

Case No. BZA 7-85 - Air Capitol Land
Surveyors - requests a variance to
reduce the required lot area from
6,000 square feet to 4,000 square
feet on property zoned the "AA" One-
family Dwelling District and generally

200 1 Sec 4-9-85
Shot 5:2
Record ✓

POSTED
1-28-85 SEC

ACTION

BZA. 7-85 APPROVED 2-26-85
DATE

200' A Sec 4-9-85
Shot 5-2
Record ✓

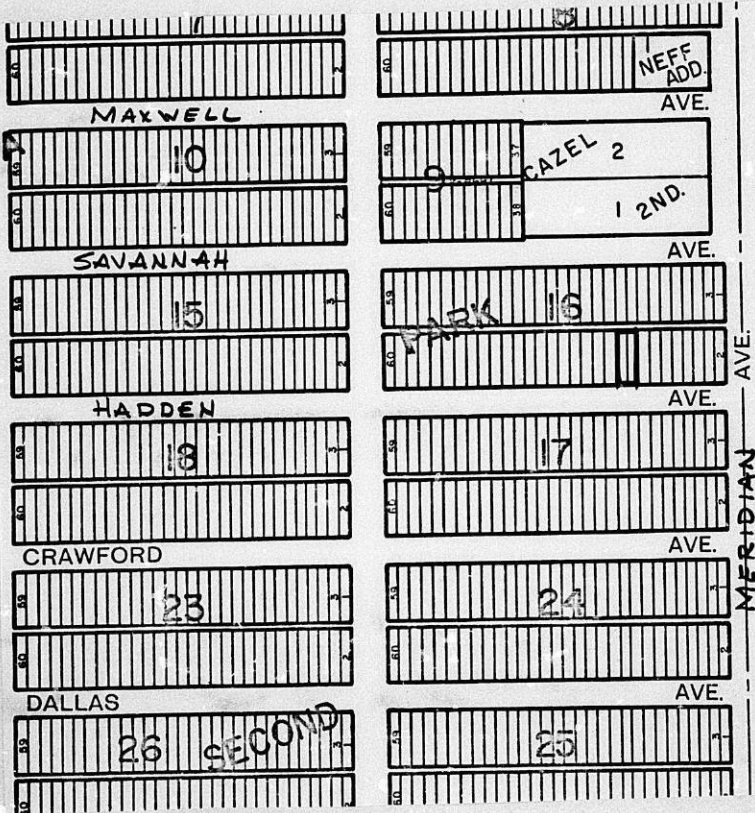
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reduce the required lot area from
6,000 square feet to 4,000 square
feet on property zoned the "AA" One-
family Dwelling District and generally

Map No. 5244A

BZA 7-85
Filed _____

AREA DATA:

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



SHAW
No. 2-153C
HASTINGS, MN.
LOS ANGELES, CHICAGO, LOGAN, OH.
MCHESTER, TX., LOCUST GROVE, GA.
U.S.A.

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

February 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 7-85

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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 lot area from 6,000 square feet to 4,000 square feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 18 and 20, Block 16, Orienta Park 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Hadden and west of Meridian.

This application has been assigned Case BZA 7-85. It will be considered by the Board of Zoning Appeals on February 26, 1985 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

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Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

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Jack H. Galbraith
Secretary

March 4, 1985

Arthur C. Griffiths
Air Capitol Land Surveyors
2160 West 21st Street
Wichita, Ks. 67203

Re: BZA 7-85 - Request for Variance

Dear Mr. Griffiths:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1985.

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

CEL:sad
Encl.

cc: Jim Jorgensen, Acting Superintendent of Central Inspection (?)
Don Gisick, City Clerk

RESOLUTION NO. BZA 7-85

WHEREAS, Air Capitol Land Surveyors, 2160 West 21st Street, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area from 6,000 square feet to 4,000 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 18 and 20, Block 16, Orienta Park 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Hadden and west of Meridian.

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 February 26, 1985, 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 it is a parcel left over after development of the adjacent properties and the lot area is less than required by the ordinance yet is the same as was originally planned by the developer when the area was platted outside the City of Wichita; 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 development of this property on less than 6,000 square feet will not be different than many other properties in the general area, and the creation of the zoning lot was caused by encroachment of the adjacent dwelling onto the original ownership of the applicant; 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 inability of securing the variance would make the property undevelopable as a building site and rendered basically useless except as additional open space between two dwellings; 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 reduction of the lot area will not interfere with any needed right-of-way or easements; 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 ordinance provides for lots of record that do not comply with the requirements of the zoning ordinance, however, the loss of a part of this property to the adjacent property owner eliminated the lot of record exemption even though the general area contains many such properties that may be developed with the same lot 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.

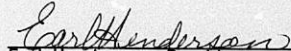
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required lot area from 6,000 square feet to 4,000 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 18 and 20, Block 16, Orienta Park 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Hadden and west of Meridian.

be approved subject to the following conditions:

1. Any construction on the property shall comply in all respects to the required setbacks of the "AA" One-family Dwelling District and further variances will not be granted.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE February 20, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 7-85 North Side of Hadden
and West of Meridan

CPO Council "B" considered the captioned case at its February 19th meeting and voted 6-0 to recommend that the variance to reduce the required lot area from 6,000 square feet to 4,000 square feet be approved subject to the condition recommended in the MAPD Secretary's report.

Arthur Griffiths was present representing the applicant. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the February 26th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:glw

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. 7

SECRETARY'S REPORT CASE NO. BZA 7-85

APPLICANT: Air Capitol Land Surveyors, 2160 West 21st Street, Wichita, Kansas.

AGENT: Arthur G. Griffiths, Air Capitol Land Surveyors, 2160 West 21st Street, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area from 6,000 square feet to 4,000 square feet.

GENERAL LOCATION: On the north side of Hadden and west of Meridian.

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

LAND USE: Subject property is vacant. Most adjacent properties are developed with one-family dwellings.

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 to reduce the required lot area in order to construct a one-family dwelling on the property. In this case, the original property had sufficient lot area to comply with the 6,000 square foot requirement. However, due to the encroachment by the adjacent dwelling onto one of the three lots of this original zoning lot, one of the 20 foot lots were sold to the adjoining property owners to clear title on the adjoining property. This then left only 4,000 square feet between two developed properties. In order to secure a building permit, it is necessary for the applicant to get a variance from the 6,000 square foot requirement.

It should be noted that this area was originally platted in lots with 20 foot frontages, and in several cases development has occurred on two 20 foot lots as is in this request. Due to the fact that more than two lots had been under single ownership, and then sold off to less than the 6,000 square feet, there is no exception from the lot area requirement. In instances where only two lots have been under single ownership, this would constitute a zoning lot of record that would be exempt from the area requirements.

In this case the general area is developed on lots both in conformance with the minimum 6,000 square feet requirement, and on lots at 4,000 square feet. It would appear that such a reduction on this property would not in any way be detrimental to the area or the adjoining properties. Although the site plan does not fully indicate the design of the house, the property should be able to be developed in accordance with all minimum setbacks and requirements.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is a parcel left over after development of the adjacent properties and the lot area is less than required by the ordinance, yet is the same as was originally planned by the developer when the area was platted outside the City of Wichita.

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 development of this property on less than 6,000 square feet will not be different than many other properties in the general area, and the creation of the zoning lot was caused by encroachment of the adjacent dwelling onto the original ownership of the applicant.

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 inability of securing the variance would make the property undevelopable as a building site and rendered basically useless except as additional open space between two dwellings.

PUBLIC INTEREST:

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

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 ordinance provides for lots of record that do not comply with the requirements of the zoning ordinance, however, the loss of a part of this property to the adjacent property owner eliminated the lot of record exemption even though the general area contains many such properties that may be developed with the same lot 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. Any construction on the property shall comply in all respects to the required setbacks of the "AA" One-family Dwelling District and further variances will not be granted.
-

BZA CASE NO. 7-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>4</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>19</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>22</u>	TOTAL NOTICES SENT <u>2-5-85</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
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the north side of Hadden and west of Meridian.

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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

CASE NO. 7-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Air Capitol Land Surveyors

Mailing Address 2160 W. 21st St., Wichita Phone 838-9071

67203

Name of Authorized Agent Arthur G. Griffiths

Mailing Address 2160 W. 21st St., Wichita 67203 Phone 838-9071

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

II. The variance requested is to reduce lot size requirement from
6,000 sq. ft. to 4,000 sq. ft.

for property located on the north end of
Hadden Street and west of
meridian.

and legally described as: Lots 18 and 20, Block 16, Orienta Park

2nd Addition to Wichita, Sedgwick Co., Ks

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

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. 36-596); 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.

Applicant A. E. Reiss

A. E. Reiss, President
Air Capitol Land Surveyors

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:15 (a.m. p.m.), JAN 25, 1985, together with
appropriate fee of 75.00.

Signed [Signature]

January 24, 1985

TO: Board of Zoning Appeals

RE: Lots 18 and 20, Block 16, Orienta Park
2nd Addition, Wichita, Kansas

The original tract of land contained Lots 18, 20, and 22. Due to an encroachment by a home onto Lot 22. Lot 22 was sold to the adjoining property owner to clear the encroachment. This left Lots 18 and 20 now being substandard in lot area. The land on the east and west side being occupied, it is impossible to acquire additional ground to bring the tract into compliance with the zoning regulations.

The granting of the variance should not adversely affect the adjoining properties, inasmuch, as a new home can be constructed on this tract meeting all of the other requirements as set forth under the existing zoning (see accompanying plot plan).

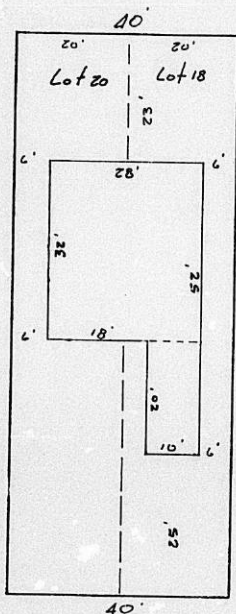
Should the Board fail to grant this request, the owner will be left with a non-developable and non-saleable tract of land.

The granting of this variance should in no way adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. A new home on this tract should be more desirable and beneficial to the area than another empty lot.

The intention of obtaining this variance is to construct a single family residence which complies with the intent of the existing zoning.

A search of the transfer record indicates that there are sixteen (16) cases in which homes have been built, in Orienta Park 2nd Addition, on two (2) lots. Therefore, this variance would not be totally out of character with construction that has preceded it in the past.

Proposed building for Lots 18 & 20, Block 16,
Orienta Park 2nd Addition, Wichita, Ks



Scale: 1" = 20'

Hodden

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 1, 3, 5, 7, 9 & 11	Block 16	Oriente Park 2nd Addition	✓ James A. Catron 6545 Bella Road Wichita, KS 67204
Lots 13, 15 & 17	"	"	✓ Scott A. Snyder 2513 Savannah Wichita, KS 67217
Lots 19, 21 & 23	"	"	✓ David Steiner Mary Beth Steiner 2519 Savannah Wichita, KS 67217
Lots 25, 27 & 29	"	"	✓ Mona L. Mitchell Irl R. Mitchell Box 131 Tulsa, OK 74101
Lots 31 & 33	"	"	✓ Mr. K's Wig Salons 1955 S. Seneca Wichita, KS 67213
Lots 35 & 37	"	"	✓ Realty Development, Inc. 1953 S. Seneca Wichita, KS 67213
Lot 39	"	"	D James A. Catron Helen J. Catron 6545 Bella Road Wichita, KS 67204
Lots 2, 4, 6 & 8	"	"	✓ Lynn Lowry Myrtle Lowry 115 S. Rutan Av. Apt.1B Wichita, KS 67218
Lots 10 & 12	"	"	✓ Bennie Burton Nadine Burton 2510 Hadden Wichita, KS 67217
Lots 14 & 16	"	"	Same As Above
Lots 18 & 20	"	"	D Air Capital Land Surveyors, Inc. 2160 W. 21st Wichita, KS 67203
Lots 22, 24, 26 28, 30 & 32	"	"	✓ Northview Homes c/o Tim Holt Construc- tion 2801 West Central Wichita, KS 67203
Lots 34, 36 & 38	"	"	✓ Owen E. Lingenfelter Carol L. Lingenfelter 2602 Hadden Wichita, KS 67217

Lot	Block	Addition	Property Owner
Lot 40	Block 16	Oriente Park 2nd Addition	Mr. K's Wig Salons, Inc. 1955 S. Seneca Wichita, KS 67213
Lots 1, 3, 5, 7, 9 & 11	Block 17	"	✓ J. W. Baum <i>returned 2-11-85</i> 310 N. Arkansas Wichita, KS 67203
Lot 13	"	"	✓ James A. Catron 6545 Bella Road Wichita, KS 67204
Lots 15, 17, 19 & 21	"	"	✓ Billy L. Wilson Earleen Wilson 2521 Hadden Wichita, KS 67217
Lots 23 & 25	"	"	✓ Realty Development, Inc. 1953 S. Seneca Wichita, KS 67203
Lots 27, 29, 31, 33, 35, 37 & 39	"	"	✓ James A. Catron 6545 Bella Road Wichita, KS 67204
Lots 6 & 8	"	"	✓ Paul Ritchie Carolyn Nesbitt 2502 Crawford Wichita, KS 67217
Lots 10, 12 & 14	"	"	✓ Hy T. Ton Nguyen Hue Thi Ton Nguyen AND Khan Van Le Kieu Le Truong Thi Kieu 2508 Crawford Wichita, KS 67217
Lots 16, 18 & 20	"	"	✓ William F. Schulte Cherie E. Schulte 215 Crawford Wichita, KS 67217 <i>returned 2-11-85</i>
Lots 22, 24 & 26	"	"	✓ John P. Redding Barbara S. Redding 2520 Crawford Wichita, KS 67217
Lots 28, 30 & 32	"	"	✓ Elston C. Page Elsie M. Page 2526 Crawford Wichita, KS 67217

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 18 and 20, Block 16, in Orienta Park
Second Addition to Wichita, Sedgwick County,
Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of January, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

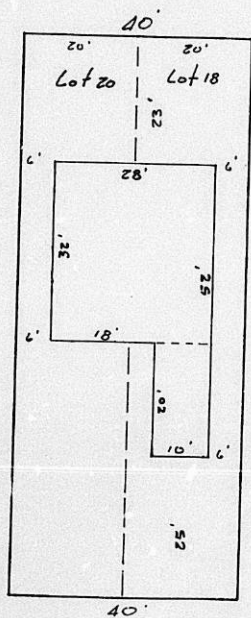
Mary Gable

Sr. Vice-President

Order No: 342445
ns

B2A7-25

Proposed building for Lots 18 & 20, Block 16,
Orienta Park 2nd Addition, Wichita, Ks



Scale: 1" = 20'

Hadden

WICHITA - SEDGWICK COUNTY

W.S.C.

METROPOLITAN AREA PLANNING DEPARTMENT

607N HALL - TENTH FLOOR
458 NORTH MAIN STREET
WICHITA, KANSAS 67202

RETURN TO SENDER

RECEIVED

FEB 22 1985

METROPOLITAN PLANNING
ROUTE *sc*

J. W. Baum
310 N. Arkansas
Wichita, KS 67203



B2A 7-85

RECEIVED

FEB 11 1985

METROPOLITAN PLANNING
ROUTE *sc*

William F. Schulte
Cherie E. Schulte
2154 Crawford
Wichita, KS 67217



B2A 7-85

WICHITA - SEDGWICK COUNTY

W.S.C.

METROPOLITAN AREA PLANNING DEPARTMENT

607N HALL - TENTH FLOOR
458 NORTH MAIN STREET
WICHITA, KANSAS 67202

RETURN TO SENDER



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-

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

City of Wichita Jan 1950

NAME

ADDRESS

FUND DUE DATE

COMMENTS

DATE BY