

Ported  
6-26-85 GBL

ACTION  
BZA ~~42-85~~ Approved 7-23-85  
DATE

200 4 8-2-85  
SHOT 9-5-85  
RECORD ✓

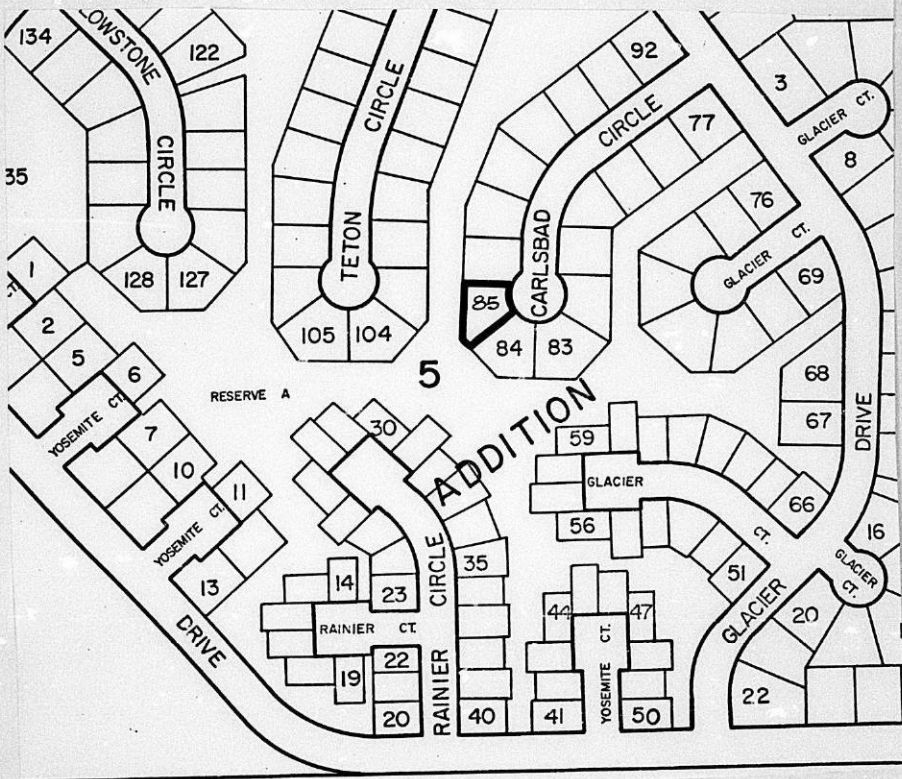
Case No. BZA 42-85 - Gary L. Blankenship,  
1104 W. 34th North, Wichita, Kansas,  
requests a variance to reduce the rear  
yard setback from 20' to not less  
than 8' on property zoned the "R-5"  
General Residence District & generally

Map No. 4844 D

BZA 42-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E R-5 S R-5 W R-5 N R-5
3. Land Use: East I-F South I-F  
West I-F North I-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES - CHICAGO - LOGAN, OH  
MCKESSON, TX - LOCUST GROVE, GA  
U.S.A.

**Spaul**

No. 2-153C

HATTING, MN

July 26, 1985

Gary L. Blankenship  
1104 W. 35th Street North  
Wichita, Ks. 67204

Re: BZA 42-85 - Request for Variance

Dear Mr. Blankenship:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 23, 1985.

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:sad  
Encl.

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

RESOLUTION NO. BZA 42-85

WHEREAS, Gary L. Blankenship, 1104 West 34th North, 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 not less than 8 feet on property zoned the "R-5" General Residence District and legally described as follows:

Lot 85, Block 5, THE PARK, an addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Carlsbad Circle.

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 23, 1985, 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 located on a cul-de-sac and the rear yard is adjacent to common open space and also by a public street from the properties to the north; 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 reduction of the rear yard would only reduce a small portion of the yard that is located adjacent to common open space that will be more than 80 feet to any other structure on the adjacent property; 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 residence would need to be oriented in a different direction which would lose the potential of the design for solar design; 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 reduction of the rear yard will not interfere with any 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 intent of the rear yard is to maintain adequate light and air to all properties; 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 8 feet on property zoned the "R-5" General Residence District and legally described as follows:

Lot 85, Block 5, THE PARK, an addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Carlsbad Circle.

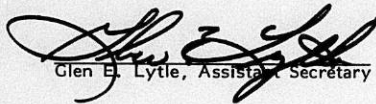
be approved subject to the following conditions:

1. The reduction of the rear yard shall not reduce the setback to less than 8 feet, and the area covered by the structure in the required rear yard shall not exceed 420 square feet.
2. No portion of the residence shall project over, or into, any easement.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1985.

  
William J. Coogler, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE July 18, 1985

RECEIVED

JUL 18 1985

TO Glen Lytle, Special Assistant for Zoning

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 42-85: Generally located on the  
West side of Carlsbad Circle

On Wednesday, July 17, CPO Council "A" considered the above captioned case, a request for a variance to reduce the rear yard setback from 20 feet to not less than 8 feet on property zoned the "R-5" General Residence District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 6-0 to recommend approval of the request.

The applicant, Gary Blankenship, was present to describe the request and respond to questions from the Council. There were no area residents present to speak either favorably or in opposition to the request.

After listening to the applicant, Council members saw no reason to oppose the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 42-85 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1888  
(316) 268-4561

July 9, 1985

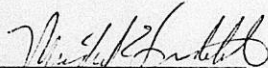
Mr. Gary L. Blankinship  
1104 West 35th Street North  
Wichita, Kansas 67204

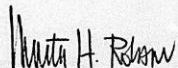
RE: DP-66 - Adjustment of front yard setback on Lot 85, Block 5, The Park.

Dear Mr. Blankinship:

We have reviewed your request for a reduction in the front yard setback requirement to 20 feet on Lot 85, Block 5, The Park. This lot is within Parcel 3 of the community unit plan which has a 25-foot front yard designated. We do not think a 5-foot reduction in the front yard on a cul-de-sac is a substantial deviation from the original intent of the C.U.P. and therefore may be granted administratively.

Our signatures below indicate our adjustment of the front yard setback from 25 feet to 20 feet on Lot 85, Block 5, The Park.

  
Michael E. Lindebak  
Acting Director of Planning

  
Monty Robson  
Superintendent of Central  
Inspection

ML/MR:LO:blw

cc: Glen E. Lytle, Special Assistant for Zoning, MAPD

# RE: AGENDA ITEM NO. 7

## SECRETARY'S REPORT CASE NO. BZA 42-85

APPLICANT: Gary L. Blankenship, 1104 West 34th North, Wichita, Kansas.

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 8 feet.

GENERAL LOCATION: On the west side of Carlsbad Circle.

ZONING: Subject property is zoned the "R-5" General Residence District as are all adjacent properties.

LAND USE: Subject property is to be developed with a one-family dwelling. Open space to the west. One-family dwellings to the south and east.

### 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 8 feet for the construction of a home that is oriented to the south to accommodate the best possible solar design. The lot is on a cul-de-sac which reduces the effective depth of the buildable area in the east-west dimension. The applicant has requested a reduction of the front yard setback from 25 feet to 20 feet thru an administrative process permitted under the provisions of the Community Unit Plan that the development is regulated by for front yard setbacks. It should also be noted that the rear yard is adjacent to common open space which is approximately 60 feet wide at this point and increases in area to the south.

It should be noted that a rear yard may include one-half of a platted alley, but does not make any provision for including any portion of common open space. Also, when lots front on a cul-de-sac, the effective depth of the lot is reduced, yet the lots generally contain greater lot area. In this case the administrative adjustment of the front yard is insignificant due to the orientation of the structure on the property.

When you take into consideration the lot is located on a cul-de-sac and also the rear yard is adjacent to common open space, the lot has uniqueness that most other lots do not have. Any reduction of the rear yard on this property will have no effect on any adjacent property due to the relation of the property to any other building site.

### UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is located on a cul-de-sac and the rear yard is adjacent to common open space and also by a public street from the properties to the north.

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 reduction of the rear yard would only reduce a small portion of the yard that is located adjacent to common open space that will be more than 80 feet to any other structure on the adjacent property.

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 residence would need to be oriented in a different direction which would lose the potential of the design for solar design.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the rear yard will not interfere with any 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 intent of the rear yard is to maintain adequate light and air to all properties.

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 shall not reduce the setback to less than 8 feet, and the area covered by the structure in the required rear yard shall not exceed 420 square feet.

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BZA CASE NO. 42-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>9</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>11</u>	TOTAL NOTICES SENT <u>7-3-85</u>

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 42-85

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 Gary L. Blankenship, 1104 West 34th North, 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 rear yard setback from 20 feet to not less than 8 feet on property zoned the "R-5" General Residence District. A legal description of the applicant's property is as follows:

Lot 85, Block 5, THE PARK, an addition to Wichita,  
Sedgwick County, Kansas. Generally located on the  
west side of Carlsbad Circle.

This application has been assigned Case BZA 42-85. It will be considered by the Board of Zoning Appeals on July 23, 1985 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

BOARD OF ZONING APPEALS

CASE NO. 42-85

CITY OF WICHITA, KANSAS

FILED 5-28-85

APPLICATION FOR VARIANCE

I. Name of Applicant GARY L. BLANKINSHIP  
 Mailing Address 1104 W. 35<sup>TH</sup> N. Phone (316) 838-7854  
WICHITA, Ks. 67209  
 Name of Authorized Agent N/A  
 Mailing Address N/A Phone N/A  
 Relationship of applicant to property is that of OWNER  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is EXEMPTION TO SETBACK ON WEST  
SIDE OF LOT DESCRIBED BELOW (to reduce the rear  
yard setback from 20 feet to not less than 8 feet)  
 for property located ON CARLSBAD ST. on the west side  
of Carlsbad Circle  
 and legally described as: LOT 85, BLOCK 5, THE PARK, AN  
ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

"R-5"  
 in the City of Wichita; and which is presently zoned RESIDENTIAL.

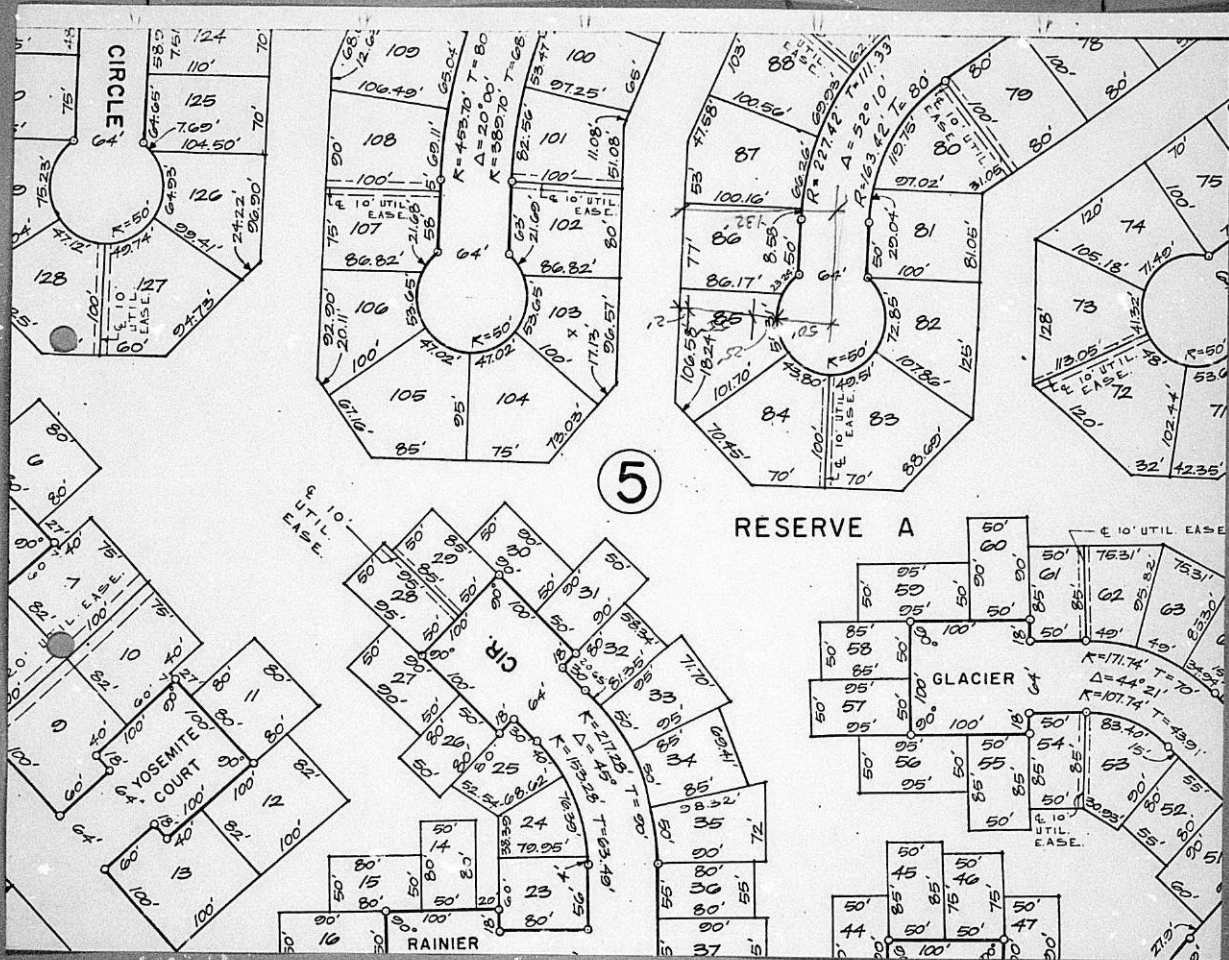
- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
  - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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 Gary L. Blankinship

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
4:30 (a.m./p.m.), May 28, 1985, together with  
 appropriate fee of 75.00.

Signed [Signature]



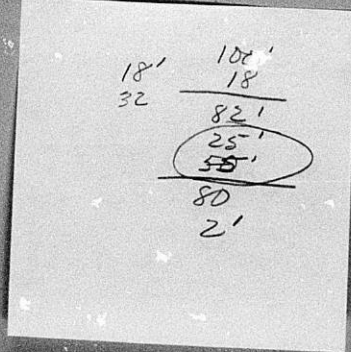
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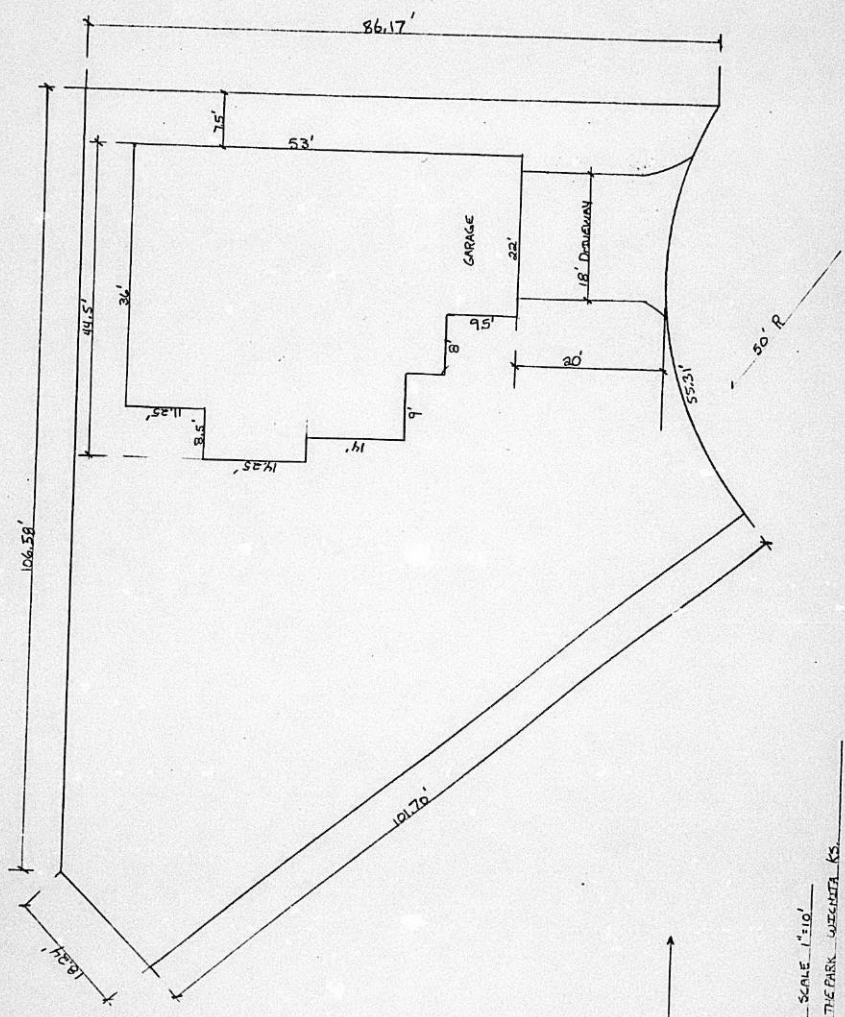
RESERVE A

GLACIER

YOSEMITE COURT

RAINIER





SITE PLAN SCALE 1"=10'  
 LOT 85 BLKS THE PARK WICHITA KS

TO WICHITA BOARD OF ZONING APPEALS:

The zoning variance applied for lot 85 Block 5 (five) concerns the rear yard setback contained in the recorded restrictions and covenants for "The Park" an addition to Wichita.

The present requirements for setbacks are;

1. side yard - 6' (six)
2. front lot line - 25' (twenty-five)
3. rear yard depth - 20' (twenty)

The proposed residence for lot 85 blk 5 will require a variance of either front, rear or both setback requirements. This proposed residence will require a variance of 13.83' from said setback requirements.

In addition to statements required from property owners within a 200' radius of lot 85 we have obtained a verbal approval from the architectural control committee for above proposed variance.

NOTE: COMMONS AREA DIRECTLY WEST OF DESCRIBED LOT

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, Of:

Lot 85, Block 5, The Park, an Addition to Wichita,  
Sedgwick County, Kansas.

together with all real estate lying within a 200-foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>THE PARK</u> <u>BLOCK 5</u>	
Lots 30, 31, 32, 33, and 59	✓ A-K Corporation 902 N. West Street Wichita, Kansas 67203
Lots 80 and 81	✓ Sherwood Glen Developer's, Inc. 3535 W. 13th Wichita, Kansas 67203
Lot 82	✓ Donald E. Hayes & Glenda Lou Hayes 2544 Carlsbad Circle Wichita, Kansas 67215
Lots 83 and 84	✓ D Sherwood Glen Developers, Inc. 3535 W. 13th Wichita, Kansas 67203
Lot 85	✓ D Gary L. Blankinship & Janet L. Blankinship 1104 W. 35th North Wichita, Kansas 67204
Lots 86, 87, and 88	✓ D Sherwood Glen Developer's, Inc. 3535 W. 13th Wichita, Kansas 67203
Lot 100	✓ The Monarch Cement Company 505 S. Broadway Wichita, Kansas 67202
Lot 101	✓ Galen A. Garrity and Sylvia I. Garrity 2538 Teton Circle Wichita, Kansas 67215
Lot 103	✓ David A. Montague & Kathie J. Montague 2548 Teton Circle Wichita, Kansas 67215
Lot 104	✓ Dean A. Dietz & Linda K. Dietz 2552 Teton Circle Wichita, Kansas 67215

DESCRIPTION	OWNERS AND ADDRESSES
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THE PARK  
BLOCK 5 Cont'd.

Lot 105

✓ Dan R. Esmon &  
Jan A. Esmon  
2551 Teton Circle  
Wichita, Kansas 67215

Reserve A

✓ The Park Homeowners'  
Association, No. 1  
2607 Glacier Ct.  
Wichita, Kansas 67215

Dated this 17th day of May, 1985, at 7:00 A.M.

REALTY TITLE CO., INC.

BY Judy Cachard

P 850524

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-001      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
BZA Variance	

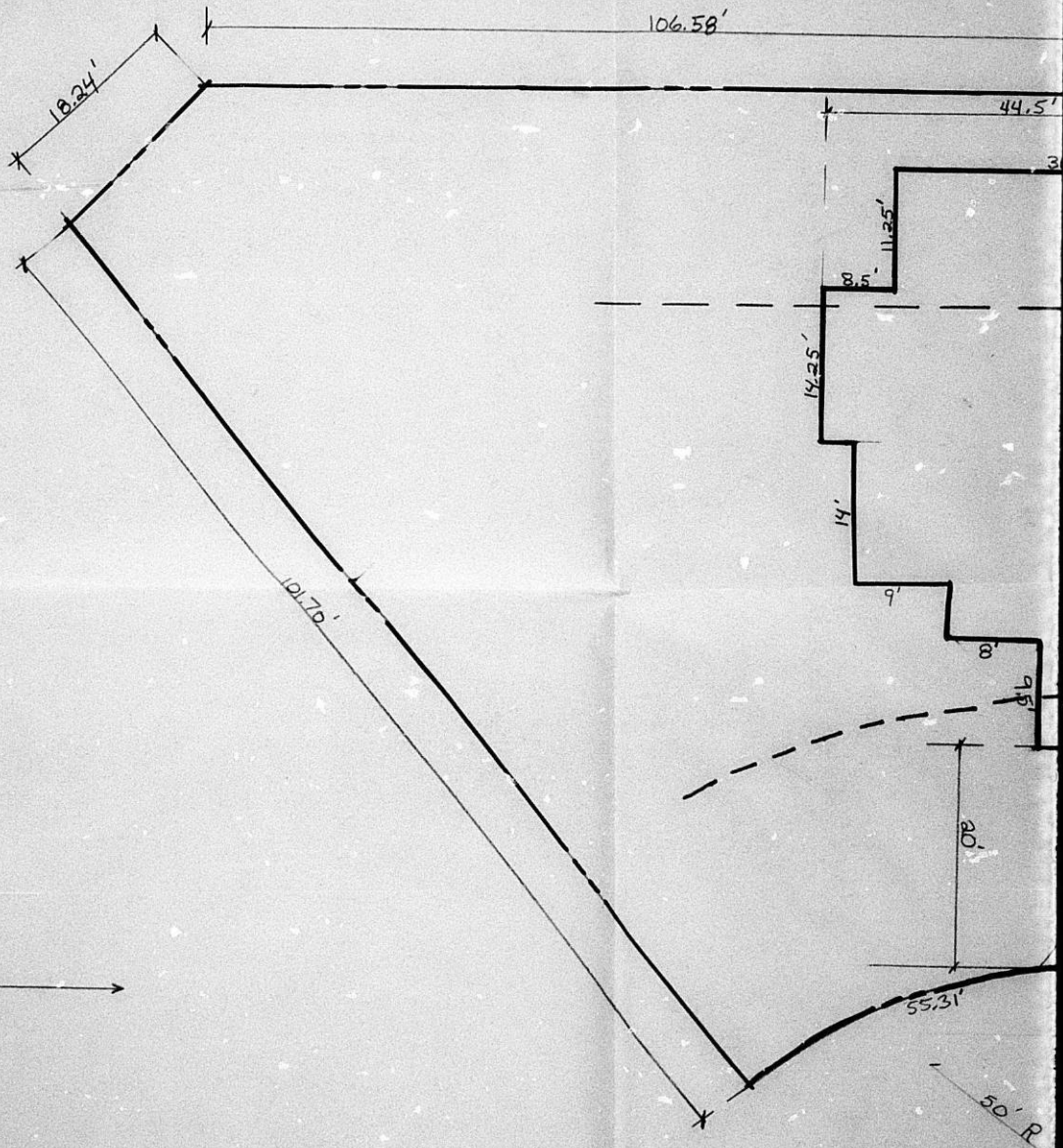
NAME: Gary J. [unclear]

ADDRESS: 1100 [unclear] St. [unclear]

FUND: [unclear]      DUE DATE: 5/1/75

COMMENTS:

DATE: 5/2/75      BY: [unclear]



NORTH →

SITE PLAN SCALE 1"=10'

LOT 85 BLK 5 THE PARK WICHITA KS.

