

Case No. BZA 7-80 - Ernest L. &
Isabell Forshee - Requests a
variance to reduce the required
side yard setback adjacent to
the south property line from
6' to 4.88' on property zoned

BZA
7-80

ACTION

COMMITTEE APPROVED DATE 3-25-80

M.A.P.C. _____

B.C.C./B. CO. C. _____

*Posted
2-25-80*

v. pool & Sec 4-22-80

Case No. BZA 7-80 - Ernest L. & Isabell Forshoe - Requests a variance to reduce the required side yard setback adjacent to the south property line from 6' to 4.86' on property zoned

Map No. 5148 SW
 Sec. 14
 Twp. 27
 Range 1W

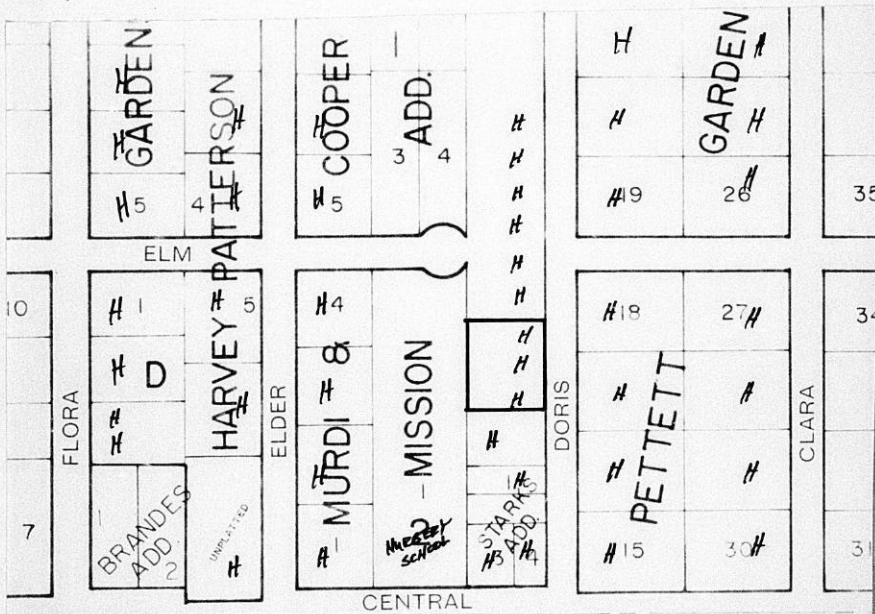
DZA- 7-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.58 (150 ft. by 169 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West UNDEVELOPED North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



April 2, 1980

Ernest L. & Isabell Forshee
723 North Doris
Wichita, Kansas

Re: Case No. BEA 7-80
Request for Variance

Dear Mr. Forshee:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1980, in connection with your request for a variance to reduce the required side yard setback adjacent to the south property line from 6' to 4.86' on property zoned "AA" Single-family and generally located on the west side of Doris in an area north of Central.

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: Christopher W. O'Brien, 619 West Douglas, Wichita
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 7-80

WHEREAS, Ernest L. and Isabell Forshee, 723 North Doris, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required sideyard setback from 6 feet to 4.86 feet adjacent to the south property line on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 162.86 feet of the South 528.58 feet of the East 5 acres of the Southwest Quarter of the Southwest Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and being platted as Lot 1, Forshee First Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Doris in an area north of Central.

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 March 25, 1980, 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 residence has existed without a 6 foot sideyard for many years and no new construction is proposed; 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 same open space that presently exists will be maintained; 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 owner would be unable to secure plat approval for the property; 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 request 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 application of the zoning ordinance relates to property developed after the adoption of the regulations, whereas this is existing property; 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 sideyard from 6 feet to 4.68 feet adjacent to the south property line on property zoned the "AA" One-family Dwelling District and legally described as:

The North 162.86 feet of the South 528.58 feet of the East 5 acres of the Southwest Quarter of the Southwest Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas and being platted as Lot 1, Forshee First Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Doris in an area north of Central.

be approved subject to the following condition:

1. Approval shall be for only that area indicated on the submitted sketch plan occupied by the existing residence and shall not be applicable to any new addition or any new construction.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

March 26, 1980

Ernest L. & Isabell Forshee
723 North Doris
Wichita, Kansas

Re: Case No. BZA 7-80
Request for Variance

Dear Mr. Forshee:

At the regular meeting of the Board of Zoning Appeals on March 25, 1980, your request for a variance to reduce the required side yard setback adjacent to the south property line from 6' to 4.86' on property zoned "AA" Single-family and generally located on the west side of Doris in an area north of Central was considered.

It was the action of the Board to approve your request subject to the following condition:

1. Approval shall be for only that area indicated on the submitted sketch plan occupied by the existing residence and shall not be applicable to any new addition or any new construction.

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 yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Christopher W. O'Brien, 619 West Douglas, Wichita
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE March 24, 1980

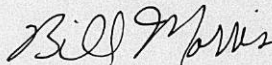
TO Glen Lytle, Special Assistant for Zoning

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA Case 7-80: West side of Doris,
North of Central

On March 20, 1980, CPO Council "N" considered the captioned case. Council "N" recommended (8-0) that the requested variance be granted subject to the conditions proposed in the BZA Secretary's Staff Report.

The Council felt that the variance is reasonable since the property was not within the Wichita City limits at the time it was developed.



Bill Morris
CPO Administrative Aide

BM:m1

Noted:



Sarah Gilbert
Assistant CP Coordinator

RECEIVED

MAR 25 1980

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 7-80

APPLICANT: Ernest L. and Isabell Forshee, 723 North Doris, Wichita, Kansas.

AGENT: Christopher W. O'Brien, 619 West Douglas, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the south property line from 6' to 4.86'.

GENERAL LOCATION: West side of Doris in an area north of Central.

ZONING: Subject property is zoned "AA" Single-family as are all surrounding properties.

LAND USE: Subject property is developed with Single-family residences as are those properties to the north, south and east; west is undeveloped.

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).

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BZA AGENDA
3-25-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required side yard setback from 6' to 4.86' adjacent to the south property line for a tract of land occupied by 3 single-family residences located on the west side of Young in an area north of Central.

Subject property is being platted as Forshee First Addition a 3-lot subdivision which has been approved in final form. One of the conditions of approval was the applicant applying for and receiving approval of this variance request by the Board of Zoning Appeals to reduce the side yard setback on the southernmost lot.

In the statement of justification submitted with the application it is pointed out the applicant has owned the property for a period of time prior to annexation to the City and intends to deed each lot to his heirs. It is also pointed out that no new construction is anticipated or proposed.

UNIQUENESS:

It is the opinion of the Secretary that this may be somewhat of a unique situation inasmuch as the residence has existed without a 6' side yard setback for many years and no new construction is proposed.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners or residents inasmuch as the same feeling of open space that presently exists will be maintained.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicant inasmuch as he would be unable to secure plat approval for the property he owns.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as this request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the Board can determine that the four previous conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the zoning ordinance.

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BZA AGENDA
3-25-80

RECOMMENDATION:

If the Board finds all five of the conditions necessary for the granting of a variance to exist, it is the recommendation of the Secretary that the variance be approved subject to the following condition:

1. Approval shall be for only that area indicated on the submitted sketch plan occupied by the existing residence and shall not be applicable to any new addition or any new construction.

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

March 3, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 7-80

An application has been filed by Ernest L. & Isabell Forshee, 723 North Doris, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the south property line from 6' to 4.86' on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 162.86 feet of the South 528.58 feet of the East 5 acres of the Southwest Quarter of the Southwest Quarter of Section 14, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located on the west side of Doris in an area north of Central.

This application has been assigned case No. BZA 7-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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.

Jack H. Galbraith
Secretary

BZA CASE NO. 7-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

26 TOTAL NOTICES SENT 3-3-80

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

Map 5148

APPLICATION FOR VARIANCE

I. Name of Applicant Ernest L. Forshee and Isabell Forshee

Mailing Address 723 North Doris, Wichita, KS Phone 943-7230

Name of Authorized Agent Christopher W. O'Brien

Mailing Address 619 West Douglas, Wichita, KS Phone 262-8361

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

II. The variance requested is ^{to reduce the required side yard} ~~for the side line lot requirements on the~~
~~setbacks adjacent to the south property line from 6' to 4.86'~~
~~South 4.86 feet of the three lots shown in the sketch plat~~

attached to the application of Forshee First Addition

for property located ^{on the} ~~Central and Doris~~ West side of Doris
in an area north of Central

OK

and legally described as: The North 162.86 feet of the South 528.58

feet of the East 5 acres of the Southwest Quarter of the Southwest

Quarter of Section 14, Township 27 South, Range 1 West of the 6th

P.M., Sedgwick County, Kansas

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.

Ernest L. Forshee
Applicant

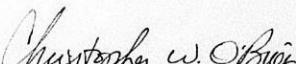
Christopher W. O'Brien
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:30 (a.m. - P.M.), February 4, 19 80 together with appropriate fee of \$50.00.

J. Lynn Shisley
Signed

S T A T E M E N T

This applicant is requesting a variance from the side yard requirement of six (6) feet between the lot line and the building on the southern most proposed lot of the proposed plat which is being submitted by the applicant for approval. This applicant states that he has owned the property for a period of time prior to annexation to the City of Wichita. This applicant has built three (3) residential homes on the property which he intends to have platted. He then intends to deed each lot to his heirs. No new construction is anticipated or proposed and it is felt by the applicant that he were granted a variance from the side yard requirements, this would create a hardship on him because it would deny him the right to plat the proposed property which he owns. It is felt that the variance would not adversely affect the rights of adjacent property owners or residents and strict application of Title 28 would constitute an undue hardship on him. The variance requested would not be opposed to the general spirit and intent of the zoning ordinance.



Christopher W. O'Brien
Attorney for applicant

OWNERSHIP LIST

Lot	Addition	Property owner
North 101.72' of South 365.72' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. East 30' for street		Merlin G. Pore & Wanda T. Pore 711 N. Doris 67212
North 75' of South 685' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. East 30' for street		Gerald Leo Gleeson & Emma Louise Gleeson 731 N. Doris 67212
North 47.4' of South 770' of East 5 Acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. East 30' for street		Jerry D. Forney & Patricia P. Forney 2534 Benjamin 67204
North 37.6' of South 722.6' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. East 30' for street		Ronald L. Scrimager & Sharon A. Scrimager 735 N. Doris 67212
North 81.42' of South 610' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. E 30' for street		Michael A. Henning, Sr. 722 N. Doris 67212
North 31.43' of South 447.15' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. East 30' for street		Ernest L. Forshee & Isabell Forshee 723 N. Doris 67212
North 50' of South 415.72' of East 5 acres of SW/4 of SW/4 exc. E 30' for street of Section 14, Township 27 South, Range 1 West of 6th P.M.		Ernest L. Forshee & Isabell Forshee 723 N. Doris 67212
North 81.43' of South 528.58' of East 5 acres of SW/4 of SW/4 of Section 14, Township 27 South, Range 1 West of 6th P.M., exc. E 30' for street		Ernest L. Forshee & Isabelle Forshee 723 N. Doris 67212
Lots 1 & 2	Starks	Marilyn R. Saffle 707 N. Doris 67212
Lot 15	Pettett Gardens	A.J. Grochowsky & Anita M. Grochowsky 702 N. Doris 67212
Lot 16	" " " "	Garland V. Hiskett & Alma B. Hiskett 708 N. Doris 67212
Lot 17	" " " "	B.H. Vaughan (deceased) Tennie M. Vaughan (deceased)
Lot 18	" " " "	William O. Myers & Wilma P. Myers 724 N. Doris 67212
Lot 19, exc. N 54'	" " " "	Charles D. Smith & Peggy R. Smith 736 N. Doris 67212
Lot 1, Block 2 and Lots 3 & 4, Block 1	Mission	Sched, Inc. Box 232 Garden Plain, Ks. 67050
Lot 2 exc. S 70'	Murdi-Cooper	Donald W. Kindrick & Jackie Kindrick 712 N. Elder 67212
S 70' of Lot 2	" " "	Administrator of Veterans Affairs 5500 E. Kellogg 67218
Lot 3	" " "	" " " " " " " "
Lot 4	" " "	Leon Smith Hines Jr. & Donna Mae Hines 722 N. Elder 67212

We hereby certify the foregoing to be a true and correct
list of the property owners of:

200' radius of: North 162.86' of South
528.58' of East 5 acres of SW/4 of SW/4
of Section 14, Township 27 South, Range
1 West of 6th P.M., Sedgwick County,
Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of
Sedgwick County, Kansas, on the 31st day of January, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By:

Mary Stalle
Vice President

Order No. 285173

rmk

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021 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
<i>Water 6.24</i>	
<i>V. ...</i>	

NAME *...*

ADDRESS *...*

FUND *...* DUE DATE *...*

COMMENTS

DATE *1/1/80* BY *...*

