

BZA 56-75 - Craig Lawrence & Pete Russell - Variance to reduce minimum front yard from 75' to 71' on property located at the southeast corner of Doreen and Boston

082501  
1-7-76  
2-6-76

ACTION

BZA COMMITTEE Approved DATE 1-27-76

MAPS \_\_\_\_\_

B.C.C./B.C.I.C. \_\_\_\_\_

Map No. 5946  
 Sec. 30  
 Twp. 27  
 Range 2E

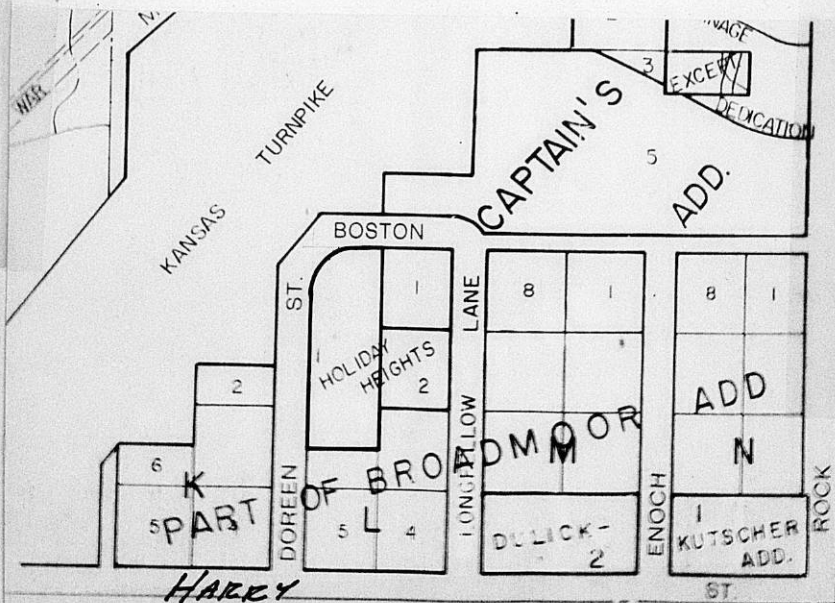
BZA- 56-75  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 1.0 ( 130 (IRREGULAR) ft. by 360 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
 West KANSAS TURNPIKE North KANSAS TURNPIKE
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 \_\_\_\_\_



HASTING, JR., LOS ANGELES  
 No. 2-153C  
 LOGAN CH - MEMPHIS, TX U. S. A.

**S**  
 Sinead  
 No. 2-153C

from: D. S. Butler date: 6-5-75

admin. adv. plans com. dev. social graphics

- |                                    |  |                                     |                                   |                                  |
|------------------------------------|--|-------------------------------------|-----------------------------------|----------------------------------|
| <input type="checkbox"/> hahn      | <input type="checkbox"/> kottelwold    | <input type="checkbox"/> galbraith  | <input type="checkbox"/> mitchell | <input type="checkbox"/> pierce  |
| <input type="checkbox"/> brubaker  | <input type="checkbox"/> coleman       | <input type="checkbox"/> lytle      | <input type="checkbox"/> gibson   |                                  |
| <input type="checkbox"/> rabin     | <input type="checkbox"/> holson        | <input type="checkbox"/> young, bob | <input type="checkbox"/> offman   | <input type="checkbox"/> gartand |
| <input type="checkbox"/> walsh     | <input type="checkbox"/> may           | <input type="checkbox"/> shirley    | <input type="checkbox"/> trait    | <input type="checkbox"/> pale    |
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| <input type="checkbox"/> smith     | <input type="checkbox"/> butler        | <input type="checkbox"/> gibson     | <input type="checkbox"/> hizer    | <input type="checkbox"/> yurt    |
| <input type="checkbox"/> hanson    | <input type="checkbox"/> hund          | <input type="checkbox"/> frank      | <input type="checkbox"/> gales    | <input type="checkbox"/> creek   |
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| <input type="checkbox"/> hahn      | <input type="checkbox"/> hobbit        | <input type="checkbox"/> wry, &     | <input type="checkbox"/>          |                                  |
|                                    | <input type="checkbox"/> ringwald      | <input type="checkbox"/> lighman    |                                   |                                  |
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|                                    | <input type="checkbox"/> heincke       |                                     |                                   |                                  |
|                                    | <input type="checkbox"/> hahn          |                                     |                                   |                                  |
|                                    | <input type="checkbox"/> foony         |                                     |                                   |                                  |
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|                                    | <input type="checkbox"/> melson, p     |                                     |                                   |                                  |
|                                    | <input type="checkbox"/> leeuw         |                                     |                                   |                                  |
|                                    | <input type="checkbox"/> heincke, j.a. |                                     |                                   |                                  |

*Send to [unclear]*

<input type="radio"/> all staff	<input checked="" type="radio"/> information
<input type="radio"/> comment	<input type="radio"/> files
<input type="radio"/> note & return	<input checked="" type="radio"/> signature
<input type="radio"/> handle	<input type="radio"/> library

remarks: Response for request for  
eligibility determination re. use  
of CD funds for Art Museum  
basement.

Thanks, Danell

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

January 6, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 56-75

An application has been filed by Craig Lawrence and Pete Russell, 14742 Twinlake Drive, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required minimum lot width, for two-family dwellings, from 75 feet to 71 feet, on property zoned the "R-6" General Residence District, and legally described as follows:

Lot 1, Holiday Heights Addition to Wichita, Sedgwick County, Kansas (being re-platted into 5 lots to be known as Bull Meadows Addition). Generally located at the southeast corner of Doreen and Boston.

This application has been assigned Case No. BZA 56-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 27, 1976, at 1:30 p.m., in the Public Meeting Room, First Floor, City Hall, 455 North Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

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Jack H. Galbraith  
Secretary

RESOLUTION NO. BZA 56-75

WHEREAS, Craig Lawrence and Pete Russell, 14742 Twinlake Drive, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required minimum lot width, for two-family dwellings, from 75 feet to 71 feet on property zoned the "R-6" General Residence District, and legally described as follows:

Lot 1, Holiday Heights Addition to Wichita, Sedgwick County, Kansas (being re-platted into 5 lots to be known as Bull Meadows Addition). Generally located at the south-east corner of Doreen and Boston.

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 January 27, 1976, 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 a variance of lot area has been granted on subject property that is a proportional reduction of the requested lot width reduction; 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 number and location of duplexes will be the same, with or without this variance; 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 they have been granted a variance of lot size and have obtained building permits but are now desirous of platting the property into five lots so that they can meet the conditions, attached by this Board, that they can sell the property only by platted lot; 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 this variance would not increase the density or change the location of units to be built; 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 development of this property with duplexes is a much lower density than otherwise permitted and is not incompatible to the area; 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 minimum lot width, for two-family dwellings, from 75 feet to 71 feet, on property zoned the "R-6" General Residence District, and legally described as follows:

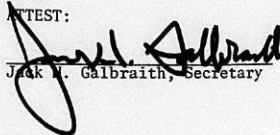
Lot 1, Holiday Heights Addition to Wichita,  
Sedgwick County, Kansas (being re-platted  
into 5 lots to be known as Bull Meadows  
Addition). Generally located at the southeast  
corner of Doreen and Boston,

be approved subject to not more than one two-family dwelling being  
permitted on each platted lot.

ADOPTED AT WICHITA, KANSAS, this 27th day of January, 1976.

  
Marjorie L. Taylor, Chairman

ATTEST:

  
Jack M. Galbraith, Secretary

February 12, 1976

Craig Lawrence and Pete Russell  
14742 Twinlake  
Wichita, Kansas 67230

Subject: Case No. BZA 56-75  
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 27, 1976, in connection with your request for a variance to reduce the required minimum lot width for two family dwellings from 75 feet to 71 feet on property zoned the "R-6" General Residence District, and generally located at the southeast corner of Doreen and Boston.

The Resolution reflects the official action of the Board to grant your request. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:LD:hh  
Encl.

cc: Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection  
Don Glsick, City Clerk



January 28, 1976

Craig Lawrence and Pete Russell  
14742 Twinlake  
Wichita, Kansas 67230

Re: Case No. BZA 56-75  
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on January 27, 1976, your request for a variance to reduce the required minimum lot width for two family dwellings from 75 feet to 71 feet on property zoned the "R-6" General Residence District, and generally located at the southeast corner of Doreen and Boston was considered.

It was the action of the Board to approve this request subject to the condition that not more than one two-family dwelling be permitted on each platted lot.

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.

Very truly yours,

Larry Debson  
Assistant Secretary

LD:bb

cc: Robert Feldner, Supt. Central Inspection  
Joe Donnelly, Central Inspection  
Don Gistick, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 56-75

APPLICANT: Craig Lawrence and Pete Russell, 14742 Twinlake Drive, Wichita, Kansas.

AGENT: None.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required minimum lot width, for two-family dwellings, from 75 feet to 71 feet.

GENERAL LOCATION: Southeast corner of Boston and Doreen Streets.

ZONING: Subject property is zoned the R-6 General Residence District; west and east are zoned "AA" and "R-6."

LAND USE: Subject property and all surrounding properties are vacant. (Construction of duplexes on subject property and property to the west has begun).

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).

SECRETARY'S REPORT,  
Page 2, BZA 56-75

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the required minimum lot width, for two family dwellings constructed in the "R-6" General Residence District, from 75 feet to 71 feet.

This property was the subject of another variance request (BZA 46-75) at the Board's meeting of December 16, 1975. At that meeting the Board approved a request by the applicants to reduce the required lot size for Two-Family dwellings from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit, subject to the condition: "The applicants shall not sell any portion of subject property other than by platted lot." The applicants were agreeable to this condition at the time inasmuch as they were proposing to construct 5 duplexes on the one large lot included in this current application and would either maintain ownership of all five duplexes or sell them in total. However, after discussing this with their backers, it was decided that this could hinder the economics of the venture and they would prefer to have the option or flexibility of selling each duplex separately. The applicants are in the process of replatting subject property, Lot 1, Holiday Heights, into a five lot plat to be known as Bull Meadows. Each lot is to be 71+ feet wide, as opposed to the 75 foot minimum lot width required of duplex construction in "R-6" zoning. They have already obtained building permits for the five duplexes and have begun construction, but are seeking this variance of lot width on the five lots being replatted so that they will not be in violation of the zoning code.

At your meeting of October 28, 1975, you considered and approved a similar request immediately west of subject property (BZA 46-75). In the Secretary's Reports for both previously mentioned cases, it was pointed out that duplex development on property zoned "R-6" is a much lower density than would otherwise be permitted in the district. This property lies in an area bordered on the west and north by the Kansas Turnpike, on the east by Rock Road and on the south by Harry Street. A residential storage warehouse facility has been developed northeast of subject property and although some of the property in the area is zoned "AA" Single Family Residential, it is unlikely that such development will occur due to surrounding land use and zoning, all of which lies in the McConnell Air Force Base flight path.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a condition unique to the property in question inasmuch as a variance of lot areas has been granted on subject property that is a proportional reduction of the requested lot width reduction.

SECRETARY'S REPORT  
Page 3, BZA 56-75

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the rights of adjacent property owners inasmuch as the number and location of duplexes will be the same, with or without this variance.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance would create an unnecessary hardship upon the applicants inasmuch as they have been granted a variance of lot size and have obtained building permits but are now desirous of platting the property into five lots so that they can meet the conditions, attached by this Board, that they can sell the property by platted lot.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as this variance would not increase the density or change the location of units to be built.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of this variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the development of this property with duplexes is a much lower density than otherwise permitted and is not incompatible to the area.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and therefore, it is recommended that the variance to reduce the minimum lot width from 75 feet to 71 feet be approved, subject to not more than one two-family dwelling being permitted on each platted lot.

17 notices mailed to adjoining property owners on BZA Case No. 56-75  
on January 6, 1976 for meeting on January 27, 1976, plus  
nine notices to MAPC members.

Map 5946

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant RAIG LAWRENCE + <sup>Pete</sup> ~~STEPHEN~~ RUSSELL  
Mailing Address 14742 TWILAKE DR Phone 733-0477  
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 minimum front footage from 75'  
to ~~75'~~ 71'  
for property located S.E. CORNER DOREEN AND BOSTON  
and legally described as: Lot 2, Holiday Heights  
AND LOT 1, Holiday Heights

in the City of Wichita; and which is presently zoned R-6.

- 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.

~~Stephen Russell~~ Pete Russell  
Applicant  
Ray Lawrence

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:30 (a.m. ~~(p.m.)~~), 12/30 19 75 together with appropriate fee of \$50.00.

Larry Dobson  
Signed

T9-402

Use abated from BZA 50-75

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:

Lots 1 and 2, HOLIDAY HEIGHTS, 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>Broadmoor Addition, Sedgwick County, Kansas:</u>	
<u>Block K</u>	
South Half of Lot 2	✓ Kenneth D. King 3540 South St. Francis Wichita, Kansas 67216
Lot 3	✓ Kenneth D. King 3540 South St. Francis Wichita, Kansas 67216
Lot 4	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
Lot 5	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
South Half of Lot 6	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
<u>Block L</u>	
South Half of Lot 1	✓ Raymond B. Trotter 736 North Broadway Wichita, Kansas 67214
North Half of Lot 1	✓ Leonard M. Hanks 6700 East Zimmerly Wichita, Kansas 67207
South Half of Lot 3	✓ Edward M. Lewis 2402 Bedford Road Wichita, Kansas 67218
North Half of Lot 3	✓ Eleanor C. Kale 1675 Roanoke Wichita, Kansas 67218
Lot 4	✓ Bernard R. Lickteig 402 North Bluff Wichita, Kansas 67208
	✓ Jack Pearce 8220 Peach Tree Lane Wichita, Kansas 67207



<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Broadmoor Addition, Sedgwick County, Kansas:</u>	
<u>Block L</u>	
Lot 4 (continued)	✓ Cecil Merkel 360 Wagon Wheel Wichita, Kansas 67209
Lot 5	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
South Half of Lot 6	✓ Ella Cleveland c/o Dorothy L. Bray 2116 Mesita Wichita, Kansas 67211
<u>Branson Addition, Wichita, Sedgwick County, Kansas:</u>	
Lots 1, 2, 3 and 4	✓ J. Jerald Branson 221 Hillsdale Wichita, Kansas 67230
<u>Dulick-Kutscher Addition, Sedgwick County, Kansas:</u>	
Lot 2 except the east 1/4	✓ George L. Hall 5901 South Greenwich Road Wichita, Kansas 67210
	✓ Daniel M. Carney 201 South Lynwood Blvd. Wichita, Kansas 67218
<u>Captain's First Addition, Wichita, Sedgwick County, Kansas:</u>	
Lot 5	✓ Leslie W. Griffith 2111 Rosalie Wichita, Kansas 67207
<u>Holiday Heights, an addition to Wichita, Sedgwick County, Kansas:</u>	
Lots 1 and 2	✓ Stephen Russell 1400 Colleen Terrace Wichita, Kansas 67230
	✓ Craig Lawrence 14742 Twinlake Wichita, Kansas 67230

WITNESS our hand and seal at Wichita, Kansas this 17th day of November, 1975, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

BY Linda Ayala  
Linda Ayala, Vice President

Form 223-001

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
2000	1000

Name \_\_\_\_\_

Address \_\_\_\_\_

Type 1A 4071.3	Due Date 1/1/75
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Comments: \_\_\_\_\_

Date 1/31/75	By [Signature]
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