

Case No. BZA 28-80 - Crane Homes
requests a variance to reduce
the front yard setback from 25'
to 24' and to reduce the side-
yard setback on the east from
6' to 4' on property zoned "AA"

*Postcard Sec
1/22*

*BZA
28-80*

ACTION

DATE 7-22-80
COMMITTEE APPROVED

M.A.P.C. _____

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

Map No. 52A4
 Sec. 1
 Twp. 28
 Range 1W

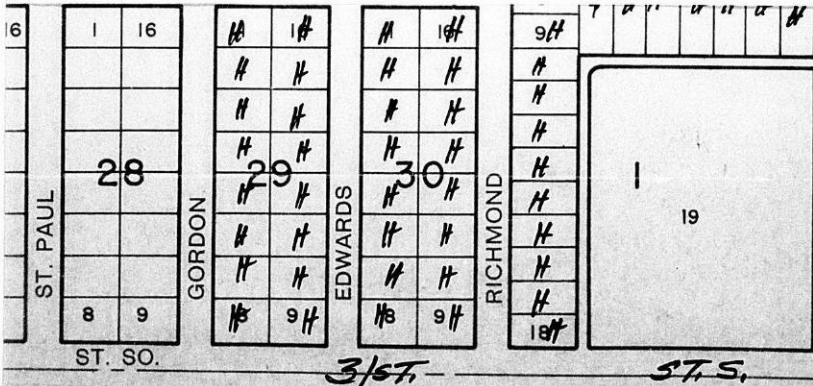
BZA- 28-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.17 (60 ft. by 125 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South UNDEVELOPED
 West _____ North _____
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 _____



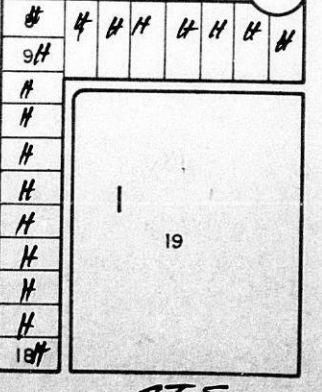
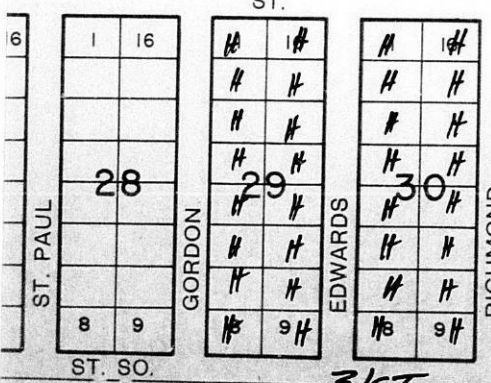
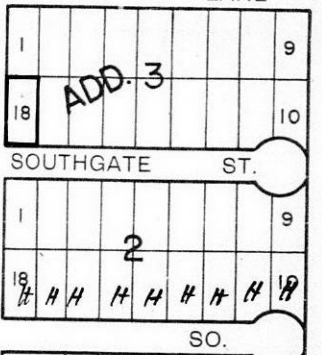
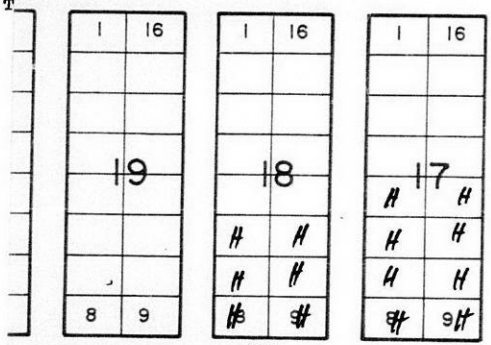
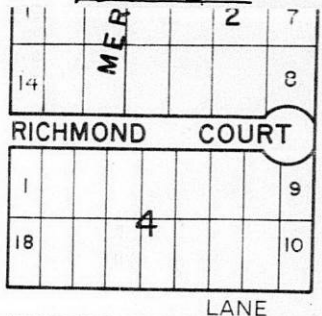
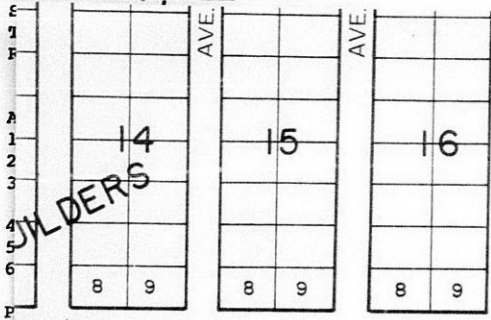
NATIONAL MAP-LOS ANGELES
 COAST AND GEODESY, THE U. S. A.


 No. 2-153C

8-80

Map No. 52AA

B2A- 28-80



ST. PAUL ST. SO. 3/5th ST. S.

HASTINGS, MN - LOS ANGELES
Loran Co. - HASTINGS, MN U. S. A.
Smead
No. 2151C

8-80

July 28, 1980

Gary Hamilton
Crane Homes
2148 North Old Manor
Wichita, Kansas 67208

Re: Case No. BZA 28-80
Request for Variance

Dear Mr. Hamilton:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1980, in connection with your request for a variance to reduce the front yard setback from 25 feet to 24 feet and to reduce the side yard setback on the east from 6 feet to 4 feet on property zoned "AA" One-family Dwelling District and generally located on the north side of Southgate and east of Richmond (2550 Southgate).

This Resolution reflects the official action of the Board to approve your request. 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
Enclosure

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

RESOLUTION NO. BZA 28-80

WHEREAS, Crane Homes, 2148 North Old Manor, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to 24 feet and to reduce the sideyard setback along the east property line from 6 feet to 4 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 18, Block 3, Builders Fourteenth Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Southgate east of Richmond (2550 Southgate).

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 22, 1980, 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 an error was made by the contractor and was discovered too late to readily correct it; 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 reduction of the required yard areas are insignificant; 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 an error was made by the foundation subcontractor and to correct the small error would be at great expense; 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 requested variance is interiorly located; 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 an adequate front yard and side yard are being maintained to provide light and air to both properties; and

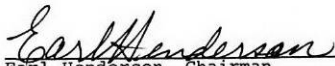
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 front yard setback from 25 feet to 24 feet and to reduce the sideyard setback along the east property line from 6 feet to 4 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 18, Block 3, Builders Fourteenth Addition to
Wichita, Sedgwick County, Kansas. Generally located
on the north side of Southgate east of Richmond
(2550 Southgate).

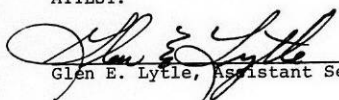
be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1980.



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

July 25, 1980

Gary Hamilton
Crane Homes
2148 North Old Manor
Wichita, Kansas 67208

Re: Case No. BZA 28-80
Request for Variance

Dear Mr. Hamilton:

At the regular meeting of the Board of Zoning Appeals on July 22, 1980, your request for a variance to reduce the front yard setback from 25 feet to 24 feet and to reduce the side yard setback on the east from 6 feet to 4 feet on property zoned "AA" One-family Dwelling District and generally located on the north side of Southgate and east of Richmond (2550 Southgate) was considered.

It was the action of the Board to approve your request.

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 yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

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

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE July 17, 1980

TO Jack Galbraith, Chief Planner
FROM Stan Scott, CPO Administrative Aide

SUBJECT BZA 28-80: North Side of Southgate
east of Richmond (2550 Southgate)

On Tuesday, July 15, CPO Council "B" considered a request for a variance to reduce the front yard setback from 25 to 24 feet and to reduce the side yard setback on the east from 6 feet to 4 feet on property zoned "AA" One Family Dwelling District. The Council voted 5-0 to recommend approval of the requested variance.

Neither the applicant, nor area residents were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when it considers BZA 28-80 on July 22.



Stan Scott
CPO Administrative Aide

Noted:



Sarah Gilbert
Assistant CP Coordinator

SS:rs

RECEIVED

JUL 18 1980

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 28-80

APPLICANT: Crane Homes, 2148 North Old Manor,
Wichita, Kansas.

AGENT: Gary Hamilton, Assistant Secretary, Crane
Homes, 2148 North Old Manor, Wichita, Ks.

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the front yard setback from 25 feet to
24 feet and to reduce the side yard set-
back on the east from 6 feet to 4 feet.

GENERAL LOCATION: On the north side of Southgate and east
of Richmond (2550 Southgate).

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 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 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 unnecessary hardship upon the property owner represented in the application.
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).

Page 2
BZA 26-80
BZA AGENDA
7-22-80

COMMENTS BY THE SECRETARY:

The applicant is requesting two variances, one to reduce the front yard setback from 25 feet to 24 feet, and one to reduce the side yard setback adjacent to the east property line from 6 feet to 4 feet. The applicant indicates that the variances are needed because of an error made by the contractor at the time the foundations were poured.

The variance of the front yard is very insignificant and should not in anyway interfere with the intended requirement for open space. The side yard variance is a reduction of almost 33 percent of the required side yard, however, the side yard remaining should not significantly interfere with the light and air to the adjacent property.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to find uniqueness, however it may be somewhat unique inasmuch as an error was made by the contractor and was discovered too late to readily correct it.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of the adjacent property owner or resident inasmuch as the reduction of the required yard areas are insignificant.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicant inasmuch as an error was made by the foundation subcontractor and to correct the small error would be at great expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the requested variance would not be opposed to the spirit and intent of the zoning ordinance inasmuch as an adequate front yard and side yard are being maintained to provide light and air to both properties.

Pace 3
BZA 28-80
BZA AGENDA
7-22-80

RECOMMENDATION:

If the Board finds all five conditions necessary for the granting of a variance to exist, it is the recommendation of the Secretary that the variance be approved.

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

July 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 28-80

An application has been filed by Crane Homes, 2148 North Old Manor, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 25 feet to 24 feet and to reduce the side yard setback on the east from 6 feet to 4 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 18, Block 3, Builders Fourteenth Addition
To Wichita, Sedgwick County, Kansas. Generally
located on the north side of Southgate east of
Richmond (2550 Southgate).

This application has been assigned case No. BZA 28-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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.

Jack H. Galbraith
Secretary

BZA CASE NO. 28-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

33 NOTICES SENT TO ADJOINING PROPERTY OWNERS

45 TOTAL NOTICES SENT 7-2-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 28-80
FILED 6-23-80

APPLICATION FOR VARIANCE

I. Name of Applicant CRANE Homes
Mailing Address 2148 N. Old Manor Phone 685-9876
Name of Authorized Agent Gary Hamilton 67208
Mailing Address 2148 N. Old Manor Phone 685-9876

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

II. The variance requested is ^{*}the North 1.0 foot of the 25.0 foot
front yard setback and also the West 2.0 feet of the 6.0 foot
side yard setback on the East line of Lot 18, Block 3, Builders
Fourteenth Addition to Wichita, Sedgwick County, Kansas.
for property located at (2550 Southgate)
on the north side of Southgate east of Richmond?
and legally described as: Lot 18, Block 3, Builders
Fourteenth Addition to Wichita, Sedgwick County, Kansas.

* to reduce the front yard setback
from 25 feet to 24 feet and to
reduce the sideyard setback on
the east from 6 feet to 4 feet.

in the City of Wichita; and which is presently zoned AA.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Crane Homes

Authorized Agent Gary Hamilton
Asst. Sec.

OFFICE USE ONLY: Received in Office of Secretary, Board of
Zoning Appeals, 1:00 ~~5:00~~ p.m.), June 23, 1980,
together with appropriate fee of

Signed A. Lytle

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNERS</u>
15	3	Builders Fourteenth	✓ Gregg A. Young 2500 W. Southgate Wichita, Ks. 67217
16	"	" "	✓ Rick R. & Linda K. Mathis, h/w 2500 W. Southgate Wichita, Ks. 67217
17	"	" "	✓ Douglas J. Irwin 2500 W. Southgate Wichita, Ks. 67217
18	"	" "	✓ Michael D. & Carol A. Bird, h/w 2500 W. Southgate Wichita, Ks. 67217
16	4	" "	✓ James A. & Judith A. Goward, h/w 2538 W. Sunnybrook Wichita, Ks. 67217
17	"	" "	✓ Kenneth B. Fielder, Jr. & Maxine A., h/w 2544 W. Sunnybrook Wichita, Ks. 67217
18	"	" "	✓ William I. Gale, Jr. & Karen J., h/w 2500 W. Sunnybrook Wichita, Ks. 67217
9	16	" "	✓ Max Alan Koerner 2945 South Richmond Wichita, Ks. 67217
1	17	" "	✓ Olen T. & Naomi R. Nichols, h/w 3004 S. Edwards Wichita, Ks. 67217
2	"	" "	✓ LeRoy W. & Charlene D. Stine, h/w 3010 S. Edwards Wichita, Ks. 67217
3	"	" "	Returned 7-7-80 Assigned to: 1012 S. St. James Wichita 67211 ✓ George S. & Deborah M. Price 7475 Dakin Denver, Colorado 80221
4	"	" "	✓ Ronald Lee & Teresa Jo Wiley, h/w 3000 S. Edwards Wichita, Ks. 67217
5	"	" "	✓ Richard Rusk & Nancy Jo Bowman, h/w 3032 S. Edwards Wichita, Ks. 67217
11 (N 40.9')	"	" "	✓ Isabella Reese 1852 N. Madison Wichita, Ks. 67217
12 (S 19.1')	"	" "	Def. Isabella Reese 1852 N. Madison Wichita, Ks. 67217
12 (exc. S 19.1')	"	" "	✓ Daniel L. Weber 3027 S. Richmond Wichita, Ks. 67217
13 (S 6')	"	" "	Def. Daniel L. Weber 3027 S. Richmond Wichita, Ks. 67217

OWNERSHIP LIST

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNERS</u>
1	2	Builders Fourteenth	✓ Ralph H. & Doris J. Rogers, h/w 3034 W. Southgate Wichita, Ks. 67217
2	"	" "	✓ Alan W. & Sherry L. Highland, h/w 2545 W. Southgate Wichita, Ks. 67217
3	"	" "	✓ Raymond M. & Katherine K. Jones, h/w 2501 W. Southgate Wichita, Ks. 67217
4	"	" "	✓ Charles & Virginia M. Switzer, h/w 2533 W. Southgate Wichita, Ks. 67217
5	"	" "	✓ Thomas C. & Geraldine L. McMillan, h/w 2501 W. Southgate Wichita, Ks. 67217
15(W 3')	"	" "	✓ Michael M. & Glenda E. Beckerle, h/w 2538 W. 30th St. South Wichita, Ks. 67217
16	"	" "	<i>Dub.</i> Michael M. & Glenda E. Beckerle, h/w 2538 W. 30th St. South Wichita, Ks. 67217
17(E 1')	"	" "	<i>Dub.</i> Michael M. & Glenda E. Beckerle, h/w 2538 W. 30th St. South Wichita, Ks. 67217
17(exc. W 2' & E 1')	"	" "	✓ Carl Lee & Evelyn M. Metcalf, h/w 2544 W. 30th St. South Wichita, Ks. 67217
17 (W 2')	"	" "	✓ Iole Harry 3042 S. Richmond Wichita, Ks. 67217
18	"	" "	<i>Dub.</i> Iole Harry 3042 S. Richmond Wichita, Ks. 67217
1	3	" "	✓ Craig A. & Vicki L. Kinkaid, h/w 2551 Sunnybrook Wichita, Ks. 67217
2	"	" "	✓ William C. Lea 2545 Sunnybrook Wichita, Ks. 67217
3	"	" "	✓ Steven R. White 2539 Sunnybrook Wichita, Ks. 67217
4	"	" "	✓ Sisavath & Boualy Lounmala, h/w 2533 W. Sunnybrook Wichita, Ks. 67217
5	"	" "	✓ Roger G. & Jennifer A. Qualls, h/w 2500 Sunnybrook Wichita, Ks. 67217
14	"	" "	✓ Derl W. & Valerie J. Mayfield 2528 Southgate Wichita, Ks. 67217

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNERS</u>
13 (exc. S 6')	17	Builders Fourteenth	✓ Kenneth P. Halverson 3021 S. Richmond Wichita, Ks. 67217 <i>Returned 7-7-80</i> <i>couldn't find on deed</i>
14	"	" "	✓ Randy W. & Susan K. Teel 3015 South Richmond Wichita, Ks. 67217
15	"	" "	✓ Robert & L. Eleanor Redman 3007 S. Richmond Wichita, Ks. 67217
16	"	" "	✓ Wallace Kendle Wright 3003 S. Richmond Wichita, Ks. 67217

The Columbian National Title Insurance of Wichita, Inc. hereby certifies the foregoing to be a true and correct list of property owners of property located within 200 feet of Lot 18, Block 3, Builders Fourteenth Addition to Wichita, , as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 16th day of May 1980 at 7:00 A.M.

COLUMBIAN NATIONAL TITLE INSURANCE OF
WICHITA, INC.

By:

[Signature]

BOULE
METROBOLNIN B'AMING

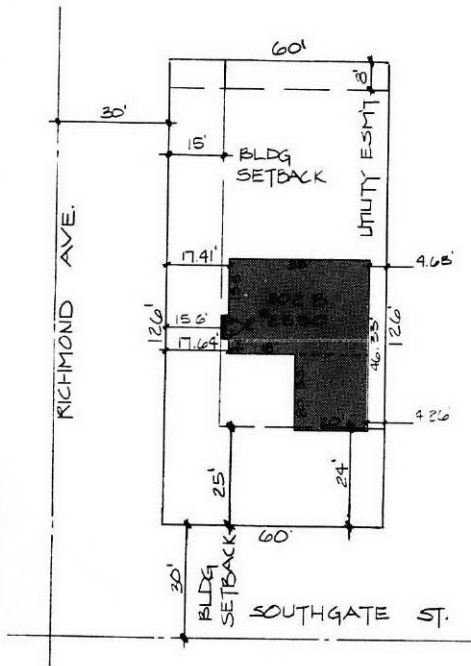
MAY 2, 1980

RECEIVED

h ai **HALL & ASSOC INC** LAND SURVEYORS

BUILDERS FOURTEENTH ADDITION
 Lot 18, Block 3

79-551 June 3, 1980



LOT 18, BLK. 3

BZA -28-80

STATEMENT OF APPLICANT

Pursuant to provision No. 3 of Instructions to Applicant, the Applicant sets out the following:

1. The variance requested is the allowance of an encroachment of the property at 2550 Southgate into the setback areas as designated in the attached plat for such property.
2. The zoning ordinance affected is 28.04.040 as it applies to setbacks. The technical requirements of the ordinance for this type structure is a 25-foot setback along the south side of the property (adjoining Southgate Street), and a six-foot setback along the east side. The encroachment extends one foot into the setback area along the south side of the property and as much as 1.74 feet along the east side of the property. The encroachments resulted from the contractor's error.
3. There is no change of use from a single family dwelling intended.
4. The Wichita City Ordinance 2.12.590B is satisfied in the following manner:
 - a. The Applicant's property was inadvertently placed one foot to 1.74 feet within the setback easements. This is a condition which is not usual or customary, and the encroachment was not created by an act of the Applicant.
 - b. The encroachment being slight, there will be no adverse or detrimental effect to the adjoining property owners.
 - c. The strict enforcement of the setback requirement would cause the Applicant the extreme financial burden to remove the obstruction and a personal hardship in the disruptive effect such a requirement would create.

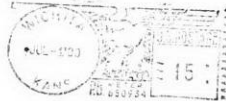
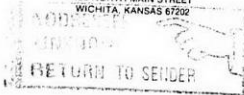
- d. The variance requested is made to satisfy a technical requirement of the zoning ordinances and in no way affects the public health, safety, morale, order, convenience, prosperity or general welfare.
- e. The insignificant effect of the encroachment, considered in conjunction with the many other similar variances granted is clearly not in opposition to the general spirit and intent of Title 28 of the City Ordinances, and in fact is the very kind of circumstance that the variance provisions were enacted to allow.

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

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



same address in phonebook

2 LT.

Kenneth P. Halverson
3021 South Richmond
Wichita, Kansas 67217

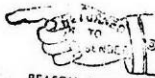


WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

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



REASON CHECKED

- Unclaimed Return
- Address unknown
- Insufficient Address
- No such street number
- No such office in state
- Do not mail in this manner



resent to Francis
10025 St.

George S. & Deborah M. Price
7475 Dakin
Denver, Colorado 80221

7-7-80

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-1 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 02A Fee	75.00

NAME CRANE HOUSE OF KS INC

ADDRESS 2148 N. 11th Street

FUND 111-411,000 - 41071 DUE DATE 002 - 1111 - 001

COMMENTS

DATE June 23, 1950 BY [Signature]