

Case No. BZA 21-80 - Clinton
L. & Barbara D. Lay, requests
a variance to reduce the side
yard setback from 6' to 3' on
property zoned "AA" One-family
Dwelling District and generally

6-1-80 ✓
Shuck

BZA
21-80

ACTION

POSTED
5-2-80

COMMITTEE APPROVED DATE 5-27-80

M.A.P.C. _____

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

6-4-80 200' Sec
checked art

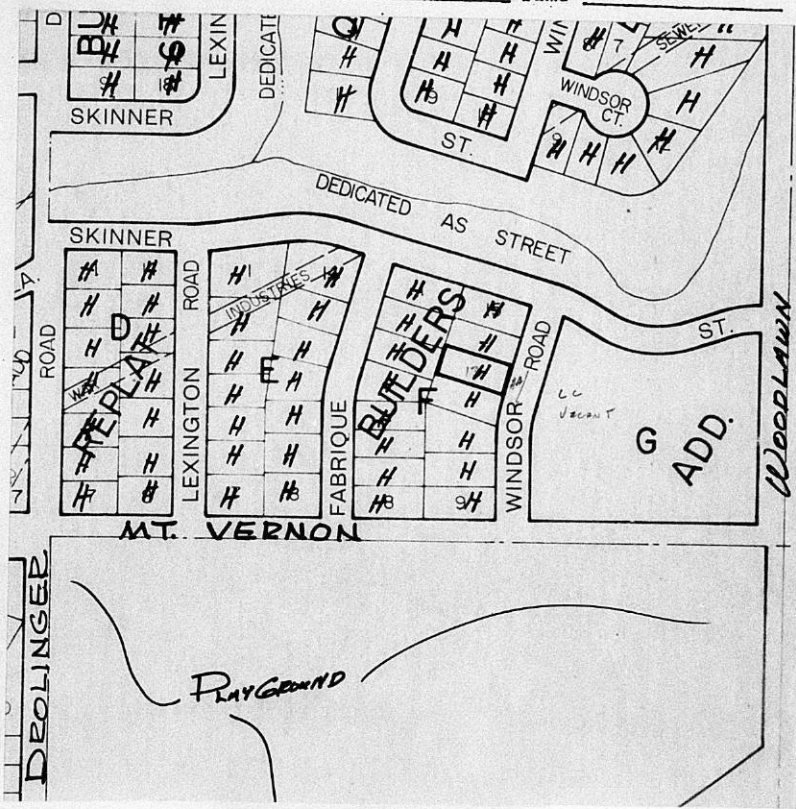
Case No. BZA 21-80 - Clinton
L. & Barbara D. Jay, requests
a variance to reduce the side
yard setback from 6' to 3' on
property zoned "AA" One-family
Dwelling District and generally

Map No. 5845
 Sec. _____
 Twp. _____
 Range _____

BZA- 21-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 Acres: 0.14 (52 ft. by 130 ft.)
 Adjoining Zoning: E _____ S _____ W _____ N _____
 Land Use: East UNDEVELOPED South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 Sketch plan Land Use is for: _____
 Present Land Use if for: SINGLE FAM
 Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



08-1

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

May 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-80

An application has been filed by Clinton L. & Barbara D. Lay, 1913 Windsor, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the side yard setback from 6' to 3' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor).

This application has been assigned case No. BZA 21-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 27, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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.

Jack H. Galbraith
Secretary

JOHN T. (JACK) REEVES

OFFICE OF
BAUGHMAN CO.
Surveyors

FRED J. DOANE

2522 EAST HELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

Lat

State of Kansas)
County of Sedgwick) SS

February 15, 1967

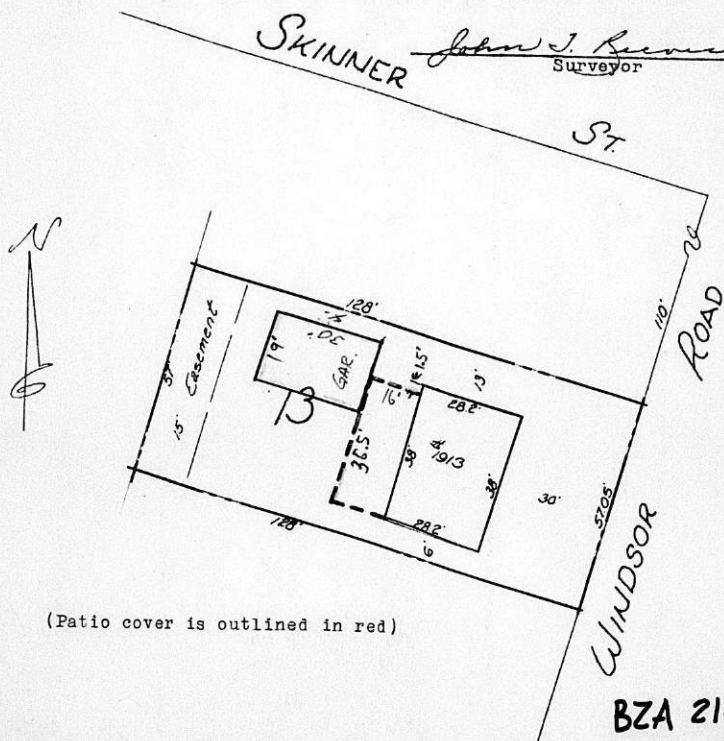
I, John T. Reeves, Surveyor in aforesaid county and state do hereby certify that I did on this 15th day of February, 1967, survey Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Kansas.

On said lot is house No. 1913 with no 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 mortgage title insurance.

SKINNER

John T. Reeves
Surveyor



(Patio cover is outlined in red)

BZA 21-80

May 30, 1980

Clinton L. & Barbara D. Lay
1913 Windsor
Wichita, Kansas 67218

Re: Case No. BEA 21-80
Request for Variance

Dear Mr. & Mrs. Lay:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1980, in connection with your request for a variance to reduce the side yard setback from 6' to 3' on property zoned "AA" One-family Dwelling District and generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor).

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

GEL:sad
Enclosure

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

RESOLUTION NO. BZA 21-80

WHEREAS, Clinton L. and Barbara D. Lay, 1913 Windsor, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the side-yard setback from 6' to 3' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor).

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, 1980, 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 garage is existing and the addition for which a permit is required will not be located closer to the side property line than 6'; 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 no new structure will be located any closer to the property lines than is now permitted by ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the existing garage would have to be moved two feet to the south thus making it more difficult to enter; 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 variance requested is interiorly located; 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 light and air as now exists will not be affected by the proposed addition; 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.

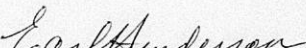
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the sideyard setback from 6 feet to 3 feet along the north property line on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor).

be approved subject to the following condition:

1. The variance shall apply only to the existing garage and all other structures shall comply with the required setback.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1980.



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

May 28, 1980

Clinton L. & Barbara D. Lay
1913 Windsor
Wichita, Kansas 67218

Re: Case No. BZA 21-80
Request for Variance

Dear Mr. & Mrs. Lay:

At the regular meeting of the Board of Zoning Appeals on May 27, 1980, your request for a variance to reduce the side yard setback from 6' to 3' on property zoned "AA" One-family Dwelling District and generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor) was considered.

It was the action of the Board to approve your request only for the existing garage.

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 May 23, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 21-80: 1913 Windsor

Clinton and Barbara Lay met with CPO Council "F" on May 22 to discuss their plans for covering the patio between their house and detached garage. Mr. Lay explained that the garage presently meets setback regulations for detached structures, but the patio cover will have the effect of "attaching" the garage and house, and requires the requested variance.

After being assured that the patio cover itself will not require a variance of setback requirements, Council "F" voted 7-0 to recommend approval of the requested variance for the existing garage.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:m1

Noted:

Sarah Gilbert

Sarah Gilbert
Assistant CP Coordinator

RECEIVED

MAY 23 1980

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 21-80

APPLICANT: Clinton L. & Barbara D. Lay, 1913 Windsor,
Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
sideyard setback from 6' to 3'.

GENERAL LOCATION: On the west side of Windsor north of Mt. Vernon
(1913 Windsor).

ZONING: Subject property is zoned "AA" One-family Dwelling
District as are the properties to the north,
west and south. To the east is "IC" Light
Commercial.

LAND USE: Subject property is occupied by a single-family
dwelling as are the properties to the north,
west and south. Property to the east is vacant.

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.
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).

Page 2
BZA 21-80
BZA AGENDA
5-27-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required sideyard along the north property line from 6' to 3'. The applicant is requesting this variance so that a permit can be secured for the erection of a patio cover at the rear of the house which would connect the house to the existing garage. This then causes the garage to become a part of the main structure and would therefore be required to comply with a six foot sideyard setback.

It should be noted that the existing garage is located in conformance to the present regulations which permits a detached structure to be located 3 feet from the side property line when located on the rear half of the lot.

The addition of the unenclosed patio cover should not interfere with the movement of air and is located at a distance that should in no way interfere with light on adjacent property.

UNIQUENESS:

It is the opinion of the Secretary that this situation is somewhat unique inasmuch as the garage is existing and the addition for which a permit is required is not to be located closer than 6' to the south property line and 14.5 feet to the north property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent properties inasmuch as no new structure will be located any closer to the property lines than is now permitted by the ordinance.

HARDSHIP:

It is the opinion of the Secretary that unnecessary hardship would be placed on the applicant if the variance were not granted inasmuch as the existing garage would have to be moved two feet south thus making it more difficult to enter.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the variance is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as adequate light and air will be maintained as now exists.

Page 3
BZA 21-80
BZA AGENDA
5-27-80

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance can be found to exist and it is recommended that the variance to reduce the sideyard setback along the north property line from 6 feet to 3 feet be approved only for the existing garage.

BZA CASE NO. 21-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

21 NOTICES SENT TO ADJOINING PROPERTY OWNERS

33 TOTAL NOTICES SENT 5-6-80

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

May 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-80

An application has been filed by Clinton L. & Barbara D. Lay, 1913 Windsor, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the side yard setback from 6' to 3' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Windsor north of Mt. Vernon (1913 Windsor).

This application has been assigned case No. BZA 21-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 27, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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.

Jack H. Galbraith
Secretary

Clinton L. Barbara D. Lay
1913 Windsor, Wichita, Ks. 67218
Lot 13, Block F, Replat of
Builders 8th Addition, Wichita,
Sedgwick, Ks.

The variance requested is to change the north property line setback from 6 feet to 3 feet on the back half of the lot.

The garage is setting on the back half of lot with a 4 foot setback. I want to put a patio cover on the back of the house (the full length of the house); and connect the house and garage. Thus the back door of the house and the garage door being under the patio roof.

The south side of the patio cover will be even with the existing house line. The north side of the patio cover will be $1\frac{1}{2}$ feet farther from the property line than the house, and $10\frac{1}{2}$ feet from the north side of the garage.

With the garage on a 4 foot setback and not connecting, then we couldn't go from house to garage under roof.

Granting of variance will not affect the public health, safety, morals, order, convenience, prosperity, or general welfare of others.

Granting of variance will not affect the general spirit and intent of Title 28 (zoning ordinance).

Clinton L. Lay
Applicant

JOHN T. (JACK) REEVES

OFFICE OF
BAUGHMAN CO.
Surveyors

FRED J. DOANE

252 EAST KELLOGG
WICHITA, KANSAS 67211
TELEPHONE 3-7431

Lat

State of Kansas)
) SS
County of Sedgwick)

February 15, 1967

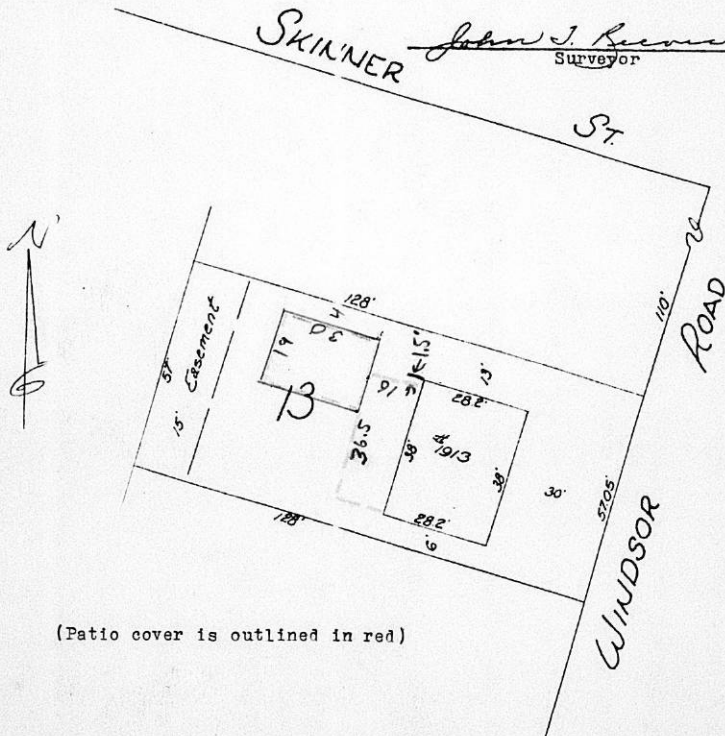
I, John T. Reeves, Surveyor in aforesaid county and state do hereby certify that I did on this 15th day of February, 1967, survey Lot 13, Block F, Replat of Builders Eighth Addition to Wichita, Kansas.

On said lot is house No. 1913 with no 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 mortgage title insurance.

SKINNER

John T. Reeves
Surveyor



(Patio cover is outlined in red)

BOARD OF ZONING APPEALS

CASE NO. BZA 21-80

CITY OF WICHITA, KANSAS

FILED 4-24-80

APPLICATION FOR VARIANCE

I. Name of Applicant Clinton L. & Barbara D. Lay

Mailing Address 1913 Windsor, Wichita, Ks. 67218 Phone 684-1389

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 reduce the side yard setback from 6 feet to 3 feet.
change north property line setback from 6 feet to 3 feet on back half of lot.

✓ _____ on the west side of Windsor north of Mt. Davern
for property located (1913 Windsor) Wichita, Ks. 67218

✓ and legally described as: Lot 13, Block F, Replat of Builders
Eighth Addition to Wichita, Kansas

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. 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.

Clinton L. Lay
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:30 (a.m.) - p.m.), April 24 19 80 together with appropriate fee of \$50.00.

T9-402

G. Lynn Shirley
Signed

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter 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 the following described property:
 Lot 13, Block F, REPLAT OF BUILDERS
 8TH ADDITION, 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>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 13, Block F,	REPLAT OF BUILDERS 8TH	Clinton L. & Barbara D. Lay <i>Dut</i> 1913 Windsor Road Wichita, Kansas 67218
Lot 1, Block F,	REPLAT OF BUILDERS 8TH	Herschel M. & Nancy J. Mellsap ✓ 1902 Fabrique Wichita, Kansas 67218
Lot 2, Block F,	REPLAT OF BUILDERS 8TH	Jack Ronald & Loretta Faye Denny ✓ 1908 Fabrique Wichita, Kansas 67218
Lot 3, Block F,	REPLAT OF BUILDERS 8TH	Sidney L. & Shirley A. Bruner ✓ 1914 Fabrique Wichita, Kansas 67218

Fidelity  **Title**
 COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 4, Block F,	REPLAT OF BUILDERS 8TH	Melvin E. Boewe ✓ 1920 Fabrique Wichita, Kansas 67218
Lot 5, Block F,	REPLAT OF BUILDERS 8TH	Edmund & Jean M. Deutoch ✓ 1926 Fabrique Wichita, Kansas 67218
Lot 6, Block F,	REPLAT OF BUILDERS 8TH	Roger D. & Jean Naylor ✓ 1932 Fabrique Wichita, Kansas 67218
Lot 7, Block F,	REPLAT OF BUILDERS 8TH	Harold O. & Catherine E. Elliott ✓ 1936 Fabrique Wichita, Kansas 67218
Lot 8, Block F,	REPLAT OF BUILDERS 8TH	Chester W. & Joyce R. Jones ✓ 2017 South Greenwich Road Wichita, Kansas 67207
Lot 9, Block F,	REPLAT OF BUILDERS 8TH	Donald H. & Patsy R. Evans ✓ 1937 Windsor Road Wichita, Kansas 67218
Lot 10, Block F,	REPLAT OF BUILDERS 8TH	Lyman E. & Mary I. Cavin ✓ 8127 Willowbrook Road Wichita, Kansas 67207
Lot 11, Block F,	REPLAT OF BUILDERS 8TH	Melvin Eugene & Loretta J. Huffman ✓ 1925 Windsor Road Wichita, Kansas 67218
Lot 12, Block F,	REPLAT OF BUILDERS 8TH	Muriel Curd Peck ✓ 1919 Windsor Road Wichita, Kansas 67218
Lot 14, Block F,	REPLAT OF BUILDERS 8TH	Lena M. Rohrback ✓ and Betty Jean Roland 1907 Windsor Road Wichita, Kansas 67218
Lot 15, Block F,	REPLAT OF BUILDERS 8TH	Illa Mae Wiens ✓ 1901 Windsor Wichita, Kansas 67218
Block G,	REPLAT OF BUILDERS 8TH	Builders, Inc. ✓ 1000 Parkland, Suite #300 Wichita, Kansas 67218
Lot 8, Block E,	REPLAT OF BUILDERS 8TH	Ralph T. & Mary J. DiMattie ✓ 1937 Fabrique Wichita, Kansas 67218
Lot 9, Block E,	REPLAT OF BUILDERS 8TH	Noel L. & Gladys M. Danby ✓ 1931 Fabrique Wichita, Kansas 67218





-3-

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 10, Block E,	REPLAT OF BUILDERS 8TH	✓ Jimmy R. & Lela Mary Spillman 1925 Fabrique Wichita, Kansas 67218
Lot 11, Block E,	REPLAT OF BUILDERS 8TH	✓ Gordon L. & Rita E. Wood 1919 Fabrique Wichita, Kansas 67218
Lot 12, Block E,	REPLAT OF BUILDERS 8TH	✓ Winston P. & Corinne M. Kirkhart 1913 Fabrique Wichita, Kansas 67218
Lot 13, Block E,	REPLAT OF BUILDERS 8TH	✓ George M. & Linda S. Schrader 1907 Fabrique Wichita, Kansas 67218
Lot 14, Block E,	REPLAT OF BUILDERS 8TH	DeWayne D. & Clareta M. Fleming ADDRESS UNKNOWN

Dated at Wichita, Kansas this 10th day of April, 1980 at 7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By *C. E. Reed*
Vice President

Tracer No. 51252

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 20-21

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
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY