

Case No. B2A 31-80 - Jon A. Lofgreen - requests a variance to reduce the rear yard setback from 20 feet to 0 feet on property zoned "AA" One-family Dwelling District and generally

*AA16 C
B2A 31-80
Lofgreen's rear yard setback*

ACTION

B2A 31-80
COMMITTEE Approved DATE 7-27-80

M.A.P.C. _____

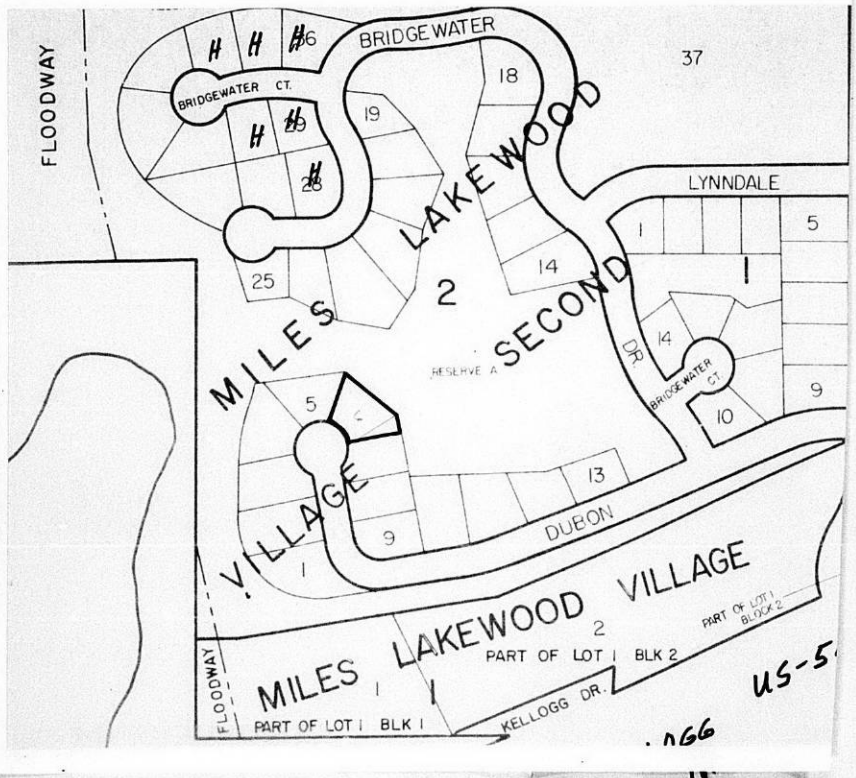
B.C.C./B. CO. C. _____

Map No. 4846 C
 Sec. 27
 Twp. 1W
 Range 1W

BZA- 31-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.22 (97 (IRREGULAR) ft. by 122 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted. LAND USE NEEDS UP PATT

PHOTO DATA:
 Taken by _____ Date _____ Time _____



July 28, 1980

Gary Wiley
Professional Engineering Consultants, P.A.
1440 East English
Wichita, Kansas 67211

Re: Case No. BZA 31-80
Request for Variance

Dear Mr. Wiley:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1980, in connection with your request for a variance to reduce the rear yard setback from 20 feet to 0 feet on property zoned the "AA" One-family Dwelling District and generally located on Dubon Court.

This Resolution reflects the official action of the Board to approve your request. 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: Jon Lofgren, P. O. Box 2178, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 31-80

WHEREAS, Jon A. Lofgreen, P. O. Box 2178, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 20 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 6, Block 2, Miles Lakewood Village 2nd
Addition, Wichita, Sedgwick County, Kansas.
Generally located on Dubon Court.

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 July 22, 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 lot is shallow in depth and bounded on the north and east by common open space and not adjacent building sites; 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 land to the north and east is to remain as common open space; 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 buildable area on the lot is very limited if the rear yard setback is complied with; 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 the four previous conditions can be found to exist; and

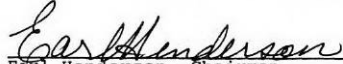
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the rear yard setback from 20 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 6, Block 2, Miles Lakewood Village 2nd
Addition, Wichita, Sedgwick County, Kansas.
Generally located on Dubon Court.

be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 25, 1980

Gary Wiley
Professional Engineering Consultants, P.A.
1440 East English
Wichita, Kansas 67211

Re: BEA 31-80
Request for Variance

Dear Mr. Wiley:

At the regular meeting of the Board of Zoning Appeals on July 22, 1980, your request for a variance to reduce the rear yard setback from 20 feet to 0 feet on property zoned the "AA" One-family Dwelling District and generally located on Dubon Court was considered.

It was the action of the Board to approve your request.

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: Jon Lofgren, P. O. Box 2178, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE July 21, 1980

TO Glen Lytle, Special Assistant For Zoning

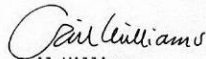
FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 31-80: Dubon Court

CPO Council "A" considered the captioned case on July 16, and voted 7-1 to recommend denial of the requested rear yard setback reduction.

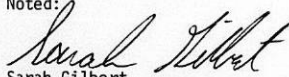
Council members noted that approval of the request would set a precedent for allowing lots in this development to be "overbuilt", and added that some rear yard area should be maintained on every lot.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered July 22.


Gail Williams
CPO Administrative Aide

GW:m1

Noted:


Sarah Gilbert
Assistant CP Coordinator

RECEIVED

JUL 21 1980

METROPOLITAN PLANNING
ROUTE Lytle

SECRETARY'S REPORT
CASE NO. BZA 31-80

APPLICANT: Jon R. Lofgren, P. O. Box 2178, Wichita,
Kansas.

AGENT: Gary Wiley, Professional Engineering Consultants,
1440 East English, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the rear
yard setback from 20 feet to 0 feet.

GENERAL LOCATION: On Dubon Court.

ZONING: Subject property is zoned "AA" One-family Dwelling
District as is all adjoining property.

LAND USE: Subject property is vacant. General area is
developing with single-family residences.

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 31-90
BZA AGENDA
7-22-90

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the rear yard setback from 20 feet to 0 feet. The property is within an area where common open space has been provided at the rear of a large portion of the lots. The applicant's lot is located on a cul-de-sac and is platted a lesser depth than the majority of lots in the development. It should also be noted that the nearest adjacent lot is approximately 100 feet from the northernmost corner of the property.

The radius of the cul-de-sac and the front yard setback plus the 20 rear yard requirement reduces the buildable depth to approximately 35 feet thru the center of the property. This creates a very limited area in which to develop the property with a residence. It should also be noted that the applicant proposes to provide a redwood deck which will be 3 feet or so above natural grade, which is a questionable projection into the required yard area.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance may arise from conditions unique to this property inasmuch as the lot is shallow in depth and bounded on the north and east by common open space and not adjacent building sites.

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 or residents inasmuch as the land to the north and east is to remain common open space.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 28 (Zoning Ordinance) would constitute an unnecessary hardship upon the applicant inasmuch as the buildable area on this lot is very limited if the rear yard setback is complied with.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the variance request is interiorly located.

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 Title 28 (Zoning Ordinance) inasmuch as the four previous conditions can be found to exist.

Page 3
BZA 31-80
BZA AGENDA
7-22-80

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the rear yard setback from 20' to 0', be approved.

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

July 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-80

An application has been filed by Jon A. Lofgreen, P. O. Box 2178, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the rear yard setback from 20 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 6, Block 2, Miles Lakewood Village
2nd Addition, Wichita, Sedgwick County,
Kansas. Generally located on Dubon Court.

This application has been assigned case No. BZA 31-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 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

BZA CASE NO. 31-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

21 TOTAL NOTICES SENT 7-2-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 31-80
FILED 6-23-80

APPLICATION FOR VARIANCE

I. Name of Applicant Jon A. Lofgreen
Mailing Address P.O. Box 2178 67201 Phone 263-4231
Name of Authorized Agent Professional Engineering Consultants, P.A.
(Gary Wiley)
Mailing Address 1440 E. English Phone 263-1107
Relationship of applicant to property is that of Contract Purchaser
(Owner, Tenant, Lessee, Other)

II. The variance requested is ^{*to reduce the*} Rear - Yard Setback from 20 feet to
"0" feet

for property located on Dubon Court

and legally described as: Lot 6, Block 2,
Miles Lakewood Village 2nd 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 2.12.530 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered.
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Jon A. Lofgreen

Authorized Agent *Gary Wiley*

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:00 (~~a.m.~~-p.m.), JUNE 23, 1980, together with appropriate fee of 75.00

Signed *[Signature]*

PEC File No. 30-80242-1222

June 23, 1980

VARIANCE FOR LOT 6, BLOCK 2, MILES LAKEWOOD VILLAGE 2ND ADDITION

"AA" single family zoning district in the City of Wichita provides that a 25 foot front yard and a 20 foot rear yard setback shall be the minimum.

Lot 6, Block 2, on Dubon in Miles Lakewood Village 2nd Addition is a pie-shaped lot on a cul-de-sac. The depth of this lot through the center, and radial to the cul-de-sac, is 80 feet \pm . This leaves a buildable area of 35 feet \pm .

The rear lot line of lot 6, block 2, is adjacent to Reserve A, a common area, and is approximately 90 feet from the rear line of the nearest lot.

O W N E R S H I P L I S T

Lot	Addition	Property Owner
lot 1, Blk 2	Miles Lakewood Village 2nd Addition	✓ Robert W. Harrison and Helen R. Harrison dba Environmental Specialists 627 Wetmore Drive 67209
lot 2, Blk 2	Same	✓ Russell W. Harrison and Bonita F. Harrison 9909 Dubon 67209
lot 3, Blk 2	Same	✓ Elveta Stephenson 9917 Dubon 67209
lot 4, Blk 2	Same	Domenico Seminara and Joanne L. Seminara Address Unknown
lots 5,7,8,9,10 Block 2	Same	✓ Gene Miles Development Inc. 10711 West Kellogg 67209
lot 6, Blk 2	Same	✓ Kenneth Kruse and Mary Kaye Kruse 21821 Appaloosa Court Goddard, Kansas 67052
lot 11, Blk 2	Same	✓ Lawrence E. Monckton and Helen M. Monckton 451 South Robin Road 67209
lots 22,23,25 Block 2	Same	✓ Dennis R. Niedens and Rosemary Niedens 900 North Tyler Road, Suite 8 67212
lot 24, Blk 2	Same	✓ John R. Budinger and Pattie J. Budinger 929 Peterson 67212

Reserve A, Block 2, Miles Lakewood Village
Second Addition, reserved for open space,
drainage easements, flood control protection
levees and related community facilities.



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lot 6, Block 2,
Miles Lakewood Village Second Addition,
Wichita, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 20th day of June, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable
Vice President

Order No. 288847
wh

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

July 2, 1980

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CASE NO. BZA 31-80

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Jack H. Galbraith
Secretary

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
CITY V&P VANCE	75 ⁰⁰

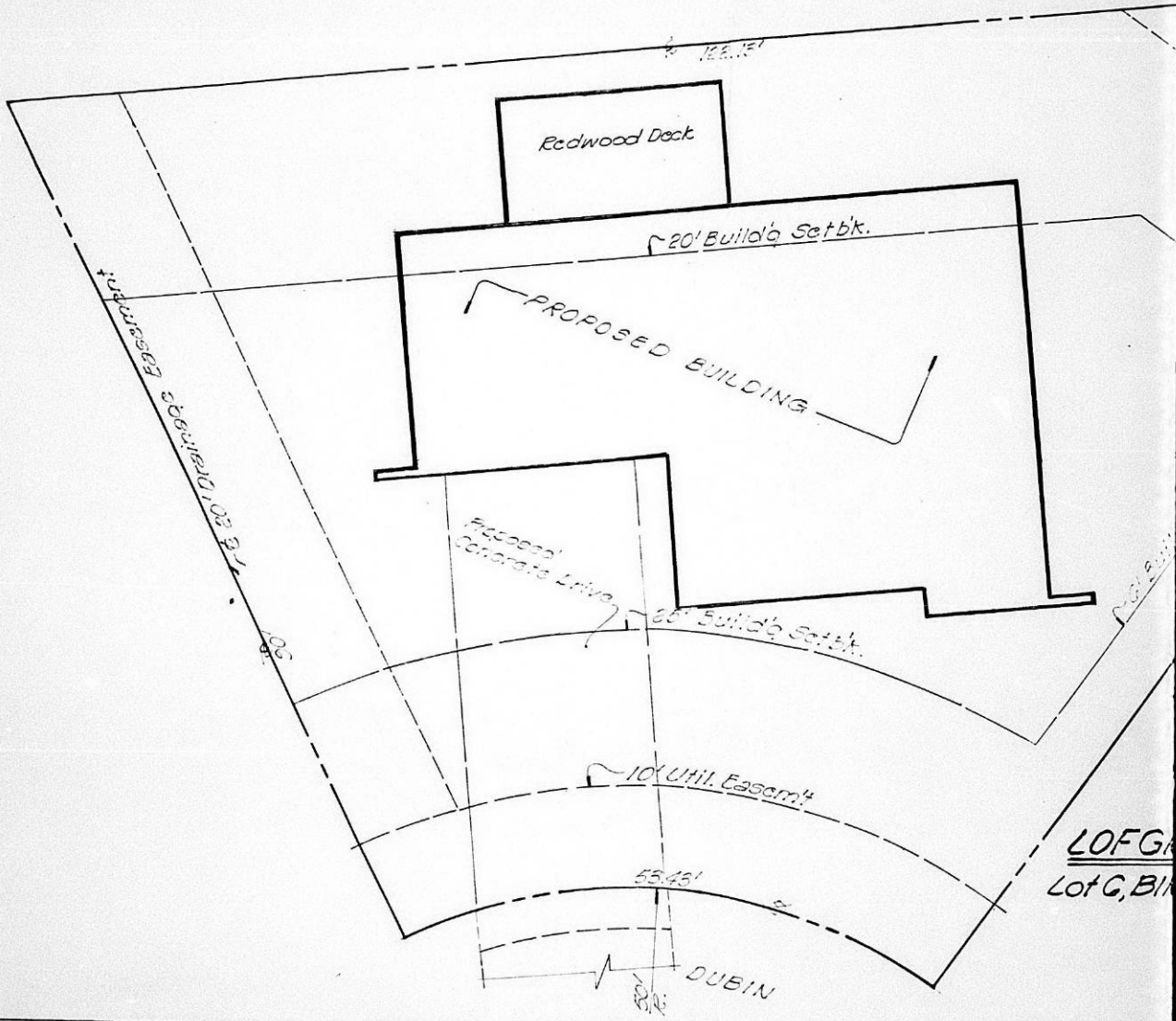
NAME Prof. Conv. Contract

ADDRESS 1440 E. ENGLISH

FUND 117-03-000-40071 DUE DATE 007-000-600

COMMENTS

DATE June 23, 1980 BY H. L. H.



Redwood Deck

168.15'

20' Build'g Setbk.

10' Util. Easemt

PROPOSED BUILDING

Proposed
Concrete Drive

65' Build'g Setbk.

Prop. Build'g Setbk.

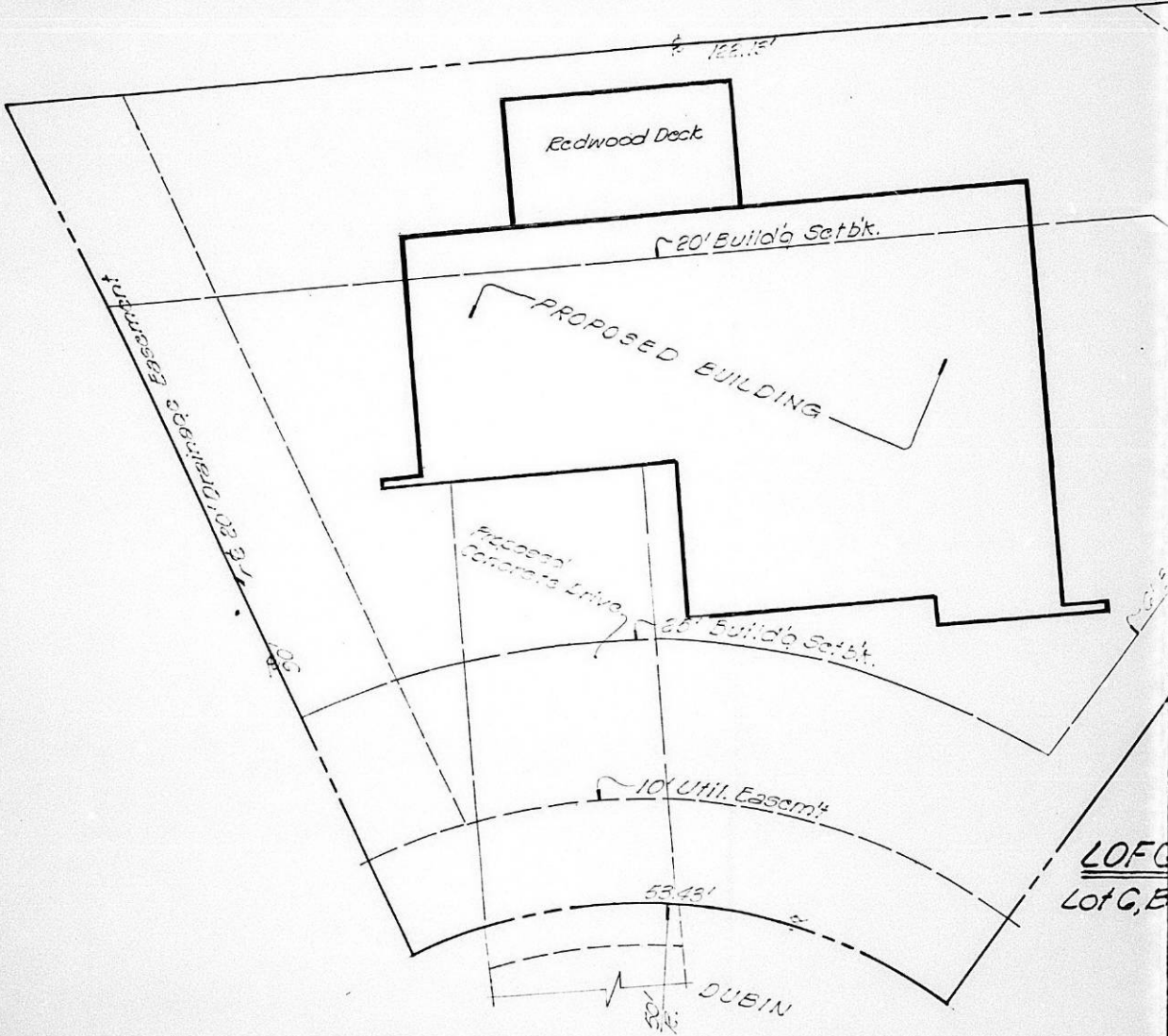
Scale: 1"=10'

10' Util. Easemt

55.45'

DUBIN

LOFGREEN VARIANCE
Lot G, Blk. 2 Miles Lakewood
Second Addition



Redwood Deck

20' Build'g Setbk.

PROPOSED BUILDING

Proposed Concrete Drive

60' Build'g Setbk.

10' Util. Easem't

53.43'

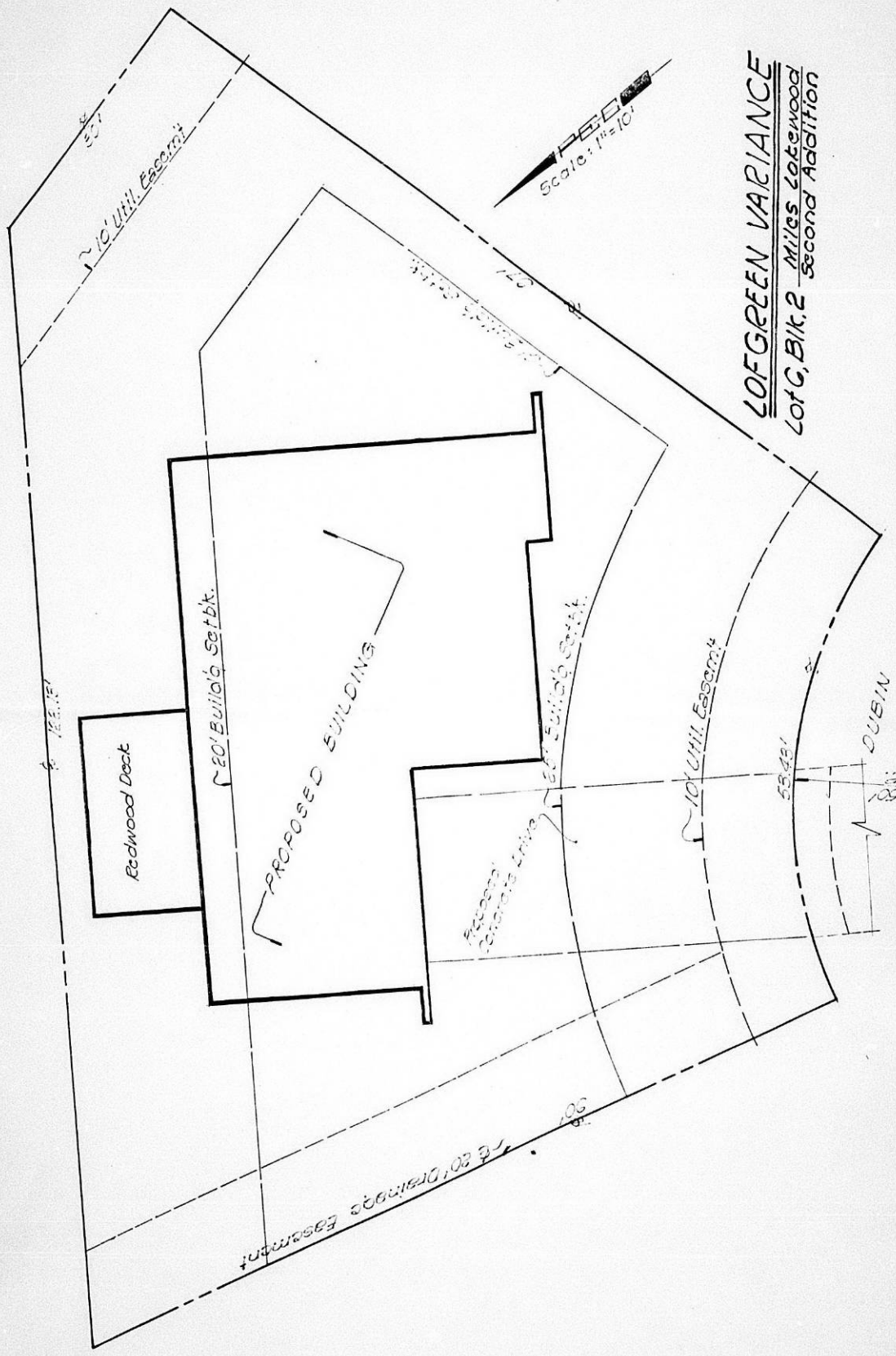
DUBIN

10' Util. Easem't

Proposed Setbk.

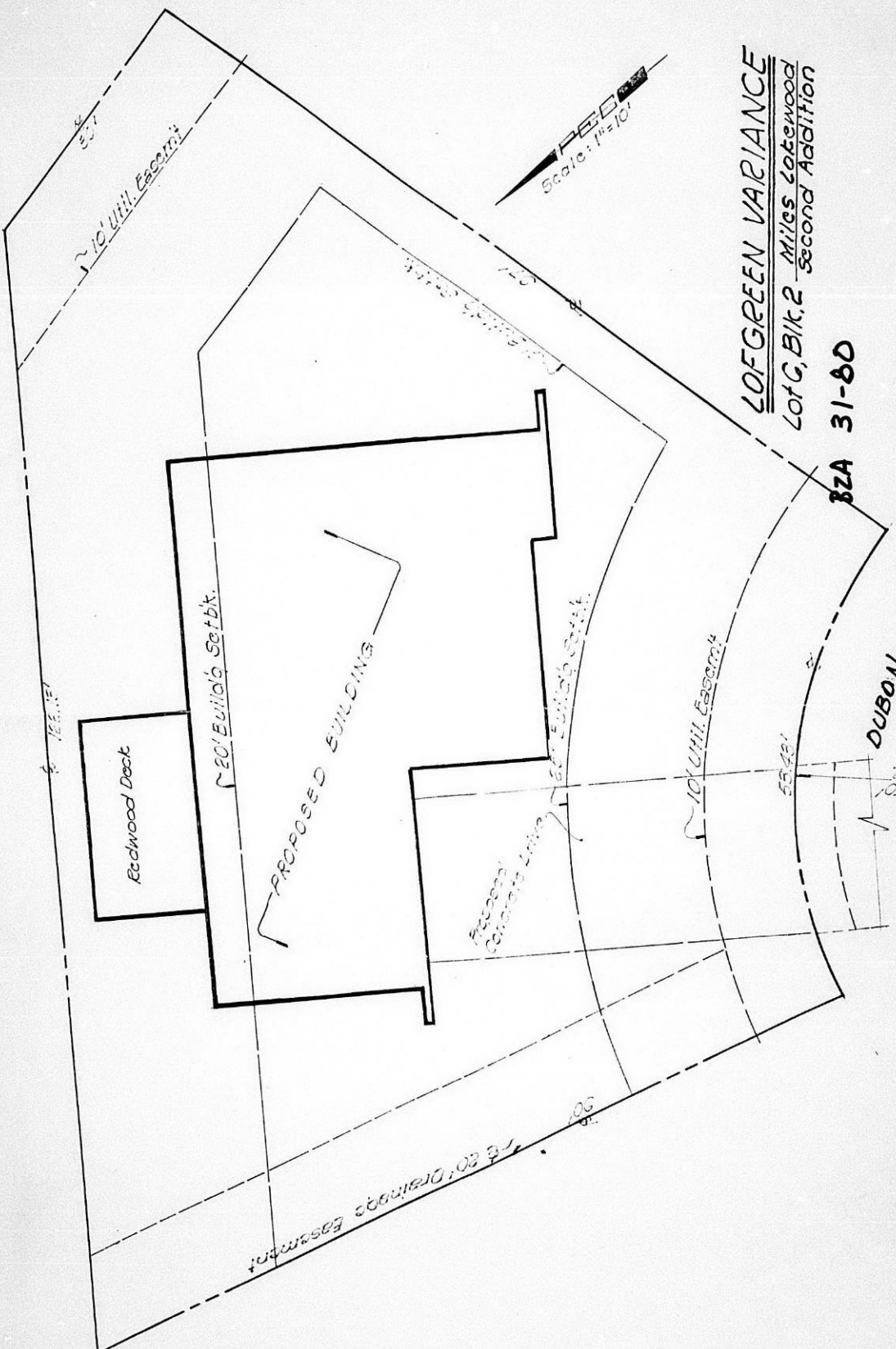
Scale: 1" = 10'

LOFGREEN VARIANCE
Lot G, Blk. 2 Miles Lakewood
Second Addition



Scale: 1"=10'

LOFGREEN VARIANCE
 Lot C, Blk. 2 Miles Lotwood
 Second Addition



LOFGREEN VARIANCE
Lot C, Blk. 2 Miles Lakewood
Second Addition

BZA 31-80

DUBON

Scale: 1"=10'

10' Util. Easement

20' Util. Setbk.

PROPOSED BUILDING

Proposed Concrete Drive

10' Util. Easement

10' 60' Drains Easement

55' 48"

10' 18.5'

10'

Scale: 1"=10'