

BZA 38-82 - Charles F. Grier - requests  
a variance to reduce the required rear  
yard setback from 20 feet to 12 feet on  
property zoned the "AA" One-family  
Dwelling District and generally located  
on the northwest corner of Manhattan

Checked 11-8-82  
Shot 11-10  
Recorded 11-17-82

ACTION

B.Z.A.  
38-82

APPROVED

9-28-82  
DATE

*POSTED*  
*9-9-82*

5350 C

2000 1/4 Sec 11-3-82  
Checked 11-8-82 at  
Shot 11-10  
Recorded 11-17 KB

EVA 38-82 - Charles F. Grier - requests a variance to reduce the required rear yard setback from 20 feet to 12 feet on property zoned the "AA" One-Family Dwelling District and Generally located on the northwest corner of Manhattan

Map No. 5350  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

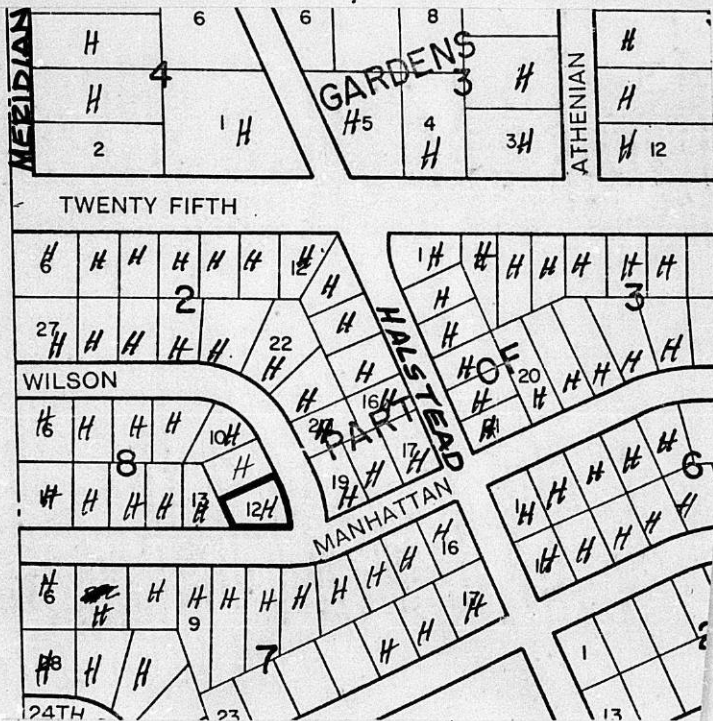
BZA- 38-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.09 ( 75 ft. by 100 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 \_\_\_\_\_



LOS ANGELES COUNTY  
 REGISTERED PROFESSIONAL SURVEYOR  
 U.S.A.

**Shoemaker**  
 No. 2153C

September 29, 1982

Charles F. Grier  
2406 Manhattan  
Wichita, Ks. 67204

Re: Case No. BZA 38-82  
Request for Variance

Dear Mr. Grier:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 28, 1982.

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 38-82

WHEREAS, Charles F. Grier, 2406 Manhattan, 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 12 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 12, Block 8, Riverlawn Heights an Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Manhattan and Wilson Drive (2406 Manhattan).

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 28, 1982, 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 irregular in shape as is the adjoining property to the west which will preclude the real possibility of the structures being built less than 25 feet apart; 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 majority of the rear yard will not be less than 17 feet which should provide adequate separation for light and air; 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 original house was located facing Manhattan and the proposed area for the addition is the only feasible location on the property for a carport; 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 not interfere with any public right-of-way or 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 distance between the proposed addition and the adjacent structure will be far in excess of the minimum required by the ordinance; 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 12 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 12, Block 8, Riverlawn Heights an Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Manhattan and Wilson Drive (2406 Manhattan).

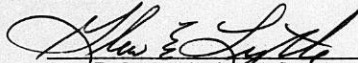
be approved subject to the following condition:

1. The reduction of the rear yard from 20 feet to 12 feet shall only apply to the proposed addition as shown by the applicant's site plan submitted with the application. The remainder of the rear yard shall not be reduced less than what now exists for the present structure on the property.

ADOPTED AT WICHITA, KANSAS, this 28th day of September, 1982.

  
\_\_\_\_\_  
Tom Jacob, Chairman

ATTEST:

  
\_\_\_\_\_  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** September 16, 1982



**TO** Glen Lytle, Special Assistant for Zoning  
**FROM** Stan Scott, Administrative Aide III

**SUBJECT** BZA 38-82: Northwest Corner  
of Manhattan and Wilson Drive  
(2406 Manhattan)

On Wednesday, September 15th, CPD Neighborhood Council "M" considered the captioned case, a request for a variance to reduce the required rear yard setback from 20 feet to 12 feet on property zoned "AA" Single Family Dwelling District. The Council voted 7-0 to recommend approval of the requested variance.

The applicant, Susan R. Grier, appeared before the Council to describe the request and respond to questions from the Council. No area residents or area property owners were present. Council members were provided the notice to adjoining property owners and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 38-82 is considered on Tuesday, September 28th.

Stan Scott  
Administrative Aide III

**RECEIVED**

SEP 16 1982

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT  
CASE NO. BEA 50-82

APPLICANT: Charles F. Grier, 2406 Manhattan, 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 12 feet.

GENERAL LOCATION: On the northwest corner of Manhattan and Wilson Drive (2406 Manhattan).

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 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 20 foot rear yard requirement in order to construct an addition to the west which will extend to within 12 feet of the property line. As shown by the applicant's site plan, the dwelling on the adjacent property is located on a lot which is not rectangular and for all practical purposes will not be expanded in close proximity to the proposed addition. At the present time the adjacent structure is 27 feet from the west property line of the applicant's property which will allow nearly 40 feet between the proposed addition to the neighbor's house.

It should be noted that the original structure was built with less than the required 20 foot rear yard. This variance would also correct any error previously made by the contractor or by the previous owner.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is irregular in shape as is the adjoining property to the west which will preclude the real possibility of the structures being built less than 25 feet apart.

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 majority of the rear yard will not be less than 17 feet which should provide adequate separation for light and air.

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 original house was located facing Manhattan and the proposed area for the addition is the only feasible location on the property for a carport.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition will not interfere with any public right-of-way or 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 distance between the proposed addition and the adjacent structure will be far in excess of the minimum required by the ordinance.

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 reduction of the rear yard from 20 feet to 12 feet shall only apply to the proposed addition as shown by the applicant's site plan submitted with the application. The remainder of the rear yard shall not be reduced less than what now exists for the present structure on the property.

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

September 8, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 38-82

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 Charles F. Grier, 2406 Manhattan, 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 12 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 12, Block 8, Riverlawn Heights an Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Manhattan and Wilson Drive (2406 Manhattan).

This application has been assigned Case No. BZA 38-82. It will be considered by the Board of Zoning Appeals on September 28, 1982 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.

Jack H. Galbraith  
Secretary

BZA CASE NO. 38-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

28 NOTICES SENT TO ADJOINING PROPERTY OWNERS

40 TOTAL NOTICES SENT 9-8-82

5350c  
N  
E  
W } "AA"

BOARD OF ZONING APPEALS

CASE NO. 38-82

CITY OF WICHITA, KANSAS

FILED 8-30-82

APPLICATION FOR VARIANCE

I. Name of Applicant CHARLES F. GRIER

Mailing Address 2406 Manhattan Phone Home: 838-3054  
Office: 268-3631

Name of Authorized Agent N/A

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 ft. to 12 ft. addition to an existing structure within a plated

20' set back

for property located at 2406 Manhattan

and legally described as: Lot 12, Block 8, Riverlawn

Heights, an addition of

Wichita, KS

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 Charles F. Grier

Authorized Agent N/A

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 (a.m. ~~o.m.~~) August 30, 1982 together with appropriate fee of \$75.00

Signed D. Lynn Shirley

BOARD OF ZONING APPEALS

It is my submission that the intent and spirit of Title 28 will not be violated by granting a variance in this case. The original plat was for the house to be fronted on Wilson Drive, rather than Manhattan as it was built. I cannot say why the builder originally encroached on the backyard setback at the time the house was constructed approximately 25 years ago because there appears to be sufficient room to have positioned the house properly on the lot. I was not aware of this condition at the time I purchased the house approximately 4 years ago. I only became aware of the condition when I began to investigate this proposed addition.

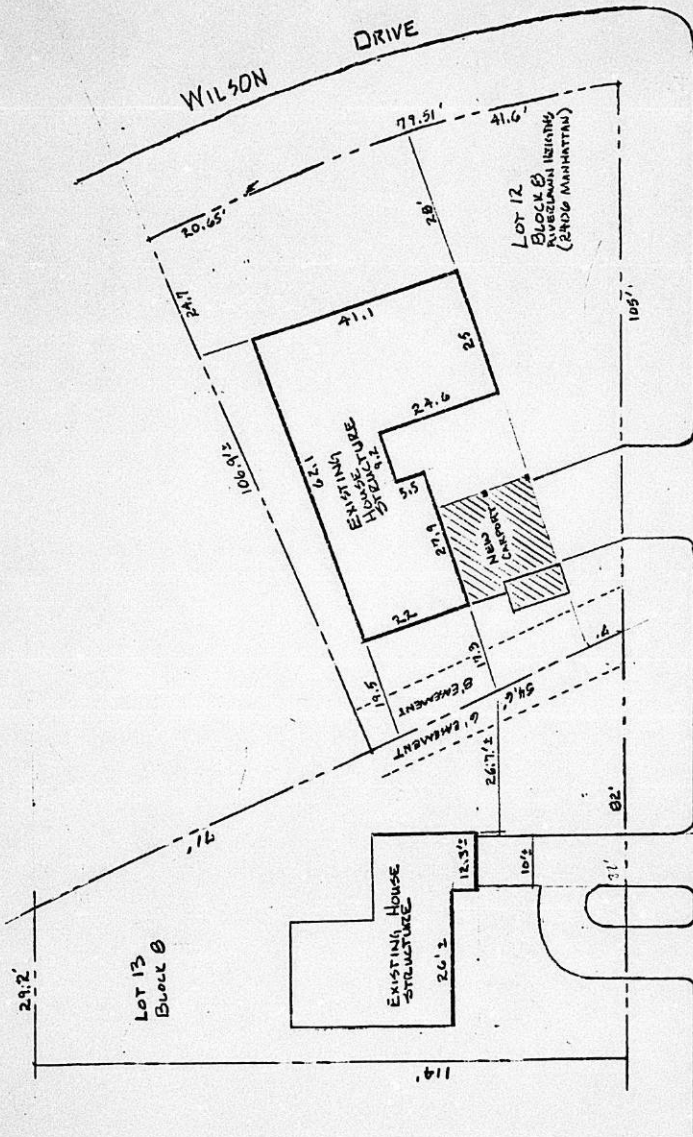
Due to the existing high mortgage interest rates, I prefer to remodel my present house to be more accomodating than move. In order to provide protection to my two automobiles I am requesting that I be granted a variance to extend an attached carport structure to the front of my house. The proposed additional will encroach on what was originally platted as a 20' setback even though it in actuality is a sideyard. It is my understanding that if I were to construct an unattached carport I could build within 6' or possibly even 3' of the property line if there were not a utility easement. What I am proposing would be of more enhancement to the property than a separate structure. I have conferred with two separate architects and concluded that the structural changes I am proposing will enhance the value and appearance of my property and not in any way be detrimental to the character of the neighborhood. I have conferred with my neighbor to the west about the addition and said neighbor has no adverse feelings about my proposed carport addition. With this application I have provided a perspective drawing of the southwest elevation of my house indicating the proposed carport addition, as well as the plot plan required with the application for variance.

Respectfully submitted,

  
Charles Grier

# PLOT PLAN

3/32" = 2'-0"



MANHATTAN AVE.

WILSON DRIVE

LOT 13  
BLOCK 8

LOT 12  
BLOCK 8  
AVENUE 121 STREET  
(EAST MANHATTAN)

EXISTING HOUSE  
STRUCTURE

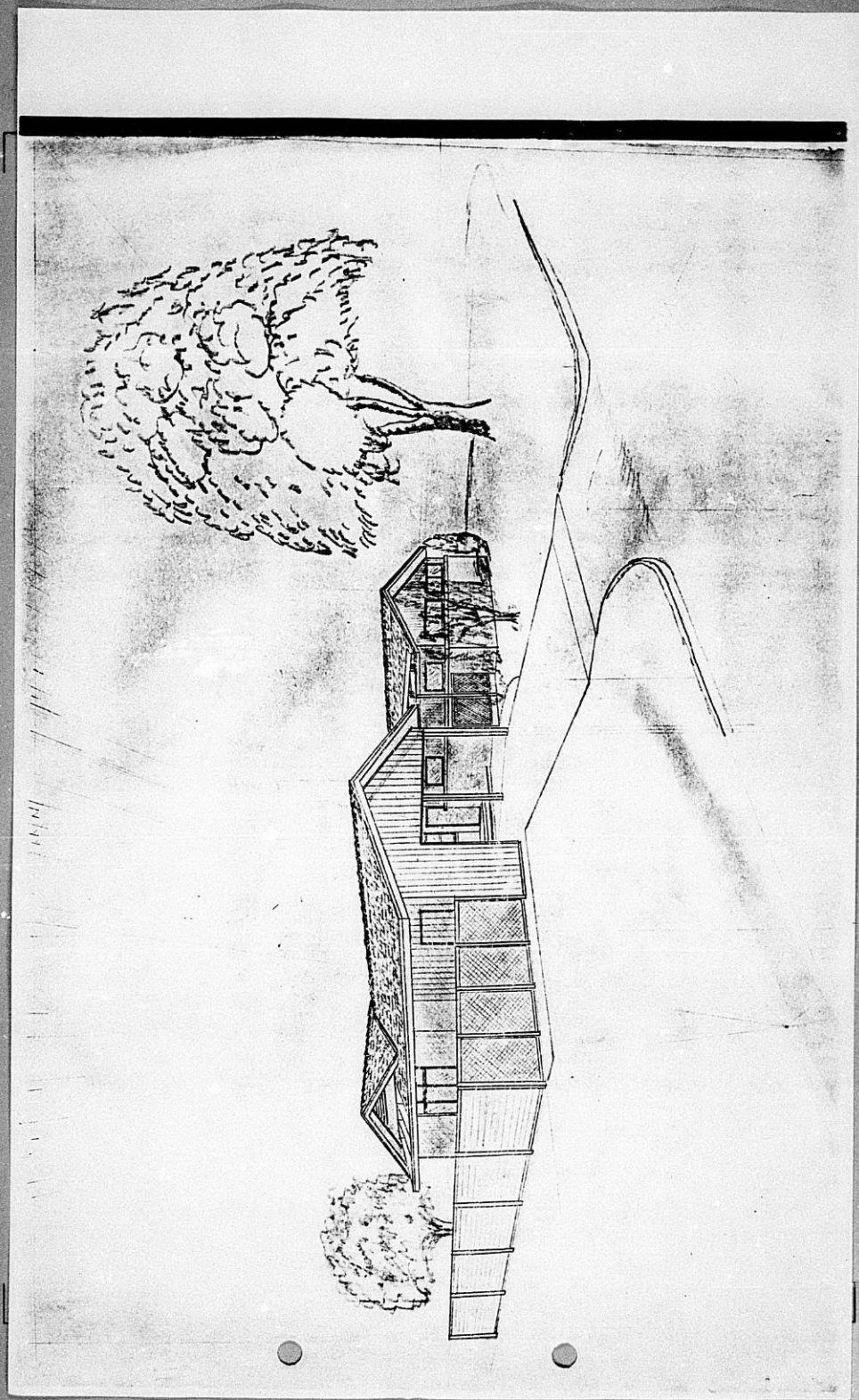
PARKING

PARKING

GARAGE

EASEMENT

EASEMENT



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 15	2	Riverlawn Heights	✓ Michael R. Santana Hieu T. Santana 2521 Halstead 67204
Lot 16	2	"	✓ C. Shane Rolls Teresa A. Rolls 2513 Halstead 67204
Lot 18	2	"	✓ Roland J. Delay Delores M. Delay 2310 Manhattan 67204
Lot 19	2	"	✓ Max D. Lewis Grace F. Lewis 2408 Wilson Drive 67204
Lot 20	2	"	✓ Anthony Evans Dorothy Evans 2414 Wilson Drive 67204
Lot 21	2	"	✓ Richard Leon Phillips Ruth Ann Phillips 2422 Wilson Drive 67204
Lot 22	2	"	✓ Preston B. Pryor Norma L. Pryor 2428 Wilson Drive
Lot 23	2	"	Edward R. Travis Ruby D. Travis 2436 Wilson Drive 67204
Lot 7	7	"	✓ Hugh F. Allison Margaret L. Allison 2437 Manhattan 67204

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 8	7	Riverlawn Heights	✓ Claudine S. Ryder 2429 Manhattan 67204
Lot 9	7	"	<del>Joseph R. Mills (dec.)</del> ✓ Lucille G. Mills 2421 Manhattan 67204
Lot 10	7	"	✓ Larry D. Gass Kristi L. Gass 2415 Manhattan 67204
Lot 11	7	"	✓ John T. Lehto Donna Mae Lehto 2409 Manhattan 67204
Lot 12	7	"	✓ James B. Fallis Alice C. Fallis 2209 Manhattan Drive 67204
Lot 13	7	"	Mabell E. Minor ✓ <del>Mary E. Beardslee (dec.)</del> 2325 Manhattan 67204
Lot 14	7	"	✓ Randolph Guapo Marian R. Guapo 2319 Manhattan 67204
Lot 15	7	"	<del>Ruth N. Kaufman (dec.)</del> ✓ Esther E. Kaufman 2311 Manhattan 67204
Lot 20	7	"	✓ Mark L. Miksch Pearl L. Miksch 2326 Columbine 67204
Lot 21	7	"	✓ George E. Engle Millicent B. Engle 2404 Columbine 67204

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 7	8	Riverlawn Addition	Mildred M. Churchman ✓ Marguerite Churchman 2447 Wilson Drive 67204
Lot 8	8	"	Roger L. Rierson ✓ Betty Jean Rierson 2437 Wilson Drive 67204
Lot 9, except that part beginning at a point in the Northeast corner of Lot 9, thence Westerly 8 feet, thence Southwesterly to the Southeast corner of said Lot 9, thence Northeasterly to the point of beginning.	8	"	Jerome D. Collins ✓ Margaret Collins 2427 Wilson Drive 67204
That part of Lot 9, beginning at the Northeast corner of said lot, thence Westerly on the North line 8 feet, thence Southwesterly to the Southeast corner, thence Northeasterly on the East line to the point of beginning, and	Block 8	"	Paul E. North ✓ Martha E. North 2421 Wilson Drive 67204
Lot 10	8	"	Same as above
Lot 11	8	"	✓ Wayne L. Newkirk M. Kathleen Newkirk 2413 Wilson Drive 67204
Lot 12	8	"	D Charles F. Grier Susan R. Grier 2406 Manhattan 67204
Lot 13	8	"	✓ Lloyd A. Lowe Fayma L. Lowe 2416 Manhattan 67204

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 14	8	Riverlawn Heights	Francis A. Meyer 2422 Manhattan 67204
Lot 15	8	"	Emmet E. Hall Lois Hall 2364 Cardinal Drive 67204
Lot 16	8	"	Florence Scanlan 2436 Manhattan 67204

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 12, Block 8, Riverlawn Heights  
an Addition to Wichita,  
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 27th day of August 1982 at 7:00 o'clock A.M.

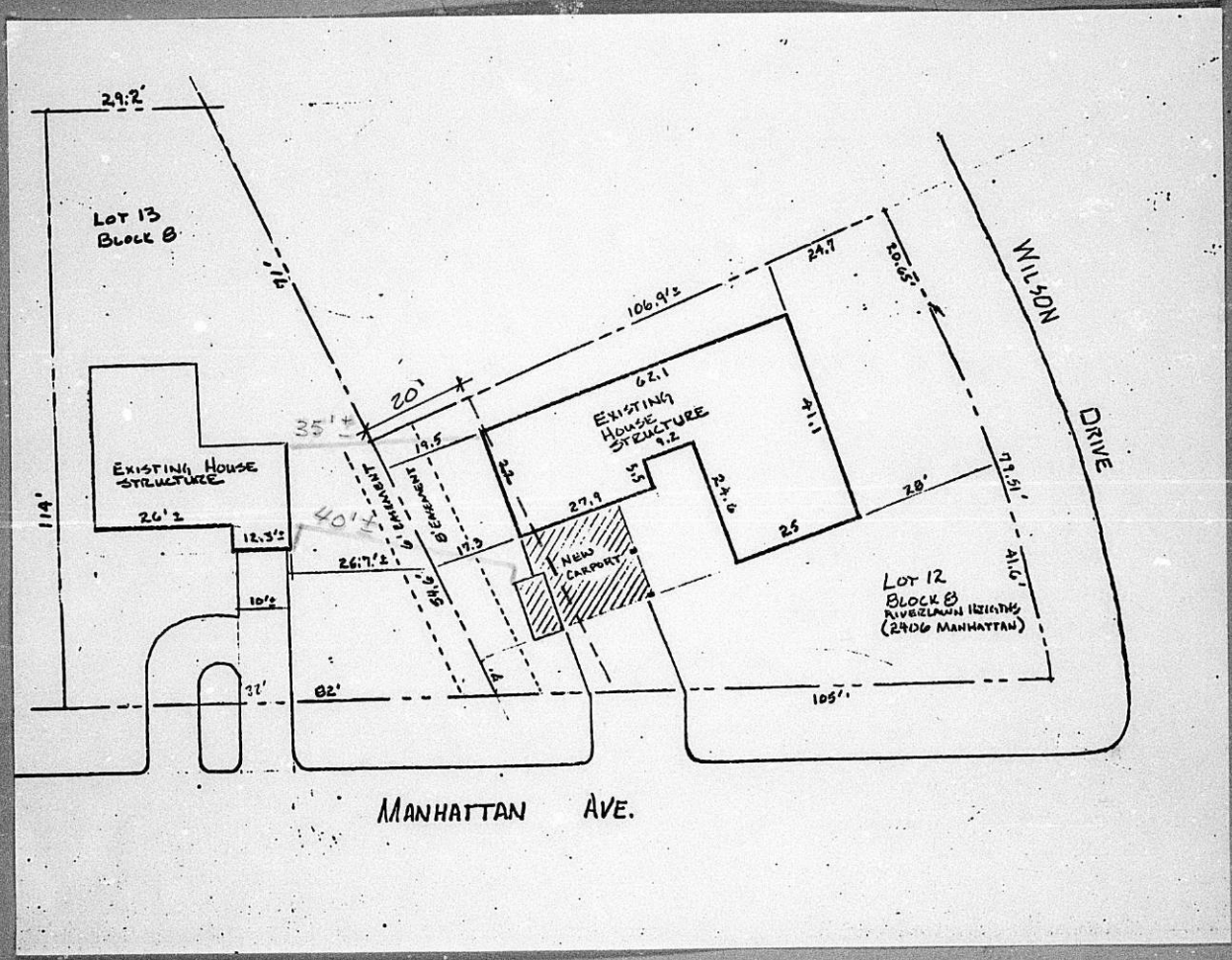
THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*  
Vice-President

Order No: 312013  
ap





**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-1

**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

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY