

BZA 7-74 - Leon Robinson requests
Variance to reduce rear yard set-
back from 20' to 8' for SE corner
of Marion Road & Victoria.

*Noted
3-11-74*

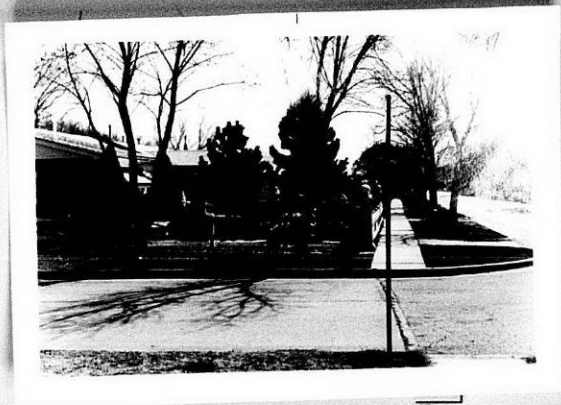
*MAPDC
CIV
3-26-74*

ACTION

BZA COMMITTEE *meeting deferred 3-26-74*
DATE *4-1-74*
MAP.C. *Quorum*

B.G.C./B. CO. C.

BZA Request approved for only 4-1-74
that portion of the rear
yard presently occupied
by garage





RESOLUTION NO. BZA 7-74

WHEREAS, Leon Robinson, 2602 Victoria, Wichita, Kansas, 67216, 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 8 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 1, Reed-A-Way Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Marion Road and Victoria Street.

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 April 1, 1974, 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 applicant could add on to his house to within three feet of the detached garage without a variance; 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 construction would be between existing structures which will remain where originally constructed; 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 owner represented in the application inasmuch as the applicant would have to retain three feet between his proposed addition and the garage; this space would be of no practical use and would deprive him of an additional seventy-five feet of living space; 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 inasmuch as the area for which the variance is requested is interiorly located; 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 four previous conditions necessary to the granting of a variance have been found to exist; and

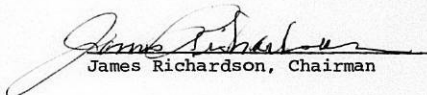
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist,

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 8 feet on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

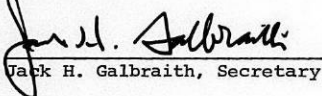
Lot 1, Reed-A-Way Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Marion Road and Victoria Street.

be approved subject to the condition that the variance be granted for only that area of the rear yard where the garage is now located.

ADOPTED AT WICHITA, KANSAS, this 1st day of April, 1974.


James Richardson, Chairman

ATTEST:


Park H. Galbraith, Secretary

April 24, 1974

Mr. Leon Robinson
2602 Victoria
Wichita, Kansas 67216

Re: Case No. BZA 7-74 -
Request for Variance

Dear Mr. Robinson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 1, 1974, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 8 feet on property zoned the "AA" Single Family Dwelling District and generally located at the southeast corner of Marion Road and Victoria Street.

This Resolution reflects the official action of the Board to approve this request for only that area of the rear yard where the garage is now located. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

April 1, 1974

Mr. Leon Robinson
2602 Victoria
Wichita, Kansas 67216

Re: Case No. BZA 7-74 -
Request for a Variance

Dear Mr. Robinson:

At the deferred meeting of the Board of Zoning Appeals on April 1, 1974, your request for a variance to reduce the required rear yard setback from 20 feet to 8 feet on property zoned the "AA" Single Family Dwelling District and generally located at the southeast corner of Marion Road and Victoria Street was considered.

It was the action of the Board to approve this request for only that area of the rear yard where the garage is now located.

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,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals

MM:js

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

March 26, 1974

Mr. Leon Robinson
2602 Victoria
Wichita, Kansas 67216

Re: Case No. BZA 7-74 -
Request for a Variance

Dear Mr. Robinson:

Due to lack of a quorum the regular meeting of the Board of Zoning Appeals which was scheduled for March 26, 1974, was deferred to Monday, April 1, 1974. The meeting will be held in Room 401 City Building Annex, 104 South Main Street, at 1:30 p.m.

At that time the above captioned case will be considered by the Board. If you have any questions concerning this matter, please call.

Sincerely,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals

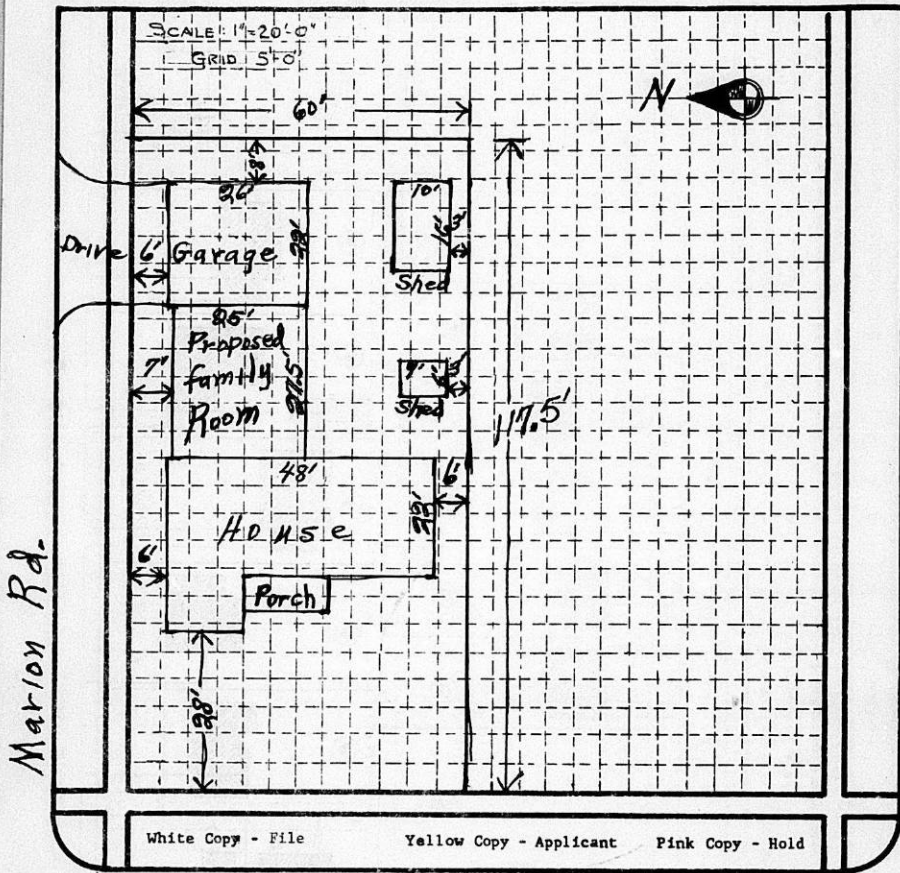
MM:js

RESIDENTIAL PLOT PLAN

ADDRESS: 2602 Victoria

PERMIT NO.: _____

LOT(s): 1 BLK. _____ OF Reed-A-Way Park ZONING: AA



Victoria
I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: Leon Robinson
(Applicant)

Garage Carport Open Parking

BZA 7-74

SECRETARY'S REPORT

CASE NO. BZA 7-74

APPLICANT: Leon Robinson, 2602 Victoria, Wichita, Kansas 67216

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 8 feet.

GENERAL LOCATION: Southeast corner of Marion Road and Victoria St.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as are all surrounding properties.

LAND USE: Subject property contains a single family residence, as do all surrounding 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. 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

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BZA 7-74
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5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY

The applicant has requested a variance to reduce the required rear yard setback from twenty feet to eight feet. In his statement of justification the applicant explains that he wishes to build a family room which would join the house to the existing double garage at the rear of the lot. He states that the Central Inspection Division refused to issue a building permit for this construction because the garage is only eight feet from the rear property line, whereas a twenty foot rear yard setback is required for main structures in the "AA" Single Family Dwelling District. Although an accessory structure only has to be a minimum of five feet from the rear property line, if the garage were attached to the house it would become part of the main structure and would have to observe the required twenty foot rear yard setback.

In addition, Section 28.04.040.A, Code of the City of Wichita, provides that "accessory structures, unless directly attached to the main use or structure, shall be located at least three feet from the main structure." The applicant states that he believes that a three foot separation between house and garage would collect leaves and trash, provide a harbor for burglars or vandals, and be unsightly from the exterior. However, it should be noted that in viewing this property from the field, two accessory structures in addition to the garage exist on the property and it appears that the applicant may be overbuilding the site.

Uniqueness:

It is the opinion of the Secretary that it is difficult to find uniqueness in this case as it appears that the lot is being over developed, but that uniqueness may exist in that the applicant could add on to his house to within three feet of the detached garage without a variance.

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Adjacent Property:

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on the adjacent property owners or residents inasmuch as the construction would be between existing structures which will remain where originally constructed.

Hardship:

It is the opinion of the Secretary that it is difficult to find that a hardship will exist, however the failure to grant the desired variance could create a hardship on the applicant in that he would have to retain three feet between his proposed addition and the garage. This space would be of no practical use and would deprive him of an additional seventy-five feet of living space.

Public Interest:

It is the opinion of the Secretary that the granting of this variance will not have an adverse effect on the public interest inasmuch as the area for which the variance is requested is interiorly located.

Spirit and Intent:

It is the opinion of the Secretary that it is somewhat difficult to find that the granting of the variance request would not be opposed to the general spirit and intent of Title 28 inasmuch as the zoning ordinance specifically calls for a twenty foot rear yard setback for a main structure and a three foot separation between the main structure and accessory structure.

RECOMMENDATION

It is the opinion of the Secretary that it is difficult to justify all of the five conditions necessary before this request may be granted; however, should the Board find that all five conditions exist, it is recommended that the variance be granted for only that area of the rear yard where the garage is now located.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by Leon Robinson, 2602 Victoria, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 20 feet to 8 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 1, Reed-A-Way Park, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Marion Road and Victoria Street.

This application has been assigned Case No. BZA 7-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

*24 notices to Adjoining property Owners mailed 3.5.74
10 notices mailed to mapc*

APPLICATION FOR VARIANCE

I. Name of Applicant Leon Robinson
 Mailing Address 2602 Victoria Wichita ⁶⁷²¹⁶ Phone 267-9266
 Name of Authorized Agent Same
 Mailing Address _____ Phone _____
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is 7 reducing the required
rear yard set back from 20' to 8'
 for property located 2602 Victoria

and legally described as: Lot #1 Reed-A-
Way Park addition

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Leon Robinson
 Applicant

Same
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:30 (~~a.m.~~ - p.m.), February 26 19 74 together with appropriate fee of \$50.00.

Martin M. Murray
 Signed

FORM 273-621

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
PLAN	450.00

Name Levin Robinson

Address 1111 N. V. Street

Type 1140 Due Date 11-1-79

Comments:

Date 11-1-79 By [Signature]

Dear Sirs:

I recently tried to obtain a building permit from the City of Wichita as I wished to build a family room. This structure would join the house to my present double garage which sets back of the house, this giving the house an "L" shaped effect.

Central Inspection would not issue this permit to connect the existing house and double garage with this new structure, but stated that since I do not have a 20 ft. rear yard, I could build within three feet of the present garage, this leaving a narrow alleyway between the two buildings.

Since it is a corner lot, I believe that this type structure would only serve as a trap to collect leaves and trash, not to mention an ideal harbor for burglars or vandals to lurk in a dark alleyway. I also sincerely believe that it would be unsightly from the exterior to leave this narrow, useless hallway.

With this connection of the house and garage, there will still be over 50 percent of the rear yard clear of structures excluding the side yard set back requirements.

With this information in mind; I request that you consider an issuance of variance and grant me a permit for the here described family room addition.

Respectfully

Leon Robinson

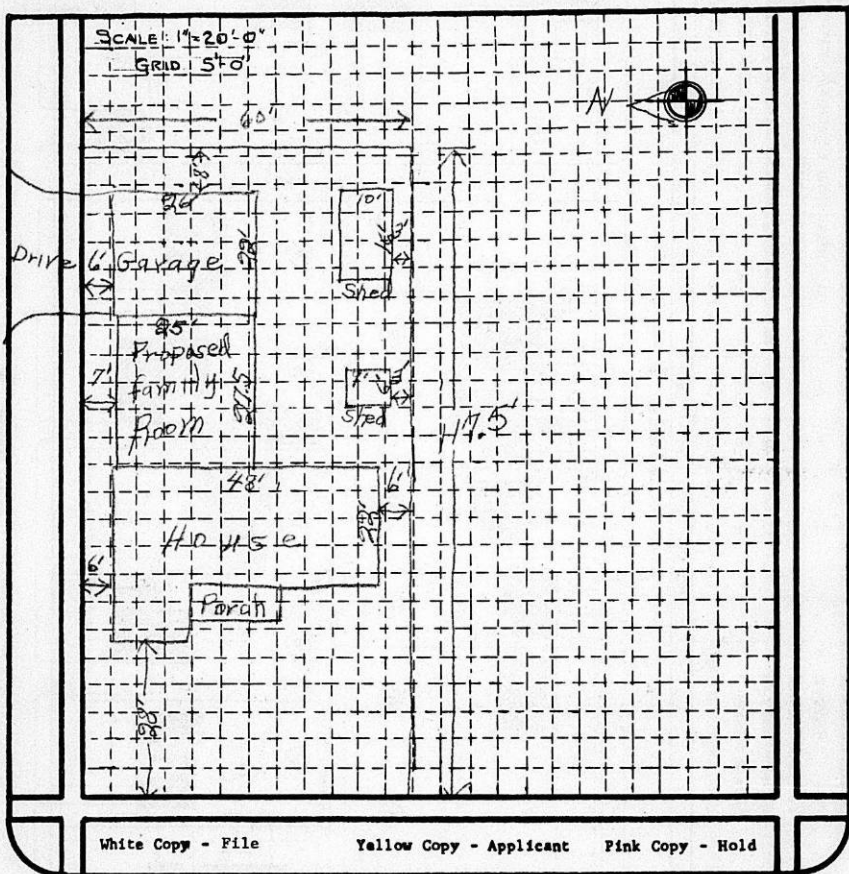
Leon Robinson
2602 Victoria

RESIDENTIAL PLOT PLAN

ADDRESS: 2602 Victoria

PERMIT NO.: _____

LOT(s): 1 BLK. _____ OF Boed-A-Way Park ZONING: AA



Marion Rd.

Victoria
I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: Leon Robinson
(Applicant)

Garage Carport Open Parking

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
1		Reed-A-Way Park Addition	✓ Leon & Pauline Robinson 2602 Victoria 67216
2		Same	✓ John Lee Good and Janice 2608 Victoria 67216
3		Same	✓ David L. Park and Mavis L. 2614 Victoria 67216
4		Same	✓ Frank G. LaForge & Sharon 2620 Victoria 67216
5		Same	✓ Leonard L. Rising and Helen D. Rising 2626 Victoria 67216
24	A	Francis Harvey Addition	✓ D. S. Ray & Juanita Ray 2551 Victoria 67216
25	A	Same	✓ Gareth D. Smith & Virginia 2557 Victoria 67216
26	A	Same	✓ T. H. Hall & Bessie V. 1257 S. Hydraulic 67211
11	B	Same	✓ Paul S. Piatt & Melba J. 2552 Victoria 67216
12	B	Same	✓ Leon W. Berry & Ritadell 2558 Victoria 67216
13	B	Same	✓ Johnny Albert Pate and Charlotte L. Pate 2562 Victoria 67216
24	B	Same	✓ Ethel May Blizzard Ramona Jean Blizzard 2551 Greenwood 67216
25	B	Same	✓ Alice M. Marshall and La Veda J. Marshall 2557 Greenwood 67216
26	B	Same	✓ Kenneth L. Barr & Dianne Address Unknown

145750 Waco

267-5534

Lot	Block	Addition	Property Owner
13	C	Frances Harvey Addition b	✓ Francis A. Ruth & Thelma B. 2562 Greenwood 67216
1	2	Murrays Addition	✓ Erwin A. Huenergardt & Lida J. 2600 Ellis 67216
N 4' lot 2	2	Same	Same
S 50' lot 2	2	Same	✓ Omer E. Palmer & Edna M. 2608 Ellis 67216
3	2	Same	✓ Larry J. Greider & Ethel L. 2614 Ellis 67216
18	2	Same	✓ Larry W. Sooby & Carol M. 2623 Victoria 67216
19	2	Same	✓ Clarence W. Schul & Loma L. 2617 Victoria 67216
20	2	Same	✓ Stanley R. Gilley & Anne L. 2611 Victoria 67216
21	2	Same	✓ Frank Daniel Norris and Joyce Marie Norris 2607 Victoria 67216
22	2	Same	✓ Kathryn J. Langley 2601 Victoria 67216
			✓ Tom J. Reed & Marie S. 2635 S. Hydraulic 67216

The West 200 feet of: Beginning at the Northeast corner of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4-28-1E, thence South 153 feet, thence West 474.25 feet, thence North 153 feet, thence East 474.25 feet to beg.

Beginning 200 feet North of the Southeast corner of the North Half of the Southeast Quarter of the Northeast Quarter of Section 4-28-1E, thence West 435.6 feet, thence North 10.75 feet, thence West 38.65 feet, thence North 498.90 feet, thence East 474.25 feet, thence South to beginning

X
K. Reed
Tom Reed & Marie S. Reed
2635 S. Hydraulic 67216

The Security Abstract and Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

A 200 foot radius of: Lot 1, Reed-A-Way Park
an Addition to Wichita, Kansas, Sedgwick County,
Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on this 25th day of February,
1974 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

asat

John Payson
Vice President

Order No. 210835