

DATE

200 1/4 Sec. 6-29-87  
Shot 7-27-87  
Record ✓

Case No. BZA 21-87 - Shirley J. McBryde requests a variance to reduce the required rear yard setback from 20 ft to 10 ft on property zoned the "AM" One-family Dwelling District & generally located on the SE corner of Lyndale and Bridgewater Drive.

POSTED 4-22-87 4:42

# ACTION

B.Z.A. 21-87 Approved 5/6/87  
DATE

200'4 Sec 629 87  
Sheet 227-87  
Record ✓

Case No. BZA 21-87 - Shirley J. McBrida  
requests a variance to reduce the required rear  
yard setback from 20 ft to 10 ft on property  
zoned the "M1" One-family Dwelling District &  
generally located on the SE corner of Lyndale  
and Bridgewater Aves.

Map No. 4846-C

BZA 21-87  
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 Nursing Home
4. Area (is) (        ) platted.



**Shelby**  
No. 2133C  
HASTINGS, IAN  
LOS ANGELES, CALIFORNIA, U.S.A.  
MORRISON, IAN  
LOS ANGELES, CALIFORNIA, U.S.A.

June 5, 1987

Jerry L. Falke  
Route 1, Box 30AA  
Clearwater, Kansas 67026

Re: BZA 21-87 - Request for Variance

Dear Mr. Falke:

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: Shirley J. McBryde, 1373 Bridgewater Drive, Wichita, KS 67209  
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 21-87: Southeast corner of  
Lynndale and Bridgewater Drive

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 10 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 applicant, Shirley McBryde, was present to describe the request and respond to questions from the Council. According to Ms. McBryde, she would like to build a house on her lot that is rather oddly shaped and needs a variance in order to do so. Ms. McBryde provided a site plan to Council members for their review as well.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 21-87 is considered.

BLC:dm

RESOLUTION CASE NO. 21-87

WHEREAS, Shirley J. McBryde, 1373 Bridgewater Drive, Wichita, Kansas 67209, 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:

Lot 1, Block 1, Miles Lakewood Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Lynndale and Bridgewater Drive.

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 lot has a curvilinear front yard that severely restricts the buildable area of the property, and the request is to reduce the rear yard adjacent to a large common open space that is not generally found on most properties in the city; 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 property is adjacent to an 80-foot and larger open space area that is common to the only adjoining lot and said lot would not be affected by a ten foot variance; 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 lot was platted of insufficient depth to accommodate the type of home desired by the applicant without some reduction of the yards required by the zoning ordinance; 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 setback will not interfere with any needed easements for the development; 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 space will be maintained to provide light and air to all properties as is the intent of the ordinance; 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:

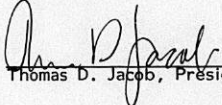
Lot 1, Block 1, Miles Lakewood Village Second Addition to Wichita, Sedgwick County, Kansas. Generally

located on the southeast corner of Lynndale and  
Bridgewater Drive.

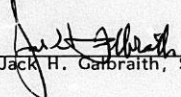
be approved subject to the following conditions:

1. The reduction of the rear yard from 20 feet to ten feet shall apply to the yard adjacent to the common open space on the south.
2. There shall be no encroachment of any portion of the structure, such as eaves, porches or decks beyond the ten-foot setback line 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 21-87

APPLICANT: Shirley J. McBryde, 1373 Bridgewater Dr., Wichita, KS 67209

AGENT: Jerry L. Falke, Route 1, Box 30AA, Clearwater, KS 67026

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 southeast corner of Lynndale and Bridgewater Drive.

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

LAND USE: Subject property is vacant as is the property to the east. To the south and west are one-family dwellings. To the north is a nonconforming nursing home.

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 a new home on the property. The property is a corner lot that has 25 and 15 foot platted setbacks adjacent to the streets. The applicant's property is also adjacent to a drainageway and common open space on the south which is also considered the rear of the lot. This yard also contains a utility easement which prohibits any construction from occurring on the property closer than ten feet to the south property line.

The front yard, as platted, is to the north with side yards to the east and west. The depth of the lot from north to south at the east property line is 105 feet and is further reduced in the west portion of the lot due to the curvilinear street pattern. With a 25-foot front yard and a 20-foot rear yard, the buildable area is severely restricted. The plan of the house proposed for the lot will not fit without the reduction of the rear yard, or possibly the front and rear yards.

It should be noted that this property was platted a number of years ago with nearly all the lots backing onto common open space and drainageway, but many with depths less than normal. As a result, there have been other requests for variances of the setbacks in order to construct the size of home desirable to the neighborhood.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot has a curvilinear front yard that severely restricts the buildable area of the property, and the request is to reduce the rear yard adjacent to a large common open space that is not generally found on most properties in the city.

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 property is adjacent to an 80-foot and larger open space area that is

common to the only adjoining lot and said lot would not be affected by a ten foot variance.

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 lot was platted of insufficient depth to accommodate the type of home desired by the applicant without some reduction of the yards required by the zoning ordinance.

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 setback will not interfere with any needed easements for the development.

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 space will be maintained to provide light and air to all properties as is the intent of the ordinance.

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 from 20 feet to ten feet shall apply to the yard adjacent to the common open space on the south.
2. There shall be no encroachment of any portion of the structure, such as eaves, porches or decks beyond the ten-foot setback line into the utility easement.

BZA CASE NO. 21-87

<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>7</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>10</u>	TOTAL NOTICES SENT <u>5/6/87</u>

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 21-87

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 Shirley J. McBryde, 1373 Bridgewater Drive, Wichita, Kansas 67209, 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:

Lot 1, Block 1, Miles Lakewood Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Lynddale and Bridgewater Drive.

This application has been assigned Case No. BZA 21-87. 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

APPLICATION FOR VARIANCE

I. Name of Applicant Homes By Holding, Shirley J. McBryde Co-Applicant  
Mailing Address 1373 Bridgewater Dr., <sup>67209</sup> Wichita, Ks. Phone 722-2141  
off: 722-0001  
Name of Authorized Agent Jerry L. Falke  
Mailing Address Rt 1, Box 30AA Clearwater, Ks. 67026 Phone 545-7367  
off: 722-6560  
Relationship of applicant to property is that of OWNER  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the rear yard setback line from  
20 feet to not less than 10 feet

for property located on the southwest corner of Lynndale Dr. and  
Bridgewater Dr.  
and legally described as: Lot 1, Block 1, Miles Lakewood Village 2nd.  
Addition to Wichita, Sedgwick Co. Ks.

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 Shirley J. M. McBryde  
Authorized Agent Jerry L. Falke

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
10:07 (a.m./p.m.), Apr. 27, 1982, together with appropriate  
fee of 200.00.

Signed D. Lytle

Board of Zoning Appeals  
City of Wichita, Ks

4-27-87

We are requesting a rear lot  
line variance for Lot 1, Blk. 1, Miller  
Parkwood Village II Addition to Wichita,  
Sedgwick Co. Ks.

The lot is of a unique size & shape  
which prohibits the construction of an  
adequate size & style of home to comply  
with the standards of the area.

We feel that this variance will in  
no way affect or deter the rights  
of adjacent property owners or residents,  
because of the large common  
area at rear of lot where  
variance is requested for.

Thank You  
Jerry S. Falke  
Authorized Agent.

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
                  ) SS  
SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN 200 FEET OF:

Lot 1, Block 1, MILES LAKEWOOD VILLAGE 2ND ADDITION, Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Lot 1, Block 1, MILES LAKEWOOD VILLAGE 2ND ADDITION,

✓ Shirley J. Holding  
1373 Bridgewater  
Wichita, Kansas 67209

Reserve A, Block 1 and Lots 2, 3 and 4, Block 1, and Reserve A, Block 2, MILES LAKEWOOD VILLAGE 2ND ADDITION,

✓ Gene Miles Development, Inc.  
2148 S. 279th Street West  
Garden Plain, Kansas 67050

Lot 12, Block 1, MILES LAKEWOOD VILLAGE SECOND ADDITION,

✓ Kenneth Greg & Dana Jean Cheney  
1384 Bridgewater Court  
Wichita, Kansas 67209

Lot 13, Block 1, MILES LAKEWOOD VILLAGE SECOND ADDITION,

✓ John M. & Dana E. Savage  
1380 Bridgewater Court  
Wichita, Kansas 67209

Lot 14, Block 1, MILES LAKEWOOD VILLAGE SECOND ADDITION,

✓ David L. & Debbie A. Poland  
1370 Bridgewater  
Wichita, Kansas 67209



DESCRIPTIONS

RECORD OWNERS

Lot 14, Block 2, MILES LAKEWOOD VILLAGE SECOND ADDITION,	Shirley J. Holding 1373 Bridgewater Wichita, Kansas 67209
Lot 15, Block 2, MILES LAKEWOOD VILLAGE SECOND ADDITION, AND Lot 16, Block 2, MILES LAKEWOOD VILLAGE SECOND ADDITION,	Billy O. & Linda K. Hager 1369 Bridgewater Wichita, Kansas 67209
Lot 17, Block 2, MILES LAKEWOOD VILLAGE SECOND ADDITION,	Douglas R. & Gayle P. Paul 1359 Bridgewater Wichita, Kansas 67209
Lot 37, Block 2, MILES LAKEWOOD VILLAGE SECOND ADDITION,	Consolidated Resources Health CARE FUND V 1319 Seville Wichita, Kansas 67209

Dated at Wichita, Kansas, 23rd day of April, 1987 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

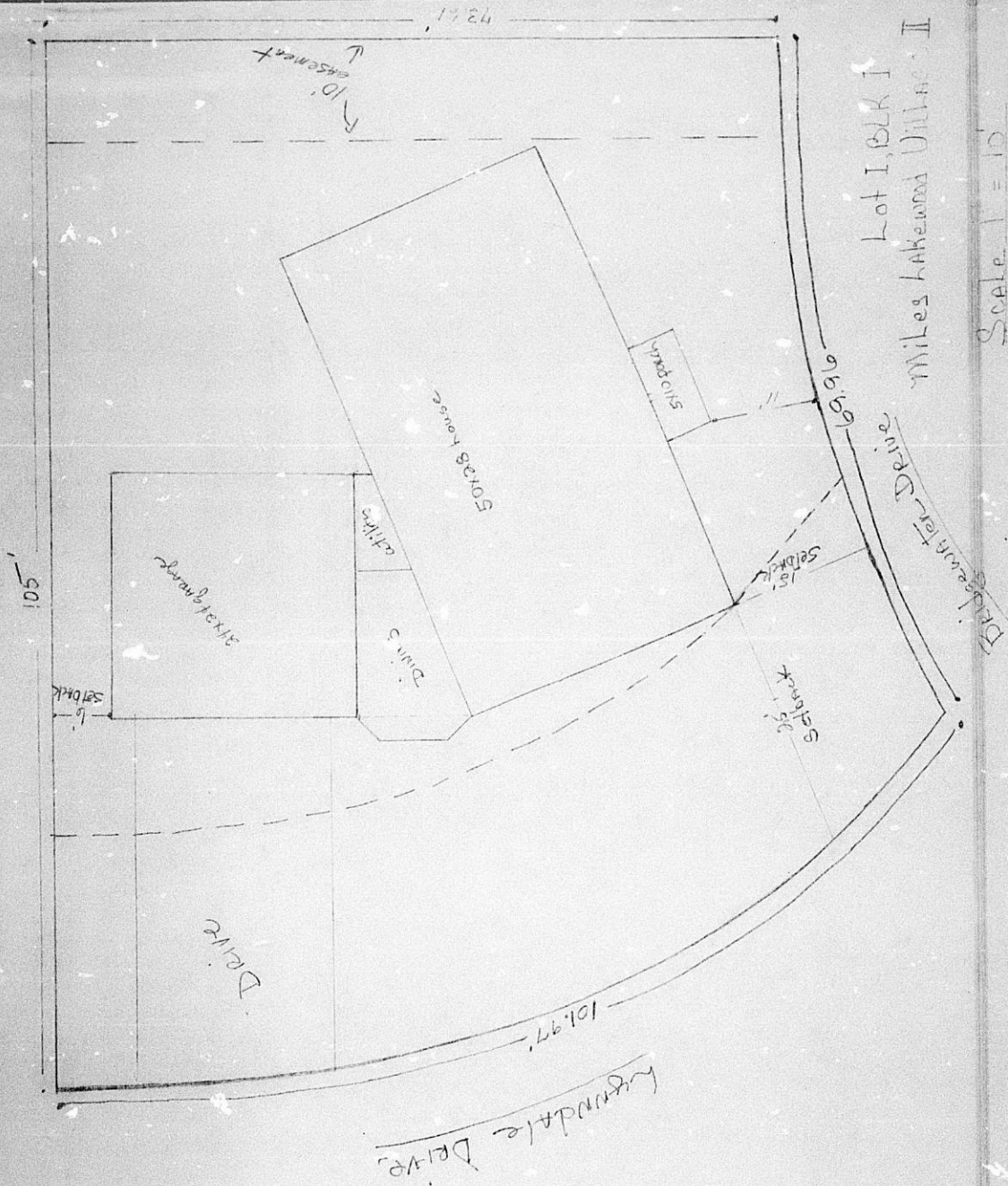
*Medina A. Sutter*  
By  
Administrative Secretary



Tracer No. 73842

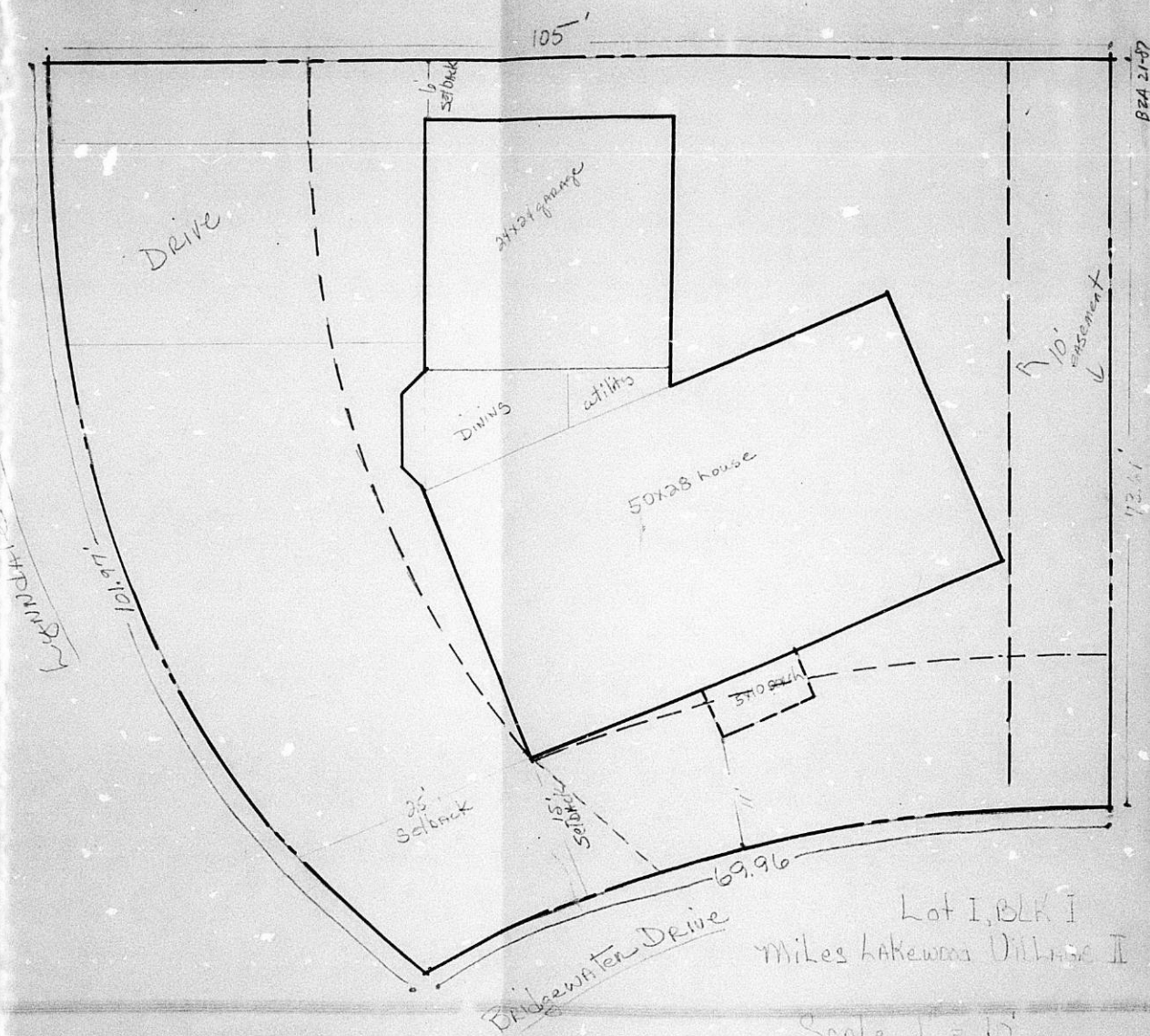


N  
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Lot I, BLK I  
MILES LAKEWOOD VILLAGE II

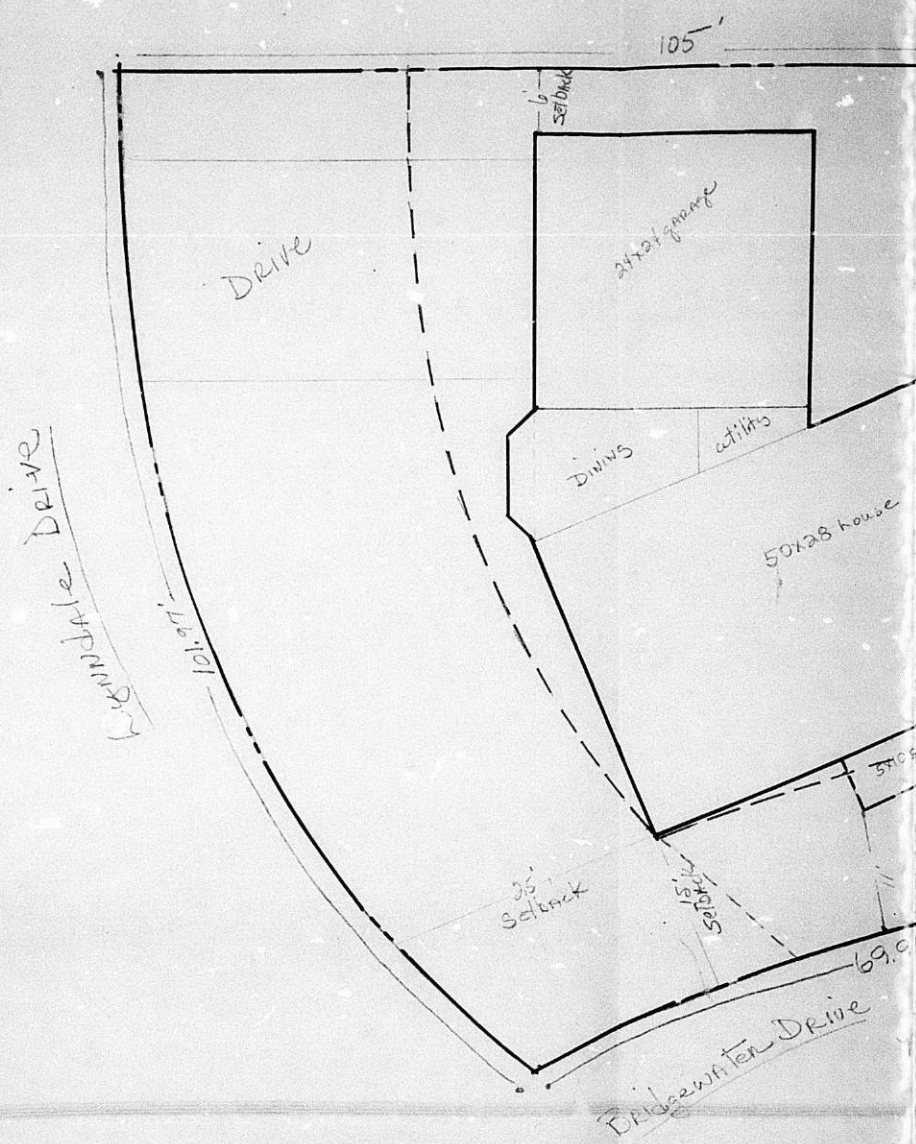
SCALE 1" = 10'



Lot I, BLK I  
 Miles Lakewood Village II

Scale 1" = 15'

← N



**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 70-021

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 17A VAR.	200.00

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 FUND 173 BUILDING PER \_\_\_\_\_ DUE DATE \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 DATE April 27, 1947 BY \_\_\_\_\_