

BZA CASE NO. 12-87 - Greg Schuessler 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 NE corner of Taft & Julia (5922 Taft).

POSTED 4-26-87 hsl

ACTION

B.Z.A. 16-87 Approved 5-2 5/26/87
DATE

200'4 Sec. 6-29-87

Shot 7-17-87

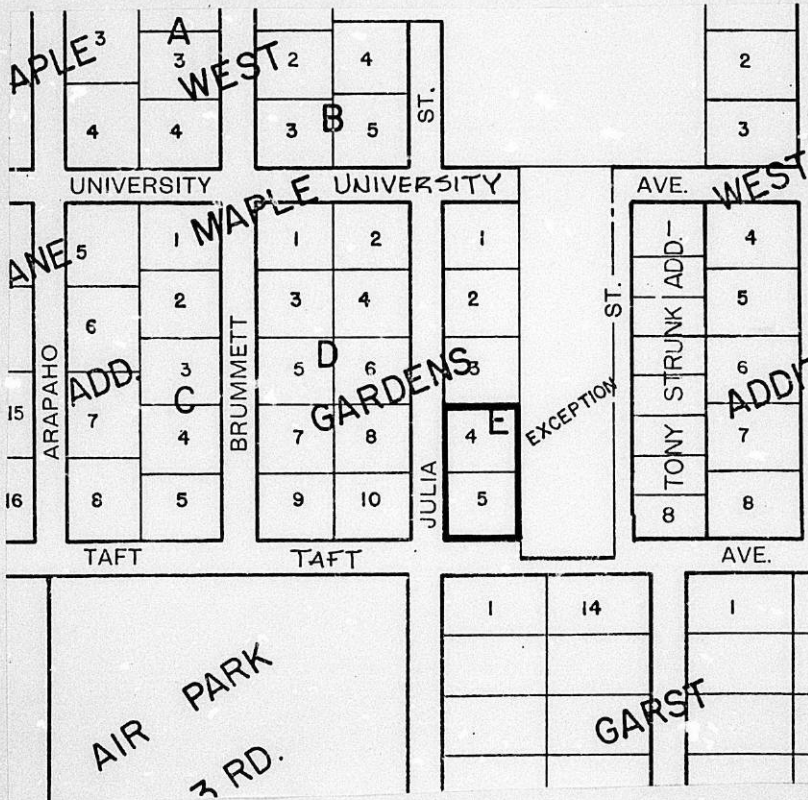
Record ✓

Map No. 5046-A

BZA 16-87
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 Vac. South 1-F
West 1-F North 1-F
4. Area (is) (~~is~~) platted.



SMITH
No. 2132C
REGISTERED MAP - LOS ANGELES
COUNTY, CALIF. - RECORD BOOK 77, P. 8, L. 4.

June 5, 1987

Fred W. Deppner
Box 252
Andover, Kansas 67002

Re: BZA 16-87 - Request for Variance

Dear Mr. Deppner:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1987.

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,

Jack H. Galbraith
Secretary

GEL/lw

Enclosure

cc: Greg Schuessler, 5922 Taft, Wichita, Kansas 67209
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 16-87

WHEREAS, Greg Schuessler, 592. Taft, 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:

Lots 4 and 5, Block E, West Maple Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Taft and Julia (5922 Taft).

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 26, 1987, 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 large tract of land that consists of two platte! lots, and is adjacent to a large unplatted tract owned by the applicant, and if replatted the property could be divided into several lots that could reverse the frontage and this could then become a side yard that would then be restricted only by the utility easement; 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 applicant owns the adjacent property on the east and requests this rear yard reduction; 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 could resolve the matter by a different means without public hearing but at a much greater expense; 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 reduction of the rear yard 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 adequate separation will be maintained between all future structures due to the location of the utility easement; 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:

Lots 4 and 5, Block E, West Maple Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Taft and Julia (5922 Taft).

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE May 21, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM CPO Office *blc*

SUBJECT BZA 16-87:NE Corner of
Taft & Julia (5922 Taft)

On Wednesday, May 20, CPO Council, District 5A, 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. After extensive discussion, the Council voted 7-0 to recommend approval of the request, subject to staff's comments.

The applicant, Greg Schuessler, was present to describe the request and respond to questions from Council members and area residents. According to Mr. Schuessler, he wanted to build a "sun room" addition to his existing dwelling. Since Mr. Schuessler has ample land available, he did not think the addition would create any problems for the neighborhood.

The Council was supportive of the request.

Please provide these comments to the Board of Zoning Appeals when case BZA 16-87 is considered.

BLC:blc

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

May 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 16-87

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 Greg Schuessler, 5922 Taft, 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:

Lots 4 and 5, Block E, West Maple Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Taft and Julia (5922 Taft).

This application has been assigned Case No. BZA 16-87. It will be considered by the Board of Zoning Appeals on May 26, 1987 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "5A" will consider this case at their meeting to be held on Wednesday, May 20, 1987, at 7:30 p.m., at the American National Bank, 10222 West Central. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

WILLIAM L. KORBEN, L.S.
JOHN E. LUNDGLADI, L.S.
N. BRENT WOOTEN, P.E.

BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

State of Kansas)
County of Sedgwick)

SS

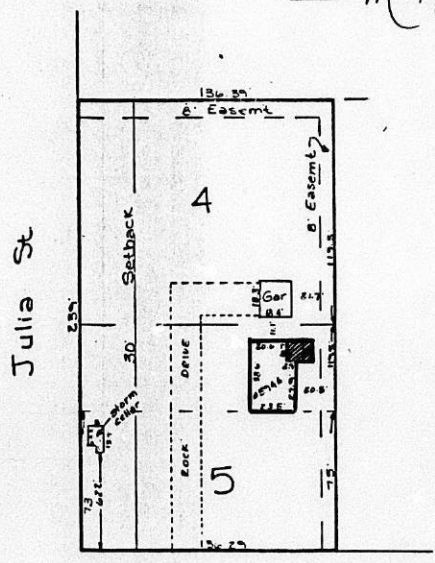
December 16, 1986

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 16th day of December, 1986, survey Lots 4 and 5, Block E, West Maple Gardens, Sedgwick County, Kansas.

On said lot is house No. 5944 with a detached 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.

Mark A. Saidor
Surveyor



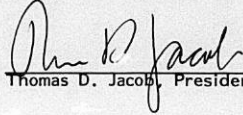
Taft Ave.

BZA 16-87

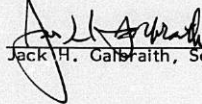
be approved subject to the following condition:

1. The reduction of the rear yard setback from 20 feet to 10 feet adjacent to the east property line shall only apply to the north 50 feet of Lot 5, West Maple Gardens Addition.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1987.


Thomas D. Jacob, President

ATTEST:


Jack H. Galsraith, Secretary

SECRETARY'S REPORT
CASE NO. BZA 16-87

APPLICANT: Greg Schuessler, 5922 Taft, Wichita, KS 67209

AGENT: Fred W. Deppner, Box 252, Andover, KS 67002

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 northeast corner of Julia and Taft (5922 Taft).

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 and accessory structures. Adjacent properties are one-family dwellings. To the east is a vacant large unplatted tract that is undeveloped.

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 addition onto the east side of the existing house. The present house is located 20.5 feet from the east property line and 75 feet from Taft Street right-of-way.

This home was constructed sometime after the property was annexed into the City in 1961. In fact, the 1974 aerial shows the house located in the 30-foot platted setback area and extending into the street right-of-way of Julia Street. This error was apparently corrected by the relocation of the home to the present location. The storm shelter that remains in the platted setback is apparently a portion of the basement area that was part of the original location.

The applicant owns lots 4 and 5 of West Maple Gardens Addition which were platted with front yards facing Julia Street. The house is located on the property to the east which is adjacent to a large unplatted tract which the applicant owns. In order to secure a permit for the addition, the applicant could have replatted the two lots into three or more lots, or platted the adjoining property so that a portion of a lot could be transferred to this zoning lot. This was the quickest and most economical method of resolving the permit issue.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is a large tract of land that consists of two platted lots, and is adjacent to a large unplatted tract owned by the applicant, and if replatted the property could be divided into several lots that could reverse the frontage and this could then become a side yard that would then be restricted only by the utility easement.

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 applicant owns the adjacent property on the east and requests this rear yard reduction.

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 could resolve the matter by a different means without public hearing but at a much greater expense.

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 rear yard will not interfere with any needed right-of-way or easements.

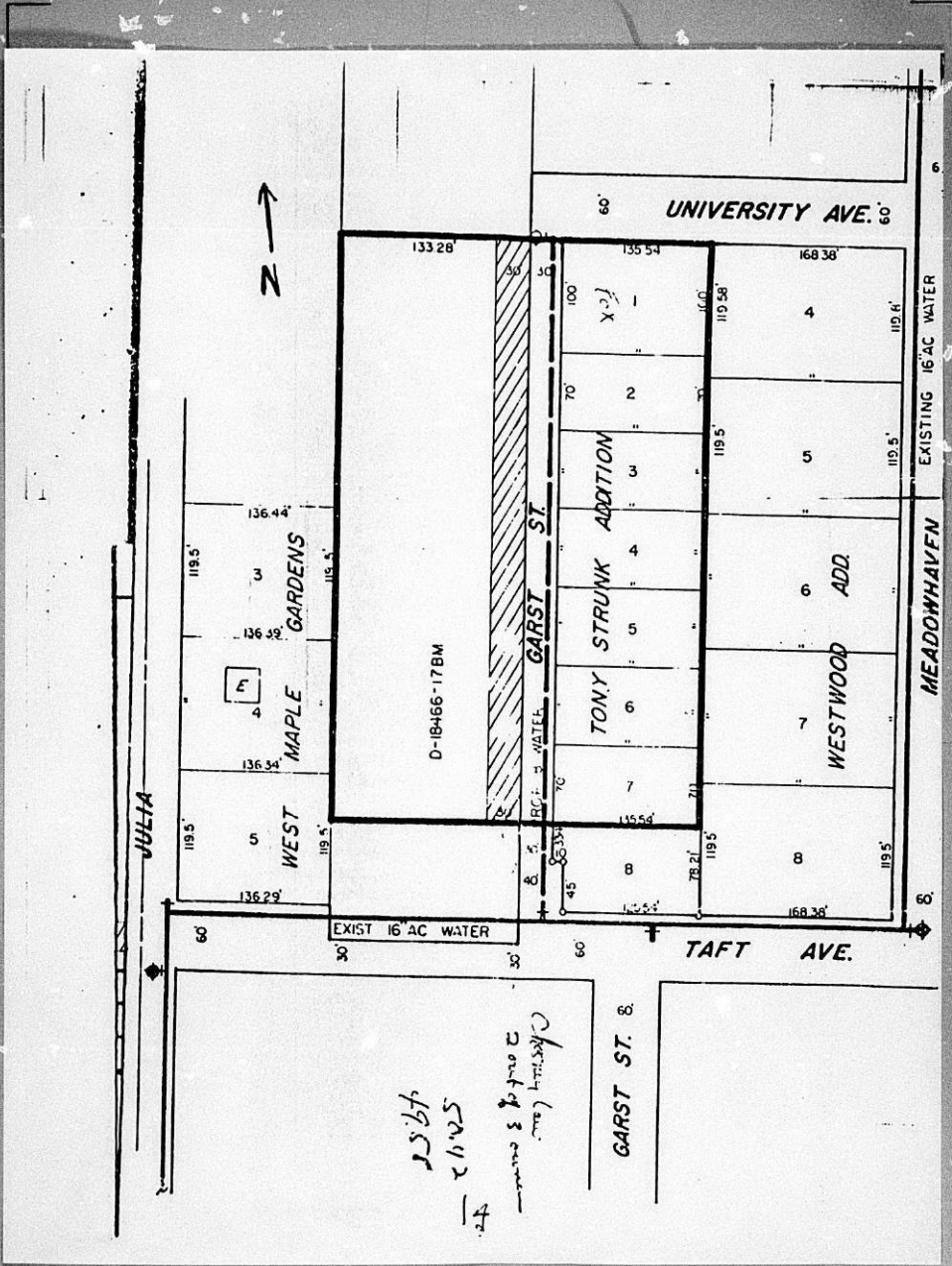
SPIRIT AND INTENT:

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 adequate separation will be maintained between all future structures due to the location of the utility easement.

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 reduction of the rear yard setback from 20 feet to 10 feet adjacent to the east property line shall only apply to the north 50 feet of Lot 5, West Maple Gardens Addition.



25.15
 52.12
 2 out of 3 corners
 Official Copy
 4

BZA CASE NO. 16-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>10</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>13</u>	TOTAL NOTICES SENT <u>5/5/87</u>

APPLICATION FOR VARIANCE

I. Name of Applicant Greg Schuessler
Mailing Address 5922 Taft Phone 943-6091
Name of Authorized Agent Fred W. Deppner - Sunco
Mailing Address Box 252, Andover, Ks. 67002 Phone 733-5021
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

ii. The variance requested is to ~~replace~~ reduce the rear yard setback from 10 feet to 10 feet

for property located on the Northeast corner of Julia and Taft

and legally described as: Lots 4 & 5, Block E, West Maple Gardens

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. 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 Greg Schuessler

Authorized Agent Fred W. Deppner

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
12:30 ~~term~~ (p.m.), Apr. 23, 1982, together with appropriate
fee of 200.00.

Signed D. Lytle



SUNCO POWER inc 120 IRA COURT • P.O. BOX 252 • ANDOVER, KANSAS 67002 • (316) 733-4131

Board of Zoning Appeals
City of Wichita, Ks.

Gentlemen:

Justification of Variance Request:

1. By owning the two adjoining properties, a back yard set-back in between the two lots would seem inappropriate.
2. The Sunroom will be entirely on the applicant's property, attached to his home, and will not interfere or affect adjacent property owners or residents.
3. Applicant will suffer unnecessary hardship if he is deprived of the use and enjoyment of the Sunroom.
4. The Sunroom will enhance the appearance and increase the value of the property and therefore the public will also benefit.
5. This set-back splits two properties which appear to be one; i.e. Mr. Schuessler has a back yard set-back going down the middle of his properties.

WILLIAM L. KORBER, L.S.
JOHN E. LUNDGLADI, L.S.
W. BRENT WOOTEN, P.E.

BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

December 16, 1986

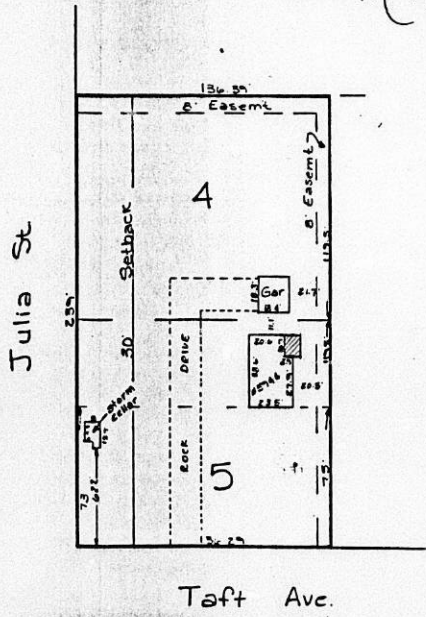
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On said lot is house No. 5944 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

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

Mark A. Savo

Surveyor



OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lots 4, 5, 6, 7, 8, 9 & 10	Block D	West Maple Gardens	✓ Ernest A. Jordan Doris Irene Jordan 506A W. 36th Street Hutchinson, KS 67502
Lots 2 & 3	Block E	"	✓ Gene Reed Janice Reed 13442 E. 132nd Brighton, CO 80601
Lots 4 & 5	Block E	"	Ⓟ Janet L. Carnahan 5922 Taft Wichita, KS 67209
Lot 4	Block E	Tony Strunk Addition	✓ Elma E. Hughes 422 Garst Wichita, KS 67209
Lot 5		"	✓ Glenn A. wiens 428 Garst Wichita, KS 67209
Lot 6		"	✓ Greg A. Hayes 432 Garst Wichita, KS 67209
Lot 7		"	✓ Molly M. Wood 235 S. Bryon Rd. Wichita, KS 67209
Lot 8		"	✓ David C. Warn Karen J. Warn 448 Garst Wichita, KS 67209

Tract Description

The $S\frac{1}{2}$ of the $S\frac{1}{2}$ of the West 5 acres of the East 10 acres of the West 15 acres of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 27, Township 27 South, Range 1 West, except that part taken for street.

✓ Gregory A. Schuessler
Janet L. Carnahan
5922 Taft
Wichita, KS 67209

The $N\frac{1}{2}$ of the $S\frac{1}{2}$ of the West 5 acres of the East 10 acres of the West 15 acres of the East 40 acres of the $N\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 27, Township 27, Range 1 West subject to road easement of record.

Ⓟ Gene N. Reed
Janice D. Reed
13442 E. 132nd
Brighton, CO 80601

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block A	Garst Gardens	Paul C. Garst Helen E. Garst AND Jess P. Garst Virginia L. Garst AND Paul C. Garst Jr. Ann L. Garst c/o Helen Garst 517 Parklane Wichita, KS 67124
Lot 2	Block A	"	Melvin Dwayne Query Virginia L. Query 510 S. Julia Wichita, KS 67209
Lot 13	Block A	"	Anna Josephine Garst 532 S. Julia Wichita, KS 67209
Lot 14	Block A	"	Paul C. Garst Helen E. Garst AND Jess P. Garst Virginia L. Garst AND Paul C. Garst Jr. Ann L. Garst c/o Helen Garst 517 Parklane Wichita, KS 67124
			Kandy Man Sales Inc. 8020 E. Central Wichita, KS 67206

Lot 1, Air Park 3rd Addition, except commencing at the SW/c of Lot 1, Air Park 3rd Addition; th. East along the South line of Lot 1, 200 feet; th. North parallel with the West line, 362 feet for a p.o.b.; th. North parallel with the West line 40 feet; th. East 5 feet; th. South 40 feet; th. West 5 feet to the p.o.b. and except the West 200 feet of the South 500 feet of Lot 1, Air Park 3rd Addition.

Page 3

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

Lots 4 and 5, Block E, West Maple Gardens,
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 22nd day of April, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Seale

By
Sr. Vice-President

Order No. 378728
nj

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

May 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 16-87

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If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "5A" will consider this case at their meeting to be held on Wednesday, May 20, 1987, at 7:30 p.m., at the American National Bank, 10222 West Central. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

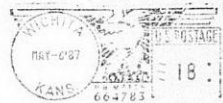
Glen E. Lytle
Assistant Secretary

WICHITA - SEDGWICK COUNTY

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

PRESORTED
FIRST-CLASS

POSTNET
FIRST CLASS



RECEIVED

MAY 12 1987

METROPOLITAN PLANNING
ROUTE _____

BZA 16-87

Paul C. Garst, Helen E. Garst
Jess P. Garst, Virginia L. Garst
Paul C. Garst, Jr., Ann L. Garst
c/o Helen Garst
517 Parklane
Wichita, KS



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29 221 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 BZA Vac	\$ 200.00

NAME: Sumco Power Inc.
ADDRESS: Box 202, Belton, Mo.
FUND: 157-4010-403 DUE DATE: _____
COMMENTS: _____
DATE: April 23 1977 BY: [Signature]