

Case No. BZA 30-84 - Gary L. Wright -
2127 Bluff Court - requests variances
to (1) reduce a portion of the required
front yard setback from 25' to not less
than 14'; and (2) reduce a portion of
the required rear yard setback from
20' to not less than 9'; on property

2004 Dec 6 11:14 AM
Stat 7-9-84
Rec'd C

PAID
4-25-84

ACTION

B.Z.A. 30-84 APPROVED 5-22-84
DATE

200's Ser 6-14-84
Shot 7-9-84
Record

Case No. BZA 30-84 - Gary L. Wright -
2127 Buft Court - requests variances
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front yard setback from 25' to not less
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the required rear yard setback from
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Map No. 5745

BZA 30-24
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~~) platted.



LOS ANGELES-CHICAGO-LOUISIANA
KINGSTON, TEXAS-LOCUST GROVE, TEXAS
U.S.A.

Sydney
No. 2-153C

WILLIAM L. KORBER, L.S.
JOHN E. LUNDHLADE, L.S.
K. BRENT WOOTEH, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
County of Sedgwick)

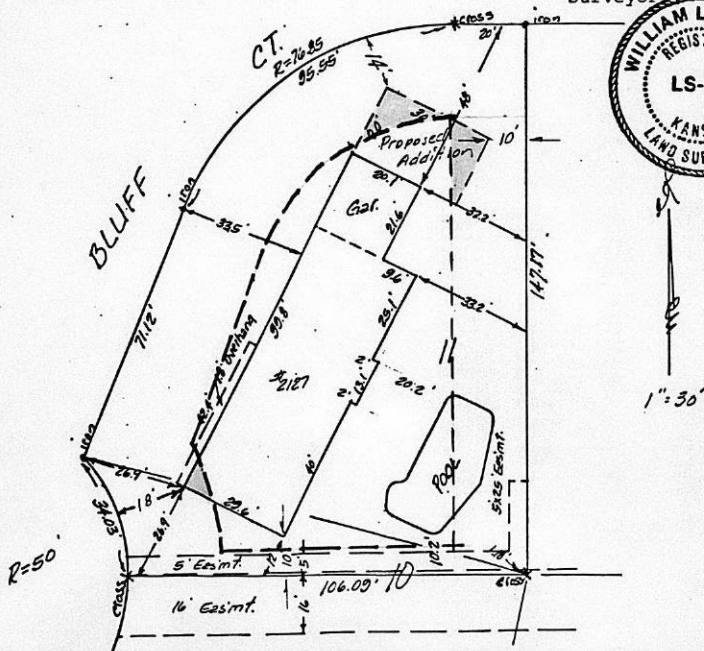
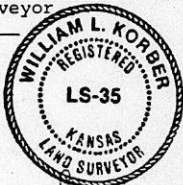
SS

March 27, 1984

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 27th day of March, 1984, survey Lot 11 and that part of Lot 10, lying north of a line 34.03 feet south of the N.W. Corner of Lot 10, extended to the N.E. Corner of Lot 10, Block B, Miles Green Valley Addition an Addition in Wichita, Kansas. On said Lot is house No. 2127 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said Lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

William L. Korber
Surveyor



May 24, 1984

Gary L. Wright
2127 Bluff Court
Wichita, Ks. 67218

Re: BZA 30-84 - Request for Variances

Dear Mr. Wright:

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 requests, 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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Loren H. Houk, P. O. Box 407, Valley Center, Ks. 67147
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 30-84

WHEREAS, Gary L. Wright, 2127 Bluff Court, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) reduce portions of the front yard setback from 25' to not less than 14' and (2) reduce a portion of the rear yard from 20' to not less than 10' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 11 and that part of Lot 10 described as beginning at the Northwest corner of Lot 10; thence South along the front lot line 34.03'; thence East 106.09' to the Northeast corner of Lot 10; thence Northwesterly 121' more or less to the point of beginning; Block B, Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Bluff Court and west of Bluff (2127 Bluff Court).

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 variances arise 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 is triangular in shape and has a continuous front yard that restricts an excessive amount of the lot as a building site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed addition will only project into the required setbacks with a corner of the building and the major portion of the required yards will be open space; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the original structure is constructed at an angle across the property and this leaves essentially no buildable area that would permit the continuation of the appearance of the existing structure without encroachment into the required yards; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the additions will in no way interfere with the use of any right-of-way or easements and the neighbors have all submitted affidavits that they are in support of the variances; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the majority of the yard areas required by the zoning ordinance will be maintained to provide separation, light and air to all 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.

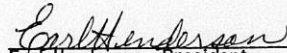
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to (1) reduce portions of the front yard setback from 25' to not less than 14' and (2) reduce a portion of the rear yard from 20' to not less than 10' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 11 and that part of Lot 10 described as beginning at the Northwest corner of Lot 10; thence South along the front lot line 34.03'; thence East 106.09' to the Northeast corner of Lot 10; thence Northwesterly 121' more or less to the point of beginning; Block B, Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Bluff Court and west of Bluff (2127 Bluff Court).

be approved subject to the following conditions:

1. The variance to reduce the required front yard setback from 25 feet to not less than 14 feet shall only apply to two triangular areas not to exceed 175 and 50 square feet as shown by the applicant's site plan and dated March 27, 1984.
2. The variance to reduce the required rear yard setback from 20 feet to 10 feet shall apply only to one triangular area not to exceed 130 square feet as shown by the applicant's site plan and dated March 27, 1984.
3. Any future additions shall comply with the setbacks of the zoning ordinance and within the areas set forth by these variances.

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 10, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 30-84 Generally located on
the South Side of Bluff Court
and West of Bluff (2177 Bluff
Court)

On Monday, May 7 CPO Council "F" considered the above captioned case. The Council voted 7-0 to recommend approval of the request for a variance.

Gary Wright, the applicant, was present to discuss this case with the Council. No area residents were present.

Please provide the Council's recommendation to the BZA when it considers the case.

Cindy Entriken
Cindy Entriken
Administrative Aide III

CE:sm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

MAY 11 1984

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 30-84

APPLICANT: Gary L. Wright, 2127 Bluff Court, Wichita, Kansas.

AGENT: Loren H. Hank, P. O. Box 407, Valley Center, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce a portion of the front yard setback from 25 feet to not less than 14 feet and (2) reduce a portion of the rear yard from 20' to not less than 10'.

GENERAL LOCATION: On the south side of Bluff Court and west of Bluff (2127 Bluff Court).

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

LAND USE: Subject property is 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 variances of both the required front yard setback and the rear yard setback in order to construct a 3-car garage to the north of the present structure. In order to do this, the structure would violate the required setbacks with a triangular area into both the front yard and the rear yard. In addition, the original structure was constructed with a corner of the dwelling into the 25' setback, adjacent to the cul-de-sac, approximately 7 feet. I have advised the applicant that we would include this encroachment in the application so that it could also be considered at the same time.

It should be noted that the lot is situated on a court that ends in a cul-de-sac that adjoins the property at the southwest corner. Also, since the area was platted without platted setbacks, the zoning ordinance determines the front yard to be that adjacent to the street and the cul-de-sac. With the orientation of the original house with the front to the west, the rear yard would be to the east, with the side yard to the south. The addition could possibly have been designed within the setbacks, but with the existing structure at an angle on the property it does limit the location of a garage to the north.

With the excessive amount of the lot being front yard, and the shape of the lot somewhat triangular, the property is unique. Also, the corners of the addition are the only portion of the structure that will violate the setbacks. The percentage of the yard areas that will be varied is also extremely small, and the distances and orientation to the adjacent dwellings should not create any adverse affect to the adjacent property owners. The home to the south is also constructed in violation of the front yard setback.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is triangular in shape and has a continuous front yard that restricts an excessive amount of the lot as a building site.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variances requested will not adversely affect the rights of adjacent property owners inasmuch as the proposed addition will only project into the required setbacks with a corner of the building and the major portion of the required yards will be open space.

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 original structure is constructed at an angle across the property and this leaves essentially no buildable area that would permit the continuation of the appearance of the existing structure without encroachment into the required yards.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances would not adversely affect the public interest inasmuch as the additions will in no way interfere with the use of any right-of-way or easements and the neighbors have all submitted affidavits that they are in support of the variances.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the majority of the yard areas required by the zoning ordinance will be maintained to provide separation, light and air to all properties.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, then it is the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. The variance to reduce the required front yard setback from 25 feet to not less than 14 feet shall only apply to two triangular areas not to exceed 175 and 50 square feet as shown by the applicant's site plan and dated March 27, 1984.
2. The variance to reduce the required rear yard setback from 20 feet to 10 feet shall apply only to one triangular area not to exceed 130 square feet as shown by the applicant's site plan and dated March 27, 1984.
3. Any future additions shall comply with the setbacks of the zoning ordinance and within the areas set forth by these variances.

BZA CASE NO. 30-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>17</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>20</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 30-84

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 Gary L. Wright, 2127 Bluff Court, Wichita, Kansas, requesting variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to (1) reduce a portion of the required front yard setback from 25' to not less than 14'; and (2) reduce a portion of the required rear yard setback from 20' to not less than 9'; on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 11 and that part of Lot 10 described as beginning at the Northwest corner of Lot 10; thence South along the front lot line 34.03'; thence East 106.09' to the Northeast corner of Lot 10; thence Northwesterly 121' more or less to the point of beginning; Block B, Miles Green Valley Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Bluff Court and west of Bluff (2127 Bluff Court).

This application has been assigned Case BZA 30-84. 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 variances, 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. 30-84

CITY OF WICHITA, KANSAS

FILED 4-23-84

APPLICATION FOR VARIANCE

I. Name of Applicant Gary L. Wright work 265-7277
 Mailing Address 2127 Bluff Court, Wichita home 681-2379
 Name of Authorized Agent Loren H. Houk, attorney at law
 300 W. Main, P.O. Box 407
 Mailing Address Valley Center, KS 67147 Phone 755-2318

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

II. The variance requested is to reduce the required front yard setback from 25 feet to 14 feet and to reduce the required rear yard setback from 20 feet to not less than 9 feet
set-back requirement WMC 28.04.040(C)1.1
for property located ^{a portion of} on the south side of Bluff Court and west of 21st at (2127 Bluff Court), Wichita, Kansas

and legally described as: Lot 11 and part of Lot 10, described as beginning at the Northwest corner of Lot 10; thence South along the front lot line 34.03 ft.; thence East to the Northeast corner of Lot 10 106.09 ft.; thence Northwesterly 121 ft. more or less to the point of beginning, Block B, Miles Green Valley Addition to Sedgwick County, Kansas, in the City of Wichita; and which is presently zoned AA

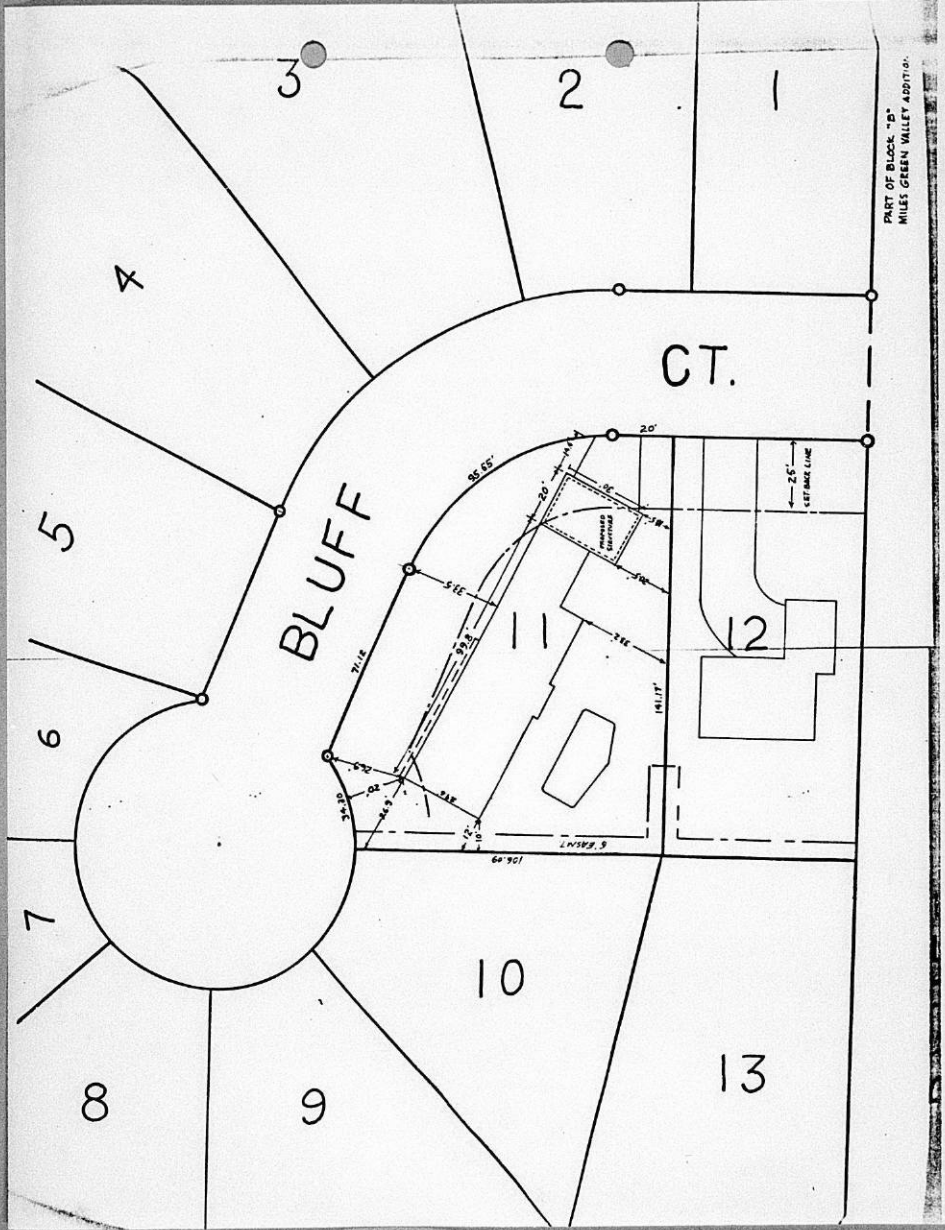
- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
 - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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 Gary L. Wright
 GARY L. WRIGHT

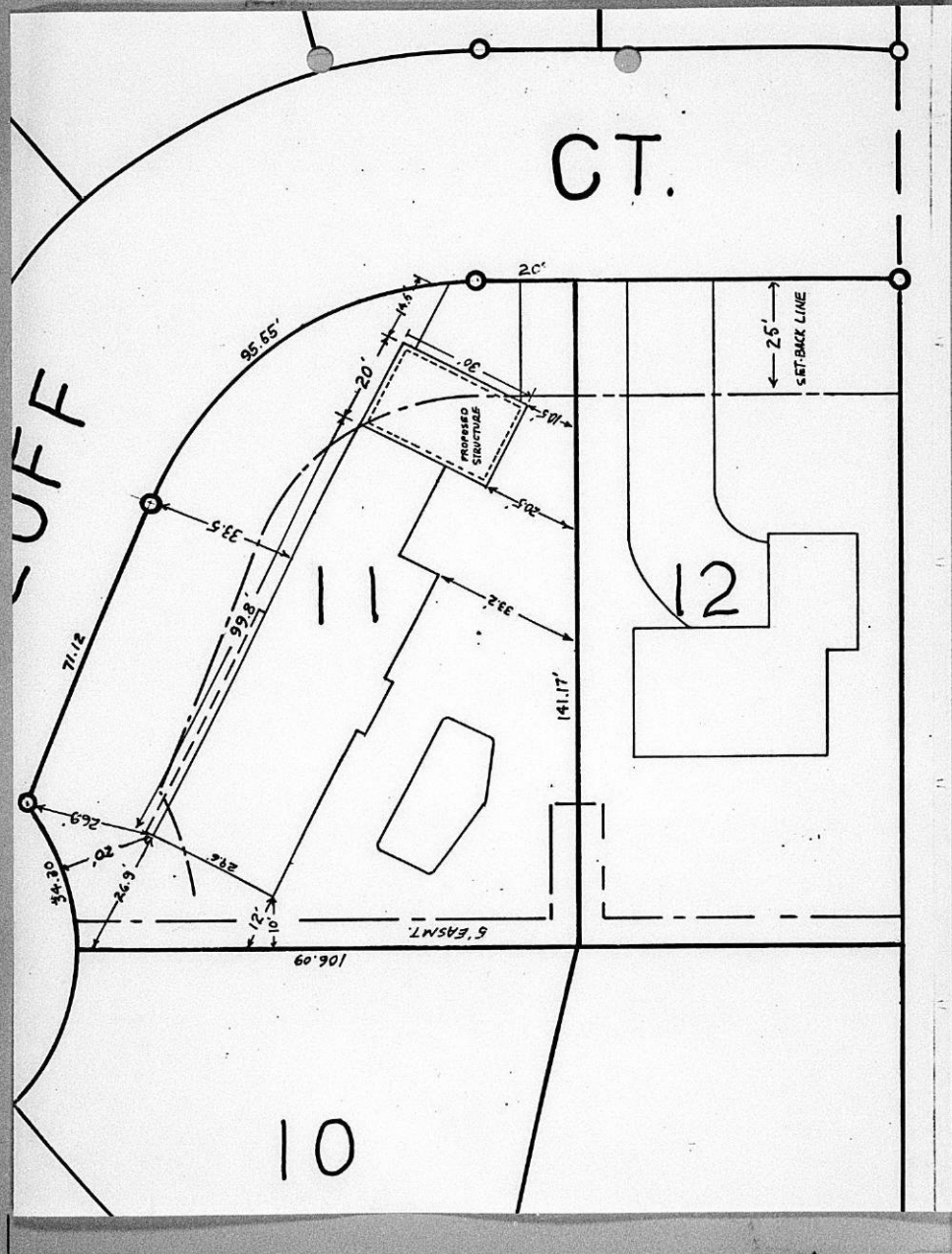
Authorized Agent Loren H. Houk
 LOREN H. HOUK

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (a.m./p.m.), APRIL 23, 1984, together with appropriate fee of 75.00.

Signed [Signature]



PART OF BLOCK "D"
 MILEY GREEN VALLEY ADDITION



AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, Robert A. Handley and Sandra N. Handley, being of full age,
and being first and duly sworn upon our oaths do hereby depose and state
as follows:

1. That we are the owners of record of the following described
real estate, to wit:

Lot 2, Block B, Miles Green Valley Addition to the City of
Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of our neighbor Gary L. Wright
for the addition of a garage to his existing dwelling house situated on Lot
11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of
Wichita, Sedgwick County, Kansas and understand that he must obtain a
variance from the 25 feet set-back regulation in order to lawfully proceed
with the addition.

3. That upon a full review of such plans and with a complete
understanding of the nature of the improvement being proposed, We hereby
state that we have no objection whatsoever to a variance to the set-back
regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

Robert A. Handley
Robert A. Handley

Sandra N. Handley

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a
notary public in and for the county and state aforesaid, came Robert A. Handley and Sandra N. Handley,
who are personally known to me to be the same persons who executed the within instrument of writing,
who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly
acknowledged the execution of the same.

In testimony Whereof, I have hereunto subscribed my name and affixed my official seal,
the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-87

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

I, Gerda Fosher, being of full age, and being first and duly sworn upon my oath do hereby depose and state as follows:

1. That I am the owner of record of the following described real estate, to wit:

Lot 4, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of my neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, I hereby state that I have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANT SAYS NOT.

Gerda Fosher

Gerda Fosher

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Gerda Fosher, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such person duly acknowledged the execution of the same.

In testimony Whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 12-31-84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

I, Katherine Pennington, being of full age, and being first and duly sworn upon my oath do hereby depose and state as follows:

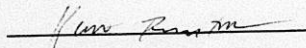
1. That I am the owner of record of the following described real estate, to wit:

Lot 5, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of my neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, I hereby state that I have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.


FURTHER AFFIANT SAYS NOT.


Katherine Pennington

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

Be it remembered, that on this 29th day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Katherine Pennington, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such person duly acknowledged the execution of the same.

In testimony Whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.


Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, Victor W. Pickering and Mercedes W. Pickering, being of full age, and being first and duly sworn upon our oaths do hereby depose and state as follows:

1. That we are the owners of record of the following described real estate, to wit:

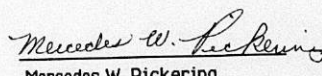
Lot 6 and part of Lot 5, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, we hereby state that we have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.



Victor W. Pickering


Mercedes W. Pickering

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Victor W. Pickering and Mercedes W. Pickering, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.


Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-84

AFFIDAVIT

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

WE, Gene Miller and Florine Miller, being of full age, and being first and duly sworn upon our oaths do hereby depose and state as follows:

1. That we are the owners of record of the following described real estate, to wit:

Lot 7, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, we hereby state that we have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

Gene Miller
Gene Miller

Florine Miller
Florine Miller

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Gene Miller and Florine Miller, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires:

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My App. Exp. 11-28-84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

I, Virginia L. Morgan, being of full age, and being first and duly sworn upon my oath do hereby depose and state as follows:

1. That I am the owner of record of the following described real estate, to wit:

Lot 8, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of my neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, I hereby state that I have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANT SAYS NOT.

Virginia L. Morgan
Virginia L. Morgan

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Virginia L. Morgan, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 1-2-87

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, R. Dale Gardner and Audrey J. Gardner, being of full age, and being first and duly sworn upon our oaths do hereby depose and state as follows:

1. That we are the owners of record of the following described real estate, to wit:

Lot 12, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, we hereby state that we have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

R. Dale Gardner
R. Dale Gardner

Audrey J. Gardner
Audrey J. Gardner

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came R. Dale Gardner and Audrey J. Gardner, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 1-21-84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

I, Alberta Thrasher, being of full age, and being first and duly sworn upon my oath do hereby depose and state as follows:

1. That I am the owner of record of the following described real estate, to wit:

Block 2, Wassall Addition to the City of
Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of my neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, I hereby state that I have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANT SAYS NOT.

Alberta Thrasher

Alberta Thrasher

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Alberta Thrasher, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such person duly acknowledged the execution of the same.

In testimony Whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-89

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, Neva Bonnett and William Everett Bonnett, being of full age, and being first and duly sworn upon our oaths do hereby depose and state as follows:

1. That we are the owners of record of the following described real estate, to wit:

Lot 34, Meadowlark Fourth Addition to the City of Wichita, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, we hereby state that we have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

Neva Bonnett
Neva Bonnett

William Everett Bonnett
William Everett Bonnett

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

Be it remembered, that on this 21st day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Neva Bonnett and William Everett Bonnett, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 12/31/84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, Alma A. Bain and Robert Lee Bain, being of full age, and being first and duly sworn upon our oaths do hereby depose and state as follows:

1. That we are the owners of record of the following described real estate, to wit:

A tract of land in the Southwest quarter of Section 35, Township 27 S, Range 1 East, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, we hereby state that we have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

Alma A. Bain

Robert Lee Bain

Robert Lee Bain

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Alma A. Bain and Robert Lee Bain, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart

Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-84

AFFIDAVIT

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

WE, R. Steve Sutton and Trudy Ellen Rawlins, being of full age,
and being first and duly sworn upon our oaths do hereby depose and state
as follows:

1. That we are the owners of record of the following described
real estate, to wit:

Lot 34, Meadowlark Third Addition to the City
of Wichita, Sedgwick County, Kansas

2. That we have reviewed the plans of our neighbor Gary L.
Wright for the addition of a garage to his existing dwelling house situated
on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the
City of Wichita, Sedgwick County, Kansas and understand that he must
obtain a variance from the 25 feet set-back regulation in order to lawfully
proceed with the addition.

3. That upon a full review of such plans and with a complete
understanding of the nature of the improvement being proposed, we hereby
state that we have no objection whatsoever to a variance to the set-back
regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANTS SAY NOT.

R. Steve Sutton
R. Steve Sutton

Trudy Ellen Rawlins
Trudy Ellen Rawlins

STATE OF KANSAS)
) SS.
SEDGWICK COUNTY)

Be it remembered, that on this 22nd day of April, 1984, before me, the undersigned, a
notary public in and for the county and state aforesaid, came R. Steve Sutton and Trudy Ellen Rawlins,
who are personally known to me to be the same persons who executed the within instrument of writing,
who, being first duly sworn, stated that said affidavit is true and correct, and such persons duly
acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal,
the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-22-84

AFFIDAVIT

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

I, Fern C. Byington, being of full age, and being first and duly sworn upon my oath do hereby depose and state as follows:

1. That I am the owner of record of the following described real estate, to wit:

Lot 17, Meadowlark Third Addition to the City of Wichita, Sedgwick County, Kansas

2. That I have reviewed the plans of my neighbor Gary L. Wright for the addition of a garage to his existing dwelling house situated on Lot 11 and part of Lot 10, Block B, Miles Green Valley Addition to the City of Wichita, Sedgwick County, Kansas and understand that he must obtain a variance from the 25 feet set-back regulation in order to lawfully proceed with the addition.

3. That upon a full review of such plans and with a complete understanding of the nature of the improvement being proposed, I hereby state that I have no objection whatsoever to a variance to the set-back regulation WMC 28.04.040 (C) 1.1, being granted to Gary L. Wright.

FURTHER AFFIANT SAYS NOT.

Fern C. Byington
Fern C. Byington

Buel L Shook (Witness)
1605 May Street
Wichita, Kansas.

STATE OF KANSAS)
) ss.
SEDGWICK COUNTY)

Be it remembered, that on this 29th day of April, 1984, before me, the undersigned, a notary public in and for the county and state aforesaid, came Fern C. Byington, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said affidavit is true and correct, and such person duly acknowledged the execution of the same.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Kathleen L. Stewart
Notary Public

My appointment expires: _____

KATHLEEN L. STEWART
STATE NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS
My Appt. Exp. 11-28-84

Statement Justifying Variance Requested

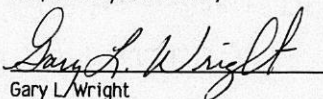
I, the undersigned Gary L. Wright, do hereby submit to the Board of Zoning Appeals of the City of Wichita, the following statement:

1. I am requesting a variance from the 25 feet set-back requirement of WMC section 28.04.040 (C) 1.1, so that I can lawfully add an attached garage to my residence at 2127 Bluff Court in the City of Wichita, which I have owned and occupied with my family since 1972. I am presently a single father of five children, four of whom are attending school in Wichita and live with me at the above address. The oldest child is a student at the University of Kansas, but maintains her permanent residence at the above address. I am planning to marry a woman who has three children at home. We wish to make our home at my present residence. Therefore, I need additional space in my present home, and am presently converting my existing two-car garage to additional living space. The variance which I am requesting is for the construction of an attached, three-car garage, to replace the converted garage.
2. As can be seen upon reference to the included drawing, my present house is located on a large lot with a curving frontage on Bluff Court. This lot has almost four times as much road frontage as any other lot on Bluff Court and is unique to the block in that it requires a diagonal placement of the house. I had no input into the description of this lot when it was initially platted. I purchased the house many years after it was constructed and had no decision or control over its present placement. At the time I purchased the house, I had no plans to increase the size of my family.
3. I do not feel that the granting of the variance requested will have any adverse effect on the adjacent property owners. In fact, the addition will increase the value of my real estate and generally contribute to the appreciation in value of all adjacent property. Notwithstanding my opinion, I have submitted, with my application, the sworn affidavits of sixteen of the seventeen property owners within a 200 feet radius of my property, wherein those property owners have stated that they know what kind of addition I am proposing and have no objection to the variance being granted. I fully anticipate that the remaining property owner will have signed and sworn to a similar affidavit before the hearing on this request.
4. The strict application of the 25 feet set-back requirement in this instance will constitute an unnecessary hardship on me, my future wife and both our families in that we will either be forced to live in relatively cramped quarters, or move from a house and neighborhood to which we are all very attached. Moving to a larger house at the present time will dislocate my children, probably require that they change schools and is, quite frankly, beyond my present financial capabilities and wherewithal.
5. The variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

I am requesting only that I be allowed to make an addition to a private residence to accommodate my family. Because of the curving street lines in my block, the 25 feet set-back rule is not nearly as important in preserving neighborhood appearance as it would be in a neighborhood with straight streets. While the houses situated on lots 10 and 6 in my block are presently non-conforming to the set-back regulation, (the house on lot 10 appears to be 19 feet from the street boundary line and the house on lot 6 appears to be 9 feet from the street boundary line), this non-conformance is not noticeable at all, and the houses are pleasant additions to the neighborhood. I have included photographs in this application which I hope depict the distinctive character of the block. In several of the photos, my contractor is holding a stake at the location where the proposed garage will be nearest the street boundary line. My addition will be professionally and tastefully executed and will not look "out of place." I have a great deal of pride in the appearance of my home and would not propose this addition if it would blight my property or my neighbors' property. As stated above, the addition, in all likelihood, will slightly increase the value of adjacent property.

5. The general spirit and intent of the Zoning Ordinance, as stated in WMC section 28.04.010, is to promote the public safety, health, convenience, comfort, propriety, and general welfare; and to preserve personal and property rights. The addition which I propose will certainly not threaten, impinge upon, or be opposed to such purpose and intent. In fact, I sincerely believe that the addition will have a positive effect upon the neighborhood for the reasons which I have stated above.

Respectfully submitted,


Gary L. Wright

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Block B, Miles Green Valley Addition	Ray D. Fritzemeyer Susan Kay Fritzemeyer 2105 S. Bluff Ct. 67218
Lot 2, Block B, Miles Green Valley Addition	Robert A. Handley Sandra N. Handley 2107 S. Bluff Ct. 67218
Lot 3, Block B, Miles Green Valley Addition	Ernest C. Jones Margaret Jones 2109 S. Bluff Ct. 67218
Lot 4, Block B, Miles Green Valley Addition	Gerda Foshier 2111 S. Bluff Ct. 67218
Lot 5, except the south 5 feet, Block B, Miles Green Valley Addition	Katherine Pennington 2113 S. Bluff Ct. 67218
The South 5 feet of lot 5 & all of lot 6, Block B, Miles Green Valley Addition	Victor W. Pickering Mercedes W. Pickering 2115 S. Bluff Ct. 67218
Lot 7, Block B, Miles Green Valley Addition	Gene Miller Florine Miller 2117 S. Bluff Ct. 67218
A portion of lot 8 described as beginning at the northwest corner of lot 8; thence southwesterly along the line dividing lots 7 & 8 to the southwest corner of lot 8; thence east along the south line 17.6 feet; thence northeasterly on a straight line to the point of beginning, Block B, Miles Green Valley Addition	Same as above
Lot 8, except that part described immediately above, Block B, Miles Green Valley Addition	Virginia L. Morgan 2119 S. Bluff Ct. 67218
Lot 9, Block B, Miles Green Valley Addition	Wanda L. Smith 2121 S. Bluff Ct. 67218

Property Description

Property Owner

Lot 11 and part of lot 10 described as beginning at the northwest corner of lot 10; thence south along the front lot line 34.03 feet; thence east to the northeast corner of lot 10 106.09 feet; thence northwesterly 121 feet more or less to the point of beginning, Block B, Miles Green Valley Addition.

D
Gary L. Wright
Carol L. Wright
2127 S. Bluff Ct.
67218

Lot 10, except that portion described immediately above, Block B, Miles Green Valley Addition

✓ Jack L. Dickerson
Willa M. Dickerson
2123 S. Bluff Ct.
67218

Lot 12, Block B, Miles Green Valley Addition

✓ R. Dale Gardner
Audrey J. Gardner
2131 S. Bluff Ct.
67218

Lot 13, Block B, Miles Green Valley Addition

✓ William R. Hannon
Jeanne L. Hannon
2133 S. Bluff
67218

(Affidavit of Interest)
~~Robert Allen Schmidt~~
~~Karen J. Schmidt~~
~~address unknown~~

Lot 34, Meadowlark 3rd Addition

✓ R. Steve Sutton
Trudy Ellen Rawlins
4001 E. Clark
67218

Lot 17, Meadowlark 3rd Addition

✓ Fern C. Byington
1605 May Ave.
Apt 10
67213

Lot 34, Meadowlark 4th Addition

✓ Neva Bonnett
William Everett Bonnett
trustees of the Neva
Bonnett Trust
and trustees of the William
Everett Bonnett Trust
4001 Bellair St.
67218

Block 2, Wassall Addition

✓ Alberta Thrasher
2101 S. Bluff
67218

Property Description

Property Owner

Beginning 831.92 feet west & 1143.25 feet south of the northeast corner of the southwest Quarter of Sec. 35-27-1E; thence north 104.72 feet; thence east 831.92 feet; thence south 104.72 feet; thence west 831.92 feet to beginning & beginning 831.92 feet west & 1038.53 feet south of the northeast corner of the southwest Quarter Sec. 35-27-1E; thence north 52.36 feet; thence east 831.92 feet; thence south 52.36 feet; thence west to beginning.

Alma A. Bain
✓ Robert Lee Bain
2145 S. Bluff
67218

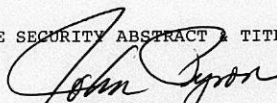
We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of:

Lot 11 and the North part of lot 10, described as beginning at the Northwest corner of lot 10; thence south along the front line 34.03 feet; thence east to the northeast corner of lot 10, 106.09 feet; thence northwesterly 121 feet, more or less to the point of beginning, Block B, Miles Green Valley Addition, an Addition in Wichita, 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 19th day of April, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By


Vice President

Order No: 333079
cf

#204

WILLIAM L. KORBER, L.B.
JOHN E. LUNDGLADE, L.B.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 330 LAURA • WICHITA, KANSAS 67211

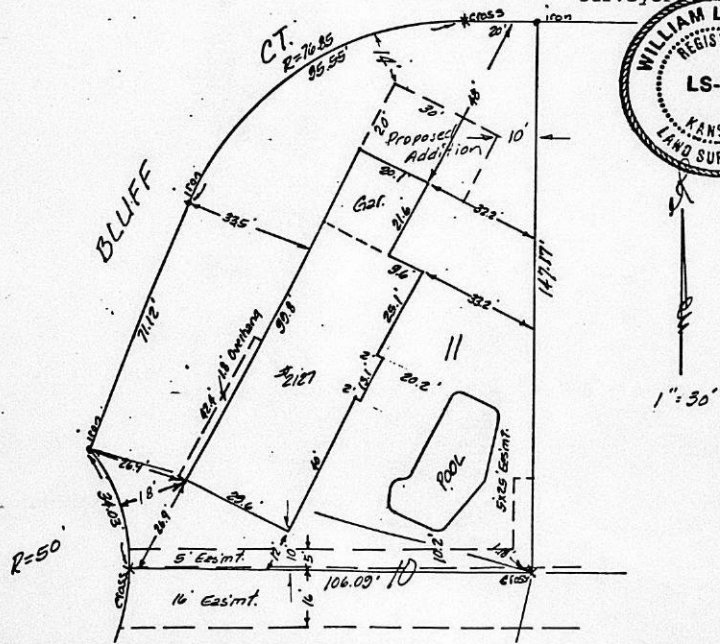
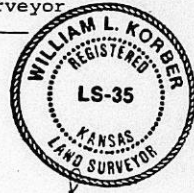
State of Kansas)
) SS
County of Sedgwick)

March 27, 1984

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 27th day of March, 1984, survey Lot 11 and that part of Lot 10, lying north of a line 34.03 feet south of the N.W. Corner of Lot 10, extended to the N.E. Corner of Lot 10, Block B, Miles Green Valley Addition an Addition in Wichita, Kansas. On said Lot is house No. 2127 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said Lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

William L. Korber
Surveyor



#204

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLAD, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 330 LAURA • WICHITA, KANSAS 67211

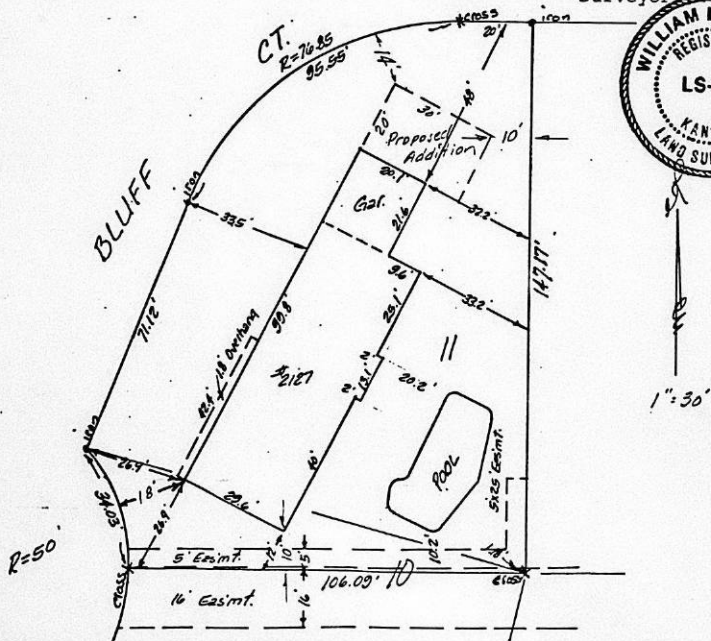
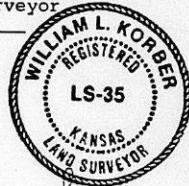
State of Kansas)
) SS
County of Sedgwick)

March 27, 1984

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 27th day of March, 1984, survey Lot 11 and that part of Lot 10, lying north of a line 34.03 feet south of the N.W. Corner of Lot 10, extended to the N.E. Corner of Lot 10, Block B, Miles Green Valley Addition an Addition in Wichita, Kansas. On said Lot is house No. 2127 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said Lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

William L. Korber
Surveyor



MICROFILMED
FROM THE BEST
AVAILABLE COPY

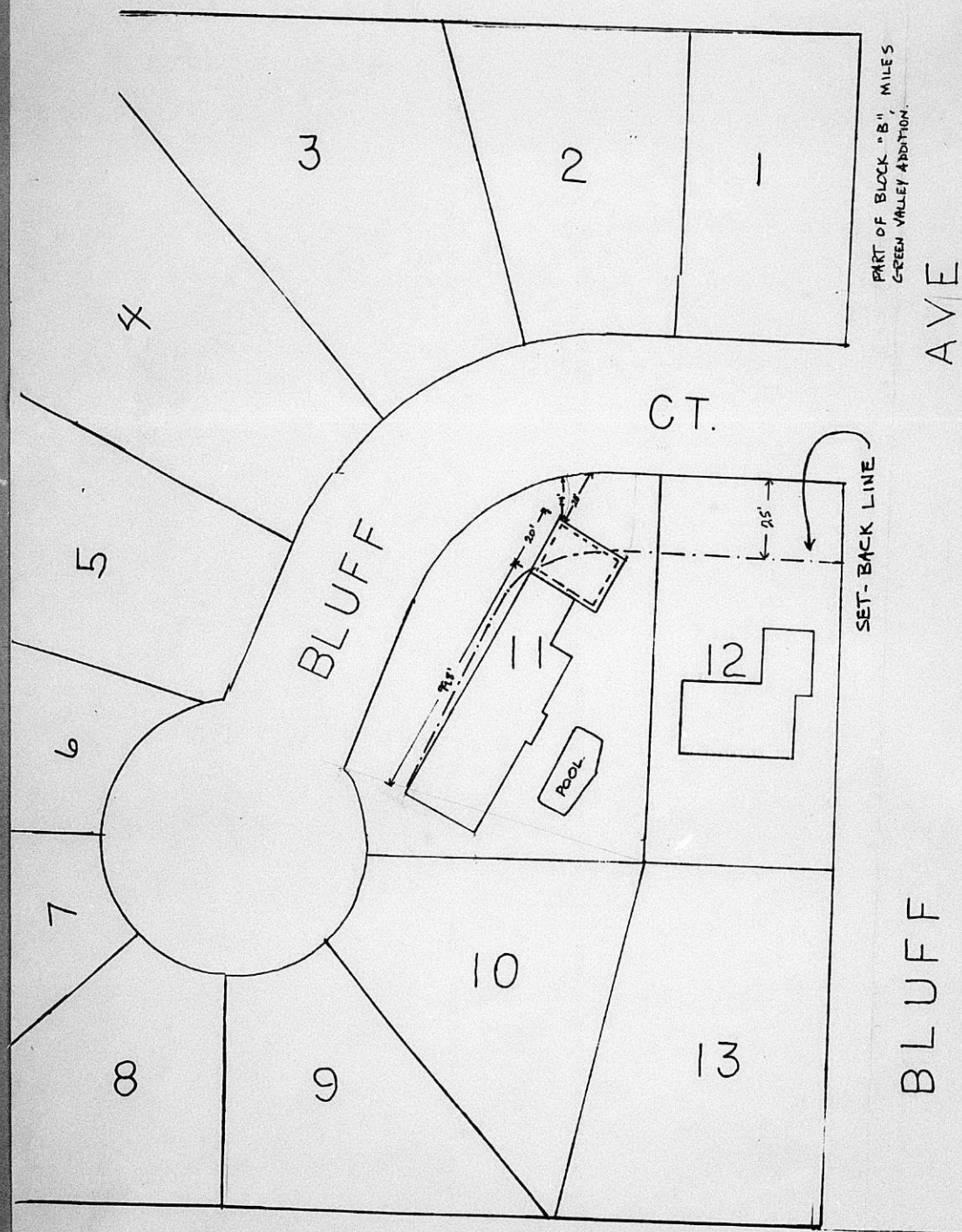
FORM 021 PAYMENT NOTICE
 City of Wichita

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
<i>200 624 Vac</i>	<i>176.22</i>

NAME _____
 ADDRESS _____
 FUND _____ DUE DATE _____
 COMMENTS _____
 DATE _____ BY _____



PART OF BLOCK "B" 1/4 MILES
GREEN VALLEY ADDITION

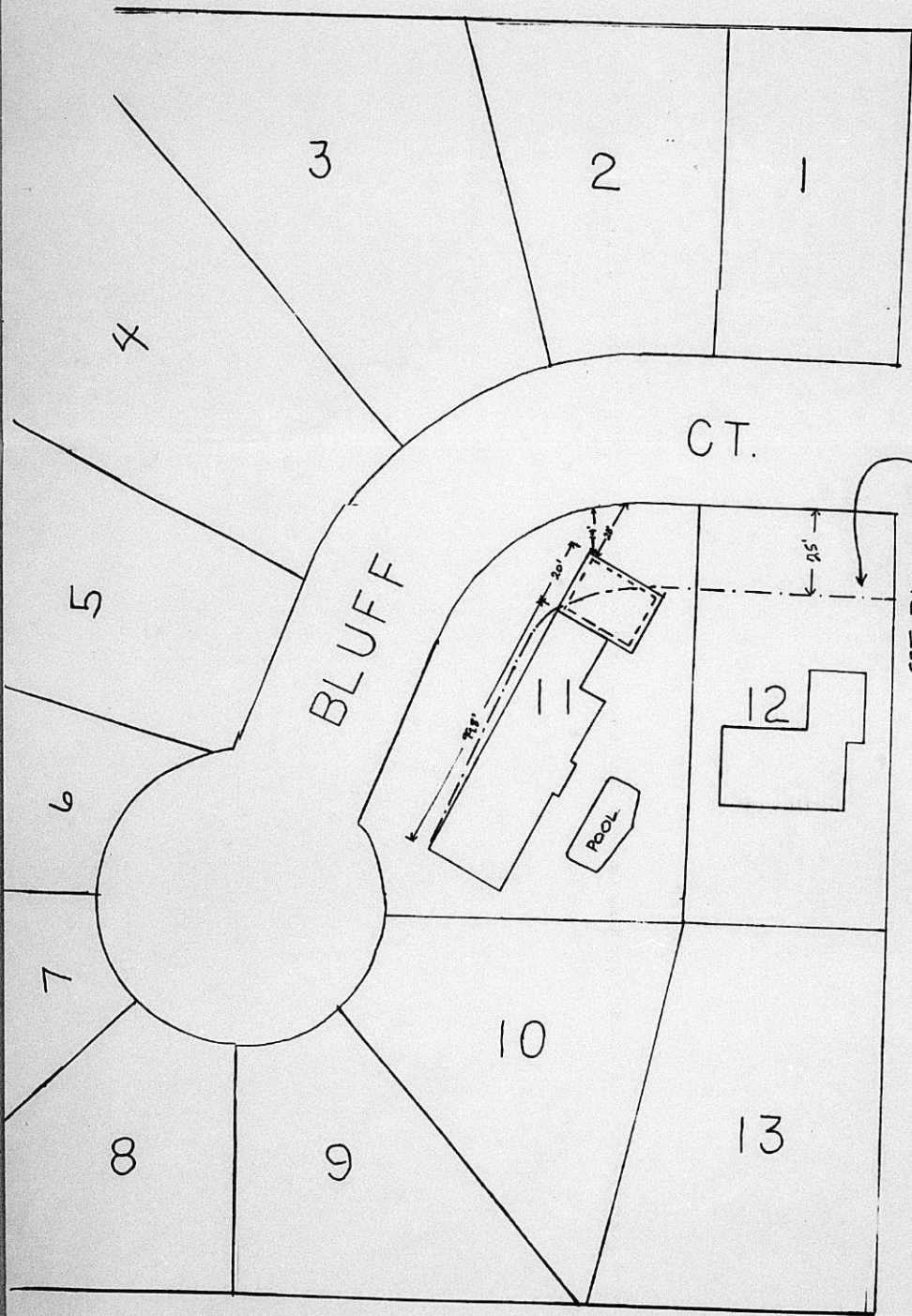
BLUFF
AVE

BLUFF
CT.

SET-BACK LINE

BLUFF

SET-BACK LINE



PART OF BLOCK "B", MILES
GREEN VALLEY ADDITION.

AVE

CT.

BLUFF

SET-BACK LINE

BLUFF

--- SET-BACK LINE
— DRIVEWAY