

Case No. BZA 12-86 - V. T. Janke, requests a variance to reduce the required rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and generally located on the southeast corner

ACTION

E.Z.A. 12-86 APPROVED 9/27/86
DATE

200' 4 Sec 6-3-86

Shot 6-11-86

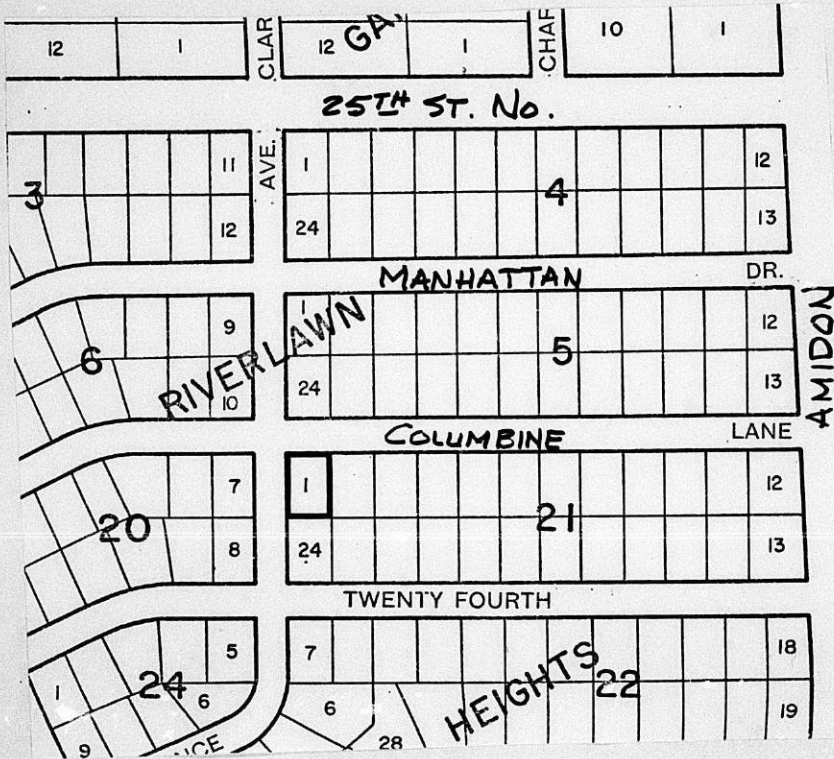
Record ✓

Map No. 5350C

BZA 12-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East 1-F South 1-F
West 1-F North 1-F
4. Area (is) (~~is~~) platted.



Standard
No. 2153C
MASTERS, INC.
100 NORTH WASHINGTON ST., SUITE 100
MCGREGOR, TEXAS 75002 GROVE, GA
U.S.A.

May 29, 1986

V. T. Jahnke
2518 North Clarence
Wichita, Kansas 67204

Re: BZA 12-86 - Request for Variance

Dear Mr. Jahnke:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1986.

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

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 12-86

WHEREAS, V. T. Jahnke, 2518 North Clarence, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 21, Riverlawn Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Columbine and Clarence (2518 North Clarence).

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 May 27, 1986, 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 dwelling was originally constructed facing west and the distance from the south property line more than exceeds the requirements of a minimum side yard; 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 house to the south is located at least 20 feet from their north property line which will leave a separation of at least 35 feet between structures which should be more than ample to provide light and air to both 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 applicant would be required to build an addition only seven feet in width which would be inadequate to serve any useful purpose; 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 garage will not be located so as to interfere with any needed right-of-way or utility easements; 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 house now faces west and for all practical purposes, the yard is a side yard and exceeds the minimum by 9 feet; 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.

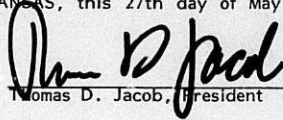
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 21, Riverlawn Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Columbine and Clarence (2518 North Clarence).

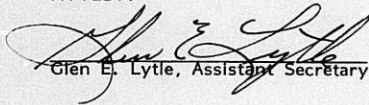
be approved subject to the following condition:

1. The rear yard shall not be reduced to less than 15 feet and the construction within the required rear yard shall not exceed an area of 360 square feet.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 12-86

APPLICANT: V. T. Jahnke, 2518 N. Clarence, Wichita, KS 67204.

AGENT: None.

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 not less than 15 feet.

GENERAL LOCATION: On the southeast corner of Columbine and Clarence.

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 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. 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 not less than 15 feet in order to construct an addition to the south side of the house. The existing dwelling is located on a corner and fronts on Clarence even though the entire block is platted with the front yards adjacent to Columbine. The garage is attached and the driveway is adjacent to Columbine.

The house to the south that would be most likely to be affected by the proposed addition also faces Clarence and maintains a rear yard of not less than 20 feet. This distance between structures should be more than adequate to provide light and air to both properties. The property to the south should be the only one directly affected by this variance request. The location of the easement between the properties would not be affected by the reduction to not less than 15 feet.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the dwelling was originally constructed facing west and the distance from the south property line more than exceeds the requirements of a minimum 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 house to the south is located at least 20 feet from their north property line which will leave a separation of at least 35 feet between structures which should be more than ample to provide light and air to both 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 applicant would be required to build an addition only seven feet in width which would be inadequate to serve any useful purpose.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the garage will not be located so as to interfere with any needed right-of-way or utility easements.

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 house now faces west and for all practical purposes, the yard is a side yard and exceeds the minimum by 9 feet.

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 condition:

1. The rear yard shall not be reduced to less than 15 feet and shall not exceed an area of 360 square feet.

BZA CASE NO. 12-86

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>20</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>22</u>	TOTAL NOTICES SENT <u>5/6/86</u>

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

May 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 12-86

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 V. T. Jahnke, 2518 N. Clarence, 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 setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 21, Riverlawn Heights Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Columbine and Clarence (2518 North Clarence).

This application has been assigned Case No. BZA 12-86. It will be considered by the Board of Zoning Appeals on May 27, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 12-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant V. T. JAHNKE
Mailing Address 2518 N. CLARENCE Phone 838-5014
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required rear yard setback from 20 feet to not less than 15 feet

for property located on the southeast corner of Columbia & Clarence

and legally described as: Lot 1, Block 21, Ruarktown Heights Addition

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

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. 39-285); 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 V. T. Jahnke

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (a.m./p.m.), April 25, 1986 together with appropriate fee of 200.00.

Signed [Signature]

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEK, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

April 17, 1986

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 17th day of April, 1986, survey Lot 1, Block 21, Riverlawn Heights, Wichita, Sedgwick County, Kansas.

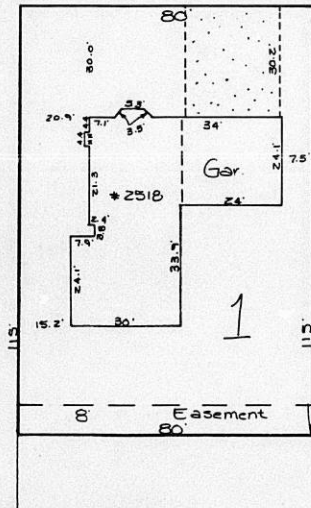
On said lot is house No. 2518 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

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

William F. Severns
Surveyor

Columbine Ln.

Clarence Ave.



WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316 262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS April 17, 1986
County of Sedgwick)

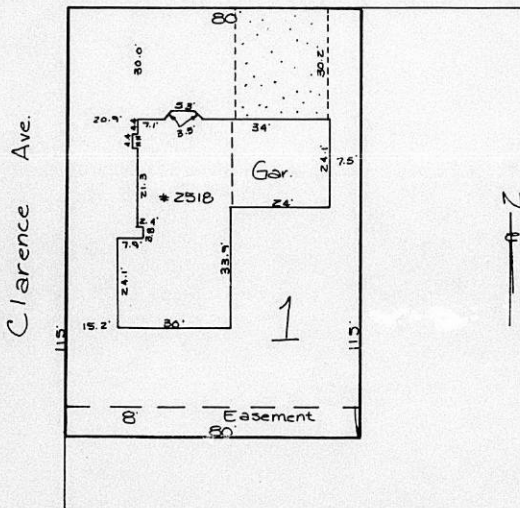
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On said lot is house No. 2518 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

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

William F. Sevens
Surveyor

Columbine Ln.



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS within 200 feet of:
Lot 1, Block 21, RIVERLAWN
HEIGHTS, Wichita, Sedgwick
County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>DESCRIPTIONS</u>	<u>RECORD OWNERS</u>
Lot 1, Block 21, RIVERLAWN HEIGHTS,	✓ V. T. & Joyce I. Janke 2518 N. Clarence Wichita, Kansas 67204
Lot 2, Block 21, RIVERLAWN HEIGHTS,	✓ Wilfred P. & Beverly J. Mies 2131 Columbine Wichita, Kansas 67204
Lot 3, Block 21, RIVERLAWN HEIGHTS,	✓ Robert V. & Lois J. Davis 2125 Columbine Wichita, Kansas 67204
Lot 4, Block 21, RIVERLAWN HEIGHTS,	✓ Johnny B. & Betty L. Jenisch 2117 Columbine Wichita, Kansas 67204
Lot 21, Block 21, RIVERLAWN HEIGHTS,	✓ First National Bank in Wichita, Wichita, Kansas, successor trustee of the Mabel F. Allen Revocable Trust P.O. Box 1 Wichita, Kansas 67201

Fidelity  Title
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 22, Block 21, RIVERLAWN HEIGHTS,	Clarence L. & Melva G. Neidens 2126 W. 24th Street Wichita, Kansas 67204
Lot 23, Block 21, RIVERLAWN HEIGHTS,	Warren Curtis & Janet R. Lusk 2132 W. 24th Street Wichita, Kansas 67204
Lot 24, Block 21, RIVERLAWN HEIGHTS,	Vada V. Allen and Shirley V. Miller and Robert F. Allen ADDRESS UNKNOWN
Lot 1, Block 5, RIVERLAWN HEIGHTS,	Willis G., Jr. & Sandra A. Buser 2139 Manhattan Wichita, Kansas 67204
Lot 2, Block 5, RIVERLAWN HEIGHTS,	Michael T. & Connie L. Schraeder ADDRESS UNKNOWN
Lot 3, Block 5, RIVERLAWN HEIGHTS,	Jerry D. & Janet C. Skinner 2125 Manhattan Wichita, Kansas 67204
Lot 21, Block 5, RIVERLAWN HEIGHTS,	Ronald A. & Diana M. Terzian 2118 Columbine Wichita, Kansas 67204
Lot 22, Block 5, RIVERLAWN HEIGHTS,	John Jay & Geraldine M. Requa 2126 Columbine Wichita, Kansas 67204
Lot 23, Block 5, RIVERLAWN HEIGHTS,	Joe E. & Florence Knowles ADDRESS UNKNOWN
Lot 24, Block 5, RIVERLAWN HEIGHTS,	Roy L., Thelma C. & Roy E. Corzine and Barbara A. Gibson 2140 Columbine Wichita, Kansas 67204
Lot 9, Block 6, RIVERLAWN HEIGHTS,	Charles W. & Chlogene A. Bass 2517 N. Clarence Wichita, Kansas 67204
Lot 10, Block 6, RIVERLAWN HEIGHTS,	Kathy A.; Gerald B. & Grace M. Beat 1842 Woodrow Court Wichita, Kansas 67230
Lot 11, Block 6, RIVERLAWN HEIGHTS,	Jeffry D. & Carol J. Filby 2210 Columbine Wichita, Kansas 67204
Lot 6, Block 20, RIVERLAWN HEIGHTS,	Charles W. & Bernice I. Marmor 2213 Columbine Wichita, Kansas 67204



DESCRIPTIONS

RECORD OWNERS

Lot 7, Block 20, RIVERLAWN HEIGHTS,	George M. & Dorothy A. Jordan ADDRESS UNKNOWN
Lot 8, Block 20, RIVERLAWN HEIGHTS,	James F., Jr. & Elinor Aiken 2204 W. 24th Street Wichita, Kansas 67204
Lot 9, Block 20, RIVERLAWN HEIGHTS,	Richard W. & Anita L. Frey 1035 McLean Boulevard Northwest Wichita, Kansas 67203
Lot 7, Block 22, RIVERLAWN HEIGHTS,	Shirley May Fisher 2141 W. 24th Street North Wichita, Kansas 67204
Lot 8, Block 22, RIVERLAWN HEIGHTS,	Clifford A. & Donna M. Simmons ADDRESS UNKNOWN
Lot 9, Block 22, RIVERLAWN HEIGHTS,	Olen L. & Violet Kathleen Pickett 2127 W. 24th Street Wichita, Kansas 67204
Lot 5, Block 24, RIVERLAWN HEIGHTS,	Todd A. & Barbara L. Gabbert Bacon 2203 W. 24th Street Wichita, Kansas 67204



Dated at Wichita, Kansas, this 24th day of April, 1986 at 7:00 AM

FIDELITY TITLE COMPANY, INC.

Medina L. Sutter

By

Assistant Secretary

Tracer No. 73412



MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 2-21

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY 020 V02	\$ 200.00

NAME V. T. JANKE

ADDRESS 2579 Clarence

FUND 15-4670-003 DUE DATE

COMMENTS

DATE Nov 25 1976 BY [Signature]