

Case No. BZA 7-82 - Karen J. Horn -
requests a variance to reduce the front
yard setback from 28- $\frac{1}{2}$ ' to 22' on
property zoned "AA" One-family
Dwelling District and generally
located on the southwest corner of

2

6/14/82

20' Sec 5-26-82
Checked 5-26
Shed 5-26
Recorded 6-18-82

BZA
782

ACTION

POSTED
4-8-82

COMMITTEE APPROVED DATE 4-27-82
 M.A.P.C. _____
 B.C.C./B. CO. C. _____

SLASH

20' 4 Sec 5-26-82
 Checked 5-26
 SLOP 5-26
 Recorded 6-18-82

2

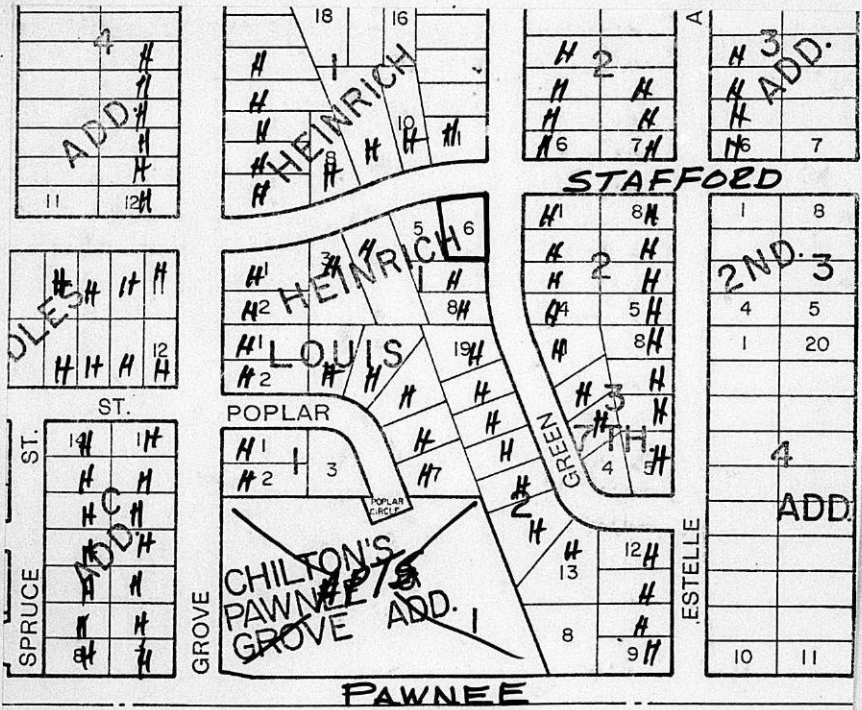
Case No. BZA 7-82 - Karen J. Horn -
 requests a variance to reduce the front
 yard setback from 28'-4" to 22' on
 property zoned "M1" One-family
 Dwelling District and generally
 located on the southwest corner of

Map No. 5645-B
 Sec. _____
 Twp. _____
 Range _____

BZA- 7-82
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.2 (82 ft. by 112 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 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 _____



STANDARD
 No. 2153C
 HASTINGS, ILL.
 LOS ANGELES-CHICAGO-LOOAN CH
 MCMERSON, TX-LOCUST GROVE GA
 U.S.A.

April 30, 1982

Karen J. Horn
2301 South Green
Wichita, Kansas 67211

Re: Case No. MEA 7-82
Request for Variance

Dear Ms. Horn:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 27, 1982.

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:ead
Enclosure

cc: Robert O. Marshall, 2301 South Green, Wichita, Kansas 67211
Robert Feldner, Superintendent of Central Inspection (2)
Don Giesick, City Clerk

RESOLUTION NO. BZA 7-82

WHEREAS, Karen J. Horn, 2301 South Green, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 28-1/2 feet to 22 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 6, Block 1, Heinrich 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Stafford and Green (2301 South Green).

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 27, 1982, 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 house faces east and would be commonly designated as a side yard; 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 proposed addition will not project more than 3 feet into the general 25 foot front yard and will still be located at least 35 feet from the adjacent residence; 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 applicant would be unable to construct the addition to the residence in the most logical area based on the floor plan of the residence; 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 proposed addition will not interfere with any easements or public right-of-way, nor will it interfere with the sight triangle at the intersection; 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 proposed addition will not interfere with the light and air to adjacent 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.

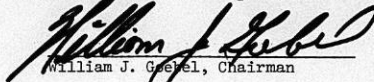
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 28-1/2 feet to 22 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 6, Block 1, Heinrich 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Green and Stafford

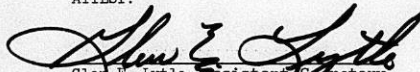
be approved subject to the following condition:

1. The proposed addition shall not encroach, at any point, closer than 22 feet to the right-of-way of Stafford Street.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1982.


William J. Gevel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 22, 1982



TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 7-82 Southwest corner of
Stafford and Green - 2301 S. Green

CPO Council "E" considered the captioned case at their April 21st meeting and voted 8-0 to recommend approval of the variance request of the front yard setback from 28½ feet to 22 feet on property zoned the "AA" One Family Dwelling District at the aforementioned location.

The applicant, Karen Horn was present and spoke in support of the application. No one was present to speak in opposition to the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at their April 27th meeting.

Shirley Mast
Shirely Mast
Administrative Aide III

SM:dm

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

(Horn)

RONALD G. WAYMIRE
WAYMIRE CO.
SURVEYORS

PHONE 316/267-3239 • 1021 EAST WATERMAN, SUITE FIVE • WICHITA, KANSAS 67211

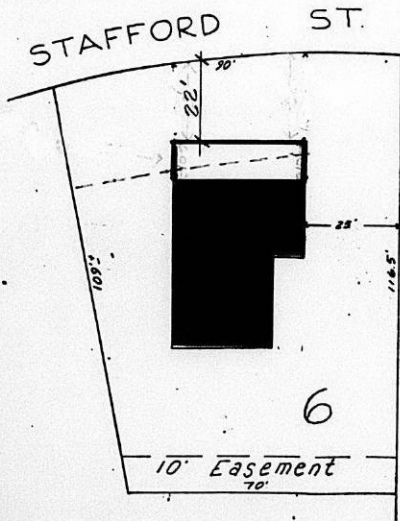
State of Kansas)
) SS
County of Sedgwick)

We, Waymire Company, Surveyors in aforesaid county and state do hereby certify that we did on this 1st day of November, 1978 survey Lot-6 Block-1 Heinrich 2nd Addition to Wichita, Kansas.

On said lot is house No. 2301 with attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Ronald G. Waymire
Surveyor



SECRETARY'S REPORT
CASE NO. BZA 7-82

APPLICANT: Karen J. Horn, 2301 South Green, Wichita, Kansas.

AGENT: Robert O. Marshall, 2301 South Green, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 28-1/2 feet to 22 feet.

GENERAL LOCATION: On the southwest corner of Stafford and Green (2301 South Green).

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

LAND USE: Subject property is developed with a one-family dwelling as are all adjacent 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 and 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 front yard setback adjacent to Stafford Street from 28-1/2' to 22'. It should be noted that the front of the house faces Green Street and observes a 25' front yard setback from that street. The lot is located on a corner of a block that is considered to have reversal of frontage. Also due to the fact that the house to the west is set back a greater distance than the 25' minimum front yard of the "AA" One-family Dwelling District, it then places a greater setback requirement on this structure. The requested variance is only down to 22' which is only 3' less than the general front yard requirement and this is only for one corner of the proposed addition. Had this property been platted in recent years, there would probably be at least one yard with a 15' side yard setback.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is on a corner and the house faces what would be commonly designated as a side yard.

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 proposed addition will not project more than 3' beyond the general 25' front yard requirement and it will be located at least 35 to 38' from the adjacent residence.

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 applicant would be unable to construct the addition in the area most logical to the layout of the residence.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the proposed addition will not interfere with any easements or public right-of-way.

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 proposed addition will not interfere with any light and air to adjacent 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 proposed addition shall not encroach at any point closer than 22 feet to the right-of-way of Stafford Street.

BZA CASE NO. 7-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

11 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 4-7-82

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

April 7, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 7-82

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 Karen J. Horn, 2301 South Green, 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 of the front yard setback from 28½' to 22', on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 6, Block 1, Heinrich 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Stafford and Green (2301 S. Green).

This application has been assigned Case No. BZA 7-82. It will be considered by the Board of Zoning Appeals on April 27, 1982 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
CITY OF WICHITA, KANSAS

CASE NO. 7-82
FILED 3-26-82

APPLICATION FOR VARIANCE

I. Name of Applicant KAREN J HORN
Mailing Address 2301 SO. GREEN ST Phone 686-2731
Name of Authorized Agent ROBERT O. MARSHALL
~~TEMP~~
Mailing Address 2301 SO. GREEN ST Phone 686-2731
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard
setback from 28 1/2 feet to 22 feet

on the southwest corner of 1st St and S Green
for property located at 2301 So GREEN ST
WICHITA, KANSAS

and legally described as:

LOT 6, BLOCK 1, HEINRICH 2ND ADDITION
TO WICHITA KANSAS

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. 36-596); 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.

Applicant Karen J. Horn

Authorized Agent Robert O. Marshall
(Father of Applicant)

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m. - p.m.), MAR. 26, 1982, together with appropriate fee of 75.00.

Signed [Signature]

2301 South Green
Wichita KS 67211
March 26, 1982

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Dear Sirs:

I am requesting a variance to the city code in order to build a 10 by 34 foot addition to the north side of my home at 2301 South Green (Lot-6 Block-1 Heinrich 2nd Addition).

Because of the original house plan and the fact that the house sits uniquely on the lot--facing Green on the east while platted toward Stafford to the north--an addition on the north will be the most economical, provide the best outward appearance of the dwelling, and will be the most accessible to the rest of the house. Other addition locations would be more of an economic hardship and would provide less convenient space.

The extra space is needed because my two growing children--a girl 10 and a boy 7--need more space for hobbies, schoolwork and personal possessions. In addition, my forthcoming marriage points up a need for additional space in order to combine households and provide sufficient space and privacy for all family members.

The addition will be used for an additional bedroom and bath and an enlarged kitchen and dining area. Having this space will enable the children to have larger bedrooms in the existing house.

The granting of a permit for this variance will not adversely affect the rights of adjacent property owners or residents. Nor will it have any adverse affect on the public welfare. It will, however, greatly improve the living environment of my family and myself.

Thank you for your consideration.

Sincerely,

Karen J. Horn

Karen J. Horn

(Horn)

RONALD G. WAYMIRE
WAYMIRE CO.
SURVEYORS

PHONE 316/267-3239 • 1021 EAST WATERMAN, SUITE FIVE • WICHITA, KANSAS 67211

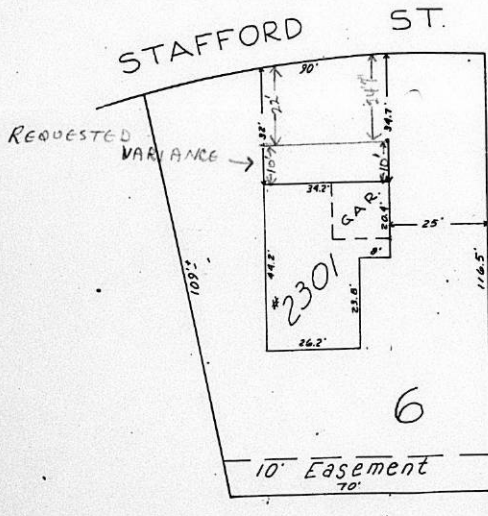
State of Kansas)
) SS
County of Sedgwick)

We, Waymire Company, Surveyors in aforesaid county and state do hereby certify that we did on this 1st day of November, 1978 survey Lot-6 Block-1 Heinrich 2nd Addition to Wichita, Kansas.

On said lot is house No. 2301 with attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Ronald G. Waymire
Surveyor



7-82
OWNERSHIP LIST

Heinrich Addition

Lot 8, Block 1 ✓ Donald L. and Fronzia E. Rolison
201 Park Place Court
Derby, Kansas 67037

Lot 9, Block 1 ✓ E. C. and Vada M. Mitchell
2502 Stafford
Wichita, Kansas 67211

Lot 11, Block 1 ~~Frank W. and Maxine Bungessa~~
~~No address found~~

Lot 12, Block 1 ✓ Richard I. and Wilma F. Maxwell
2221 South Green
Wichita, Kansas 67211

Lot 5, Block 2 ✓ Michael Lynn and Darlene M. Parker
2226 South Green
Wichita, Kansas 67211

Lot 6, Block 2 ✓ Bradley W. Lewis and Sharon M. Winter
2232 South Green
Wichita, Kansas 67211

Heinrich 2nd Addition

Lot 4, Block 1 ✓ W.H. and Maxine Ronsick
2421 Stafford Avenue
Wichita, Kansas 67211

Lot 5, Block 1 ~~Roger A. and Lucinda K. Berquist~~
~~No address found~~

Lot 6, Block 1 D Ronald Wilson Horn and Karen J. Horn
2301 South Green
Wichita, Kansas 67211

Lot 7, Block 1 ✓ Josephine Riley
2313 South Green
Wichita, Kansas 67211

Lot 8, Block 1 ✓ Gerald Rigda
2319 South Green
Wichita, Kansas 67211

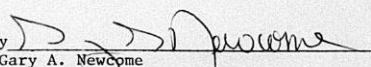
Lot 1, Block 2 ✓ Cleo O. Eads
2302 South Green
Wichita, Kansas 67211

Lot 2, Block 2 ✓ Virgil E. and Eleanor I. Grable
2314 South Green
Wichita, Kansas 67211

Lot 4, Block 2 ✓ George Allen and W. Louise Fiscus
2320 South Green
Wichita, Kansas 67211

Columbian National Title Insurance of Wichita, Inc. hereby certifies the foregoing to be a true and correct list of the record owners according to the last deed of record filed in the Register of Deeds Office, Sedgwick County, Kansas within a 200 foot radius of Lot 6, Block 1, Heinrich 2nd Addition.

COLUMBIAN NATIONAL TITLE OF WICHITA, INC.

By 
Gary A. Newcome
Vice President

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-1

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
-177 022 100	75.00

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE _____ BY _____