

Case No. BZA 37-80 - Gilbert
Hoaglan - requests a variance
to reduce the required rear
yard from 20 feet to 9 feet on
property zoned "AA" One-family
Dwelling District and located

1
Approved 12/17/80
Shirley B. S. S.
10-22-80

BZA
37-80

POSTED
9-4-80

ACTION

COMMITTEE APPROVED DATE 9-23-80

M.A.P.C. _____

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

Sub/Sec 10-22-80
Shot 10-23-80
Revised 10-27-80

Case No. BZA 37-80 - Gilbert
Hoaglan - requests a variance
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Map No. 5442
 Sec. 17
 Twp. 2B
 Range 1E

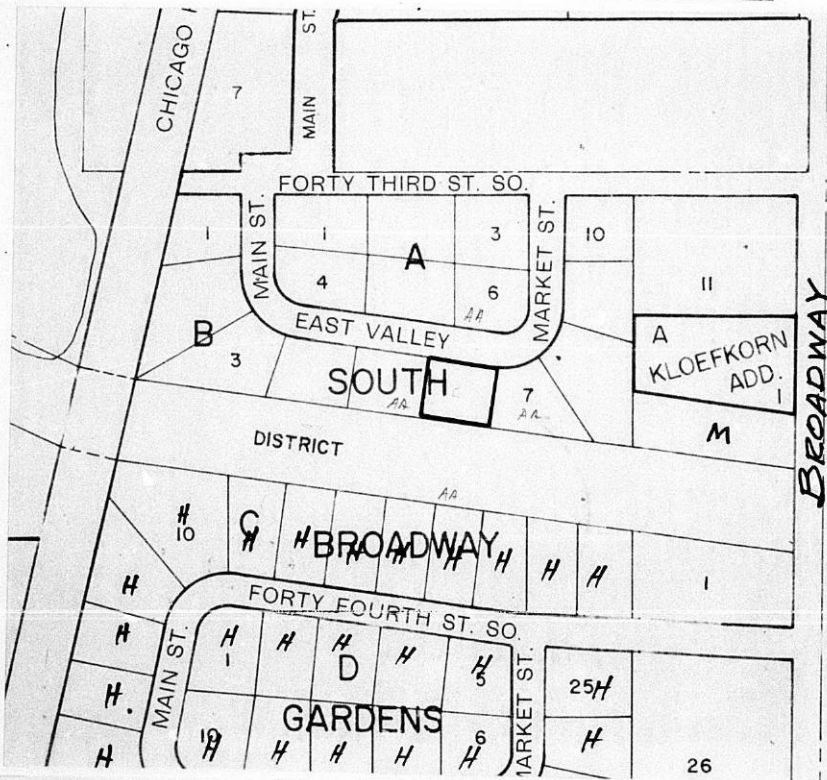
BZA- 37-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.32 (110 ft. by 130 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 if for: UNDEVELOPED
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



BZA 37

October 1, 1980

Gilbert W. Hoaglan
4412 South Market
Wichita, Kansas 67216

Re: Case No. BZA 37-80
Request for Variance

Dear Mr. Hoaglan:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1980, in connection with your request for a variance to reduce the rear yard setback from 20 feet to 9 feet on property zoned "AA" One-family Dwelling District and generally located on the south side of Valley Road between Main and Market (133 East Valley Road).

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 37-80

WHEREAS, Gilbert W. Hoaglan, 4412 South Market, 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 setback from 20 feet to 9 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

East ½ Lot 6, Block B South Broadway Gardens
2nd Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of Valley Road
between Main and Market (133 East Valley 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 September 23, 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 property is located adjacent to a drainage channel which will remain as open space; 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 adequate open space will be assured by the maintenance of the drainage channel; 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 applicant would have to relocate the building on a new foundation at considerable expense; 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 requested variance will not interfere with any easement or public right-of-way; 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 there will remain adequate open space to comply with the intent of the regulations; 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.

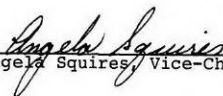
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard from 20 feet to 9 feet on property zoned the "AA" One-family Dwelling District and legally described as:

East ½ Lot 6, Block B South Broadway Gardens
2nd Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of Valley
Road between Main and Market (133 East Valley Road).

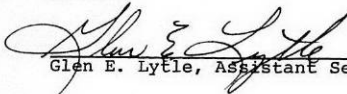
be approved subject to the following condition:

1. The reduction of the rear yard from 20 feet to 9 feet shall only be for the existing structure.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1980.


Angela Squires, Vice-Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

September 26, 1980

Gilbert W. Hoaglan
4412 South Market
Wichita, Kansas 67216

Re: Case No. BEA 37-80
Request for Variance

Dear Mr. Hoaglan:

At the regular meeting of the Board of Zoning Appeals on September 23, 1980, your request for a variance to reduce the rear yard setback from 20 feet to 9 feet on property zoned "AA" One-family Dwelling District and generally located on the south side of Valley Road between Main and Market (133 East Valley Road) was considered.

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

1. The reduction of the rear yard from 20 feet to 9 feet shall only be for the existing structure.

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 September 23, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Ginny Schrag, CPO Administrative Aide

SUBJECT BZA 37-80: 133 East Valley Road

CPO Council "C" considered the captioned case on September 15, 1980 and voted 6-0 to recommend approval of the requested variance to reduce the rear yard setback from 20 feet to 9 feet for the subject property.

Paul Williams for

Ginny Schrag
CPO Administrative Aide

GS:rs

Noted:

Sarah Gilbert

Sarah Gilbert
Assistant CP Coordinator

RECEIVED

SEP 23 1980

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 37-80

APPLICANT: Gilbert W. Hoaglan, 4412 South Market,
Wichita, Kansas

AGENT: None

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 9 feet

GENERAL LOCATION: On the south side of Valley Road between
Main and Market (133 East Valley Road)

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

LAND USE: General area is developed with single-
family homes

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 37-80
BZA AGENDA
9-23-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a reduction of the required rear yard setback from 20 feet to 9 feet on a property zoned the "AA" One-family Dwelling District. The applicant wishes to convert an accessory structure, presently located on the property, to a one-family dwelling unit. As an accessory structure the required setback is 5 feet, but as a main use the rear yard requirement becomes 20 feet. The applicant desires to remodel the structure in the present location rather than go to the expense or relocating the structure in compliance with the regulations.

It should be noted that the variance requested is a reduction of the rear yard that is situated adjacent to a drainage channel to the south that is approximately 150 feet wide. The variance should not affect the adjacent properties due to the excessive open space created by the drainage channel.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance may arise from a condition unique to this property inasmuch as the property is located adjacent to a drainage channel which will remain as open space.

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 adequate open space will be maintained by the drainage channel.

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 applicant would have to relocate the building on new foundations at considerable expense.

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 will not affect any easements or public right-of-way.

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 there will remain adequate open space to comply with the intent of the regulations.

Page 2
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BZA AGENDA
9-23-80

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following:

1. The reduction of the rear yard from 20 feet to 9 feet shall only be for the existing structure.

BZA CASE NO. 37-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

8 NOTICES SENT TO ADJOINING PROPERTY OWNERS

20 TOTAL NOTICES SENT 9-1-80

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

September 1, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 37-80

An application has been filed by Gilbert W. Hoaglan, 4412 South Market, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard from 20 feet to 9 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

East 1/2 Lot 6, Block B South Broadway Gardens
2nd Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of Valley Road
between Main and Market (133 East Valley Road).

This application has been assigned case No. BZA 37-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 23, 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 37-80
FILED 8-12-80

APPLICATION FOR VARIANCE

I. Name of Applicant Gilbert W. Hoaglan
Mailing Address 4412 S. Market 57216 Phone 524-5329
Name of Authorized Agent NA
Mailing Address NA Phone NA
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce distance from
existing structure from 20' to 9 feet.
FROM 20 feet to 9'
the (required) REAR YARD

on the south side of Valley Road
for property located #1133 E Valley Road
between Main and Market

and legally described as: E 1/2 LOT 6, BLOCK 'B' SOUTH
BROADWAY GARDENS 2ND ADDITION

in the City of Wichita; and which is presently zoned AA ~~RESIDENTIAL~~

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. 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 _____

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:00 (a.m.-p.m.), Aug 12, 1980, together with appropriate fee of \$75.00.

Signed _____

[Handwritten Signature]

262-9261

LOT SPLIT

1/4 LOT 6, BLOCK 'B', SOUTH BROADWAY GARDENS 2ND ADDITION

E. 43 ST. SOUTH

EAST VALLEY ROAD

City of Wichita)
Sedgwick County) ss
State of Kansas)

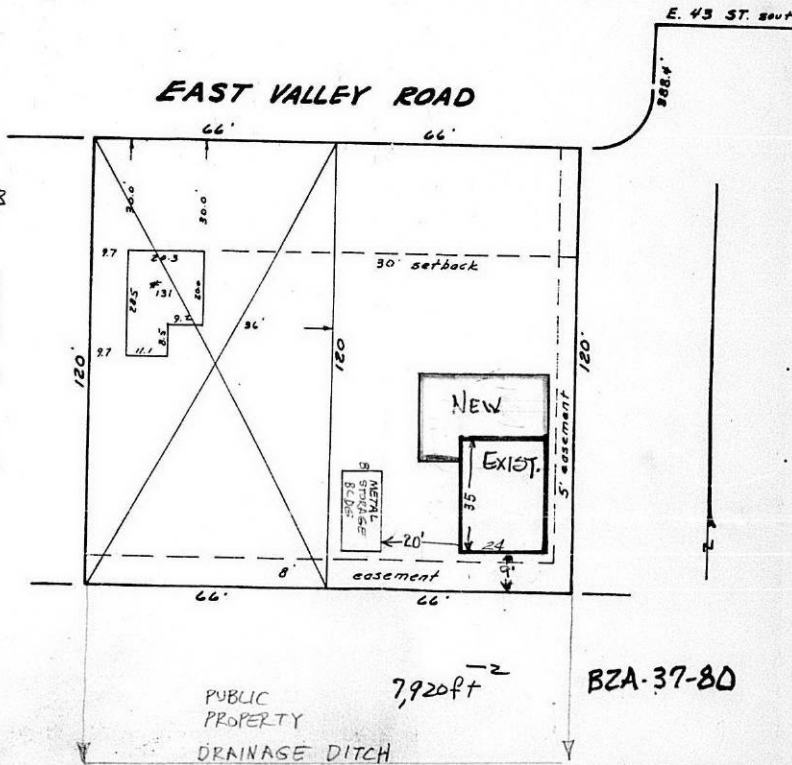
L/S No. 0263
Copy 4 of 4

I, Jack H. Galbraith, Chief Planner, Wichita - Sedgwick County Metropolitan Area Planning Department, do hereby certify that under the Authority granted in the Subdivision Rules and Regulations that the lot split to which this stamp is affixed has been approved.

Given under my hand and seal, this 10th day of

October, 19 77

Jack H. Galbraith
Jack H. Galbraith



LOT SPLIT

LOT 6, BLOCK 'B', SOUTH BROADWAY GARDENS 2ND ADDITION

E. 43 ST. south

EAST VALLEY ROAD

City of Wichita)
Sedgwick County) ss
State of Kansas)

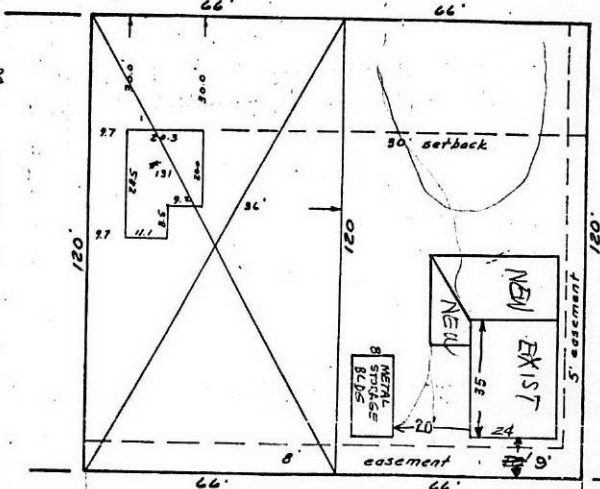
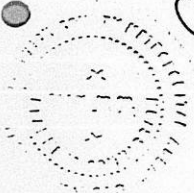
L/S No. 0263
Copy 4 of 4

I, Jack H. Galbraith, Chief Planner, Wichita - Sedgwick County Metropolitan Area Planning Department, do hereby certify that under the Authority granted in the Subdivision Rules and Regulations that the lot split to which this stamp is affixed has been approved.

Given under my hand and seal, this 10th day of

October, 19 77

Jack H. Galbraith
Jack H. Galbraith



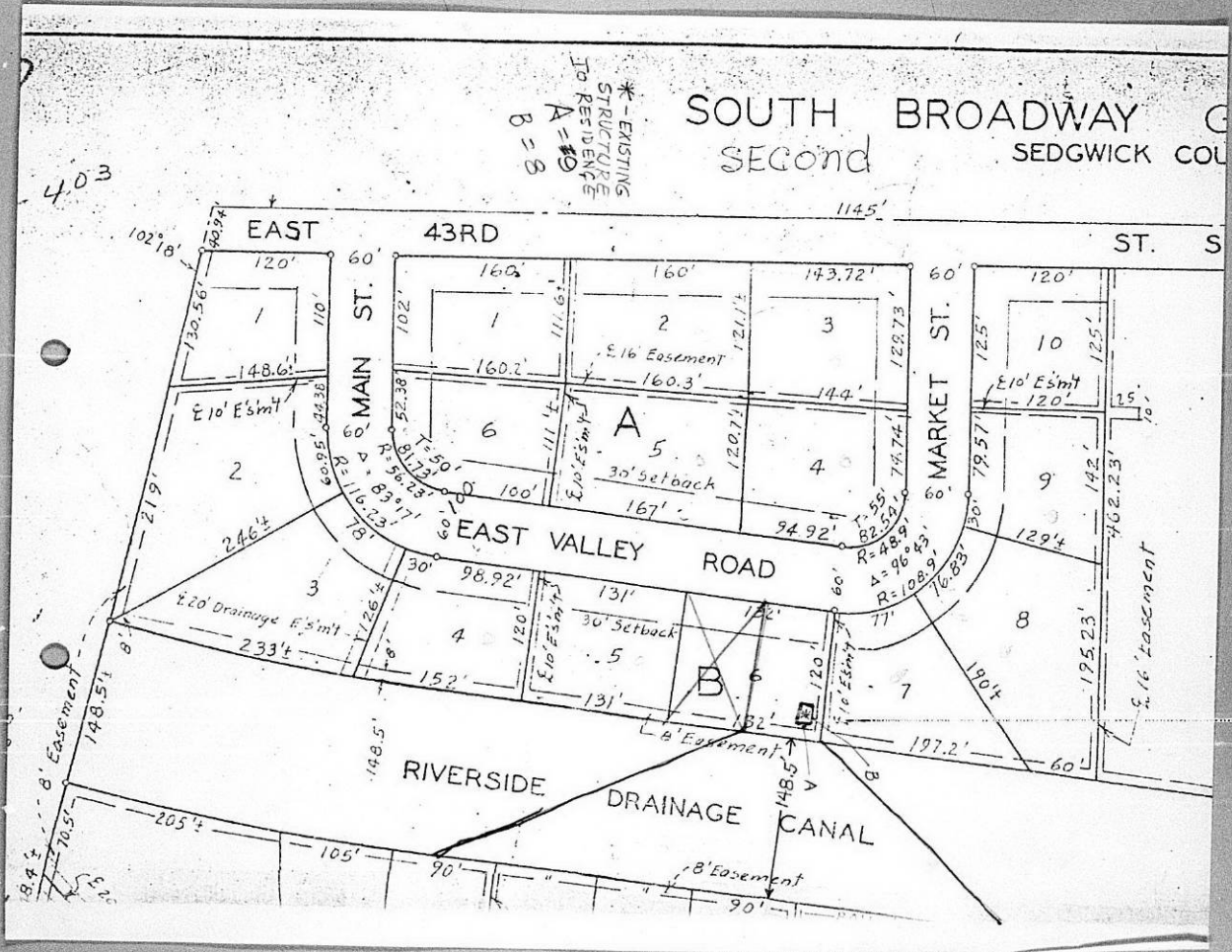
PUBLIC
PROPERTY
DRAINAGE DITCH

7,920ft²

Lynn Shirkley

SOUTH BROADWAY
SECOND SEDGWICK COL

*-EXISTING
STRUCTURE
TO RESIDENCE
A=40
B=8



VARIANCE REQUEST

The following explanation of conditions are intended to provide the board with a basis to grant the requested variance.

1. More than 145 feet of public property which is unobstructed by cultural developments, except for a drainage ditch, lies directly south of the property line. The to-be-developed building is 10 feet from this property line.

2. Since the finished structure quality and appearance will equal or exceed neighboring structures, granting this variance will not adversely affect or impact the rights of adjacent owners or residents. This building will be used as a single family residence which will be compatible with its neighborhood.

3. Strict application of the provisions of title 28 will constitute an unnecessary hardship due to the expensive structural requirements of all known alternatives.

4. It is believed that granting the requested variance will not in any way adversely affect or impact the public health, safety, morals, order, convenience, prosperity or general welfare of anyone.

5. The general intent and spirit of title 28 (Zoning Ordinance) will not be opposed by granting this variance because of the large open spaces surrounding the property and the general upgrading effect on the neighborhood.

Based on the above, it is requested that the board approve and grant a variance which will permit issuance of a building permit for the subject property.

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:
 East Half of Lot 6, Block B, SOUTH
 BROADWAY GARDENS SECOND ADDITION,
 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 6, Block B,	SOUTH BROADWAY GARDENS SECOND	Gilbert W. & Jean E. Hoaglan 4412 South Market Wichita, Kansas 67216
Lot 2, Block A,	SOUTH BROADWAY GARDENS SECOND	Robert E. & Eva M. Rhea ADDRESS UNKNOWN
Lot 3, Block A,	SOUTH BROADWAY GARDENS SECOND	Gordon L. & Mary E. Dodson 4401 South Market Wichita, Kansas 67216
Lot 4, Block A,	SOUTH BROADWAY GARDENS SECOND	Elwyn L. & Frances L. Neff ADDRESS UNKNOWN
Lot 5, Block A,	SOUTH BROADWAY GARDENS SECOND	Johnny Edward, Jr. & Elsa Marie Shafe 124 East Valley Road Wichita, Kansas 67216



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 4, Block B,	SOUTH BROADWAY GARDENS SECOND	Michael A. & Wanda K. Lutkie ✓ 115 East Valley Road Wichita, Kansas 67216
Lot 5, Block B,	SOUTH BROADWAY GARDENS SECOND	✓ Ernest A. & Anna C. Lickey 123 East Valley Road Wichita, Kansas 67216
Lot 7, Block B,	SOUTH BROADWAY GARDENS SECOND	Leslie Loyd & Judith A. Campbell ✓ 1501 North Market Wichita, Kansas 67214 <i>Leads</i>
Lot 8, Block B,	SOUTH BROADWAY GARDENS SECOND	William E. & Virginia E. Brookhouser ✓ 4651 North Woodlawn Wichita, Kansas 67220
Lot 9, Block B,	SOUTH BROADWAY GARDENS SECOND	Raymond Floyd & Frances Viola Stone ✓ 4424 South Market Wichita, Kansas 67216



Dated at Wichita, Kansas, this 4th day of August, 1980 at
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

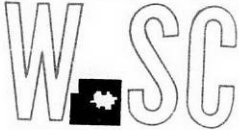
By

Wayne A. Schulke
Vice President

Tracer No. 51703

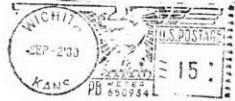
B2A
37-80

WICHITA - SEDGWICK COUNTY



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

ADDRESSES
UNKNOWN
RETURN TO SENDER



J.A. Volintsev?
4145

emp. 1418
Kamen Supply
623 E. Muldick 67214

Leslie L. & Judith A. Campbell
1501 North Market
Wichita, Kansas 67214

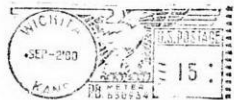


WICHITA - SEDGWICK COUNTY



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

ADDRESSES
UNKNOWN
RETURN TO SENDER



9-4-80
182Z

Robert E. & Eva M. Rhea
2250 South Oliver, Apt. #204
Wichita, Kansas 67218



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-
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
762A	75.00

NAME *Richard J. Henderson*

ADDRESS *4412 S. 41st St. W. Apt. 202*

FUND *1-71-1000* DUE DATE *1-15-68*

COMMENTS

DATE *1/12/68* BY *[Signature]*