

Posted
4-27-84 162

ACTION

BZA. 29-84 APPROVED 5-22-84
DATE

500'4 Sec 6-19-84
Set 7-9
Record 2

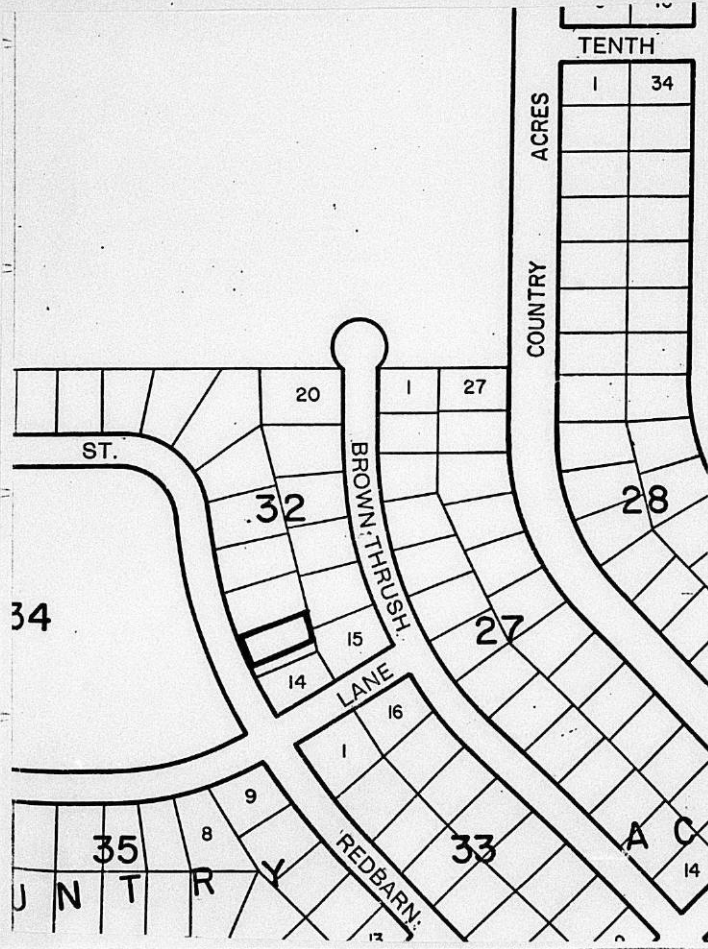
Case No. BZA 29-84 - Lorraine Frank -
2556 S. Spruce, requests a variance to
reduce the required lot area from
6,000 square feet to 4,000 square ft.
on property zoned the "AA" One-family
Dwelling District and generally located

Map No. 4948

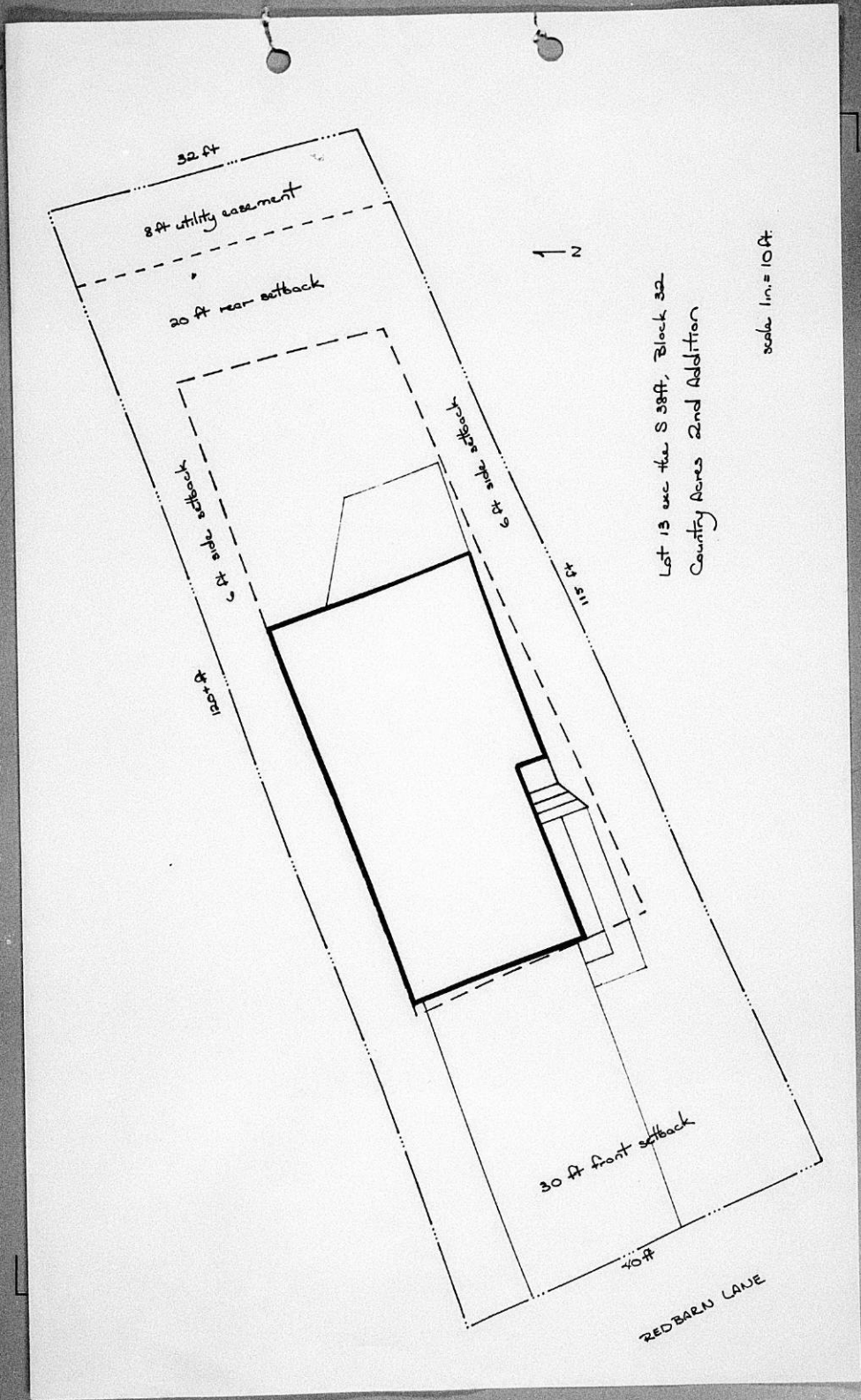
BZA 29-24
Filed _____

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 not~~) platted.



S
Hastings, Inc.
No. 2-153C
LOS ANGELES, CHICAGO, LOS AN, CH
MCKEESPORT, TX, LOCUST GROVE, GA
U.S.A.



Lot 13 sec the S 38ff, Block 32
Country Acres 2nd Addition

scale 1 in. = 10 ft

REDBARN LANE

May 24, 1984

Lorraine Frank
2556 South Spruce
Wichita, Ks. 67216

Re: BZA 29-84 - Request for Variance

Dear Mrs. Frank:

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

CEL:sad
Encl.

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

RESOLUTION NO. BZA 29-84

WHEREAS, Lorraine Frank, 2556 South Spruce, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area from 6,000 square feet to 4,000 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 13, except the south 38', Block 32, Country Acres Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Red Barn Lane and north of Birch Lane.

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 it is the only property left in the area undeveloped and is a tract leftover from the original development of the area and was not created by the applicant; 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 applicant would be required to comply with all the setbacks of the zoning district even though the lot will be narrower than is normally found in the area; 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 property would be undevelopable without an adjustment in the required lot area; 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 reduction in lot size will not interfere with any easements or right-of-way; 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 property can be developed with a dwelling in conformance to the requirements of the district except for the required lot area; 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.

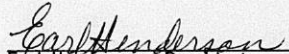
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required lot area from 6,000 square feet to 4,000 square feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 13, except the south 38', Block 32, Country Acres Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Red Barn Lane and north of Birch Lane.

be approved subject to the following condition:

1. Any construction on the property shall comply in all respects to the required setbacks and further variances will not be granted.

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 17, 1984

TO Glen Lytle, Special Assistant For Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 29-84 Generally located on
the East Side of Red Barn Lane
and North of Birch Lane

Due to lack of a quorum, CPO Council "A" was not able to consider the above captioned case.

I was contacted last week by Paul R. Ferguson, an adjoining property owner, regarding this case. Mr. Ferguson opposes the request for variance, and because he could not attend the Council's meeting, had provided this office with a letter stating his opposition to the request.

I am attaching a copy of Mr. Ferguson's letter for your information. Please provide this information to the Board of Zoning Appeals when it meets to consider the case.

Cindy Entriiken

Cindy Entriiken
Administrative Aide III

CE:sm

Noted:

Annie K. Montgomery

Annie K. Montgomery
CRS Director

Attachment

May 11, 1984

Citizen Participation Organization

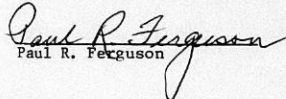
Re: Case No. BZA 29-84

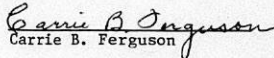
We have been notified of a request by Lorraine Frank for a variance to reduce the required 6000 sq. ft. to 4000 sq. ft. This property is located on the north side of my property which is Lot 14 and the South 38 ft. of Lot 13 Block 32 - approximately 100' by 110'.

The variance request is substantial and the shape of the land is 40 ft. across the front and 32 ft. across the back. To squeeze a house on a plot of ground with an average width of 36 ft. will not enhance the beauty or value of adjacent properties.

The required lot area of 6000 sq. ft. was made for a good purpose. I am hereby stating my objection to the granting of variance in this case.

In the past we have made several attempts to contact the owner of the property to try to negotiate a sale, but received no reply.


Paul R. Ferguson


Carrie B. Ferguson

SECRETARY'S REPORT
CASE NO. BZA 29-84

APPLICANT: Lorraine Frank, 2556 South Spruce, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot area from 6,000 square feet to 4,000 square feet.

GENERAL LOCATION: On the east side of Red Barn Lane and north of Birch Lane.

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

LAND USE: Subject property is vacant. All adjacent properties are developed as one-family dwellings.

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 lot area from 6,000 square feet to approximately 4,000 square feet. The lot is irregular in shape that has an average width of approximately 36 feet and a depth of 118 feet. The lot area is slightly more than 4,000 square feet. The "AA" One-family Dwelling District requires a minimum of 6,000 square feet.

The general area is developed on lots of 7,500 square feet or more. In this particular block, most are developed on a platted lot or a lot plus a portion of another lot as is the property immediately to the south. In this instance this portion of the lot is what has been left over after the original development and has been undevelopable unless a variance of the lot size is granted.

The applicant is proposing to construct a house within the setback requirements of the "AA" district and complying with the 30' platted setback. It is proposed to have a two car garage and will possibly be a story and a half and be compatible with the neighborhood. It would appear that to allow development would be in the best interest of the general public.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is the only property left in the area undeveloped and is a tract leftover from the original development of the area and was not created by the applicant.

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 applicant would be required to comply with all the setbacks of the zoning district even though the lot will be narrower than is normally found in the area.

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 property would be undevelopable without an adjustment in the required lot size.

PUBLIC INTEREST:

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

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 property can be developed with a dwelling in conformance to the requirements of the district except for the required lot area.

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. Any construction on the property shall comply in all respects to the required setbacks and further variances will not be granted.

BZA CASE NO. 29-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>18</u>	TOTAL NOTICES SENT <u>5-1-84</u>

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

May 1, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 29-84

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 Lorraine Frank, 2556 South Spruce, 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 lot area from 6,000 square feet to 4,000 square feet on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 13, except the south 38', Block 32, Country Acres Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Red Barn Lane and north of Birch Lane.

This application has been assigned Case BZA 29-84. 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

BOARD OF ZONING APPEALS

CASE NO. 29-84

CITY OF WICHITA, KANSAS

FILED 4-23-84

APPLICATION FOR VARIANCE

I. Name of Applicant Lorraine Frank

Mailing Address 2556 S. Spruce Phone 685-8569

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 to reduce the required lot area from
6,000 square feet to 4,000 square feet.

for property located on east side of Red Barn Lane ^{and} north of Birch Lane

and legally described as: Lot 13, except the S. 38 ft., Block 32,
Country Acres 2nd Addition ^{to} Wichita, Sedgwick County, Kansas.

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

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

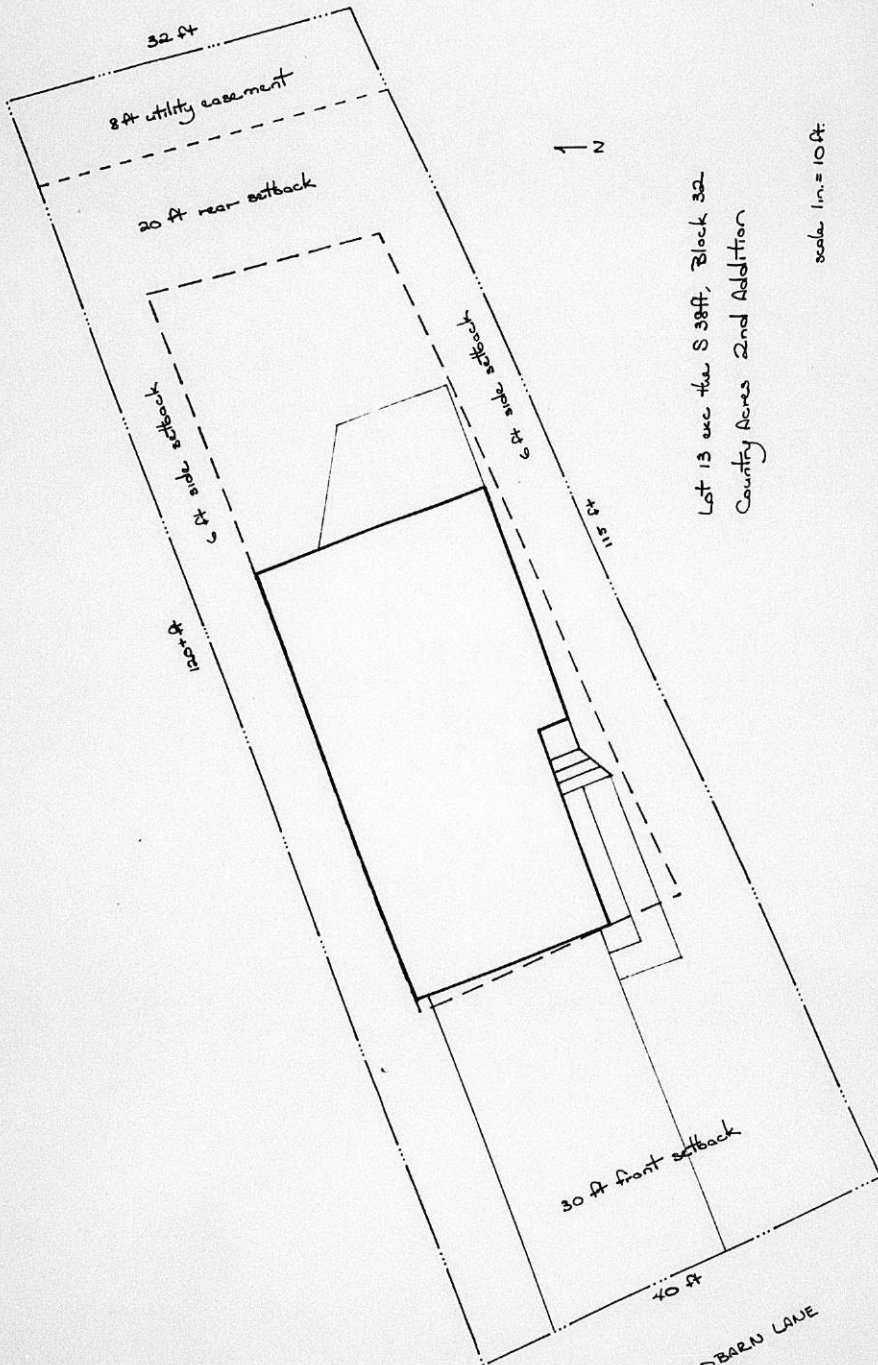
- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- That he has 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 Lorraine Frank

Authorized Agent N.A.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
5:00 (a.m./p.m.), APRIL 23, 1984, together with
appropriate fee of \$75.00.

Signed [Signature]



Lot 13 are the S 38th, Block 32
Country Acres 2nd Addition

scale 1 in. = 10 ft.

Lot 13, except the S. 38 ft., Block 32,
Country Acres 2nd Addition

Variance is requested to reduce the required lot area of lot 13, block 32, Country Acres 2nd Addition, from 6,000 sq. ft. to 4,000 sq. ft. Reduction of lot area allows land use in the spirit of the ordinance. A single family residence compatible with those existing in the neighborhood can be constructed within setbacks the same as others on the block.

This is the only unimproved lot on the block. The parcel has been treated as a buildable lot in assessment and collection of specials. Its owners have shared the cost of services for the neighborhood. All services are now available; the City will not be asked to extend new services. Building a residence on this lot will make the total number of houses equal the number for which the block was platted.

Construction will increase value on the tax rolls, thereby increasing local government revenues. Alternative uses for this lot result in smaller tax revenue.

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 9, Block 32, Country Acres Second Addition	Jerauld F. Peck June Peck ✓ 992 Redbarn Lane 67212
Lot 10, & the northwest 16 feet of lot 11, Block 32, Country Acres Second Addition	Walter J. Aley Barbara W. Aley ✓ 988 Redbarn Lane 67212
Lot 11, except the northwest 16 feet, Block 32, Country Acres Second Addition	Bill P. Kramer ✓ Cheryl C. Kramer 976 Redbarn Lane 67212
Lot 12, Block 32, Country Acres Second Addition	Thomas Harvey, Jr. Bernice Harvey ✓ 970 Redbarn Lane 67212
Lot 13, except the south 38 feet, Block 32, Country Acres Second Addition	Roger Frank A. Lorraine Frank D 2556 S. Spruce 67216
The South 38 feet of lot 13, & all of lot 14, Block 32, Country Acres Second Addition	Paul R. Ferguson ✓ Carrie B. Ferguson 967 Redbarn Lane 67212
Lot 15, Block 32, Country Acres Second Addition	Donald M. Fairbanks ✓ Diana M. Fairbanks 973 Brown Thrush Lane 67212
Lot 16, Block 32, Country Acres Second Addition	Paul R. Clayton ✓ Catherine L. Clayton 977 Brown Thrush Lane 67212
Lot 17, Block 32, Country Acres Second Addition	Howard H. Harris Margaret M. Harris ✓ 981 Brown Thrush Lane 67212
Lot 18, Block 32, Country Acres Second Addition	Martin S. Shearer ✓ Jonelle L. Shearer 987 Brown Thrush Lane 67212
Lot 1, Block 33, Country Acres Second Addition	✓ Thomas P. Montgomery Rita M. Doran 956 Redbarn 67212

<u>Property Description</u>	<u>Property Owner</u>
Lot 16, Block 33, Country Acres Second Addition	✓ Ray D. Elwick Jodine A. Elwick 963 Brown Thrush 67212
Lot 9, Block 35, Country Acres Second Addition	✓ Keith A. Wilkinson Margaret L. Wilkinson 8101 Birch Lane 67212
Lot 4, Block 27, Country Acres Second Addition	✓ Thale H. Sims Pauline C. Sims 984 Brown Thrush 67212
Lot 5, Block 27, Country Acres Second Addition	✓ Nancy M. Russel 980 Brown Thrush 67212
Lot 6, Block 27, Country Acres Second Addition	✓ Michael D. Keeler Elizabeth A. Keeler 974 Brown Thrush Lane 67212
Block 34, Country Acres Second Addition	✓ Board of Park Commissioners 455 N. Main 67202

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of:

Lot 13, except the south 38 feet,
Block 32, Country Acres Second
Addition, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 22nd day of April, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Sr. Vice President

Order No: 333158
cf

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.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY 47A VAL. 750	
NAME <u>LORRAIN FEAR</u>	
ADDRESS <u>2356 30 SPRUCE</u>	
FUND <u>4007-003</u>	DUE DATE
COMMENTS	
DATE <u>April 23, 1971</u>	BY <u>[Signature]</u>