

BZA 14-63 - Thomas L. Long requests
variance from setback requirements
for SW corner of Sequoia & Laurel

ACTION

Bza COMMITTEE App. DATE 6-25-63

M.A.P.C. _____

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

R E S O L U T I O N N O . 14-63

WHEREAS, Thomas L. Long, #9 Sequoia Drive, Wichita, Kansas, by John N. Free, attorney, 6320 Marjorie, Wichita, Kansas, has filed an application for a variance as provided in Section 2.12.590.2 of the Code of the City of Wichita, to allow an addition to an existing structure to be within 25 feet of the front property line, on property generally located on the southwest corner of Sequoia Drive and Laurel Street, and legally described as follows:

Lot 17, Block 7, Forest Hills Addition, in the City of Wichita, Sedgwick County, Kansas; and

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, in regular meeting, consider said application on June 25, 1963; and

WHEREAS, the Board of Zoning Appeals has determined that it has jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "AA" and under Section 28.04.040.C.1.2 of the Code of the City of Wichita, requires a front yard setback of 30 feet due to the application of the front yard setback formula; and

WHEREAS, the Board has found that the proposed addition could not comply with the front yard setback requirement of 30 feet without the variance requested; and

WHEREAS, the Board of Zoning Appeals has found that the request for variance arises from a condition which is unique and which is not ordinarily found in the same zoning district in that an examination of the plat covering the area shows that the streets are curvilinear and winding and the intersections are wide and spacious and further, that all houses in the area are set back further than usual, thus providing adequate light, air and view, all being characteristics not normally found in most "AA" Single Family Districts in the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as approved, would not adversely affect the rights of adjacent property owners in that no one appeared in protest and, as the adjoining property owners have been consulted on the subject and have agreed that carefully worked out deed restrictions effective in Forest Hills before the addition was annexed, amply safeguard against improvements infringing on neighbors' rights, and in the instant case, the improvements sought at #9 Sequoia comply with and conform to such restrictions; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the applicant inasmuch as he hopes to take his aged, widowed mother into his home, which he cannot do without providing additional housing space and,

further that if it was not for the diagonal direction of Laurel Drive, which is not parallel with the existing building line, the variance would not be needed and furthermore, the property cannot be used for the purpose for which it is zoned (as far as expansion is concerned) without the variance requested; and

WHEREAS, the Board of Zoning Appeals has found that this variance as recommended, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

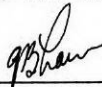
WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2 of the City Code of Wichita, to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for a variance from the strict enforcement provisions of the Zoning Ordinance to allow construction to be permitted within 25 feet of Laurel Drive, on property legally described as:

Lot 17, Block 7, Forest Hills, City of Wichita,
Sedgwick County, Kansas,

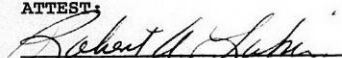
and generally located in an area at the southeast corner of Sequoia and Laurel, be approved, and the Superintendent of Central Inspection authorized to issue the appropriate permit.

ADOPTED at Wichita, Kansas, this 25th day of June, 1963.



E. B. Law, Chairman

ATTEST:


Robert A. Lakin, Secretary

July 9, 1963

Mr. Thomas L. Long
#9 Sequoia Drive
Wichita, Kansas

Dear Mr. Long:

Subject: BIA 14-63

On June 28, 1963, we advised you that the Board of Zoning Appeals had approved subject application for variance to permit expansion of a dwelling located on property legally described as

Lot 17, Block 7, Forest Hills, in the City of
Wichita, Sedgwick County, Kansas, generally
located at the southeast corner of Sequoia and
Laurel.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before July 5, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber
Attachment

cc: John Free, 6320 Marjorie
Dale Stinson, Central Building
Glen Lytle, Superintendent of
Central Inspection

June 28, 1963

Mr. Thomas L. Long
#9 Sequoia Drive
Wichita, Kansas

Dear Mr. Long:

Subject: BZA 14-63

This is to advise you that at its regular meeting of June 25, 1963, the Board of Zoning Appeals of the City of Wichita, considered the above case, which was your request for variance to permit expansion of a dwelling located on property legally described as:

Lot 17, Block 7, Forest Hills, in the City of Wichita,
Sedgwick County, Kansas,

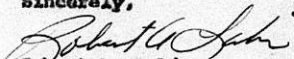
which is generally located at the southeast corner of Sequoia and Laurel.

After discussion, it was the action of the Board of Zoning Appeals to approve this application as requested.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 5, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before July 5, 1963, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Sincerely,


Robert A. Lakin
Secretary

RAL:JWH:ber
cc: John Free, 6320 Marjorie
Dale Stinson, Central Building

Board of Zoning Appeals

June 28, 1963

C. H. Funk, City Clerk

Robert A. Lakin, Secretary

BZA Case No. 14-63

Attached is a copy of BZA Resolution No. 14-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on June 25, 1963, and an appeal may be filed in your office on or before July 5, 1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:JWH:ber

Attachment

SECRETARY'S REPORT

CASE RZA NO. 14-63

GENERAL DESCRIPTION

This case involves a tract of land generally located on the southwest corner of Sequoia Drive and Laurel Street in the Forest Hills Addition.

The property in question and all property in the surrounding area is zoned "AA" Single Family and is currently in single family use.

REQUEST

The request is for a variance as provided in Section 2.12.590.2 of the Code of the City of Wichita to allow an addition to an existing structure to be within 25 feet of the front property line. (25 feet is the normal requirement in a "AA" district).

The purpose of the variance requested is to allow the applicant to build an additional two rooms to his home which would be an extension of three feet from the present building line.

The variance is within the jurisdiction of the Board of Zoning Appeals to grant when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
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 enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owners represented in the appeal.

4. That the variance desired is not against the public interest.

The applicant has submitted a statement of justification and plot plan which are included as Attachments #1 and #2 of this report.

UNIQUENESS

As suggested by the applicant in his statement of justification, an examination of the plat covering the area shows that this is a rather unusual plat. The streets are curvilinear and winding and the intersections are wide and spacious. As can be seen from viewing the area, all of the houses are set back rather unusual distances from the front and side yard property lines; a characteristic which is not common in most residential areas in the City of Wichita.

Since the required front yard setback in this instance is 30 feet (due to the application of the front yard setback formula), the proposed addition would be encroaching no more than 3 to 5 feet onto the required front yard setback, or, in other words, would be 25 feet from the front property line. It is the opinion of the Secretary that 25 feet between the front of the house and the property line is sufficient open space in this instance (25 feet is the normal requirement in the "AA" district).

In view of the aforementioned reasons, it is the opinion of the Secretary that uniqueness can be found to exist.

ADJOINING PROPERTY

If, as pointed out by the applicant, the adjoining property owners have been consulted on the subject of this appeal and have agreed, then the second condition of approval can be found.

HARDSHIP

The applicant is of the contention that hardship exists in that he hopes to take his aged, widowed mother into his home, which he cannot do without providing additional housing space. He also suggests that the variance desired would not be needed if it was not for the diagonal direction of Laurel Drive (see plot plan), which is not parallel with the existing building line. If Laurel Drive, starting on the north ran parallel with the front building line towards the south, a setback of 30 feet would be maintained and no variance would be needed.

It is also suggested that the property cannot be used for the purpose for which it is zoned (as far as expansion is concerned) without the variance requested.

The Secretary is of the opinion that hardship can be found to exist because of the reason submitted by the applicant.

PUBLIC INTEREST

The Secretary concurs with the applicant in that the granting of the variance should in no way adversely affect the public interest.

It is the opinion of the Secretary that all four conditions necessary to granting a variance have been found to exist. Therefore, it is recommended that the desired variance be granted.

Attachment #1 - Plot plan
Attachment #2 - Statement of Justification

In re: Application of Thomas L. Long for Building Permit

STATEMENT ACCOMPANYING APPLICATION FOR VARIANCE

This appeal to the Board of Zoning Appeals is from a Determination by the Superintendent of Central Inspection that a building permit cannot be issued for a two-room extension to petitioner's home at No. 9 Sequoia (Forest Hills Addition) for the reason that under Section 2.12.590.2 Code of the City of Wichita there would not be sufficient setback from Laurel Drive on the east side of the building.

Petitioner's home is located at the southwest corner of the intersection of Sequoia and Laurel Drive, and an examination of the plat covering the area shows that a situation exists at this corner different from the usual; the streets are circular and winding and the intersection is wide and spacious; and homes in the area are far enough apart and far enough back from the street, so that improvements such as here sought which involve only slight variance from standards established by the code cannot work any hardship on neighbors by reducing vision, air or safety. (Carefully worked out deed restrictions effective in Forest Hills before the addition was annexed amply safeguard against improvements infringing on neighbors' rights - and in the instant case, the improvements sought at No. 9 Sequoia comply with and conform to such restrictions.) All of the nearby property owners have been consulted on the subject of this appeal and all have agreed that they have no objection to the issuance of the building permit being sought.

With reference to the extent and seriousness of the variance which would be effected by the addition which petitioner seeks to build, may it be pointed out that while this would be an extension of three feet from the present building line of petitioner's home, yet by reason of the diagonal direction of Laurel Drive (the present building wall not being parallel with the street), the average distance closer to the street line would be only slightly more than a foot, surely not too serious a variance.

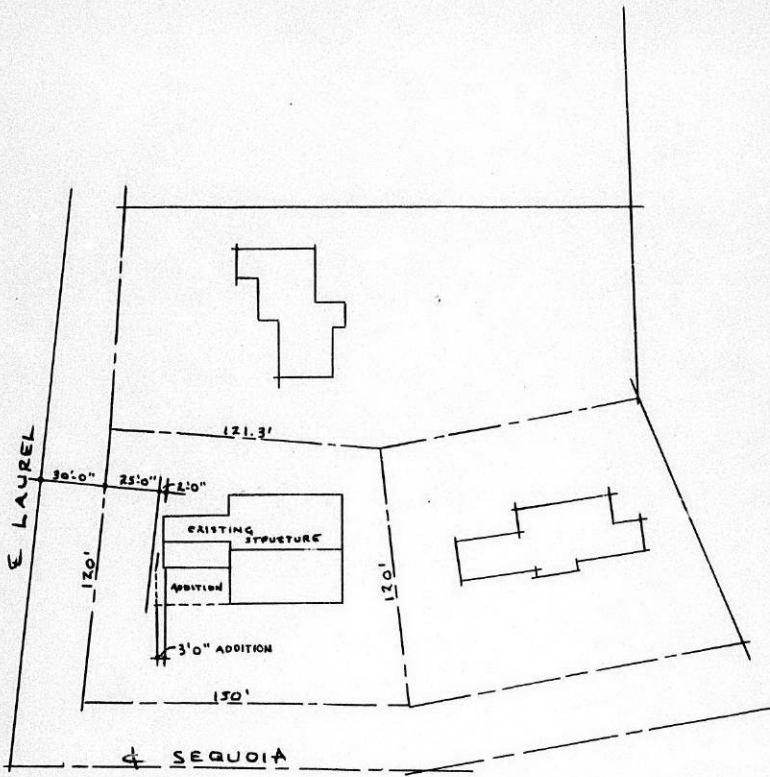
The purpose of petitioner's seeking the building permit in question is to provide for two more rooms in his home, made necessary by the contemplated taking into his home of his aged, widowed mother, who he feels should no longer live by herself. From the standpoint of human relationship there could perhaps be no finer motivation for the building of an extension on one's home.

It is therefore respectfully submitted that the variance herein sought will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

(As by rules required, there are submitted herewith abstractor's certificate, sketch in duplicate covering variance sought, and \$50 fee).

/s Thomas L. Long, Petitioner

Attachment #1



PLOT PLAN
 BZA 14-63
 Attachment #2

BZA 14-63

NOTICES MAILED TO THE FOLLOWING ON JUNE 13¹³ 1963:

Thomas L. Long
#9 Sequoia Drive

John N. Free
6320 Marjorie

Frank E. And Martha A. Woolf
#10 Sequoia Drive

Charles M. Evans, Jr. and Pauline J. Evans
#12 Sequoia Drive

Vern L. and Maxine M. Carstens
#14 Sequoia Drive

H. K. and Minnie S. Phipps
16 Cypress Drive

Leibmann G. and Laura Myrl Langston
#24 Laurel Drive

Janet C. Corey
#19 Laurel Drive

Gerard and Margaret B. Allen
#7 Sequoia Drive

Chester L. and Carolyn Dillon
#20 Laurel Drive

Eugene L. Galloup, Jr.
#11 Sequoia Drive

Hugh S. Edgerton
#22 Laurel Drive

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

June 13, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case BZA 14-63

An application has been filed by John N. Free, attorney, 6320 Marjorie, Wichita, Kansas, on behalf of Thomas L. Long, #9 Sequoia Drive, Wichita, Kansas, requesting a variance as provided in Section 2.12.590.2, Code of the City of Wichita, from a required 30 foot front yard setback from Laurel Drive to a setback of 25 feet, on property legally described as:

Lot 17, Block 7, Forest Hills, in the City of
Wichita, Sedgwick County, Kansas. Generally
located at the southeast corner of Sequoia and
Laurel.

This application has been assigned Case No. BZA 14-63. A hearing will be held by the Board of Zoning Appeals on Tuesday, June 25, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin
Secretary

In re: Application of Thomas L. Long for Building Permit

STATEMENT ACCOMPANYING APPLICATION FOR VARIANCE

This appeal to the Board of Zoning Appeals is from a Determination by the Superintendent of Central Inspection that a building permit cannot be issued for a two-room extension to petitioner's home at No. 9 Sequoia (Forest Hills Addition) for the reason that under Section 2.12.590.2 Code of the City of Wichita there would not be sufficient set-back from Laurel ~~Street~~ Drive on the East side of the building.

Petitioner's home is located at the Southwest corner of the intersection of Sequoia and Laurel Drive, and an examination ~~the~~ of the plat covering the area shows that a situation exists at this corner different from the usual: the streets are circular and winding and the intersection is wide and spacious; and homes in the area are far enough apart and far enough back from the street, so that improvements such as here sought which involve only slight variance from standards established by the code cannot work any hardship on neighbors by reducing vision, air or safety. (Carefully worked out deed restrictions effective in Forest Hills before the addition was annexed amply safeguard against improvements infringing on neighbors' rights - and in the instant case, the improvements sought at No. 9 Sequoia comply with and conform to such restrictions.) All of the nearby property owners have been consulted on the subject of this appeal and all have agreed that they have no objection to the issuance of the building permit being sought.

With reference to the extent and seriousness of the variance which would be effected by the addition which petitioner seeks to build, may it be pointed out that while this would be an extension of three feet from the present building line of petitioner's home, yet by reason of the diagonal direction of Laurel Drive (the present building wall not being parallel with the street) the average distance closer to the street line would be only slightly more than a foot, surely not too serious a variance.

The purpose of petitioner's seeking the building permit in question is to provide for two more rooms in his home, made necessary by the contemplated taking into his home of his aged, widowed mother, who he feels should no longer live by herself. From the standpoint of human relationship there could perhaps be no finer motivation for the building of an extension on ones home.

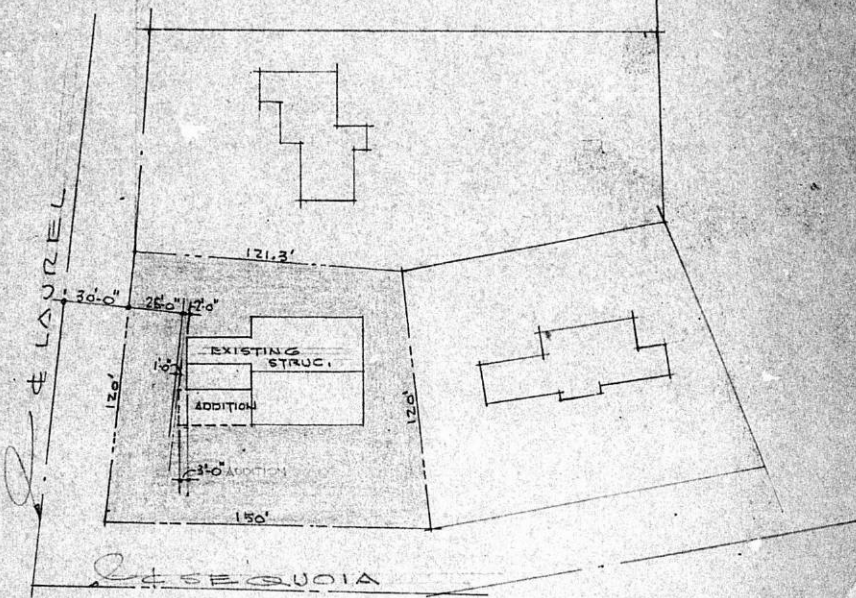
It is therefore respectfully submitted that the variance herein sought will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

(As by rules required, there are submitted herewith abstracter's certificate, sketch in duplicate covering variance sought, and \$50.00 fee.)

Thomas L. Long
Petitioner

Setback on Laurel $\frac{X+25}{2} = \frac{35+25}{2} = \frac{60}{2} = 30'$

Vary 25'



PLOT PLAN
 THOS. L. LONG RESIDENCE
 9 SEQUOIA DRIVE, FOREST HILLS

NORTH
 1" = 50'

SOURCE: PLAT (CNT. INSPECT.-CITY)
AIR PHOTO (M & P C)

FELDNER & GREY
 ARCHITECTS - ENGINEERS
 509 N. EMPORIA
 WICHITA, KANSAS

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Licse. _____ Mech. _____ Oil Wall _____ Pav. Cuts _____
 Plan. _____ Plb'g. _____ Plb'g. Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT
By Application # 3712	50.00

Name: Thomas E. Long
 Address: #9 Superior Ave.
 Type: _____ Due Date: 6-4-63
 Comments: _____

Date: 6-4-63 By: T. Long

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B24
FILED _____

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT Thomas L. Long
MAILING ADDRESS # 9, Sequoia Dr., Wichita, Kans. PHONE Mu 3-5084
NAME OF AUTHORIZED AGENT John N. Free, Attorney
MAILING ADDRESS 6320 Marjorie, Wichita, Kansas. PHONE Mu 57562
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF owner
(OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED is involved in a refusal by the Inspection Department to grant a building permit for a two-room addition to petitioner's home for the reason that such addition would extend East line of building to the point where there would not be enough set-back from Laurel Avenue on the East.

DWIVE
FOR PROPERTY LOCATED AT # 9, Sequoia Drive, Wichita, Kansas.
AND LEGALLY DESCRIBED AS: Lot 17, Block 7, Forest Hills, Wichita.

IN THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED A.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

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 APPEAL OF THE DECISION OF THE BOARD TO THE CITY COMMISSION WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.

Thomas L. Long
APPLICANT

John N. Free
AUTHORIZED AGENT

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 11:20 (A.M. - P.M.), June 4, 1963, TOGETHER WITH APPROPRIATE FEE OF \$50.00.

M. J. Martin
SIGNED

OWNERSHIP LIST

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>OWNER</u>
7	4	Forest Hills	Frank E. Woolf and Martha A. Woolf # 10 Sequoia Dr.
8	4	"	Charles M. Evans Jr. and Pauline J. Evans # 12 Sequoia Dr.
8	5	"	Vern L. Carstens and Maxine M. Carstens # 14 Sequoia Dr.
That part of Lot 9 lying W. of a line Beg. at NE cor. Lot 11, Blk 5; th W. to NW cor. Lot 11, for place of beg., thence with an angle to left of 81 deg. to the N. line of Sequoia Dr.	5	"	Vern L. Carstens and Maxine M. Carstens # 14 Sequoia Dr.
1	7	"	H. K. Phipps and Minnie S. Phipps 16 Cypress Dr.
15	7	"	Liebmann G. Langston and Laura Myrl Langston # 24 Laurel Dr.
16	7	"	Janet C. Corey # 19 Laurel Dr.
17	7	"	Thomas L. Long # 9 Sequoia Dr.
18	7	"	Gerard Allen and Margaret B. Allen # 7 Sequoia Dr.
Part of Lot 1, lying S. & W. of the following line, Beg. at SE cor. Lot 2, Blk 8, th. NE-ly parallel with E. line of Lot 20, a dist. of 83 ft.; th W-ly 153.5 ft. to NW cor. of Lot 2	8	"	Chester L. Dillon and Carolyn Dillon # 20 Laurel Dr.
2	8	"	Chester L. Dillon and Carolyn Dillon # 20 Laurel Dr.

Part of Lot 1 and Lot 2,
lying S. & W. of the
following line, Beg. at
SE cor. Lot 2, Blk 8,
th. NE-ly parallel with
E. line of Lot 20, a
dist. of 83 ft.; th W-ly
153.5 ft. to NW cor. of
Lot 2

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>OWNER</u>
Part of Lots 1 and 20, Beg. at SE cor. Lot 2 Blk 8; th NE-ly parallel with the E. line of Lot 20, 83 ft. for place of beg., th. NE-ly on last described line, 83.4 ft. to the S. line of Sequoia Dr., th. NW-ly along the S. line of Sequoia Dr. to NW cor. Lot 1; th SE-ly along the W. line of Lot 1, to SW cor. Lot 1, th E. 153.05 ft. to beg.	8	Forest Hills	Eugene L. Calloup Jr. # 11 Sequoia Dr.
3	8	"	Hugh S. Edgerton # 22 Laurel Dr.

We hereby certify the foregoing to be a correct list of property owners of the lands above described, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 28th day of May, A. D. 1963 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

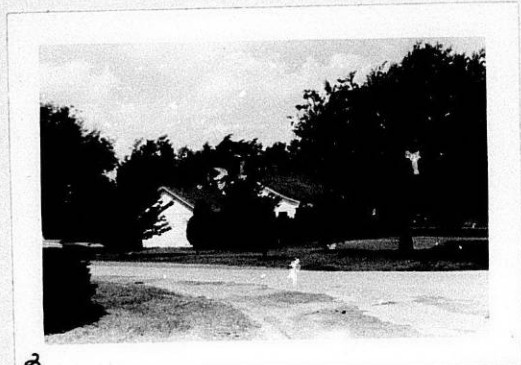


Vice President.

Order No. 104085
(KPB)



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