

2004 Sec 6-14-84

SHOT 7-9

RECORD 1

Case No. BZA 24-84 - Louis C. Blanton -
935 West 33rd Street South - requests
a variance to reduce the required rear
yard setback from 20' to 0' on property
zoned the "AA" One-Family Dwelling
District and generally located on the
south side of 33rd Street S. (235

PATED
4-25-84
A61.

ACTION

B.Z.A. 24-84 APPROVED 5-22-84
DATE

200' A Sec 6-14-84
SHOT 7-9
RECORD

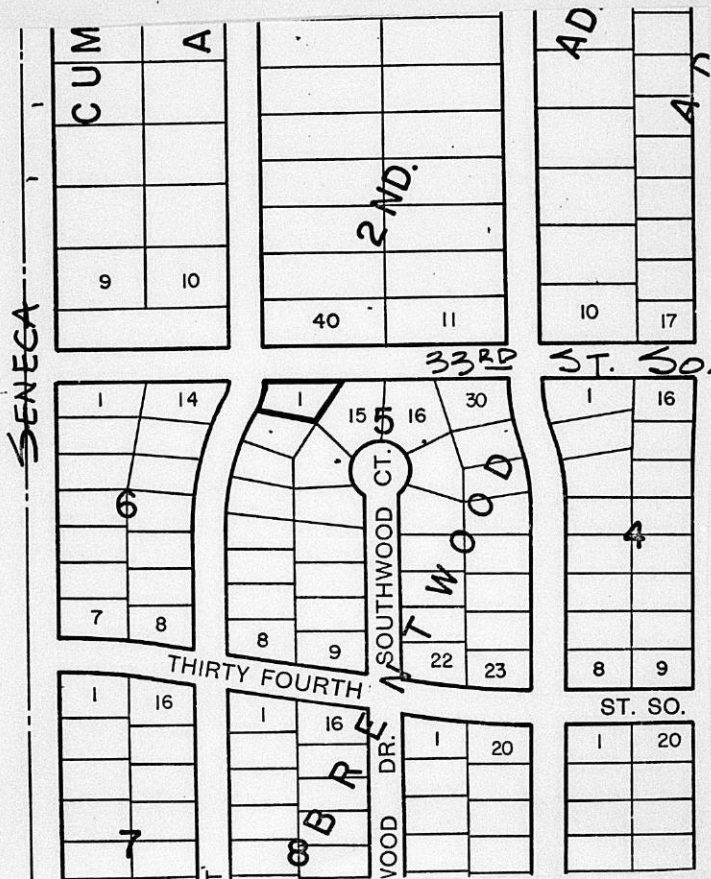
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District and generally located on the
south side of 33rd Street S. 1988

Map No. 5443

BZA 24-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East 1-F South 1-F
West 1-F North 1-F
4. Area (is) (~~is~~) platted.



HAZARD INSURANCE CO. OF CALIFORNIA
1000 CALIFORNIA STREET, LOS ANGELES, CALIF. 90017
U.S.A.

Standard
No. 2-153C

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

May 1, 1984

CORRECTED

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 24-84

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 Louis C. Blanton, 935 West 33rd Street South, 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' to 9' on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 5, Brentwood Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 33rd Street South (935 West 33rd Street South).

This application has been assigned Case BZA 24-84. It will be considered by the Board of Zoning Appeals on May 22, 1984 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

Please note correction in requested variance
of required rear yard from 20' to 9'.

May 24, 1984

Louis C. Blanton
935 West 33rd Street South
Wichita, Ks. 67217

Re: BZA 24-84 - Request for Variance

Dear Mr. Blanton:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 22, 1984.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 24-84

WHEREAS, Louis C. Blanton, 935 West 33rd Street South, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 9 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 5, Brentwood Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Walnut and 33rd Street South (935 West 33rd Street South).

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 22, 1984, 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 property is located on a corner lot that is irregular in shape and the angle of the lot line with the street creates a separation greater than is normally found by two adjoining lots when the structures are constructed parallel to the street; 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 only property that would be directly affected to the east will be at least 25 feet to 30 feet from the proposed addition; 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 existing house is located on the lot facing 33rd Street and a garage is to replace an existing carport to which a driveway is already in place; 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 garage will not interfere with any needed right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the separation between the adjoining structures will exceed the minimum required by the zoning ordinance under normal circumstances; 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.

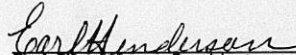
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to 9 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 5, Brentwood Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Walnut and 33rd Street South (935 West 33rd Street South).

be approved subject to the following condition:

1. The garage shall not be located closer than 9 feet to the property line and no portion of the structure shall project over or into the utility easement.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE May 16, 1984

TO Glen Lytle, Special Assistant for Zoning

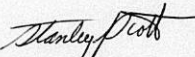
FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 24-84: Generally located on
the South side of 33rd Street
South (935 W. 33rd Street South)

On Monday, May 14, CPO Neighborhood Council Area "C" considered the captioned case, a request for variance to reduce the required rear yard setback from 20' to 9' on property zoned "AA" One Family Dwelling District. The Council voted 7-0 to recommend approval of the requested variance.

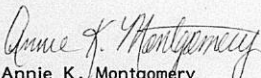
The applicant, Louis C. Blanton, was present to describe the request and respond to questions. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 24-84 is considered on Tuesday, May 22nd.


Stanley J. Scott
CP Coordinator

SJS:sm

Noted:


Annie K. Montgomery
CRS Director

RECEIVED

MAY 17 1984

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 24-84

APPLICANT: Louis C. Blanton, 935 West 33rd Street South,
Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
rear yard setback from 20' to 9'.

GENERAL LOCATION: On the south^{east}~~west~~ corner of 33rd Street South and
Walnut (935 West 33rd Street South).

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.

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 rear yard setback from 20' to 9' in order to construct an attached garage to the east of the house. In this case, the front of the lot is adjacent to Walnut, however the front of the house faces 33rd Street South.

It should be noted that the applicant's dwelling is located on a corner and has dwellings on each side that comply with a 25' front yard setback, but each are permitted to be located closer than the 20' required by the applicant as both are side yards. The yard that is being requested to be varied cannot be less than 8' due to an easement along this property line. The easement also is at an angle with the street so it creates a greater separation on the two houses than would normally be found on two adjoining lots.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as property is located on a corner lot that is irregular in shape and the angle of the lot line with the street creates a separation greater than is normally found by two adjoining lots when the structures are constructed parallel to the street.

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 only property that would be directly affected to the east will be at least 25' to 30' from the proposed addition.

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 existing house is located on the lot facing 33rd Street and a garage is to replace an existing carport to which a driveway is already in place.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the separation between the adjoining structures will exceed the minimum required by the zoning ordinance under normal circumstances.

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 condition:

1. The garage shall not be located closer than 9 feet to the property line and no portion of the structure shall project over or into the utility easement.

BZA CASE NO. 24-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>26</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>28</u>	TOTAL NOTICES SENT <u>5-2-84</u>

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

May 1, 1984

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

Jack H. Galbraith
Secretary

Please note correction in requested variance
of required rear yard from 20' to 9'.

BZA CASE NO. 24-84

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 24-84

CITY OF WICHITA, KANSAS

FILED 4-20-84

APPLICATION FOR VARIANCE

I. Name of Applicant Louis C. Blanton

Mailing Address 935 W. 33rd St. So. Phone 524-3573

Name of Authorized Agent _____

Mailing Address _____ Phone _____

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 9 feet

for property located on the south side of 33rd St. So.
(935 West 33rd St. So.)

and legally described as: Lot 1, Block 5, Brentwood Addition to Wichita, Sedgwick Co., Kansas

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 Louis C. Blanton

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:07 ~~(a.m./p.m.)~~, April 20, 1984, together with appropriate fee of 25.00.

Signed [Signature]

Board of Zoning Appeals
City of Wichita, Kansas

The property located at 935 West 33rd Street South faces North on 33rd Street, there is an existing carport attached on the east side of the home. As a homeowner I am requesting a variance to allow the construction of a 14' x 28' attached garage, replacing the existing carport. The variance is required to allow the structure to come within 17 inches of the 8' foot easement. I believe the current requirement is that a structure cannot be closer than 3' feet of the 8' foot easement.

The granting of this variance is unique to the property, in that due to how the home and driveway area is constructed, it would be impractical to locate a garage elsewhere on the lot. The granting of this variance would not adversely affect the rights of adjacent property owners but would be aesthetically more appealing to the home and surrounding homes than locating of a garage elsewhere on the lot.

If this variance is not granted as a homeowner I would be required to construct the garage in an area that would not be

ATTRACTIVE FOR THIS AREA, OR BEING THE BENEFIT
OF HAVING A GARAGE.

IN NO WAY WILL THE PUBLIC HEALTH, SAFETY,
MORALS, ORDER CONVENIENCE, PROSPERITY, OR GENERAL
WELFARE BE ADVERSELY AFFECTED BY THE GRANTING
OF THIS VARIANCE. THE GRANTING OF THIS
VARIANCE WOULD MEET THE GENERAL SPIRIT AND
INTENT OF TITLE 28 BY ASSURING A STRUCTURE
UPON COMPLETION THAT IS COMPATIBLE WITH
EXISTING STRUCTURES IN THE AREA.

Louis C Blanton
LOUIS C BLANTON
OWNER.

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deed of record in the Office of the Register of Deeds, Sedgwick County, Kansas, Of:

A 200' radius of Lot 1, Block 5, Brentwood Addition.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>BRENTWOOD ADDITION</u> <u>BLOCK 5</u>	
Lot 1	Louis C. Blanton & Betty A. Blanton 935 W. 33rd St. So. Wichita, Kansas 67217
Lot 2	Thomas W. Johnson & Deborah D. Johnson 3412 S. Walnut Wichita, Kansas 67217
Lot 3	Mary E. Bushnell & Sandra Jean Smith 3420 S. Walnut c/o Mary E. Bushnell Wichita, Kansas 67217
Lot 4	Thomas Goetz & Elizabeth Goetz 3426 S. Walnut Wichita, Kansas 67217
Lot 5	Loal J. Wilson 3432 S. Walnut Wichita, Kansas 67217 <i>returned 5-7-84</i>
Lot 12, exc. the N. 5'	Ronald L. Penrod & Gladys J. Penrod 3435 Southwood Court Wichita, Kansas 67217
Lot 13, and the N. 5' of Lt. 12	J. Manuel Olson & Dorothy M. Olson 3427 Southwood Court Wichita, Kansas 67217
Lot 14	Wynetta A. Lawson 3421 Southwood Court Wichita, Kansas 67217
Lot 15	Ronald C. Tracy & Leota Fay Tracy 3415 Southwood Court Wichita, Kansas 67217
Lot 16	Helen H. Chamberlain 3414 Southwood Court Wichita, Kansas 67217
Lot 17	Danny Dean Robbins & Suelen Robbins 3420 Southwood Ct. Wichita, Kansas 67217
Lot 18	Jim Ira Reed & Willie J. Reed 3426 Southwood Court Wichita, Kansas 67217

DESCRIPTION
BLOCK 5 Cont'd

OWNERS AND ADDRESSES

Lot 29

Otto D. Lehrman &
 Vicki S. Lehrman
 ✓ 3407 S. Handley Avenue
 Wichita, Kansas 67217

Lot 30

Dean E. Burford &
 Rebecca R. Burford
 ✓ 3401 S. Handley Avenue
 Wichita, Kansas 67217

BLOCK 6

Lot 1

Gene Henry & Gloria Henry
 ✓ 3402 S. Seneca
 Wichita, Kansas 67217

Lot 2

Marvin E. Melrose &
 Maxine Melrose
 ✓ 3410 S. Seneca
 Wichita, Kansas 67217

Lot 11

William L. Bowman &
 Roberta L. Bowman
 ✓ 3425 S. Walnut
 Wichita, Kansas 67217

Lot 12

Arlington N. Jacobe &
 Sallie L. Jacobe
 ✓ 2319 S. Walnut
 Wichita, Kansas 67217

Lot 13

Doris Horn & Randy Horn
 ✓ 3411 S. Walnut
 Wichita, Kansas 67217

Lot 14

Edward E. Lewis &
 Janice A. Lewis
 ✓ ~~3423 S. Walnut~~ returned
 Wichita, Kansas 67217 5-9-84

CRUMLEY'S ADDITION

Lot 10

Darrell D. Link &
 Mildred I. Link
 ✓ 3341 S. Walnut
 Wichita, Kansas 67217

SLEAZE 2ND ADDITION

Lot 11, the west half

Thomas M. Schroeder &
 LaQueta J. Schroeder
 ✓ 910 W. 33rd St. So.
 Wichita, Kansas 67217

The east half of Lot 11

Timothy M. Tallchief &
 Mary D. Tallchief
 ✓ 3357 S. Handley Avenue
 Wichita, Kansas 67217

Lot 12

Ivan Drumm & Irene Drumm
 ✓ 3349 S. Handley
 Wichita, Kansas 67217

Lot 39

Jacqueline Sue Duckworth
 ✓ 3348 S. Walnut
 Wichita, Kansas 67217

Lot 40

Clarence E. Lundry &
 Ruby B. Lundry
 ✓ 3356 S. Walnut
 Wichita, Kansas 67217

DESCRIPTIONOWNERS AND ADDRESSESRANGE LAND DESCRIPTIONS

A tract of land in the Northwest Quarter of Section 8; Township 28 South, Range 1 East of the 6th P.M., described as follows: Beginning at a point 80 rods south of the Northwest Corner of the Northwest Quarter of Section 8, Township 28 South, Range 1 East; thence east 384 feet; thence north 100 feet; thence west 384 feet to the Section line; thence south 100 feet to the place of beginning, in Sedgwick County, Kansas.

Lawrence R. Vaught &
Lucille Vaught
3360 S. Seneca
Wichita, Kansas 67217

Dated this 30th day of March, 1984, at 7:00 o'clock A.M.



REALTY TITLE CO., INC.

By Karen K. Frye
Karen K. Frye

B 12484

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

May 1, 1984

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Jack H. Galbraith
Secretary

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Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY

W.S.C.

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

LEW 21 020502N1 05/05/84

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Edward E. Lewis and
Janice A. Lewis
2721 Magnolia
Wichita, Kansas 67217



NO POSTAGE
NECESSARY
IF MAILED
IN THE UNITED STATES



Return to Sender
BT
That Name!

WICHITA - SEDGWICK COUNTY

W.S.C.

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

WIL 32 200301N1 05/03/84

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Loal J. Wilson
3432 South Walnut
Wichita, Kansas 67217



RECEIVED

MAY 7 1984
METROPOLITAN PLANNING
ROUTE

ATTEMPTED
NOT KNOWN
RETURN TO SENDER



BT
24-84
Corrected notice

1730
vr

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 021

PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
CITY 674 Var	75.00

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

APR 20 1964

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This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2