

Case No. BZA 14-82 - Dr. & Mrs. Ron Brown - requests a variance to reduce the required rear yard from 20' to 15' setback on property zoned the "AA" One-family Dwelling District and generally located at the north end of

*POSTED*  
*5-6-82*

**ACTION**

*BZA*  
**COMMITTEE** *Special sub. to* DATE *5-25-82*  
*condition*

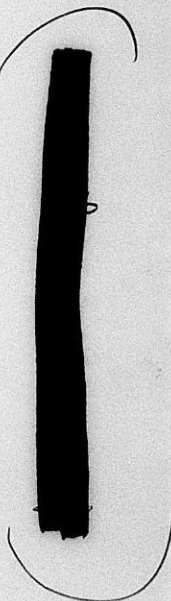
**M.A.P.C.** \_\_\_\_\_

**B.G.C.A.D. CO. C.** \_\_\_\_\_

*00598*

*200' 4 Sec 6-13*  
*Checked 4-28-82*  
*Shot 6-28-82*  
*Recorded 7-6-82*

*B.A.S.V.*  
*B.A.S.V.*

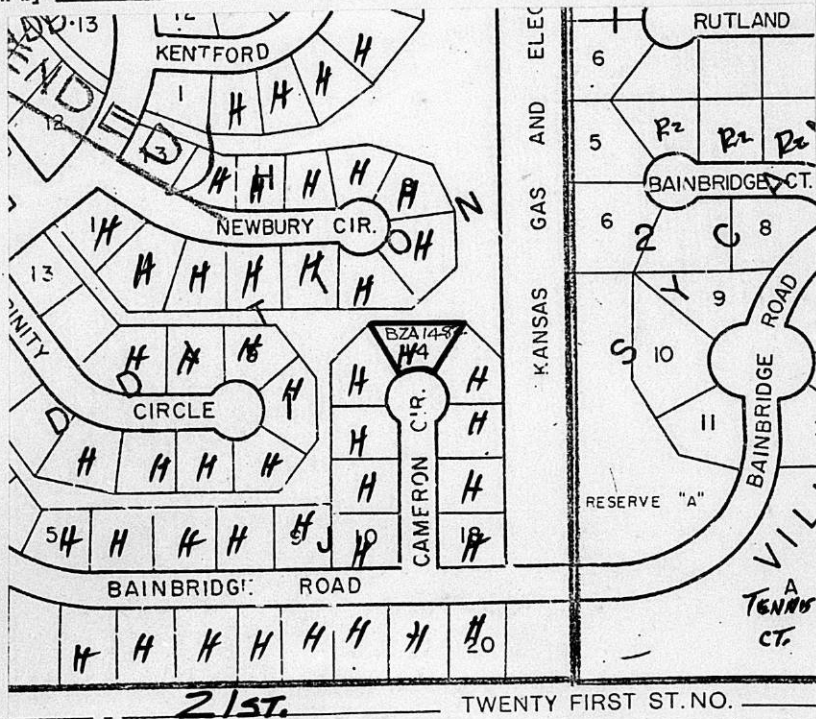


Map No. 5950  
 Sec. 6  
 Twp. 27  
 Range 2E

BZA- 14-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 0.26 ( 100 (IRREGULAR) ft. by 115 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East UNDEVELOPED South SINGLE FAM  
 West UNDEVELOPED North SINGLE FAM
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use if for: SINGLE FAM
  6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



LOS ANGELES CHICAGO BOSTON PHOENIX  
 McCREEDY, TULLOCH & GROVE, C.A.  
 U.S.A.

**Standard**  
 No. 2153C

May 28, 1982

Dr. & Mrs. Ron Brown  
2250 Cameron Circle  
Wichita, Ks. 67226

Re: Case No. BZA 14-82  
Request for Variance

Dear Dr. & Mrs. Brown:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on May 25, 1982.

These Resolutions reflect the official action of the Board to approve the request. These are forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

GEL:sad  
Enclosures

cc: Stephen J. Blaylock, 833 North Waco, Wichita, Kansas  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 14-82

WHEREAS, Dr. & Mrs. Ron Brown, 2250 Cameron Circle, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 20 feet to 15 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 14, Block J, Comotara 1st Addition to Wichita, Sedgwick County, Kansas. Generally located at the north end of Cameron Circle (2250 Cameron Circle).

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 May 25, 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 rear yard is adjacent to a common open space which provides a greater separation than normal; 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 a greater separation will still be provided than is normally required between structures at the rear property lines; 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 depth of the property on the cul-de-sac is less than an average residential lot therefore restricting the amount of the addition to the rear; 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 any reduction of the rear yard will not interfere with any easements or public right-of-way; 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 separation between structures will still be more than is required when lots have been platted with common property lines; 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 rear yard setback from 20 feet to 15 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 14, Block J, Comotara 1st Addition to Wichita, Sedgwick County, Kansas. Generally located at the north end of Cameron Circle (2250 Cameron Circle).

be approved.

ADOPTED AT WICHITA, KANSAS, this 25th day of May, 1982.

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith, Secretary

William J. Coebel  
William J. Coebel, Chairman

**THE CITY OF WICHITA**

**OFFICE OF** CITIZEN PARTICIPATION

**DATE** May 20, 1982



**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Dean Kruithof, Administrative Aide III

**SUBJECT** BZA 14-82, 2250 Cameron Circle

CPO Neighborhood Council Area "I" will be unable to forward a recommendation on the captioned case due to a lack of quorum at its May 18th meeting. Dr. Ron Brown was present to discuss the requested variance to reduce the required rear yard setback from 20 feet to 15 feet on property zoned "AA", One-Family Dwelling District. No area residents attended the meeting concerning the case.

Dean Kruithof  
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert  
CP Coordinator

**RECEIVED**

**MAY 21 1982**

**METROPOLITAN PLANNING**

ROUTE  Lytle  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 14-82

APPLICANT: Dr. & Mrs. Ron Brown, 2250 Cameron Circle,  
Wichita, Ks.

AGENT: Stephen J. Blaylock, 833 North Waco, Wichita,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B,  
Code of the City of Wichita, to reduce the  
required rear yard from 20 feet to 15 feet.

GENERAL LOCATION: At the north end of Cameron Circle north of  
Bainbridge Road.

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

LAND USE: Subject property is developed as 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 rear yard setback from 20 feet to 15 feet in order to add a room to the rear of the dwelling. The depth of the rear yard at the present time is approximately 25 feet so any addition without a variance would be severely restricted.

The property is located adjacent to a common open space at the rear which provides a greater distance between properties than the normal situation where lots are platted with common rear property lines. Although in this instance the common open space is only about 25 feet, the reduction of the rear yard as requested will still leave more than the normal separation between structures at the rear.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the rear yard is adjacent to a common open space which provides a greater separation than normal.

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 a greater separation will still be provided than is normally required between structures at the rear property lines.

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 depth of the property on the cul-de-sac is less than an average residential lot therefore restricting the amount of addition to the rear.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as any reduction of the rear yard 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 separation between structures will still be more than is required by the ordinance where lots are platted with common property lines.

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 required rear yard shall be reduced from 20 feet to 15 feet for the entire width of the property.

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

May 5, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 14-82

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 Dr. & Mrs. Ron Brown, 2250 Cameron Circle, 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 15 feet on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 14, Block J Comatara 1st Addition,  
an addition to Wichita, Sedgwick County,  
Kansas. Generally located at the north  
end of Cameron Circle (2250 Cameron Circle).

This application has been assigned Case No. EZA 14-82. It will be considered by the Board of Zoning Appeals on May 25, 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

BZA CASE NO.

1482

2

NOTICES SENT TO APPLICANT/AGENT

1

NOTICES SENT TO MAPC

10

NOTICES SENT TO CPO

17

NOTICES SENT TO ADJOINING PROPERTY OWNERS

30

TOTAL NOTICES SENT 5-5-82

BOARD OF ZONING APPEALS

CASE NO. 14-82

CITY OF WICHITA, KANSAS

FILED 4-23-82

APPLICATION FOR VARIANCE

I. Name of Applicant Dr. + Mrs. Ron Brown

Mailing Address 2250 CAMERON CIR Phone 685-8696

Name of Authorized Agent Stephen J Blaylock

Mailing Address 833M WACO Phone 263-4958

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

II. The variance requested is to reduce the required rear yard from  
from a 30 FOOT setback

TO A 15 FOOT SETBACK, from north (rear) of  
house

for property located at the north end of Cameron Circle  
(2250 CAMERON CIR) Wichita,  
Kansas 67226

and legally described as: LOT #14, Block J,  
COMATARA 1st Addition AN Addition to Wichita,  
Sedgwick County, Kansas

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 Mareia Brown

Authorized Agent Stephen J Blaylock, att

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 pm, Apr 23, 1982 together with appropriate fee of 75.00

Signed G Lytle

4/14/82

MAINSGATE ARCHITECTURAL COMMITTEE

Dear Mr. Ron Brown 2250 Cameron Circle

Your House Addition plans have been approved.

Your \_\_\_\_\_ plans have not been approved,

the following changes are recommended to acquire such approval:

*The Appraisal is extended for  
the addition 10' feet*

If you have any questions, please do not hesitate to contact me.

Ron Miller  
Norman Schaefer

Sirini Spack

Committee Members

Sincerely,  
Ron Miller  
Ron Miller  
Chairman  
685-3270  
3726 Bainbridge

April 7, 1982

The attached plans are prepared showing a five foot addition to the North (rear) of our house consistent with current city code.

We request Mainsgate Homeowner Board/Architectural Committee approval for a ten foot addition based on the following:

1. a five foot addition is not really adequate for our needs;
2. ten feet would be adequate;
3. our construction cost is essentially the same with ten or five feet;
4. we believe the position of our house and lot justify the additional five foot extension;
5. we/our contractor believe that Mainsgate Homeowner Board approval for a ten foot addition would satisfy the city and a city variance would be granted.

Thank you for your consideration.

Ron and Marcia Brown  
2250 Cameron Circle  
685-8696

Title 28, Section 28.04.050(C)(3.1) states under its area regulation that a rear yard requirement on "AA" one-family dwelling shall have a debt of not less than twenty (20) feet from the property line.

Our request to grant the variance is for a variance granting five (5) feet, which would set the property at fifteen (15) feet from the property line. The north rear of the residence is currently twenty-five (25) feet from the property line which gives us five (5) feet. The applicant is building an addition to the north rear of the residence which would extend an additional ten (10) feet. This would set the set back at fifteen (15) feet, which is five (5) feet under the current requirement. If the variance is approved the property would still be more than the required set back if we were to add an accessory structure to the rear yard. The residence is located in Comatara which has restrictive covenants that must be met, but the Architectural Committee for Comatara has approved the setback and we are in need of additional approval by the City of Wichita.

Such an approval would not cause a hardship for other property owners or adversely affect the rights of adjacent property owners or residents since the addition to the north rear of the residence would allow for a fifteen (15) foot set back from the property line and would not interfere with any other residential boundary lines.

If an approval is not granted the applicants would not be able to add the addition to their home which would cause unnecessary hardship on them since they are complying with the regulations by filing of said request for variance and have taken the time and money to draw plans and make arrangements for such addition to their home.

## OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
4	H	Comotara 1st Addition	✓ B. Earl Adamy Jr., 3900 N. Woodlawn, 67220
5	H	"	✓ Richard S. Clevenger & Pat- rice D. Clevenger, 6943 Newbury Circle, 67226
6	H	"	B. Edd Rogers & Cheryl ✓ L. Rogers, 6953 Newbury Circle, 67226
7	H	"	Robert James Hagadorn Jr. & ✓ Olga Hagadorn, 6963 Newbury Circle, 67226
8	H	"	✓ Calip E. Harper & Nancy J. Harper, 6962 Newbury Circle, 67226
8	I	"	✓ Paul R. Ross & Patricia L. Ross, 6861 Trinity Circle, 67226
9	I	"	Donald James Newman & Joyce ✓ Newman, 6850 Trinity Circle, 67226
11	J	"	Thomas L. Waymire & Beatrice ✓ V. Waymire, 2219 Cameron Circle, 67226
12	J	"	Robert Bruce Thompson & Trudy ✓ Lynne Thompson, 2229 Cameron Circle, 67226
13	J	"	✓ Larry D. Swartz & Linda L. Swartz, 2239 Cameron Circle, 67226
14	J	"	D Ronald C. Brown & Marcia Sue Brown, 2250 Cameron Circle, 67226
15	J	"	✓ James E. French & Virginia F. French, 2240 Cameron Circle, 67226
16	J	"	✓ Norman F. Schaefer & Shirley Ann Schaefer, 2230 Cameron Circle, 67226

page 2

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
17	J	Comotara 1st Addition	✓ Billy M. Tate & Patricia A. Tate, 2220 Cameron Circle, 67226
Reserve F	-	"	<del>Comotara Homeowners Association Inc., <u>Address Unknown</u></del>
East 125 ft. of Comotara 1st Add. lying north of Bainbridge Rd.	-	"	✓ Wichita Land Co., 2471 Hathaway Circle, 67226
All that part of Lot 6 lying south & east of a line described as beg. at a pt. on the west line, 123.91 ft. south of the NW corner of lot 6; then rely to a pt. on the front line of said lot, said pt. being 29.75 ft. SEly of the easterly common corner of Lots 5 & 6	2	Sycamore Addition	✓ Michael L. Nelson, 7230 Bainbridge Ct., 67226
6 exc. that part described immediately above	2	"	✓ Ronald L. Brown, 7232 Bainbridge Ct., 67226
Reserve A	-	"	✓ Wichita Development Co., 2471 Hathaway Circle, 67226

page 3

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

Lot 14, Block J, Comotara First Addition to  
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 21st day of April, 1982, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Stable*

Vice-President

Order No. 308661  
GE

Att. GLEN LYOE

Brown 685-8696

10th Floor  
City-Bldg.  
BEFORE APRIL-26.  
PHONE 316/262-7271

WILLIAM L. KORBER  
**BAUGHMAN CO.**  
SURVEYORS

330 LAURA WICHITA, KANSAS 67211

State of Kansas )  
) SS  
County of Sedgwick)

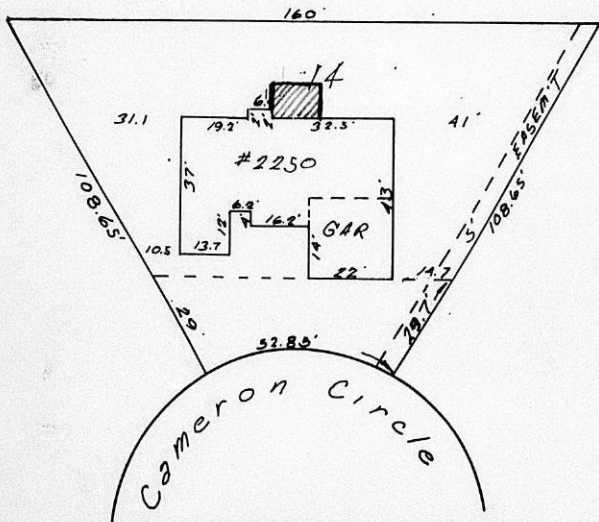
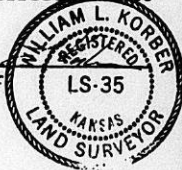
May 27, 1976

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 27th day of May, 1976 survey Lot 14, Block J, Comotara First Addition an Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 2250 with an 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 plat of said survey for mortgagee title insurance.

*William L. Korber*  
Surveyor



**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-0

**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

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_