

BZA

COMMITTEE

DATE *Approved subject 23-74*
to condition

M.A.P.C. _____

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

BZA 18-74 - Melvin Czaplinski re-
quests variance of front yard set-
back for parking - WS of Colorado
Court & north of Central

Digitizing

*POSTED
6-26-74
PH*

*C.I. ✓
MAP ✓
8-2-74
PH*

ACTION

DATE

BZA COMMITTEE *Approved, subject - 23 - 74
to condition*

M.A.P.C. _____

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

BZA 18-74 - Melvin Caplinski re-
quests variance of front yard set-
back for parking - WS of Colorado
Court & North of Central

Map No. 5148
 Sec. 14
 Twp. 27
 Range 10W

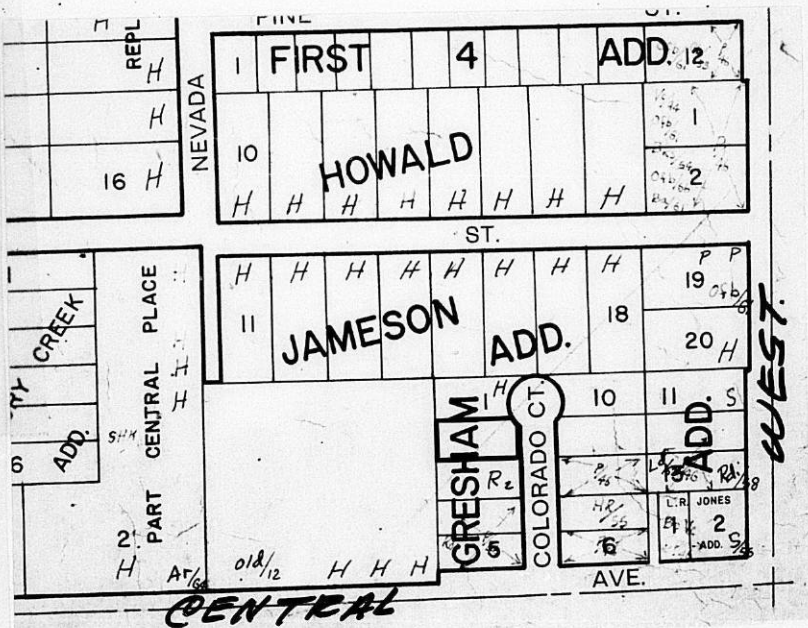
BZA- 18-74
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.23 (65 ft. by 150 ft.) IRREGULAR
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South TWO FAMILY DRIVE IN
 West UNDEVELOPED North SINGLE FAMILY
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RB Subs
 W/NTS is "AN"
 E is LC

RESOLUTION NO. BZA 18-74

WHEREAS, Melvin L. and Marjorie L. Czaplinski, 725 Colorado Court, Wichita, Kansas, 67212 request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 30 feet to 20 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lot 2, Gresham Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Colorado Court in an area north of Central.

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 July 23, 1974, 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 a setback in excess of 20 feet is not ordinarily found in the "RB" Four Family Dwelling District, and the requested variance would still provide for a 20 foot setback. A unique condition also exists inasmuch as "LC" Light Commercial zoned property is directly across the street where parking is permitted to the property line; 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 residents of the duplex to the south are parking in the front yard setback area and the residents to the north are the applicants in this case; 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 owner represented in the application inasmuch as the applicant would be required to hard-surface the majority of the side yard area in order to provide the required amount of parking; 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 Colorado Court dead-ends to a cul-de-sac immediately north of subject property, with the only residence located north of the property being owned and occupied by the applicant and the property across the street is vacant and zoned "LC" which would permit parking to the front property line; 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 building itself sets back beyond the required setback and the applicant will provide the required parking, still retaining a 20 foot setback, without creating an adverse effect on adjacent residential properties.

WHEREAS, each of the five conditions required by Section 2.12.590.C, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

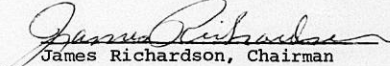
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 30 feet to 20 feet for off-street parking purposes only on property zoned the "RB" Four Family Dwelling District and legally described as:

Lot 2, Gresham Addition to Wichita,
Sedgwick County, Kansas. Generally
located on the west side of Colorado
Court in an area north of Central.

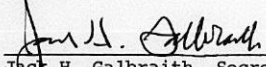
be approved subject to the following conditions:

1. The front yard setback shall be reduced from 30 feet to 20 feet for off-street parking purposes only and no permanent structures shall be erected thereon.
2. The parking area and driveway shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing.
3. The 20 foot front yard setback area shall be landscaped with a combination of trees, shrubs, grass, or ground cover, and shall be maintained in good condition with protective barriers being installed and situated around the perimeter of the pavement in such a manner so as to restrict ingress and egress to the parking area by the driveway only.
4. Off-street parking will not be permitted in the remaining 20 foot front yard setback area, and any violation of this condition will render this variance null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS

262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

August 1, 1974

Mr. and Mrs. Melvin Czaplinski
725 Colorado Court
Wichita, Kansas 67212

Subject: Case No. BZA 18-74
Request for a Variance

Dear Mr. and Mrs. Czaplinski:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 23, 1974, in connection with your request for a variance to reduce the required front yard setback from 30 feet to 20 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District, and generally located on the west side of Colorado Court in an area north of Central.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

Encl.

cc: Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

LOT 2 GRESHAM ADDITION

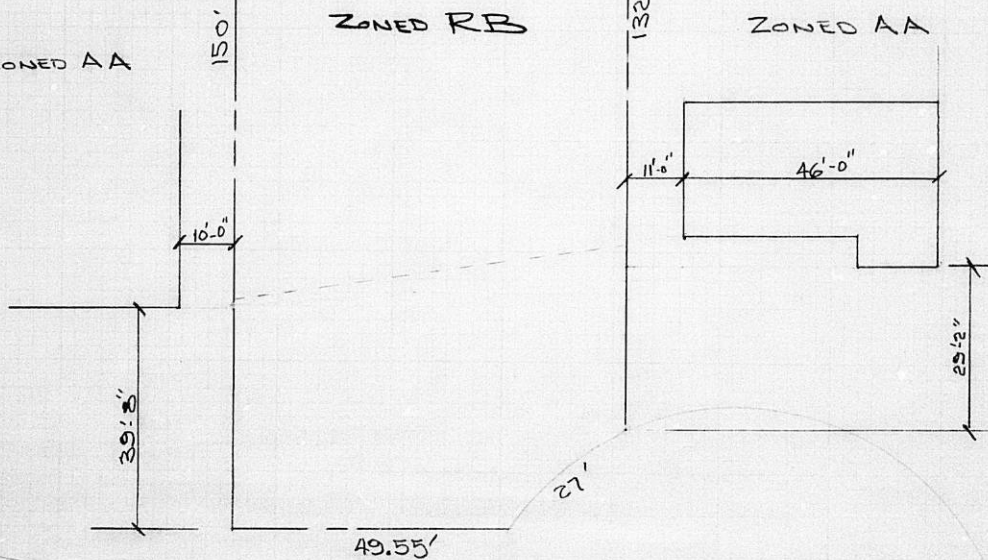
SCALE 1"=20.0'

ZONED AA

ZONED RB

ZONED AA

N



49.55'

132'±

150'

10'-0"

39'-8"

11'-0"

46'-0"

25'-2"

27'

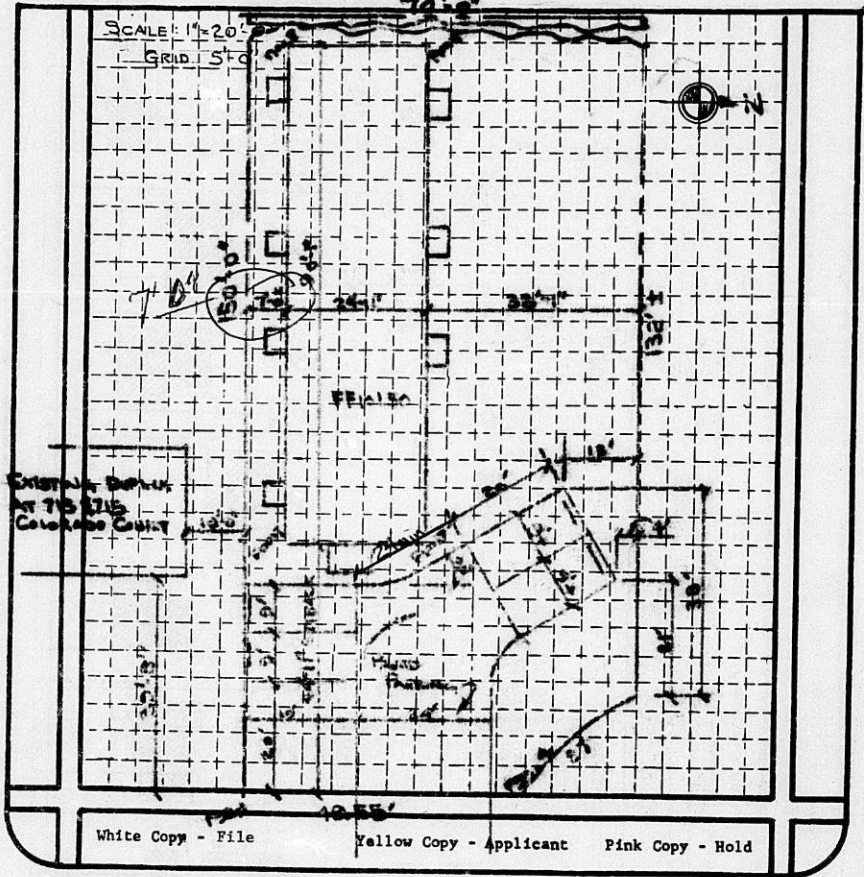
COLORADO COURT

RESIDENTIAL PLOT PLAN

ADDRESS: 713 Colorado Court

PERMIT NO.: _____

LOT(s): 2 BLK. _____ OF GREENWOOD ZONING: _____



White Copy - File Yellow Copy - Applicant Pink Copy - Hold

I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: Mayme Gephlin
(Applicant)

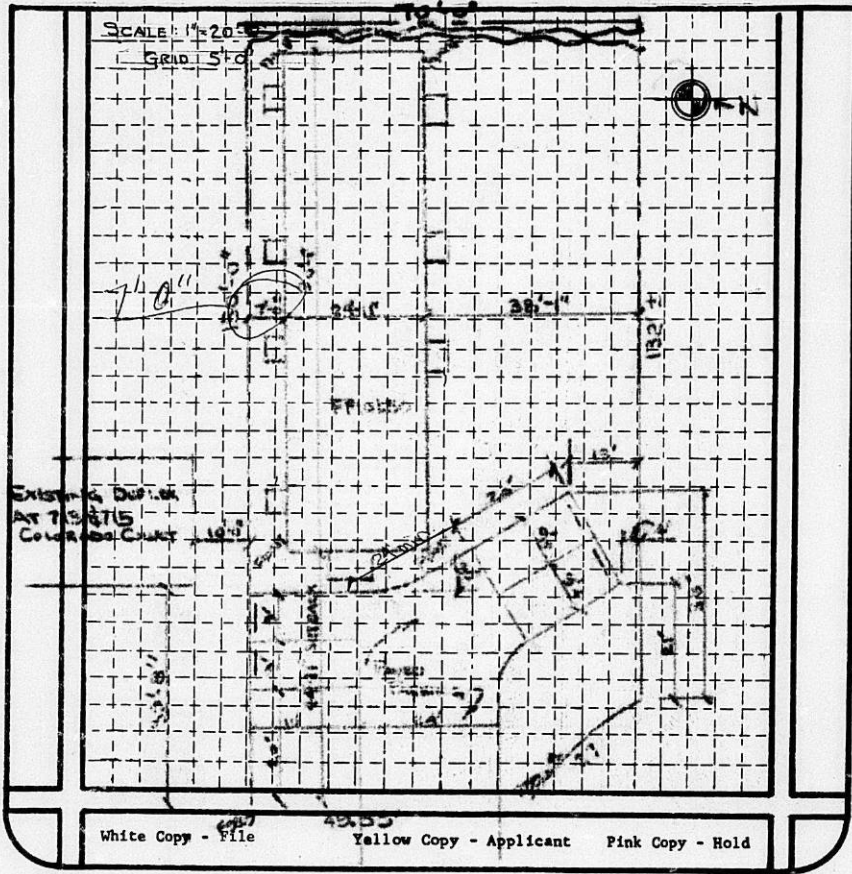
Garage Carport Open Parking

RESIDENTIAL PLOT PLAN

ADDRESS: 713 Colorado Court

PERMIT NO.: _____

LOT(s): _____ BLK. _____ OF _____ ZONING: _____



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: _____

Margie Gorbish
(Applicant)

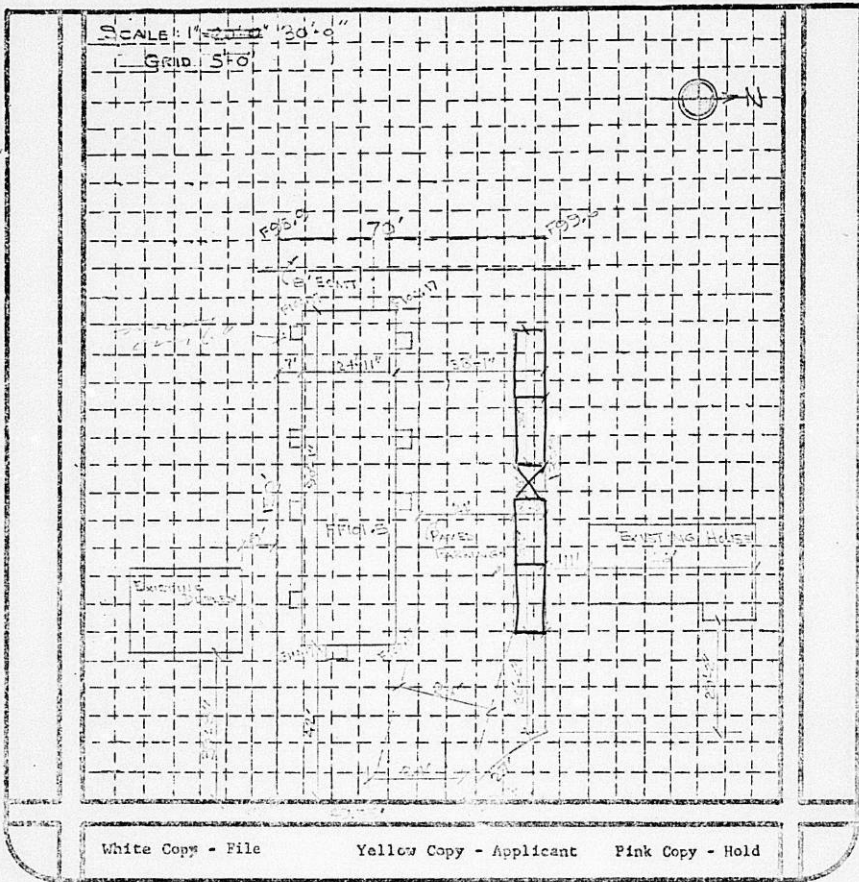
Garage Carport Open Parking

RESIDENTIAL PLOT PLAN

ADDRESS: 719 Colorado Court

PERMIT NO.: _____

LOT(s): 2 BLK. _____ OF GRECHAM ADDITION ZONING: _____



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (5/25/71)

Signed: _____

Garage Carport Open Parking

Donald L. Rankin
(Applicant)
by Russell E. Rankin

July 24, 1974

Mr. and Mrs. Melvin Czaplinski
725 Colorado Court
Wichita, Kansas 67212

Subject: Case No. BZA 18-74
Request for a Variance

Dear Mr. and Mrs. Czaplinski:

At the regular meeting of the Board of Zoning Appeals on July 23, 1974, your request for a variance to reduce the required front yard setback from 30 feet to 20 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District, and generally located on the west side of Colorado Court in an area north of Central, was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The front yard setback shall be reduced from 30 feet to 20 feet for off-street parking purposes only and no permanent structure shall be erected thereon.
2. The parking area and driveway shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing.
3. The 20 foot front yard setback area shall be landscaped with a combination of grass, shrubs, trees or ground cover, and shall be maintained in good condition with protective barriers being installed and situated around

Mr. and Mrs. Melvin Czapinski
July 24, 1974

the perimeter of the pavement in such a manner so as to restrict ingress and egress to the parking area by the driveway only.

4. Off-street parking will not be permitted in the remaining 20 foot front yard setback area, and any violation of this condition will render this variance null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. PZA 18-74

APPLICANT: Melvin and Marjorie L. Czaplinski, 725 Colorado Ct.,
Wichita, Kansas 67212.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required front yard setback
from 30 feet to 20 feet for off-street parking purposes only.

GENERAL LOCATION: West side of Colorado Court in an area north
of Central.

ZONING: Subject property is zoned the "FB" Four Family Dwelling
District. properties to the north, south and west are zoned the
"AA" Single Family Dwelling District, to the east is "IC" Light
Commercial District.

LAND USE: Subject property is occupied by a four-plex; property
to the south contains a duplex; property to the north is developed
as a single family residence; properties east and west are vacant.

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
of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will
not adversely affect the rights of adjacent property
owners or residents.
3. That the strict application of the provisions of Title
28 of which variance is requested will constitute un-
necessary hardship upon the property owner represented
in the application.

Secretary's Report
Case No. BZA 18-74
Page Two

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required front yard setback from 30 feet to 20 feet to provide off-street parking for a four-plex that was recently moved onto subject property.

Normally a front yard setback of only 20 feet is required in the "RB" Four Family Dwelling District. However, the ordinance provides that the minimum front yard setback of all lots between two adjacent conforming use buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question, but that the application of this regulation shall not increase the front yard setback to more than 30 feet. In this instance, the house to the north sets back 29 feet from a platted cul-de-sac and the duplex to the south sets back 40 feet from the property line. The projected straight line between the two buildings would require the applicant's setback to be in excess of 30 feet, therefore the required front yard setback for subject property is 30 feet.

The four-plex has been placed on subject property so as to provide a 42 foot front yard setback, a 7 foot side yard setback from the south property line and a 32 foot side yard setback from the north property line. The permit to move this structure onto subject property was issued based on a plot plan showing the required off-street parking spaces located in the side yard area on the north of the structure. The applicant is requesting a variance to provide off-street parking in the front yard setback so that a greater yard area may be maintained for the property. The applicant is proposing to arrange the parking in such a way as to still provide the normal 20 foot setback. The applicant's

Secretary's Report
Case No. BZA 18-74
Page Three

letter of justification points out that the street (Colorado Ct.) on which property is located is of a gravel composition and that if required to comply with the greater front yard setback would necessitate a large amount of concrete to be used for an approach and parking which would create more water run-off into the street and neighboring yards.

UNIQUENESS

It is the opinion of the Secretary that it is difficult to justify uniqueness in this case inasmuch as the required off-street parking can be situated on subject property in compliance with the zoning ordinance. However, it may be a unique condition in that a setback in excess of 20 feet is not ordinarily found in the "RB" Four Family Dwelling District, and the requested variance would still provide for a 20 foot setback. It may also be somewhat unique that subject property is across the street from "LC" zoning where parking is permitted to the property line.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners inasmuch as the residents of the duplex to the south are parking in the front yard setback area and the residents to the north are the applicants in this case.

HARDSHIP

It is the opinion of the Secretary that if hardship can be found to exist it would be because the applicant would be required to hard-surface the majority of the side yard area in order to provide the required amount of parking, and this could have an undesirable effect on the applicant's property to the north, as well as eliminating open yard area for the occupants of the four-plex.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch

Secretary's Report
Case No. BZA 18-74
Page Four

as Colorado Ct. dead-ends to a cul-de-sac immediately north of subject property, with the only residence located north of the property being owned and occupied by the applicant and the property across the street is vacant and zoned "LC" which would permit parking to the front property line.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance will not be opposed to the general spirit and intent of the Zoning Ordinance inasmuch as the building itself sets back beyond the required setback and the applicant will provide the required parking, still retaining a 20 foot setback, without creating an adverse effect on adjacent residential properties.

RECOMMENDATION

It is the recommendation of the Secretary that should the Board determine all five conditions necessary to the granting of the variance can be found to exist, approval should be subject to the following conditions:

1. The front yard setback shall be reduced from 30 foot to 20 foot for off-street parking purposes only.
2. The parking area and driveway shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing.
3. The 20 foot front yard setback area shall be landscaped with grass, shrubs, trees or ground cover, and shall be maintained in good condition with protective barriers being installed and situated around the perimeter of the pavement in such a manner so as to restrict ingress and egress to the parking area by the driveway only.
4. Off-street parking will not be permitted in the remaining 20 foot front yard setback area, and any violation of this condition will render this variance null and void.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

July 1, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-74

An application has been filed by Melvin R. and Marjorie L. Czaplinski, 725 Colorado Court, Wichita, Kansas, pursuant to Section 2.12.590.B. Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 30 feet to 20 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lot 2, Gresham Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Colorado Court in an area north of Central

This application has been assigned Case No. BZA 18-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 23, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

*7 Notices to Adjoining
Property Owners & 10
Notices to map PC
mailed 7.2.74*

BOARD OF ZONING APPEALS

CASE NO. 17-114

CITY OF WICHITA, KANSAS

FILED 6-24-74

APPLICATION FOR VARIANCE

I. Name of Applicant Melvin R. & Marjorie L. Czaplinski ✓

Mailing Address 725 Colorado Ct. 67212 Phone 942-2846

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

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

II. The variance requested is Change of parking as according to
attached plans.

for property located 719 Colorado Ct.

and legally described as: Lot 2, Gresham Addition

in the City of Wichita; and which is presently zoned "RB"

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to 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.

Marjorie Czaplinski
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:00 (a.m. - p.m.), 6/24 19 74 together with appropriate fee of \$50.00.

Larry Dobson
Signed

CERTIFICATE OF OWNERSHIP

LAWYERS TITLE INSURANCE CORPORATION, Guarantee Title Division, hereby certifies the following to be a true and correct list of the property owners as shown by the last Deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 2, Gresham Addition to Wichita
Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>
<u>GRESHAM ADDITION</u>	
Lots 1 & 2	Melvin R. & Marjorie L. Czaplinski 725 Colorado Ct. 67212 <i>Ruf</i>
Lot 3	Hazel E. Ohmie ✓ 459 N. Knight 67203
Lots 4 & 5	William E. & Ruth Weidensaul ✓ 2044 S. Terrace 67218 William R. & Virginia L. Marker ✓ 401 N. Westfield 67212
Lots 6-7-8-9-10	Progressive Developments Co., Inc ✓ c/o Leonard Levand 200 East 1st St. 67202
<u>SOUTHEAST QUARTER of Sec. 14-27-1W</u>	
Beg. 590' W & 30' N of SE cor of SE/4, N 355.2', W 75', S 355.2' to pt. 30' N of S line SE/4, E 75' to beg.	Leo A. & Kathleen A. Borst ✓ 5118 S. Bdwy. 67219
Beg. 665' W & 30' N of SE cor of SE/4, N 355.2', W 75', S 355.2', E to Beg.	Leo A. & Kathleen A. Borst <i>Ruf</i> 5118 S. Bdwy. 67219
Beg. 740' W & 30' N of SE cor SE/4, N 355.2', W 75', S 355.2' to a pt 30' N of S line SE/4, E 75' to Beg.	Willard L. Gettle, Jr. ✓ Patricia A. Gettle P.O. Box 1760 67201

Dated this 10th day of June, 1974, at 7:00 o'clock A.M.

LAWYERS TITLE INSURANCE CORPORATION
Guarantee Title Division

By *Wm R. Mauldin*
Title Officer

No. 487/f

City of Wichita
Board of Zoning Appeals
City Annex Building

June 21, 1974

Subject:
Property located at
719 Colorado Ct.
Wichita, Kansas
Zoning Variance

Sirs:

I am applying for a variance of the minimum property set back for the property located at 719 Colorado Ct. The purpose of the request is to allow parking for the tenants of the property to park in front of the building so as to maintain a yard area of some size for the property. The property itself is zoned R. E., but the properties on either side are zoned A. A.

In having to follow the requirements for A. A. for the property will cause an excessive amount of concrete to be used for an approach and parking for the building. This will cause a great expense and will not add any value to the property and also will detract from the appearance of the building.

At the present time there is a duplex located just to the South of this property in which the tenants park in front of the duplex. Also the street on which this property is located is of a gravel composition. This combined with the great amount of concrete being made necessary to comply with the minimum set back requirement will cause great hinderance to the neighborhood in bad weather. I therefore feel that by granting me the variance that it will best serve the neighborhood by maintaining a large yard on the side of the property and also lessening the amount of water run off into the street and neighboring yards.

Sincerely,

Majorie L. Czaplinski

Majorie L. Czaplinski

City of Wichita
Board of Zoning Appeals
City Annex Building

June 21, 1974

Subject:
Property located at
719 Colorado Ct.
Wichita, Kansas
Zoning Variance

Sirs:

I am applying for a variance of the minimum property set back for the property located at 719 Colorado Ct. The purpose of the request is to allow parking for the tenants of the property to park in front of the building so as to maintain a yard area of some size for the property. The property itself is zoned R. B., but the properties on either side are zoned A. A.

In having to follow the requirements for A. A. for the property will cause an excessive amount of concrete to be used for an approach and parking for the building. This will cause a great expense and will not add any value to the property and also will detract from the appearance of the building.

At the present time there is a duplex located just to the South of this property in which the tenants park in front of the duplex. Also the street on which this property is located is of a gravel composition. This combined with the great amount of concrete being made necessary to comply with the minimum set back requirement will cause great hinderance to the neighborhood in bad weather. I therefore feel that by granting me the variance that it will best serve the neighborhood by maintaining a large yard on the side of the property and also lessening the amount of water run off into the street and neighboring yards.

Sincerely,

Majorie L. Czaplinski

Majorie L. Czaplinski

Form 225-1

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

124 Vance 50.00

Name

W. J. Gagliardi

Address

725 S. 1st St

Type

AA 46710

Due Date

10/24/74

Comments:

Date

6/24/74

By

[Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1