

POSTED
11-28-83
M.E.L.

ACTION

BZA 63-83 **APPROVED** 1-3-84
DATE

47A8D

2004 Sec. 2-2-84
for 2-2-84
Record ✓

BZA 63-83 - Inland Investment Co., Inc., 10300 West Central - requests a variance to reduce the required rear yard setback from 20' to 10' on property zoned the "AA" One-family Dwelling District and generally located on the east side of Cardington

Map No. 4748 A-D
4749 BC

BZA 63-83
Filed _____

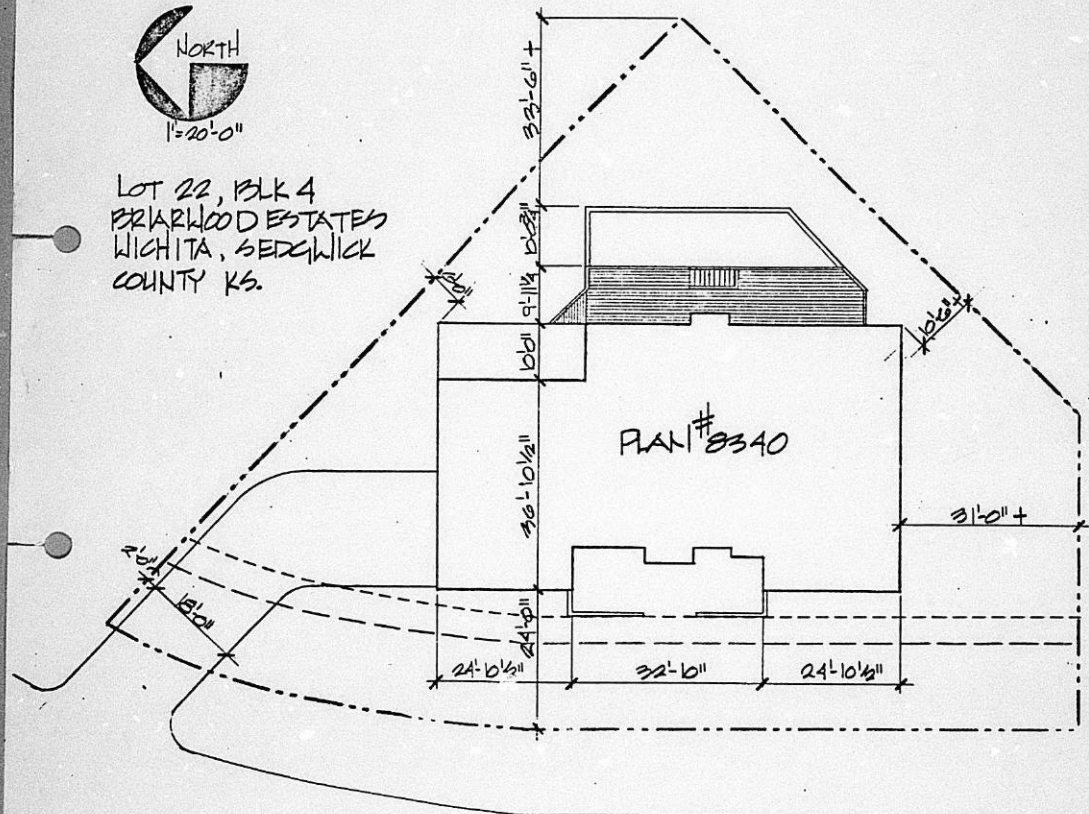
AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East 1 South _____
West _____ North _____
4. Area (is) (~~is not~~) platted.





LOT 22, BLK 4
BRARWOOD ESTATES
WICHITA, SEDGWICK
COUNTY KS.



BE963-83

RESOLUTION NO. BZA 63-83

WHEREAS, Inland Investment Co., Inc., 10300 West Central, 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 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas except for the following described tract:

Beginning at the Northeast corner of Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, thence bearing S $42^{\circ}0'101''$ W along the easterly line of said Lot 22 a distance of 26.31 feet, thence bearing N $51^{\circ}53'53''$ W a distance of 74.07 feet to a point in the north line of said Lot 22, thence bearing S $70^{\circ}58'57''$ E along said north line a distance of 80.28 feet to the point of beginning.

plus the following described tract:

Beginning at the Northwest corner of Lot 22 said point also being the Southwesterly corner of Lot 23, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas thence along a curve to the right having a radius of 122.00 feet and a chord of 22.82 feet bearing N $24^{\circ}23'04''$ E an arc distance of 22.85 feet; thence bearing S $51^{\circ}53'53''$ E to a point in the south line of Lot 23 (North line of Lot 22) in said Block 4 a distance of 69.48 feet; thence along said south line bearing N $70^{\circ}58'57''$ W a distance of 67.79 to the point of beginning. Generally located on the east side of Cardington and north of Ponderosa (1328 North Cardington).

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 3, 1984, 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 adjacent to a drainageway that provides more than adequate separation for light and air to all properties; 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 adjacent lots are so situated that the reduction of the rear yard by ten feet should not in anyway affect the properties on either side; 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 lot is platted in such a manner that the depth is limited even though the rearrangement of the lot to the north to provide a more rectangular site still does not increase the buildability of this site to accommodate a structure of sufficient size within the setback limitations; 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 structure will not interfere with the easements as set forth on the plat; 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 minimum rear yard of 20 feet is required to provide open space for each dwelling and in this instance the rear of the property is adjacent to a large drainage-way and only a portion of the structure will project into this yard 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 rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas except for the following described tract:

Beginning at the Northeast corner of Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, thence bearing S $42^{\circ}0'01''$ W along the easterly line of said Lot 22 a distance of 26.31 feet, thence bearing N $51^{\circ}53'53''$ W a distance of 74.07 feet to a point in the north line of said Lot 22, thence bearing S $70^{\circ}58'57''$ E along said north line a distance of 80.28 feet to the point of beginning.

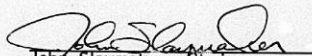
plus the following described tract:

Beginning at the Northwest corner of Lot 22 said point also being the Southwesterly corner of Lot 23, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas thence along a curve to the right having a radius of 122.00 feet and a chord of 22.82 feet bearing N $24^{\circ}23'04''$ E an arc distance of 22.85 feet; thence bearing S $51^{\circ}53'53''$ E to a point in the south line of Lot 23 (North line of Lot 22) in said Block 4 a distance of 69.48 feet; thence along said south line bearing N $70^{\circ}58'57''$ W a distance of 67.79 to the point of beginning. Generally located on the east side of Cardington and north of Ponderosa (1328 North Cardington).

be approved subject to the following condition:

1. The reduction of the rear yard from 20 feet to 10 feet shall apply only to the yard adjacent to the common open space.

ADOPTED AT WICHITA, KANSAS, this 3rd day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

January 9, 1984

Inland Investment Co., Inc.
10300 West Central
Wichita, Ks. 67212

Re: BZA 63-83 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 3, 1984.

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
Encl.

cc: Steve Robl, 1342 North Cardington, Wichita, Ks. 67209
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 21, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 63-83, 1328 North Cardington

Due to severe weather conditions, CPO Council "A" cancelled its December 21st meeting and will be unable to forward a recommendation on the captioned variance request.

Please inform the Board of Zoning Appeals of the situation when the case is considered at its January 3rd meeting.

Dean Kruithof
Dean Kruithof
Administrative Aide III

DK:sm

RECEIVED

DEC 22 1983

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 63-83

APPLICANT: Inland Investment Co., Inc., 10300 West Central,
Wichita, Kansas, 67212

AGENT: Steve Robl, 1342 North Cardington, Wichita,
Kansas 67209

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
rear yard setback from 20' to 10'.

GENERAL LOCATION: On the east side of Cardington and north of
Ponderosa (1328 North Cardington).

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

LAND USE: Subject property is vacant. Adjacent properties
are developed as one-family dwellings or are
vacant.

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 of the required rear yard setback from 20' to 10' in order to construct a one-family dwelling on a property on which the rear yard is adjacent to a drainageway. The structure will not be located on any easement, and should not interfere with the light or air of any adjacent properties. In fact, the property to the south is an irregular shaped lot that would prevent the possibility of close proximity to the home proposed. Also, the distance of the lots to the east across the drainageway will provide a separation of 200' or more between the rear of this structure and any other building site.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is adjacent to a drainageway that provides more than adequate separation for light and air to all properties.

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 adjacent lots are so situated that the reduction of the rear yard by ten feet should not in anyway affect the properties on either side.

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 lot is platted in such a manner that the depth is limited even though the rearrangement of the lot to the north to provide a more rectangular site still does not increase the buildability of this site to accommodate a structure of sufficient size within the setback limitations.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the structure will not interfere with the easements as set forth on the plat.

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 minimum rear yard of 20 feet is required to provide open space for each dwelling and in this instance the rear of the property is adjacent to a large drainageway and only a portion of the structure will project into this yard area.

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 only be for a portion of the 20' setback as set forth on the applicant's site plan.

BZA CASE NO. 63-83

2 NOTICES SENT TO APPLICANT/AGENT

10 LEGAL ADV.
~~NOTICES~~ SENT TO MAPC

1 NOTICES SENT TO CPO

4 NOTICES SENT TO ADJOINING PROPERTY OWNERS

7 TOTAL NOTICES SENT 12-14-83

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

December 12, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 63-83

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 Inland Investment Co., Inc., 10300 West Central, 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 2' to 10' on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas except for the following described tract:

Beginning at the Northeast corner of Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, thence bearing S 42°0±'01" W along the easterly line of said Lot 22 a distance of 26.31 feet, thence bearing N 51°53'53" W a distance of 74.07 feet to a point in the north line of said Lot 22, thence bearing S 70°58'57" E along said north line a distance of 80.28 feet to the point of beginning.

plus the following described tract:

Beginning at the Northwest corner of Lot 22 said point also being the Southwesterly corner of Lot 23, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas thence along a curve to the right having a radius of 122.00 feet and a chord of 22.82 feet bearing N 24°23'04" E an arc distance of 22.85 feet; thence bearing S 51°53'53" E to a point in the south line of Lot 23 (North line of Lot 22) in said Block 4 a distance of 69.48 feet; thence along said south line bearing N 70°58'57" W a distance of 67.79 to the point of beginning. Generally located on the east side of Cardington and north of Ponderosa (1328 North Cardington).

This application has been assigned Case BZA 63-83. It will be considered by the Board of Zoning Appeals on January 3, 1984 at 1:30 p.m. in the Metropolitan Area Planning Department Conference Room, 10th Floor, 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

APPLICATION FOR VARIANCE

I. Name of Applicant Inland Investment Co., Inc.
10300 W. Central
Mailing Address Wichita, KS 67212 Phone 722-2691

Name of Authorized Agent Robl construction, Inc. (Steve Robl)
1342 N. Cardington
Mailing Address Wichita, KS 67209 Phone 722-8347

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the ^{required} existing 20 foot rear yard
building setback to 10 feet (as per attached plot plan)

located on the east side of Cardington and north of Bondessa
at (1328 N. Cardington)

*use legal
p. sheet.*

and legally described as: see attached legal description

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 2.12.580 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.

Inland Investment Co., Inc.
By: Larry A. Chambers
Applicant President

Steve Robl
Authorized Agent Robl Construction Inc

OFFICE USE ONLY: Received in office of Secretary Board of Zoning Appeals 2:30 (a.m. - p.m.), Nov. 28 19 83
together with appropriate fee of \$ 75.00

[Signature]
Signed

REQUEST FOR VARIANCE

We are requesting this variance for the purpose of enabling the home shown on the attached plot plan to be built on this lot. Due to the dimensions of the house it is necessary to reduce the existing 20 foot rear yard building setback to 10 feet in order to fit the house on the lot. We feel that reducing this rear yard setback will not be contrary to the intent of the Code of the City of Wichita because the rear yard of this lot abuts a portion of Reserve C of Briarwood Estates. Thus, there are not now nor will be in the future any homes situated immediately behind the rear of this lot to provide a conflict with a reduced setback.

LEGAL DESCRIPTION

Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas except for the following described tract:

Beginning at the Northeast corner of Lot 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, thence bearing S $42^{\circ}01'01''$ W along the easterly line of said Lot 22 a distance of 26.31 feet, thence bearing N $51^{\circ}53'53''$ W a distance of 74.07 feet to a point in the north line of said Lot 22, thence bearing S $70^{\circ}58'57''$ E along said north line a distance of 80.28 feet to the point of beginning. Containing 972 square feet more or less.

plus the following described tract:

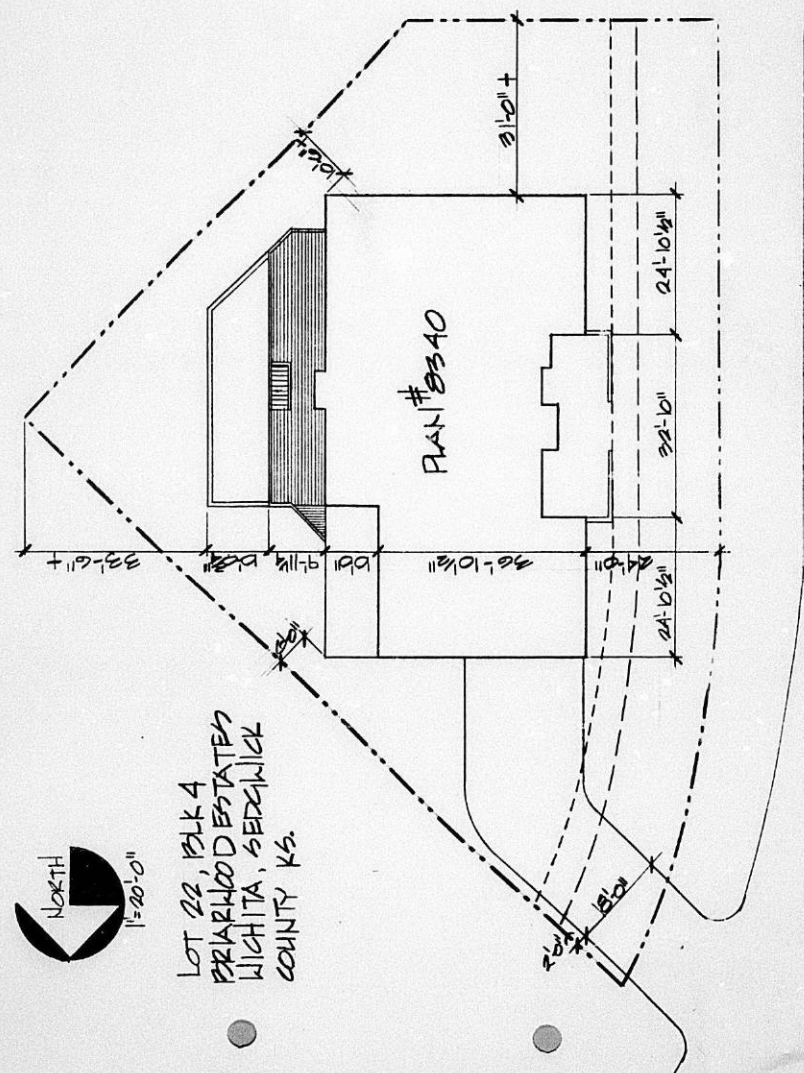
Beginning at the Northwest corner of Lot 22 said point also being the Southwesterly corner of Lot 23, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas thence along a curve to the right having a radius of 122.00 feet and a chord of 22.82 feet bearing N $24^{\circ}23'04''$ E an arc distance of 22.85 feet; thence bearing S $51^{\circ}53'53''$ E to a point in the south line of Lot 23 (North line of Lot 22) in said Block 4 a distance of 69.48 feet; thence along said south line bearing N $70^{\circ}58'57''$ W a distance of 67.79 to the point of beginning. Containing 778 Square Feet more or less.

dean murray & company
professional architects united
7703 westport
wichita, kansas
314.722-4230
67112



date: 9 Nov '83

job: 8340



LOT 22, BLK 4
PEARWOOD ESTATES
WICHITA, SEDGWICK
COUNTY, KS.

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

Property Description

Property Owner

Lot 23, Block 4, Briarwood Estates, except beginning at the northwest corner of lot 22 said point also being the southwesterly corner of lot 23; thence along a curve to the right having a radius of 122 feet and a chord of 22.82 feet bearing N24°23'04"E an arc distance of 22.85 feet; thence bearing S51°53'53"E to a point in the south line of lot 23 (north line of lot 22) in said Block 4, a distance of 69.48 feet thence along said south line bearing N70°58'57"W a distance of 67.79 feet to the point of beginning & that part of lot 22, Block 4, Briarwood Estates described: Beginning at the northeast corner of said lot 22; thence bearing S42°01'01" W along the easterly line of said lot 22 a distance of 26.31 feet; thence bearing N51°53'53" W a distance of 74.07 feet to a point in the north line of said lot 22; thence bearing S70°58'57" E along said North line a distance of 80.28 feet to the point of beginning.

Steven J. Robl
Vera J. Robl
1342 N. Cardington
67212

Beginning at the northwest corner of lot 22 said point also being the southwesterly corner of lot 23, Block 4, Briarwood Estates; thence along a curve to the right having a radius of 122.00 feet and a chord of 22.82 feet bearing N24°23'04"E an arc distance of 22.85 feet; thence bearing S51°53'53"E to a point in the south line of lot 23 (north line of lot 22) in said block 4 a distance of 69.48 feet; thence along said south line bearing N70°58'57"W a distance of 67.79 feet to the point of beginning and Lot 22, except beginning at the northeast corner of lot 22, Block 4, Briarwood Estates; thence bearing S42°01'01"W along the easterly line of said lot 22 a distance of 26.31 feet; thence bearing N51°53'53" W a distance of 74.07 feet to a point in the north line of said lot 22; thence bearing S70°58'57"E along said north line a distance of 80.28 feet to the point of beginning.

Inland Investment
Company, Inc.
10300 W. Central
67212

Lot 21, Block 4, Briarwood Estates

Inland Investment Co.
Inc.
10300 W. Central
67212

Lot 24, Block 4, Briarwood Estates

Herbert A. Sparks
1350 N. Cardington
67212

<u>Property Description</u>	<u>Property Owner</u>
Lot 20, Block 4, Briarwood Estates	Inland Investment Company Inc. D 10300 W. Central 67212
Odd & Even lots 4 through 8, Block 3, inclusive; lots 10, 11, 12 & 13, Block 3, Briarwood Estates	Same as above
Lot 14, Block 3, Briarwood Estates	Gerald W. Jordan ✓ Sherie E. Jordan 1337 Cardington Ct. 67212
Lot 15, Block 3, Briarwood Estates	William H. Martin, Jr. ✓ Mary Patricia Martin 1341 Cardington 67212
Lot 18, Block 3, Briarwood Estates	American Savings ✓ Association of Kansas 201 N. Main 67202
Lot 16, Block 4, Briarwood Estates	D Robl Construction Inc. 1342 N. Cardington 67212
Lot 17, Block 4, Briarwood Estates	D Inland Investment Company Inc. 10300 W. Central 67212
Reserve C, Briarwood Estates	Same as above

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 22, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, except that part described as beginning at the northeast corner of said lot 22; thence bearing South $42^{\circ}01'01''$ W along the easterly line of said lot 22, 26.31 feet; thence bearing North $51^{\circ}53'53''$ W, 74.07 feet to a point in the North line of said lot 22; thence bearing South $70^{\circ}58'57''$ E along said North line, 80.28 feet to the point of beginning, and

(Continued on Next Page)

Page 3

(Continued from last page)

That part of lot 23, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas described as beginning at the northwest corner of lot 22 said point also being the southwesterly corner of said lot 23; thence along a curve to the right having a radius of 122 feet and a chord of 22.82 feet bearing North $24^{\circ}23'04''$ E an arc distance of 22.85 feet; thence bearing South $51^{\circ}53'53''$ E to a point in the South line of lot 23 (being the north line of lot 22) in said Block 4, a distance of 69.48 feet; thence along said south line bearing North $70^{\circ}58'57''$ W, 67.79 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of November, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Sable
Vice President

Order No: 327731
cf

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-G

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
201114	1750

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____