

Permit
3-25-86 E.C.

ACTION

BZA 10-86 APPROVED

4/2/86
DATE

200' Sec 6-3-86

Shot 6-11-86

Record ✓

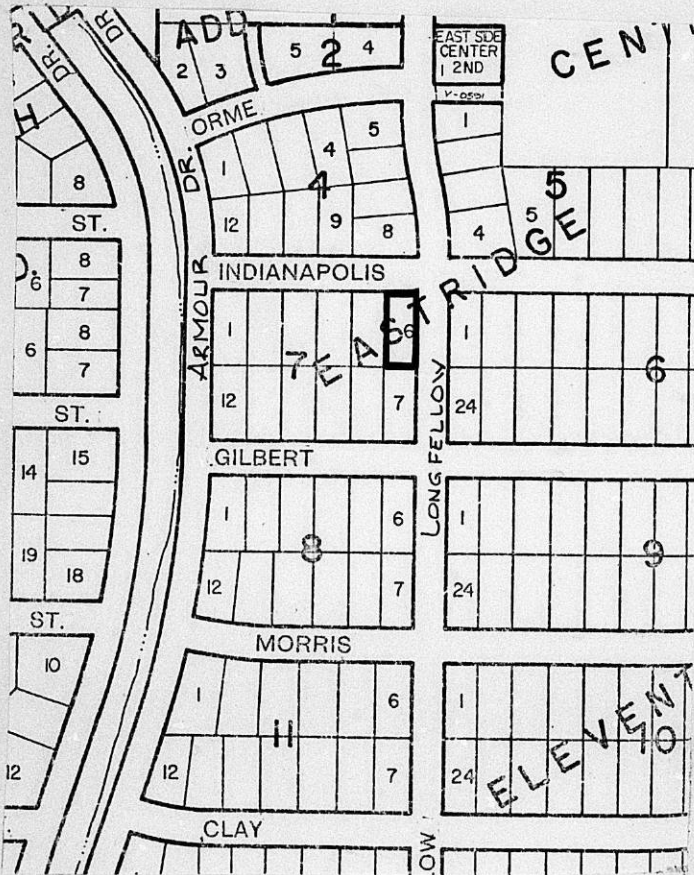
Case No. BZA 10-86 - Eugene C. Francis requests a variance to reduce the required rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District & generally located on the southeast corner of Long

Map No. 5946A

BZA 10-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "AA" S "AA" W "AA" N "AA"
3. Land Use: East I-F South I-F
West I-F North I-F
4. Area (is) (~~_____~~) platted.



LOS ANGELES CHICAGO LOGAN, OH
MCGREGOR TX LUCAS GROVE, GA
U.S.A.

Standard
No. 2-153C
MASTING, MIN

April 23, 1986

Eugene C. Francis
629 Longfellow
Wichita, Kansas 67207

Re: BZA 10-86 Request for Variance (on the southwest corner of
Longfellow and Indianapolis - 629 Longfellow)

Dear Mr. Francis:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on April 22, 1986.

This Resolution reflects the official action of the Board to grant your
request and sets out the conditions 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/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 10-86

WHEREAS, Eugene C. Francis, 629 Longfellow, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests 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 6, Block 7, Eastridge Eleventh Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Longfellow Lane and Indianapolis (629 Longfellow).

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 22, 1986, 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 dwelling was originally constructed facing east and the distance from the south property line more than exceeds the requirements of a minimum 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 house to the south is located at least 30 feet from their north property line which will leave a separation of at least 40 feet between structures which should be more than ample to provide light and air to both properties; 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 applicant would be required to build a detached garage rather than having the convenience of an attached garage, and the location of a detached garage could be located at the same distance from the south property line as is being requested for the attached garage; 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 garage will not be located so as to interfere with any needed right-of-way or utility 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 house now faces east, and for all practical purposes, the yard is a side yard and exceeds the minimum by 4 feet; 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:

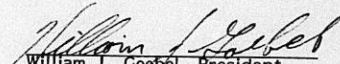
Lot 6, Block 7, Eastridge Eleventh Addition to Wichita, Sedgwick County, Kansas. Generally located on the

southwest corner of Longfellow Lane and Indianapolis
(629 Longfellow).

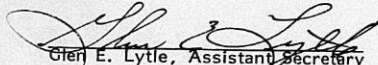
be approved subject to the following conditions:

1. The rear yard shall not be reduced to less than 10 feet and shall be located so that the front of the garage shall not be less than 20 feet to the property line on Longfellow.
2. The applicant shall remove the existing driveway and approach and reconstruct the curb.

ADOPTED AT WICHITA, KANSAS, this 22nd day of April, 1986.


William J. Goebel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 8, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 10-86: S.E. Corner of
Longfellow Lane and Indianapolis
(629 Longfellow)

On April 7, CPD Council Area "H" considered the above captioned case, a 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. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

The applicant, Eugene C. Francis, was present to describe the request and respond to questions from the Council. According to Mr. Francis, he simply wanted to attach a garage to his house. Mr. Francis provided a drawing of his plan to Council members to review.

The Council did not see any problems with the plan and voted to approve the request for the variance.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 10-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

cc: Jack Galbraith, Chief Planner, Current Plans

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

APR 08 1986

METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM NO 8

SECRETARY'S REPORT
CASE NO. BZA 10-86

APPLICANT: Eugene C. Francis. 629 Longfellow, Wichita,
KS 67207

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 10
feet.

GENERAL LOCATION: On the southwest corner of Longfellow and
Indianapolis (629 Longfellow).

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

LAND USE: Subject property is occupied by 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. 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 rear yard setback from 20 feet to 10 feet in order to construct an attached two-car garage to the south of the existing residence. The existing house is constructed 35 feet from the south property line and faces Longfellow which is a side yard based on the way the property was platted. The house to the south also fronts on Longfellow and is also 35 feet or more from the common property line between the properties.

The proposed garage will be approximately 22 feet from the east property line which will give adequate space on the driveway to park without encroachment over public right-of-way. The applicant indicates that the existing driveway and approach will be removed which would be required in order to get a new curb cut permit.

There should be ample distance between the proposed addition and the property to the south to not interfere with the light and air of either property. It is the only property that would be affected in anyway. There is a utility easement along the south property line and there will be no projections into or over this easement.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the dwelling was originally constructed facing east and the distance from the south property line more than exceeds the requirements of a minimum 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 house to the south is located at least 30 feet from their north property line which will leave a separation of at least 40 feet between structures which should be more than ample to provide light and air to both properties.

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 required to build a detached garage rather than having the convenience of an attached garage, and the location of a detached garage could be located at the same distance from the south property line as is being requested for the attached garage.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the garage will not be located so as to interfere with any needed right-of-way or utility 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 house now faces east, and for all practical purposes, the yard is a side yard and exceeds the minimum by 4 feet.

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 conditions :

1. The rear yard shall not be reduced to less than 10 feet and shall be located so that the front of the garage shall not be less than 20 feet to the property line on Longfellow.
2. The applicant shall remove the existing driveway and approach and reconstruct the curb.

BZA CASE NO. 10-86

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>26</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>28</u>	TOTAL NOTICES SENT <u>3/27/86</u>

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

MARCH 27, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 10-86

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 Eugene C. Francis, 629 Longfellow, 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 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 6, Block 7, Eastridge Eleventh Addition to Wichita, Sedgwick County, Kansas. Generally located on the south~~west~~^{west} corner of Longfellow Lane and Indianapolis (629 Longfellow).

This application has been assigned Case No. BZA 10-86. It will be considered by the Board of Zoning Appeals on April 22, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 10-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant EUGENE C FRANCIS
Mailing Address 629 LONGFELLOW Phone 686-0665
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required rear yard setback from 20 feet to 10 feet

_____ for property located on the southwest corner of Longfellow Lane and Indianapolis (629 Longfellow) and legally described as: Lot 6, Block 7, EASTRIDGE ELEVENTH ADDITION TO WICHITA, 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. 39-285); 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 E. C. Francis

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 (a.m., p.m.), MARCH 24, 1986 together with appropriate fee of 200.00.

Signed H. Lytle

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4	Block 4	Eastridge Eleventh Addition	✓ Jim R. Dacus Donna J. Dacus 7603 E. Orme Wichita, KS 67207
Lot 6	Block 4	"	✓ Robert B. Walker Nadine Walker 609 Longfellow Wichita, KS 67207
Lot 7 & the North 2.5 feet of Lot 8	Block 4	"	✓ Lowell K. Ferris Katherine L. Ferris 615 Longfellow Wichita, KS 67207
Lot 8 exc. the North 2.5 feet	Block 4	"	✓ Thomas S. Shireman Corliss J. Shireman 7610 E. Indianapolis Wichita, KS 67207
Lot 9 exc. the West 0.75 feet	Block 4	"	✓ Jean Brodier 844 San Pablo Wichita, KS 67207
The West 0.75 feet of Lot 9 & all of Lot 10	Block 4	"	✓ Raymond Roman Jr. Anita M. Roman 635 S. Longfellow Wichita, KS 67207
Lot 11	Block 4	"	✓ Betty A. Brown 7902 E. Indianapolis Wichita, KS 67207
Lot 3	Block 5	"	✓ James M. Wilson Vicki M. Wilson 614 Longfellow Wichita, KS 67207
Lot 4	Block 5	"	✓ Robert E. Haynes Margaret M. Haynes 622 Longfellow Wichita, KS 67207
Lot 1	Block 6	"	✓ Bernadine C. Masters 628 Longfellow Wichita, KS 67207
Lot 2	Block 6	"	✓ Jay S. Rodney II Sherry L. Rodney 7709 E. Indianapolis Wichita, KS 67207
Lot 3	Block 6	"	✓ Martin Enriquez Anglina Enriquez 7715 E. Indianapolis Wichita, KS 67207
Lot 22	Block 6	"	✓ C. Nadine Roberts 7714 E. Gilbert Wichita, KS 67207

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 23	Block 6	Eastridge Eleventh Addition	✓ Richard J. Evans Suzanne M. Evans 7708 E. Gilbert Wichita, KS 67207
Lot 24	Block 6	"	Jerry Wayne Moncus Elzanne W. Moncus Address Unknown Affidavit of Notice of Interest filed 2-4-85: Thomas A. Martin ✓ Nancy J. Martin 8521 Killarney Pl. Wichita, KS 67206
Lot 2	Block 7	"	✓ Lillian J. Wasson 7509 E. Indianapolis Wichita, KS 67207
Lot 3	Block 7	"	✓ Jano Barbar-Ibo Caroline Barbar-Ibo 7515 Indianapolis Wichita, KS 67207
Lot 4	Block 7	"	✓ Cleet H. McKee Willie K. McKee 7603 E. Indianapolis Wichita, KS 67207
Lot 5	Block 7	"	✓ Veterans Administration 901 George Washington Blvd. Wichita, KS 67211
Lot 6	Block 7	"	Eugene C. Francis Bonnie I. Francis AND ✓ Terri A. Tucker P.O. Box 13338 Wichita, KS 67213
Lot 7	Block 7	"	✓ James W. Sumner Rita J. Sumner 3025 Somerset Dr. Wichita, KS 67204
Lot 8	Block 7	"	✓ Clinton C. White Jr. 7608 E. Gilbert Wichita, KS 67207
Lot 9	Block 7	"	✓ George H. Cash Jr. Shirley A. Cash 7602 E. Gilbert Wichita, KS 67207
Lot 10	Block 7	"	✓ Aloysius F. Huelsman Irene M. Huelsman 7516 E. Gilbert Wichita, KS 67207
Lot 11	Block 7	"	✓ Victor C. Zakoura Lillian D. Zakoura 7510 E. Gilbert Wichita, KS 67207

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block 8	Eastridge Eleventh Addition	Margaret Lucile Hensley Address Unknown
Lot 6	Block 8	"	Glenn E. Scott Helen M. Scott 703 Longfellow Wichita, KS 67207

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:

Lot 6, Block 7, Eastridge Eleventh Addition to Wichita, Kansas, 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 25th day of March, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

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.
<div style="border: 1px solid black; border-radius: 50%; padding: 2px; display: inline-block;">Planning</div>			
DESCRIPTION		AMOUNT	
CITY BLDG VAR		200 ⁰⁰	
NAME <u>EUGENE C. FRANCIS</u>			
ADDRESS <u>629 Longfellow</u>			
FUND <u>755-40780-003</u>		DUE DATE	
COMMENTS			
DATE <u>MAR. 24, 1946</u>		BY <u>[Signature]</u>	

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3