

BZA 16-88-Carl Yaeger, MD req VARIANCE  
to reduce rear yard setback from 20 to  
16 ft. on property zoned "AA" 1-Family  
Dwel. Dist. SE corner Tara & Tipperary

ACTION

BZA. 16-88 approved 5/24/88  
DATE

6048C

700'4 Sec 8-25-88

Checked LO

Shot 9-21-88

DATA SHEET

MAP NO.: 6048C

CASE NO. BZA 16-88

(CPO 2B, 5/16/88)

REQUEST: Variance to reduce the rear yard setback from 20 feet to 10 feet.

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: Southeast corner of Tara and Tipperary

APPLICANT: Carl Yaeger, M.D.  
ADDRESS: 816 Tara Lane  
Wichita, KS 67206

PHONE: 687-9642

AGENT: Maurice Breidenthal  
ADDRESS: 200 N. Broadway, Ste. 110  
Wichita, KS 67202

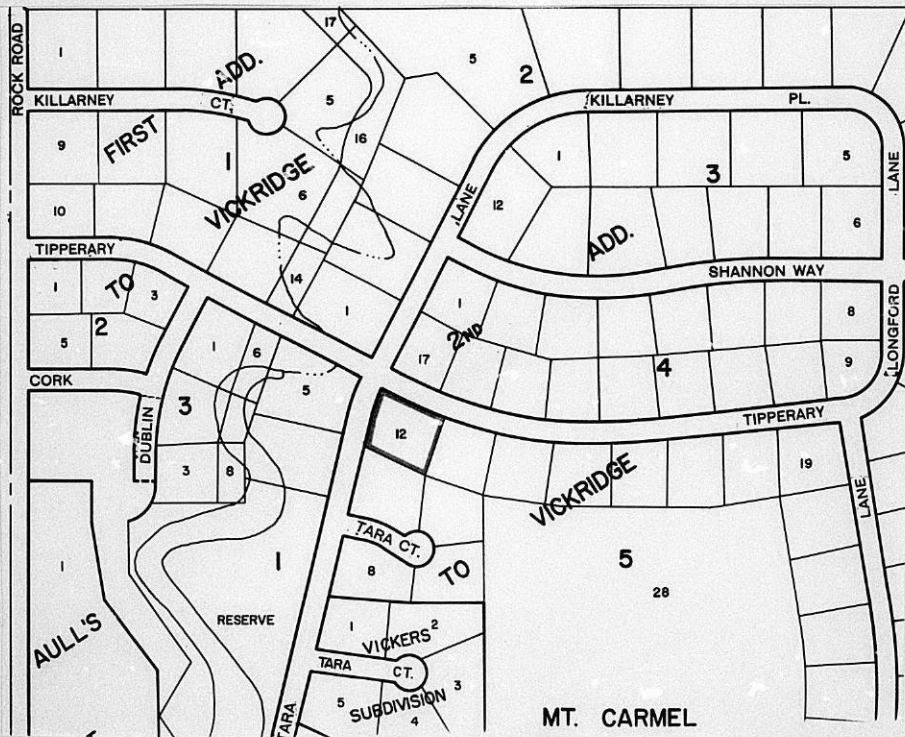
PHONE: 267-0101

AREA DATA

Acres: (165 ft. by 185 ft.)

Adjacent Zoning and Land Use:

North "AA"  
South "AA"  
East "AA"  
West "AA"



PL1-0401

LOS ANGELES CHICAGO LOGAN, OH  
MCKENSON 17 LOCUST GROVE, GA  
U.S.A.

Shepard  
No. 2-153C

HASTINGS, MIN.

BZA INSPECTION SHEET

MAP NO.: 6048C

CASE NO. BZA 16-88

REQUEST: Variance to reduce rear yard setback from 20 feet to 10 feet

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: Southeast corner of Tara and Tipperary

APPLICANT: Carl Yaeger, M.D.

ADDRESS: 816 Tara Lane  
Wichita, KS 67206

PHONE: 687-9642

AGENT: Maurice Breidenthal  
ADDRESS: 200 N. Broadway, Ste. 110  
Wichita, KS 67202

PHONE: 267-0101

-----  
HEARING DATE: 5/24/88

BZA ACTION: Approve, subject to conditions specified in BZA resolution, including submission of grading and drainage plan to C.I.D. prior to building permit.

FOLLOW-UP DATE: At time of building permit request

RESPONSE BY CID:

PL1-0401

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 266-4421

June 2, 1988

Maurice Breidenthal  
200 N. Broadway, Ste. 110  
Wichita, KS 67202


Re: BZA 16-88 - Variance to reduce rear yard setback from 20 ft. to 10 ft. (816 Tara Lane)

Dear Mr. Breidenthal:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 24, 1988. This Resolution reflects the official action of the Board to approve 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,

  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm  
Enclosure

cc: Carl Yaeger, M.D., 816 Tara Lane, Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

FILE COPY

RESOLUTION NO. BZA 16-88

WHEREAS, Carl Yaeger, M.D., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 12, Block 5, Second Addition to Vickridge, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara and Tipperary (816 Tara Lane).

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 24, 1988, 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 existing house sits well back from the front of the lot (50 feet at the closest point) and the existing pool prohibits expansion of the house directly to the rear; 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 all adjacent lots are developed; all are larger than average in size and have large rear and side yards; and there is an existing 6-foot high solid wood fence along the east and south property lines of the application area; 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 expansion of the dwelling in any other manner would require totally reworking the interior layout of the house which would be expensive and disruptive; 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 proposed addition would be almost invisible from the road; does not encroach any utility easements; and would not be a source of visual or audible pollution; 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 there will still be sufficient separation between structures on adjoining properties to provide adequate access, light and air; 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.

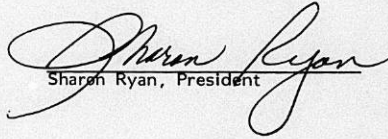
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 12, Block 5, Second Addition to Vickridge, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara and Tipperary (816 Tara Lane).

subject to the following conditions:

1. No portion of the main structure shall be located closer to the rear (east) property line than 10 feet, nor shall any portion of any structure, including foundations, footings and roof overhangs, encroach into any utility easement.
2. Any structure within the east 20 feet of this lot shall be no taller than one story.
3. Prior to obtaining building permits for the proposed expansion, the applicant shall submit a lot grading and drainage plan to the office of Central Inspection for approval that does not direct runoff onto adjacent properties.

ADOPTED AT WICHITA, KANSAS, this 24th day of May, 1988.

  
Sharon Ryan, President

ATTEST:

  
Louise Olivarez, Assistant Secretary

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 266-4421

May 25, 1988

Maurice Breidenthal  
200 N. Broadway, Ste. 110  
Wichita, KS 67202

Re: BZA 16-88 - Variance to reduce rear yard setback from 20 ft. to 10 ft. (816 Tara Lane)

Dear Mr. Breidenthal:

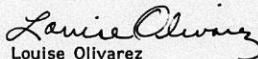
At the regular meeting of the Board of Zoning Appeals on May 24, 1988, your request for a variance to reduce the rear yard setback from 20 feet to 10 feet was considered. It was the action of the Board to approve this request, subject to the following conditions:

1. No portion of the main structure shall be located closer to the rear (east) property line than 10 feet, nor shall any portion of any structure, including foundations, footings and roof overhangs, encroach into any utility easement.
2. Any structure within the east 20 feet of this lot shall be no taller than one story.
3. Prior to obtaining building permits for the proposed expansion, the applicant shall submit a lot grading and drainage plan to the office of Central Inspection for approval that does not direct runoff onto adjacent properties.

The Resolution setting forth the official action of the Board will be forwarded to you once we have obtained the President's signature.

If you have any questions, please call our office.

Sincerely yours,

  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm

cc: Carl Yaeger, M.D., 816 Tara Lane, Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

THE COLEMAN COMPANY, INC.  
WICHITA, KANSAS 67201

DONALD V. BERCHTOLD  
EXECUTIVE VICE PRESIDENT

May 24, 1988

Mrs. Sharon Ryan, President  
Zoning Appeals Board  
City Hall  
455 N. Main  
Wichita, KS 67202

Ref: Case BZA 16-88

Dear Mrs. Ryan:

This is the case in Vickridge where our neighbor on the corner of Tara and Tipperary wishes to make a major addition to within ten feet of the lot line. As the neighbors immediately east and most affected, we have no objection to this provided two concerns are met:

1. Drainage


In addition to a major drainageway running across the back (south side) of our lots from east to west which should not be affected, there is considerable drainage from north to south. The proposed addition will require a raised elevation in this area, and the prospect of directing drainage water onto my lot. I believe this can be satisfactorily managed if the architect and contractor pay proper attention.

2. Landscaping

The addition will require the removal of several screening trees, and result in a view of a "sea of shingles" from our property. Again, this can be managed by the addition of several 8 - 10' evergreen trees.

In my opinion, with these two concerns addressed, the addition would more likely enhance rather than detract from the neighborhood. Thank you for the courtesy of your attention.

Yours truly,



Donald V. Berchtold  
8325 Tipperary  
Wichita, KS 67206

DONALD V. BERCHTOLD  
THE COLEMAN COMPANY, INC.  
WICHITA, KANSAS 67201

*Received  
88-48-5  
11 a.m.*

Mrs. Sharon Ryan  
President  
Zoning Appeals Board  
City Hall  
455 N. Main  
Wichita, KS 67202

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      May 17, 1988

TO      Louise Oliverez, Principal Planner

FROM      Barry L. Carroll, Administrative Aide III <sup>BLC</sup>

SUBJECT      BZA 16-88: Southeast corner  
of Tara and Tipperary

On Monday, May 16, CPO East Side Neighborhood Council 2B considered the captioned case, a request for a variance to reduce the 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 a brief discussion, the Council voted 5-0 to recommend approval of the request.

The applicant, Carl Yaeger, M.D., was present to describe the request and respond to questions from the Council. Dr. Yaeger presented copies of a letter from the Vickerage First and Second Addition Home Owners' Association that indicated support of the request (See attachment).

There were no area residents present to either support or oppose the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 16-88 is considered.

BLC:dm  
Attachment

RECEIVED  
MAY 20 1988  
METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

MCDONALD, TINKER, SKAER, QUINN & HERRINGTON, P.A.

ATTORNEYS AT LAW

R.M. GARVEY BUILDING  
300 WEST DOUGLAS AVENUE, SUITE 500  
WICHITA, KANSAS 67202-2808

(316) 267-5851

TELE 533-4348-410  
TELECOPY 316-883-4977

WILLIAM TINKER  
OF COUNSEL

JENNIFER B. BAKER  
HELEN P. QUINN  
COUNSEL

DAVID W. DALL (1985-1988)  
SAMUEL B. ANDON (1985-1988)  
HARRY W. HART (1985-1987)  
GLENN PORTER (1985-1988)  
W. SETTO WOODWARD (1985-1988)

ALVIN D. HERRINGTON  
RICHARD T. FOSTER  
WILLIAM TINKER, JR.  
LARRY SHOFF  
DEBRA J. SMITH  
QUENTIN E. FLURTY  
TIMOTHY J. FINNEY  
ROBERT G. HARTSH  
JEFFREY S. BRIDGES  
TALMAN J. NEED  
COLMAN J. SMITH  
DOUGLAS C. HOWES  
JAMES E. COPPER  
BRENDA S. TRETNER

ALICE LESLIE ANGLADE  
OF COUNSEL

April 8, 1988

Mr. Maurice Breidenthal  
Breidenthal & Burk  
200 North Broadway, Suite 110  
Wichita, Kansas 67202

Re: SE Corner of Tipperary and Tara Lane, Vickridge 2nd Additions

Dear Mr. Breidenthal:

I write this letter in behalf of the Vickridge 1st and 2nd Addition Home Owners' Association, Inc. in connection with the matter of additions to be made to the existing residence on the property above indicated. A site plan and an architectural drawing have been submitted to the appropriate officers of the Association which show that the contemplated additions will be no closer than 10 feet from the property line.

The Association was created by a Declaration dated April 24, 1957, covering the Vickridge 1st and 2nd Additions to the City of Wichita. The Declaration was recorded in Book Misc. 395 at Page 169 in the office of the Register of Deeds of Sedgwick County.

The restrictive covenants covering Vickridge 1st and 2nd Additions to the City of Wichita are dated April 24, 1957 and recorded in Book Misc. 395 at Page 163. The restrictive covenants provide that residences shall be located no less than 20 feet from the side lot line, and within 20 feet from the back property line of all lots.

This letter is to state to you and your client, the present property owner, that the Association waives this provision so that the contemplated addition to the house may be within no less than 10 feet of these property lines. The Association speaks only for itself and is not authorized to

Mr. Maurice Breidenthal - April 8, 1988

Page #2

waive any restrictive provision or claim which might be asserted by a property owner in the addition.

Very truly yours,

*William Tinker*  
William Tinker, Sr.

Of MCDONALD, TINKER, SKAER, QUINN & HERRINGTON, P.A.

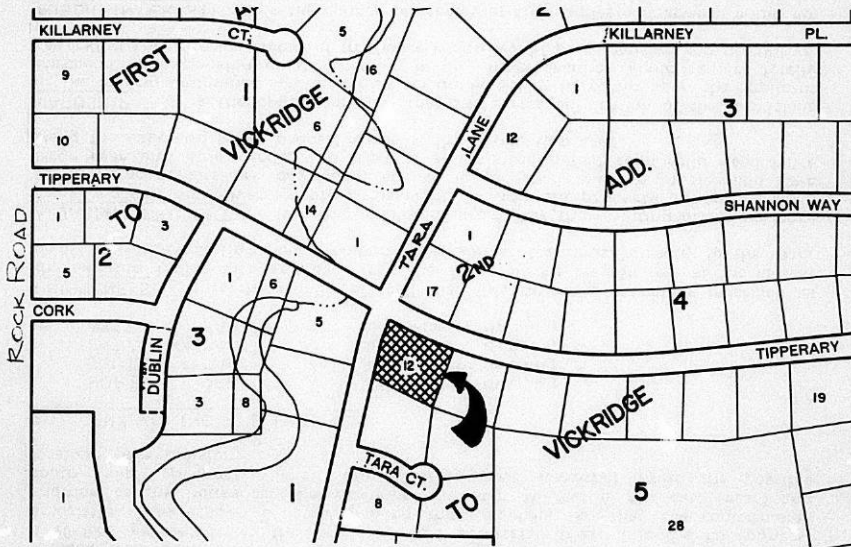
WT:bb

cc: Mr. Jay H. Galloway  
Mr. Neil W. Murney  
Mr. Jerry Gordon

May 24, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 16-88  
OWNER/APPLICANT/AGENT: Carl Yaeger, M.D. (owner/applicant)  
Maurice Breidenthal, architect (agent)  
REQUEST: Variance to reduce the rear yard setback (on the east) from 20 feet to 10 feet  
CURRENT ZONING: "AA" One-family Dwelling District  
SITE SIZE: 165 ft. x 185 ft.  
LOCATION: Southeast corner of Tara and Tipperary  
PROPOSED USE: Single-family dwelling



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.

**BACKGROUND:** The applicant is requesting a variance of the rear yard setback from 20 feet to 10 feet on the east side of a lot located at the southeast corner of Tara and Tipperary. The lot is zoned "AA" and has a platted 30-foot front yard setback from both streets. The restrictive covenants for this subdivision require a 20-foot setback from the rear and side property lines, but the homeowners' association has issued a letter waiving this provision so that the contemplated addition to the house may be within no less than 10 feet of the east (rear) and south (side) property lines. An existing pool somewhat limits the possible locations of expansion.

**ADJACENT ZONING AND LAND USE:**

NORTH	"AA"	Single-family dwelling
SOUTH	"AA"	Single-family dwelling
EAST	"AA"	Single-family dwelling
WEST	"AA"	Single-family dwelling

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the existing house sits well back from the front of the lot (50 feet at the closest point) and the existing pool prohibits expansion of the house directly to the rear.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as all adjacent lots are developed; all are larger than average in size and have large rear and side yards; and there is an existing 6-foot high solid wood fence along the east and south property lines of the application area.

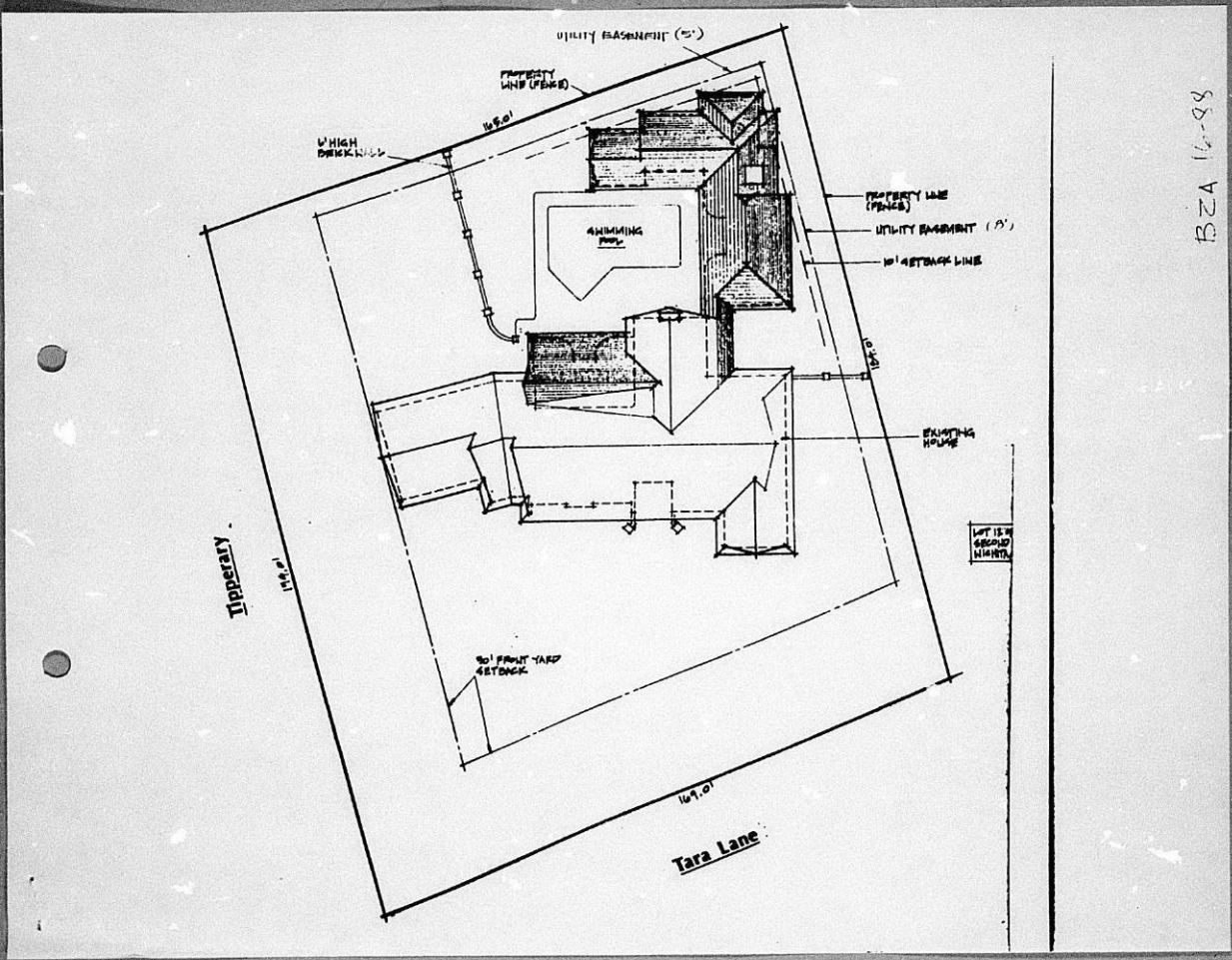
**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as expansion of the dwelling in any other manner would require totally reworking the interior layout of the house which would be expensive and disruptive.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed addition would be almost invisible from the road; does not encroach any utility easements; and would not be a source of visual or audible pollution.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there will still be sufficient separation between structures on adjoining properties to provide adequate access, light and air.

**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. No portion of the main structure shall be located closer to the rear (east) property line than 10 feet, nor shall any portion of any structure, including foundations, footings and roof overhangs, encroach into any utility easement.
2. Any structure within the east 20 feet of this lot shall be no taller than one story.



BZA 14-98

BZA CASE NO. 16-88

- 15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
- 2 NOTICES SENT TO APPLICANT/AGENT
- 10 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 5/2/88  
4/29/88

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF
  - Jack Galbraith
  - Louise Olivarez
  - ~~Barbara Harris~~ *Bob Young*
  - Karen Crook

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

April 29, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 16-88

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 Carl Yaeger, M.D. requesting a variance.

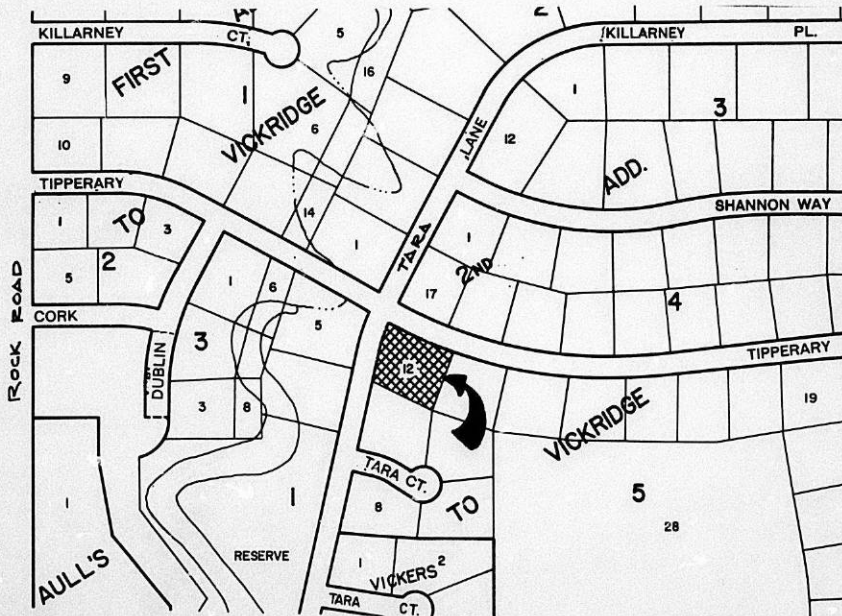
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 12, Block 5, Second Addition to Vickridge, Wichita,  
Sedgwick County, Kansas (816 Tara Lane).

This application has been assigned Case No. BZA 16-88. It will be considered by the Board of Zoning Appeals on Tuesday, May 24, 1988, 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 in or objections to 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 Eastside Neighborhood Council "2B" will consider this case at their meeting to be held on Monday, May 16, 1988, at 7 p.m., at the Capitol Federal Savings and Loan Building, 8040 East Douglas. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



Call of Dr. Carl Yager file B-7A

**IMPORTANT MESSAGE**

FOR \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ A. M.  
P. M.

**WHILE YOU WERE AWAY**

*Jay Holloway*

OF \_\_\_\_\_

PHONE No. *263-1793*

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE *on behalf of Director of*  
*Vickridge Homeowners Assoc*  
*private comments regarding 30' 5" 0*  
*from streets and 30' 6" from <sup>other</sup> property*  
*lines. Yager wants to go 5' from side*  
*and 8' from rear. Be given doc*

SIGNED \_\_\_\_\_  
*not agent to sign*

FORM 000-01 I PHONED HIM 5-4-88 *to*

MCDONALD, TINKER, SKAER, QUINN & HERRINGTON, P.A.

BZA 16-88

ATTORNEYS AT LAW

R.H. GARVEY BUILDING  
300 WEST DOUGLAS AVENUE, SUITE 500  
WICHITA, KANSAS 67202-2909

(316) 263-5851

TELEX 233-4248-MCI  
TELECOPY 316-263-4677

WILLIAM TINKER  
OF COUNSEL

ARTHUR W. SKAER  
HUGH P. QUINN  
COUNSEL

DAVID M. DALE (1852-1920)  
SAMUEL B. AMIDON (1863-1925)  
HARRY W. HART (1885-1937)  
GLENN PORTER (1883-1948)  
W. GETTO McDONALD (1902-1965)

ALVIN B. HERRINGTON  
RICHARD T. FOSTER  
WILLIAM TINKER, JR.  
LARRY SHOAF  
DEBRA J. ARNETT  
QUENTIN E. KURTZ  
TIMOTHY J. FINNERTY  
ROBERT G. MARTIN  
JEFFERY R. BREWER  
THOMAS J. WELK  
CORLIS J. PRATT  
DOUGLAS C. HOBBS  
JAMES E. CAPPER  
BRENDA B. TRETSAR

ALICE LESLIE RAWLINGS  
OF COUNSEL

April 8, 1988

Mr. Maurice Breidenthal  
Breidenthal & Burk  
200 North Broadway, Suite 110  
Wichita, Kansas 67202

Re: SE Corner of Tipperary and Tara Lane, Vickridge 2nd Additions

Dear Mr. Breidenthal:

I write this letter in behalf of the Vickridge 1st and 2nd Addition Home Owners' Association, Inc. in connection with the matter of additions to be made to the existing residence on the property above indicated. A site plan and an architectural drawing have been submitted to the appropriate officers of the Association which show that the contemplated additions will be no closer than 10 feet from the property line.

The Association was created by a Declaration dated April 24, 1957, covering the Vickridge 1st and 2nd Additions to the City of Wichita. The Declaration was recorded in Book Misc. 395 at Page 169 in the office of the Register of Deeds of Sedgwick County.

The restrictive covenants covering Vickridge 1st and 2nd Additions to the City of Wichita are dated April 24, 1957 and recorded in Book Misc. 395 at Page 163. The restrictive covenants provide that residences shall be located no less than 20 feet from the side lot line, and within 20 feet from the back property line of all lots.

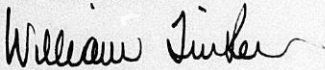
This letter is to state to you and your client, the present property owner, that the Association waives this provision so that the contemplated addition to the house may be within no less than 10 feet of these property lines. The Association speaks only for itself and is not authorized to

Mr. Maurice Breidenthal - April 8, 1988

Page #2

waive any restrictive provision or claim which might be asserted by a property owner in the addition.

Very truly yours,

A handwritten signature in cursive script that reads "William Tinker".

William Tinker, Sr.

Of McDONALD, TINKER, SKAER, QUINN & HERRINGTON, P.A.

WT:bb

cc: Mr. Jay H. Galloway  
Mr. Neil W. Murney  
Mr. Jerry Gordon

Board of Zoning Appeals  
City of Wichita, Kansas

Re: Zoning Variance for  
The Yaeger Residence  
816 North Tara, Wichita



Breidenthal  
&  
Burk  
Architecture  
Interior Design  
Planning

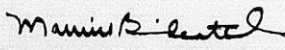
Please find attached a site plan of the lot showing existing and proposed structures, a floor plan illustrating the structure's relationship to setbacks and property lines, a letter of opinion from the Vickridge 1st and 2nd Homeowners Association, and a list of homeowners within a 200 foot radius of the property.

In response to item 3 of the variance application and per Section 2.12.590.B VARIANCES:

1. As a corner lot, the property has two "front yards" with setbacks of 30 feet on each side. The existing house is designed so that expanding in any other direction would have to include a major rework of the interior. The existing swimming pool is placed so that the addition must be located as it is.
2. The property is completely enclosed with either a solid 6 foot high wood or 6 foot high brick fence. The addition will be a low, unobtrusive structure. The addition comes within 10 feet of the property line only at certain points (see plan).
3. The expense of totally reworking the interior layout of the house and the dislocation that would be suffered during this process would be an unnecessary hardship to the Yaegers.
4. The addition will be almost invisible from the road, does not invade any utility easements, would not be a source of visual or audible pollution, and does not jeopardize the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. The general spirit and intent of Title 28 is to preserve the character and order of neighborhoods and the rights of neighbors. The addition will provide an ideal home for the Yaegers without imposing on any neighbor or resulting in a use not allowed by the Code.

Thank you for your assistance in this matter.

Very truly yours,



Maurice Breidenthal, AIA

Suite 110  
The Orpheum Centre  
200 North Broadway  
Wichita, Kansas 67202  
(316) 267-0101

*for 5-24-88 mtg*

APPLICATION FOR VARIANCE

I. Applicant Carl Yaeger, M.D.  
 Address 816 Tara Lane, Wichita Zip Code 67206 Phone 687-9642  
 Agent Maurice Breidenthal  
 Address 200 North Broadway Suite 110 Zip Code 67202 Phone 267-0101  
 Relationship of applicant to property is that of Owner  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is A reduction of the rear yard setback <sup>*from 20 feet*</sup> to 10 feet.  
~~Lieu of 20 feet. This is a corner lot with 30 foot front yard setbacks on two~~  
~~sides.~~

on property zoned "AA" <sup>*One*</sup> Single-Family Residential <sup>*District*</sup> which is  
165 ft by 185 ft (or        acres) in size, legally described as:  
Lot 12 of Block 5 of the Second Addition to Vickridge, Wichita, Sedgwick  
County, Kansas

at the southeast corner of Tara and Tipperary  
 and located A ~~at~~ (816 North Tara Lane)

in the City of Wichita.

- 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 *Carl Yaeger, M.D.*  
 Carl Yaeger, M.D.

Authorized Agent *Maurice Breidenthal*  
 Maurice Breidenthal

OFFICE USE ONLY:

Map No. 0048C Zoning: (N) AA (S) AA (E) AA (W) AA CPO 2B 5-16-88

Received in Office of Secretary, Board of Zoning Appeals,        (a.m./p.m.),  
April 18, 1988, together with appropriate fee of 206<sup>00</sup>.

Signed *Louise Olving*

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

PRESORTED  
FIRST-CLASS



*BZA 16-88*

*resent to* →

Robert W. & Marilyn J.  
800 Tara Lane  
Wichita, KS 67206

**RECEIVED**

MAY 6 1986  
METROPOLITAN PLANNING  
DIVISION

VAN 00 1.6041241 FWD TIME EXPD  
VANSANT  
3052 BANKHEAD  
MONTGOMERY AL 36106-2444  
RETURN TO SENDER

Important! Notice of Meeting Enclosed

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 4 and Lot 5 and 1/2 vacated Tipperary adjacent to Lot 5 on North	Block 1	Second Addition to Vickridge	Harry B. Brown Jr. 800 Dublin Wichita, KS 67206
Lot 1 and 1/2 vacated Tipperary adjacent on the South	Block 2	"	Sally J. Hershberger 851 Tara Lane Wichita, KS 67206
Lot 15	Block 4	"	William M. Raymond Lora C. Raymond 8400 Tipperary Wichita, KS 67206
Lot 16	Block 4	"	Carl G. Miller Patricia S. Miller 8326 Tipperary Wichita, KS 67206
Lot 17	Block 4	"	Estel L. Landreth Arlene Landreth 850 Tara Lane Wichita, KS 67206
Lot 9	Block 5	"	Lee Phillips III 652 Tara Court Wichita, KS 67206
Lot 10	Block 5	"	Ruth M. Soder Trustee of Ruth M. Soder Trust 658 Tara Court Wichita, KS 67206
Lot 11	Block 5	"	Robert W. Van Sant Marilyn J. Van Sant 800 Tara Lane Wichita, KS 67206
<i>application area</i> Lot 12	Block 5	"	Carl F. Yeager Carolyn R. Yeager 816 Tara Lane Wichita, KS 67206
Lot 13	Block 5	"	Donald V. Berchtold Alice J. Berchtold 8325 Tipperary Wichita, KS 67206
Lot 14	Block 5	"	Karl E. Becker Virginia O. Becker 8401 Tipperary Wichita, KS 67206

Page 2

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 12, Block 5, Second Addition to Vickridge,  
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 17th day of March, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

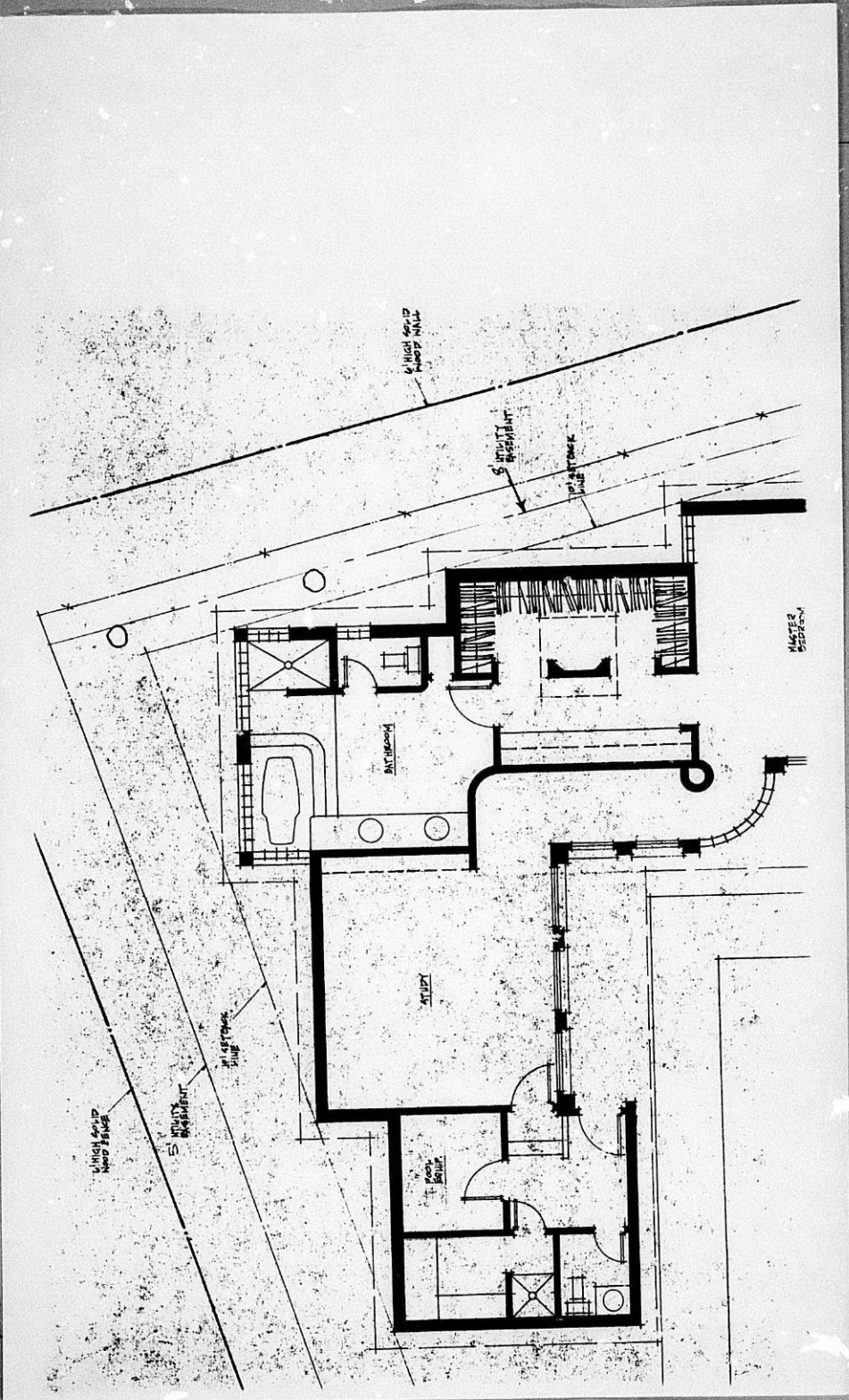
*Mary Kable*

By

Sr. Vice-President

Order No. 392108  
nj





N: 00129

METROPOLITAN AREA PLANNING DEPARTMENT

Description 2 BZA signs  
Name Maurice Breidenthal (Carl Yaeger's case)  
Address 240 W Broadway # 110  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount \$6.00  
Date 4-14-88 Due Date 4-14-88 By LD

Form 00-000

N: 00128

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA variance - rear yard  
Name Carl Yaeger  
Address 816 Lira Lane  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount \$200.00  
Date 4-18-88 Due Date 4-18-88 By LD

Form 00-000

\*

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

Roll # 3