to 11 feet only for a north, south dimension of 24 feet.
2. The existing garage shall be removed and no additional detached accessory structure shall be permitted.

BZA CASE NO. 21-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MARC

1 NOTICES SENT TO CPO

39 NOTICES SENT TO ADJOINING PROPERTY OWNERS

51 TOTAL NOTICES SENT 6-3-81

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

JUNE 3, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-81

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 James R. & Phyllis M. Haigh, 737 South Christine, 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 rear yard from 20' to 11' on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

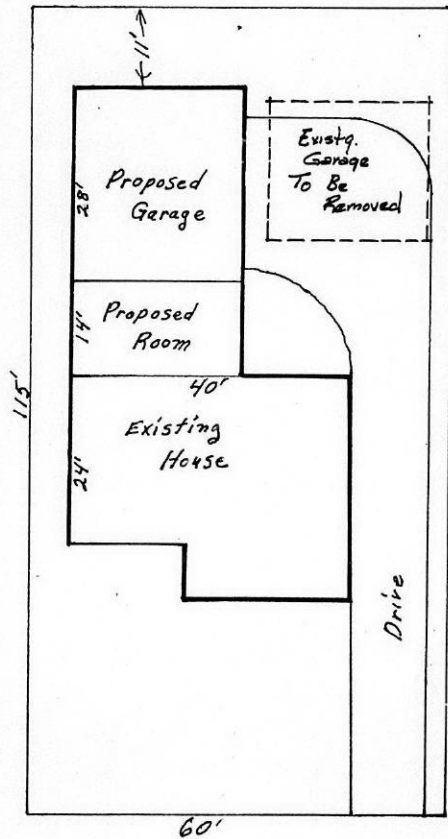
Lot 14, Block 2, Christy Manor Addition
Wichita, Sedgwick County, Kansas. Generally
located on the west side of Christine, north
of Morris (737 South Christine).

This application has been assigned Case No. BZA 21-81. It will be considered by the Board of Zoning Appeals on June 23, 1981 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, 268-4381.

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



Scale $\frac{1}{16}'' = 1'-0''$

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 21-81
FILED 5-20-81

APPLICATION FOR VARIANCE

- I. Name of Applicant James R. and Phyllis M. Haigh
Mailing Address 737 South Christine, Wichita, Ks Phone 685-2760
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 rear yard from twenty feet (20')
to eleven feet (11')
_____ for property located on the west side of Christine, north of Morris.
(737 South Christine)
and legally described as: Lot 14, Block 2, Christy Manor Addition
Wichita, Sedgwick County, Kansas

_____ in the City of Wichita; and which is presently zoned "A".

- 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 2.12.500 of the Code of the City of Wichita (Ordinance No. 36-596); 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.

Applicant James R. Haigh
Phyllis M. Haigh
Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:15 4:45 p.m., MAY 20, 1981, together with appropriate fee of 75.00

Signed S. Lytle

Board of Zoning Appeals
City of Wichita, Kansas

We, James R. and Phyllis M. Haigh request a variance from the ordinance of a required twenty foot (20') back yard to a eleven foot (11') back yard, for the purpose of adding a room and attaching a double-car garage to the rear of our existing home. This can be done without altering the looks of the front of the existing home or property.

It should be noted that the only alternate route to get the same amount of living space and attached garage, would be to make a nine foot (9') access room and stairway with a room above the house and garage. This could be done entirely with-in the current zoning regulations. We feel, however, that this would not be the best solution, as it would detract from the appearance of the neighborhood which is all single story homes.

James R. Haigh
James R. Haigh

Phyllis M. Haigh
Phyllis M. Haigh

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas:

DESCRIPTION	OWNER AND ADDRESS
-------------	-------------------

CHRISTY MANOR, an Addition to Wichita, Sedgwick County, Kansas.
Block 2

Lot 3	✓ Dwight E. Higley and Judy E. Higley 716 S. Edgemoor Wichita, Kansas 67218
Lot 4	✓ Douglas Richard Neathery and Sharon Sue Neathery 720 S. Edgemoor Wichita, Kansas 67218
Lot 5	✓ Frances L. McVay 728 S. Edgemoor Wichita, Kansas 67218
Lot 6	✓ Andrew Ewert 732 S. Edgemoor Wichita, Kansas 67218
Lot 7	✓ Mary L. Hay <i>returned - myself - left no address</i> 740 S. Edgemoor Wichita, Kansas 67218
Lot 8	✓ Calvin W. Butcher and Susanna T. Butcher 746 S. Edgemoor Wichita, Kansas 67218
Lot 9	✓ Francis G. Johnson and Viola M. Johnson 752 S. Edgemoor Wichita, Kansas 67218
Lot 10	✓ Stanley R. Morton and Rebecca S. Morton 2133 W. Grant Wichita, Kansas 67213
Lot 11	✓ Susan E. Madden <i>returned - 751 S. Christine Wichita, Kansas 67218</i> 2007 E. Osie Wichita, Kansas 67211
Lot 12	✓ George C. Belknap and Doris Jean Belknap 747 S. Christine Wichita, Kansas 67218
Lot 13	✓ Ralph E. Gillespie and Glennys Ruth Gillespie 741 S. Christine Wichita, Kansas 67218
Lot 14	<i>Dup.</i> James R. Haigh and Phyllis M. Haigh 737 S. Christine Wichita, Kansas 67218

<u>DESCRIPTION</u>	<u>OWNER AND ADDRESS</u>
<u>CHRISTY MANOR cont.</u>	
ot 15	✓ Orville E. Holmes and Berneice Holmes 731 S. Christine Wichita, Kansas 67218
Lot 16	✓ Walter E. Epperson and Gertrude L. Epperson 727 S. Christine Wichita, Kansas 67218
Lot 17	✓ Charles Wayne Nida and Marcia J. Nida 721 S. Christine Wichita, Kansas 67218
Lot 18	✓ Jennifer A. Noble 715 S. Christine Wichita, Kansas 67218
<u>LIGHTNER PARK</u>	
<u>Block B</u>	
Lot 3	✓ William B. Wilder and P. Elizabeth Wilder 714 S. Christine Wichita, Kansas 67218
Lot 4	✓ Joseph C. Hill and Sharon L. Hill 720 S. Christine Wichita, Kansas 67218
Lot 5	✓ Shirley Ann Dillon and Richard M. Dillon 724 S. Christine Wichita, Kansas 67218
Lot 6	✓ Albert L. Lewis and Mattie Josephine Lewis 728 S. Christine Wichita, Kansas 67218
Lot 7	✓ Terry R. Sterling and Mary F. Sterling 732 S. Christine Wichita, Kansas 67218
Lot 8	✓ Robert R. Swartzlander and Alice L. Swartzlander c/o H.R. Swartzlander 738 S. Christine Wichita, Kansas 67218
The north 54 feet of Lot 9	✓ Cecil E. Wilson and Marcia D. Wilson 742 S. Christine Wichita, Kansas 67218
The south .50 feet of Lot 10 and all of Lot 11	✓ James B. Craig 752 S. Christine Wichita, Kansas 67218
The south 1 foot of Lot 9 and the north 52 feet of Lot 10	✓ Stanton E. Harris and Jenita Harris 7708 E. Lincoln Wichita, Kansas 67207

DESCRIPTIONOWNER AND ADDRESSLIGHTNER PARK, Block B, cont.

Lot 14	✓ Gerald D. May, Glenva May and Sherri Ann May, Trustees of the May Trust 741 S. Lightner Drive Wichita, Kansas 67218
The south 51 feet of Lot 14 and the north 52 feet of Lot 13	✓ Janet Huffman and Michael Huffman 8349 Rose Lane Wichita, Kansas 67207
Lot 15	✓ Nell Holder c/o Marilyn S. Hale Suite 203 400 North Woodlawn Wichita, Kansas 67208
Lot 16	✓ Vivian Weninger 731 S. Lightner Drive Wichita, Kansas 67218
Lot 17	✓ Victor L. Durrington and Vearl J. Durrington 727 S. Lightner Wichita, Kansas 67218
Lot 18	✓ Jeffrey Thomas Doherty and Barbara Joan Doherty 721 S. Lightner Drive Wichita, Kansas 67218

BEVERLY MANOR
Block 8

Lot 4	✓ V. Bernice Mitchell 717 S. Edgemoor Wichita, Kansas 67218
Lot 5	✓ Bette M. Atherton 721 S. Edgemoor Wichita, Kansas 67218
Lot 6	✓ B. R. Treadwell and Tilda A. Treadwell 8126 E. Clay Wichita, Kansas 67207
Lot 7	✓ Clyde R. Chambers and Mary L. Chambers 733 S. Edgemoor Wichita, Kansas 67218
Lot 8	✓ Lloyd J. Collins and Jessie Faye Collins 739 S. Edgemoor Wichita, Kansas 67218
Lot 9	✓ Hettie C. Easterly 743 S. Edgemoor Wichita, Kansas 67218
Lot 10	✓ Clifford A. Rogers and Laveta G. Rogers 751 S. Edgemoor Wichita, Kansas 67218

DESCRIPTION

OWNER AND ADDRESS

BEVERLY MANOR, Block 8, Cont.

Lot 11

✓ Kevin C. Kimmel
753 S. Edgemoor
Wichita, Kansas 67218

Lot 12

✓ Philip J. Wolke
323 S. Lakeview Drive
Derby, Kansas 67037

The foregoing includes the following described real estate
to-wit:

Lot 14, Block 2, Christy Manor, an Addition to Wichita,
Sedgwick County, Kansas,

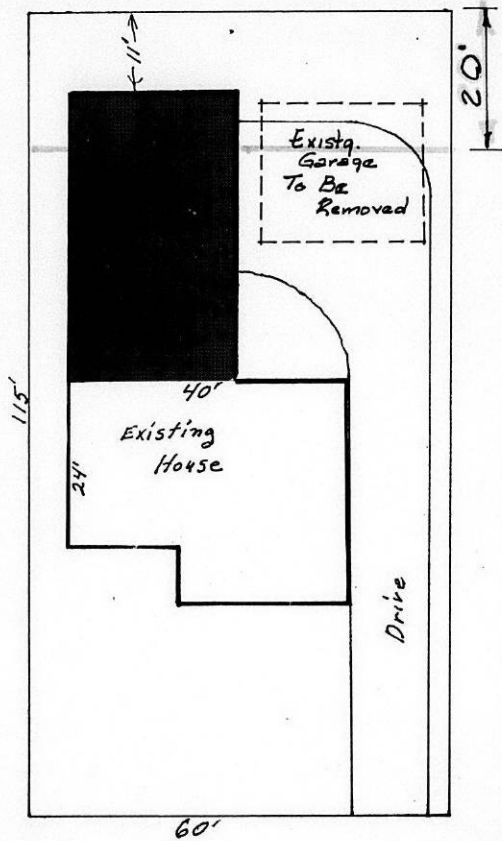
together with all real property lying within a 200 foot radius thereof.

Dated at Wichita, Kansas, this 11th day of May, 1981, at
7:00 o'clock A. M.

REALTY TITLE CO. INC.

By 
Eva Jean Tregellas, President

CM 13581



Scale $\frac{1}{16}'' = 1'-0''$

WICHITA - SEDGWICK COUNTY

W.S.C.

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

NO COVER LEFT
NO ADDRESS
RETURN TO SENDER

21-81

HAY 40 110420N1 06/04/81
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

WICHITA
JUN-7 1981
KANS
U.S. POSTAGE
18
POST OFFICE
WICHITA, KANSAS
FD-341925

Mary L. Hay
740 South Edgemoor
Wichita, Kansas 67218

WICHITA, KS
PM
JUN 5
1981

no other address listed

WICHITA - SEDGWICK COUNTY

W.S.C.

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

NO SUCH
NUMBER
RETURN TO SENDER

21-81

*resent to
751 S. Christine
67218*

6-15-81

WICHITA
JUN-7 1981
KANS
U.S. POSTAGE
18
POST OFFICE
WICHITA, KANSAS
FD-341925

Susan E. Madden
2007 East Osie
Wichita, Kansas 67211

WICHITA, KS
PM
JUN 5
1981

12/2/81

