

POSTED 4-26-87
650

Case No. BZA 17-87 - A1 Comeau requests a variance to reduce the required rear yard setback from 20 ft to 11 ft on property zoned the "AA" One-family Dwelling District & generally located on the north side of Caddy Lane Court
1150 Caddy Lane Court

ACTION

B.Z.A. 17-87 Approved 5/26/87
DATE

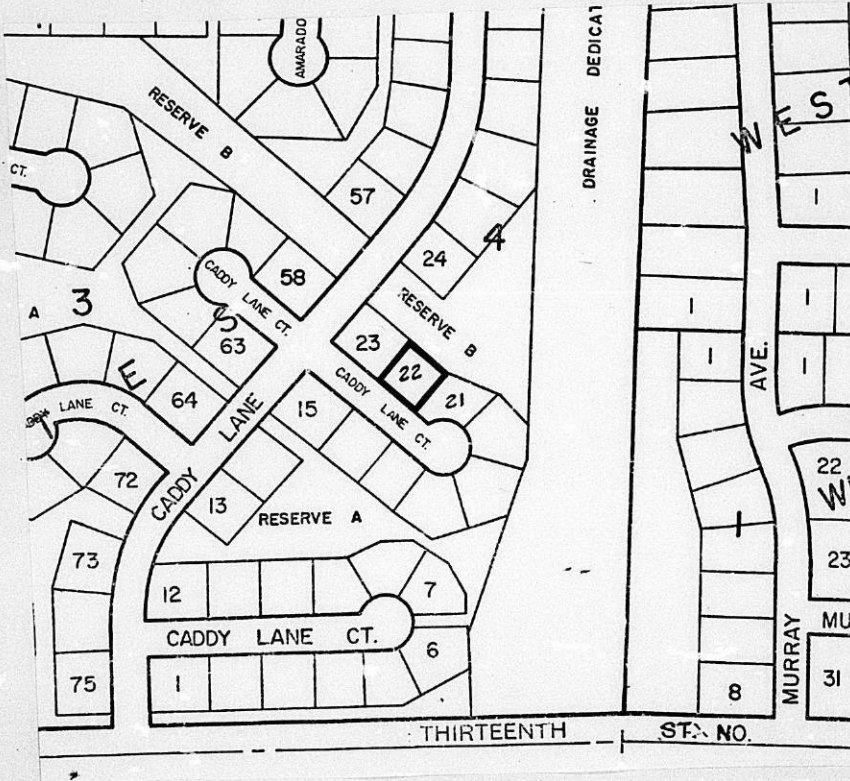
200' 4" Sec 6-29-87
Shot 207-87
Record

Map No. 4849-C

BZA 17-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "AA" S "AA" W "AA" N "AA"
3. Land Use: East I-F South I-F
West I-F North I-F
4. Area (is) (~~not~~) platted.



Standard
No. 2153C
HASTINGS, IAN
LOS ANGELES OFFICE: 1000 S. GRIFFIN, SUITE 100
HENDERSON, IAN
U.S.A.

June 5, 1987

J. W. Russell Construction, Inc.
443 North Maize Road
Wichita, Kansas 67212

Re: BZA 17-87 - Request for Variance

Dear Sir:

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: Al Comeau, 1530 Caddy Lane Court, Wichita, Kansas 67212
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

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 17-87: North side of Caddy Lane Court (1530 Caddy Lane Court)

On Wednesday, May 20, CPO Council 5A considered the above captioned case, a request for a variance to reduce the required rear yard setback from 20 feet to 11 feet on property zoned the "AA" One-Family Dwelling District. Council members were provided the notice to adjoining property owners, and a map of the area. After extensive discussion, the Council voted 7-0 to recommend approval of the request subject to staff comments.

The agent, Jim Fisher, was present to describe the request and respond to questions from the Council. According to Mr. Fisher, the applicant wished to build an addition onto his existing house. Mr. Fisher stated that the request would pose no problems to adjacent neighbors.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 17-87 is considered.

BLC:dm

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 17-87

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 Al Comeau, 1530 Caddy Lane, 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 11 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 22, Block 4, Amarado Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Caddy Lane Court (1530 Caddy Lane Court).

This application has been assigned Case No. BZA 17-87. 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

RESOLUTION CASE NO. 17-87

WHEREAS, Al Comeau, 1530 Caddy Lane Court, 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 11 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 4, Amarado Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Caddy Lane Court (1530 Caddy Lane Court).

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 the rear yard is adjacent to a drainageway, common open space area that is excessively large as compared to other properties in the development; 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 adjacent property to the west has been constructed at the same general distance as is requested by this applicant and the location of this addition should not interfere with the light and air of the adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the contractor had informed the applicant that there was no problem in securing a permit and excavation was started before the building permit was applied for, thus creating a great inconvenience to the owner; 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 construction will not interfere in anyway with any 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 more than adequate separation will be maintained between the houses in the area due to the common open space; 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.

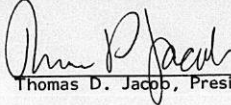
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to 11 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 4, Amarado Estates Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Caddy Lane Court (1530 Caddy Lane Court).

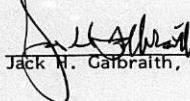
be approved subject to the following conditions:

1. The reduction of the rear yard setback from 20 feet to 11 feet shall only apply to an area not to exceed 250 square feet of the required rear yard.
2. There shall be no encroachments of any portion of the structure, such as eaves, porches or decks into the utility easement.

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


Thomas D. Jacob, President

ATTEST:


Jack H. Garbraith, Secretary

SECRETARY'S REPORT
CASE NO. BZA 17-87

APPLICANT: Al Comeau, 1530 Caddy Lane Court, Wichita, KS 67212

AGENT: J. W. Russell Construction, Inc., 443 N. Maize Rd.,
Wichita, KS 67212

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required rear yard
setbacks from 20 feet to 11 feet.

GENERAL LOCATION: On the north side of Caddy Lane Court (1530 Caddy
Lane Court).

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

LAND USE: Subject property is occupied by a one-family dwelling
as are all adjacent properties. To the north is a
drainageway, common open space area.

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 of the required 20-foot rear yard setback in order to construct an addition to the house within 11 feet of the rear property line. The rear yard is adjacent to a ten-foot utility easement, and a drainageway, common open space area that is 90 feet or more in width.

The residence immediately to the west was apparently constructed in violation of the 20-foot rear yard setback. It appears that this house is located approximately ten feet from the north property line adjacent to the easement.

It should be noted that the location of the addition proposed by the applicant will be located over 150 feet from the closest residence across the common open space. This area immediately to the rear of the applicant's property is a large triangular area that is designated as a reserve for the detention of storm water. In addition, there is a 180-foot drainageway on the property to the east platted on the next residential area to the east which creates an extremely large open space adjacent to this property.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the rear yard is adjacent to a drainageway, common open space area that is excessively large as compared to other properties in the development.

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 adjacent property to the west has been constructed at the same general distance as is requested by this applicant and the location of this addition should not interfere with the light and air of the adjacent properties.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the contractor had informed the applicant that there was no problem in securing a permit and excavation was started before the building permit was applied for, thus creating a great inconvenience to the owner.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the construction will not interfere in anyway with any right-of-way or easements.

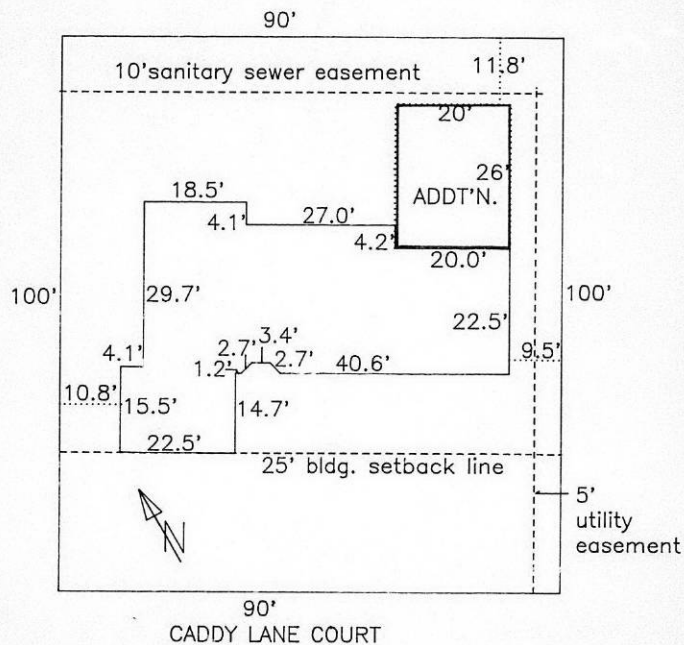
SPIRIT AND INTENT:

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 more than adequate separation will be maintained between the houses in the area due to the common open space.

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 11 feet shall only apply to an area not to exceed 250 square feet of the required rear yard.
2. There shall be no encroachments of any portion of the structure, such as eaves, porches or decks into the utility easement.



LOT 22 BLOCK 4 AMARADO

1"=20'

BZA 17-27

BZA CASE NO. 17-87

| | |
|-----------|---|
| <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>17</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>20</u> | TOTAL NOTICES SENT <u>5/5/87</u> |

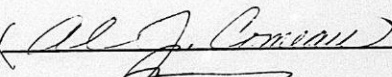
APPLICATION FOR VARIANCE

I. Name of Applicant Al Comeau
Mailing Address 1530 Caddy Lane Ct. Phone 722-3562
Name of Authorized Agent J.W. Russell Construction, Inc.
Mailing Address 443 N. Maize Rd., Wichita, Ks. Phone 722-2417
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required rear yard setback from
20 feet to approximately 11 feet
for property located on the northeast side of Caddy Lane Ct.
Common Address: 1530 Caddy Lane Ct.
and legally described as: Lot 22, Blk 4 Amarado
in the City of Wichita; and which is presently zoned residential "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 

Authorized Agent 

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:00 (a.m./p.m.), Apr 24, 1987, together with appropriate
fee of 200.00.

Signed 

CONDITIONS FOR VARIANCE

1. The shape of house cuts down on back yard.
2. Although back of lot abuts a common area (Reserve B) the additional will still be 12' from property line and 20' from community sidewalk on Reserve B.
3. There is no other area on this lot for this addition.
4. The additional will add to the properties value and can only increase adjacent property values. This type of variance has been granted numerous times in this same area.
5. There is adequate open space in area at back of lot due to large drainage area that is located there

OWNERSHIP LIST

File No. 26027

| LEGAL DESCRIPTION | OWNER/ADDRESS |
|---|--|
| Lot 16, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Darryl W. Rhodes and Susan K. Rhodes, husband and wife 1506 Caddy Lane, Wichita, KS 67212 |
| Lot 17, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | David A. Lipski, a single person 1510 Caddy Lane Court Wichita, KS 67212 |
| Lot 18, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Thomas N. D'Annunzio and Judy A. D'Annunzio, husband and wife 1514 Caddy Lane Court Wichita, KS 67212 |
| Lot 19, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Lonnie Keith Dement and Loretta L. Dement, husband and wife 1518 Caddy Lane Court Wichita, KS 67212 |
| Lot 21, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Gary M. Thudium and Marcia I. Thudim, husband and wife 1526 Caddy Lane Court Wichita, KS 67212 |
| Lot 22, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Alphonse J. Comeau, a single person, and Malvina M. Comeau, a single person 1530 Caddy Lane Court Wichita, KS 67212 |
| Lot 23, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | Virginia K. Gutschenritter 1534 Caddy Lane Court Wichita, KS 67212 |

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Lot 24, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

Eugene A. Shifton, also know as,
Eugene Anthony Shifton, and
✓ Lucille A. Shifton, husband and wife
1538 Caddy Lane
Wichita, KS 67212

Lot 25, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

✓ Harry C. Perkins and Teresa A. Perkins,
husband and wife
1542 Caddy Lane
Wichita, KS 67212

delete
Lot 26, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

delete
Robert D. Mies and Marcia E. Mies
~~1546 Caddy Lane~~
Wichita, KS ~~67212~~

delete
Lot 27, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

delete
Vinodh K. S. Kumar and Sunitha V. Kumar,
husband and wife
1550 Caddy Lane
Wichita, KS 67212

Reserve A, Block 2;
Reserve A and Reserve B,
Block 3; Reserve A and
Reserve B, Block 4, all
in Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

✓ Amarado Estates Homeowners Association
216 South Market
Wichita, KS 67202

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A tract of land described as: Beginning at the SW corner, SE/4, NW/4, Section 8, Township 27 South, Range 1 West of the 6th P.M., thence bearing North 0 degrees 15 minutes, 45 seconds West along the West line of the SE/4 of said NW/4, a distance of 33.00 feet; thence bearing North 88 degrees, 59 minutes 27 seconds East parallel with the South line of the SE/4 of said NW/4, a distance of 1153.27 feet; thence bearing South 0 degrees 32 minutes 14 seconds East, a distance of 33.00 feet; thence bearing South 88 degrees 59 minutes 27 seconds West along the South line of the SE/4 of said NW/4, a distance of 1153.43 feet to the point of beginning.

Dedicated to the public for street purposes by instrument dated September 26, 1980, approved by the Board of Commissioners March 24, 1981, and filed of record April 3, 1981, on Film 470, Page 1005.

Columbian National Title Insurance of Wichita, Inc., hereby certifies the foregoing to be a true and correct list of all property owners within 200 feet of the center of the following described property:

Lot 22, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

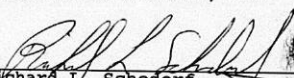
according to the last deeds filed of record in the Register of Deeds Office, Sedgwick County, Kansas, as of April 21, 1987 @ 7:00 a.m.

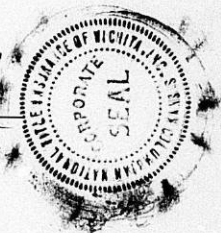
Please note that addresses, as given, are furnished as a service and are not certified.

This report is not, nor is it to be considered as, a complete examination, from the beginning, of all the records affecting said land. Liability hereunder is limited to the amount of the fee paid herefor.

COLUMBIAN NATIONAL TITLE
INSURANCE of WICHITA, INC.

By:


Richard L. Schodorf
Executive Vice President and
Branch Manager



Research By:
Gregory Dale

Amendment to
OWNERSHIP LIST
File No. 26027

The attached list contains nine additions and three deletions to become a part of the ownership list attached hereto. All Statements regarding the content, expressed liability, and effective date of said Ownership List remain unchanged.

TRACTS TO BE ADDED

| LEGAL DESCRIPTION | OWNER/ADDRESS |
|--|--|
| (1) Lot 7, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Joseph L. White and Kathleen A. White, husband and wife 1424 Caddy Lane Court, Wichita, KS 67212 |
| (2) Lot 8, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Kenneth W. Watts, a single person 1428 Caddy Lane Court Wichita, KS 67212 |
| (3) Lot 14, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Charles L. Jones and Shirley J. Jones, husband and wife 1464 Caddy Lane Wichita, KS 67212 |
| (4) Lot 15, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Kenton T. Grubbs and Virginia A. Grubbs, husband and wife 1502 Caddy Lane Court Wichita, KS 67212 |
| (5) Lot 20, Block 4, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Charles L. Cantrell and Karen J. Cantrell, husband and wife 1522 Caddy Lane Court Wichita, KS 67212 |
| (6) Lot 57, Block 3, Amarado Estates, an Addition to Wichita, Sedgwick County, Kansas. | ✓ Jack F. Miller and Carol Miller, husband and wife 1537 Caddy Lane Wichita, KS 67212 |

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(7)
Lot 58, Block 3,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

✓ Thomas E. Grubbs and Mabelle W. Grubbs,
husband and wife
1531 Caddy Lane
Wichita, KS 67212

(8)
Lot 63, Block 3,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

✓ Edward N. Noulín, Jr. and Elaine A. Noulín
husband and wife
1503 Caddy Lane
Wichita, KS 67212

(9)
That portion of the
Drainage Dedication
shown on the recorded
plat of Amarado Estates
lying within 200 feet of
the following described
real property:

Lot 22, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

All references to the following tracts are to be entirely deleted from
this Ownership List:

(1)
Lot 26, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

(2)
Lot 27, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

(3)
That tract dedicated to
the public on Film 470,
Page 1005.

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Columbian National Title Insurance of Wichita, Inc., hereby certifies the foregoing Amendment, together with the attached Ownership List, to be a true and correct list of all property owners within 200 feet of any boundary line of the following described property:

Lot 22, Block 4,
Amarado Estates, an
Addition to Wichita,
Sedgwick County, Kansas.

according to the last deeds filed of record in the Register of Deeds Office, Sedgwick County, Kansas, as of April 21, 1987 @ 7:00 a.m.

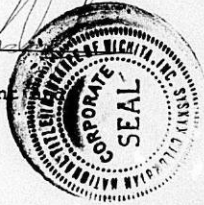
Please note that addresses, as given, are furnished as a service and are not certified.

This report is not, nor is it to be considered as, a complete examination, from the beginning, of all the records affecting said land. Liability hereunder is limited to the amount of the fee paid herefor.

COLUMBIAN NATIONAL TITLE
INSURANCE OF WICHITA, INC.

By: 

Richard L. Schodorf
Executive Vice President
Branch Manager



Researched By:
Gregory Dale
262-8231

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 20-021 PAYMENT NOTICE
 City of Wichita

| | | | |
|-------|------------------|------------|--------|
| Bldg. | Use of Str. | Code Bks | Copies |
| Elec | Elev. Insp. | Hse Moving | Lic. |
| Mech | Boiler Insp. | Pav. Cuts | Cert. |
| Plbg | Exam Fees | Sewer | Elev. |
| Signs | Plan Rev. (P.W.) | Cement | M.S.P. |

Planning

| DESCRIPTION | AMOUNT |
|---------------|-----------|
| CITY 62A VOTE | \$ 300.00 |

NAME _____

ADDRESS _____

FUND 442 N. 11212 DUE DATE _____

COMMENTS 44711-503

DATE _____ BY _____