

Case No. BZA 34-80 - Mike Nichols
requests a variance to reduce
6 feet side yard setback to 5
feet on south side on property
zoned "AA" One-family Dwelling
district and generally located

*105160
8-13-80*

ACTION

*BZA
34-80*

COMMITTEE Approved DATE 8-26-80

M.A.P.C. _____

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

*200 1/4 Sec 9-18-80
Checked out 9-18-80
Shot 9-23-80
Recorded 9-23-80*

Map No. 5950
 Sec. 6
 Twp. 27
 Range 2E

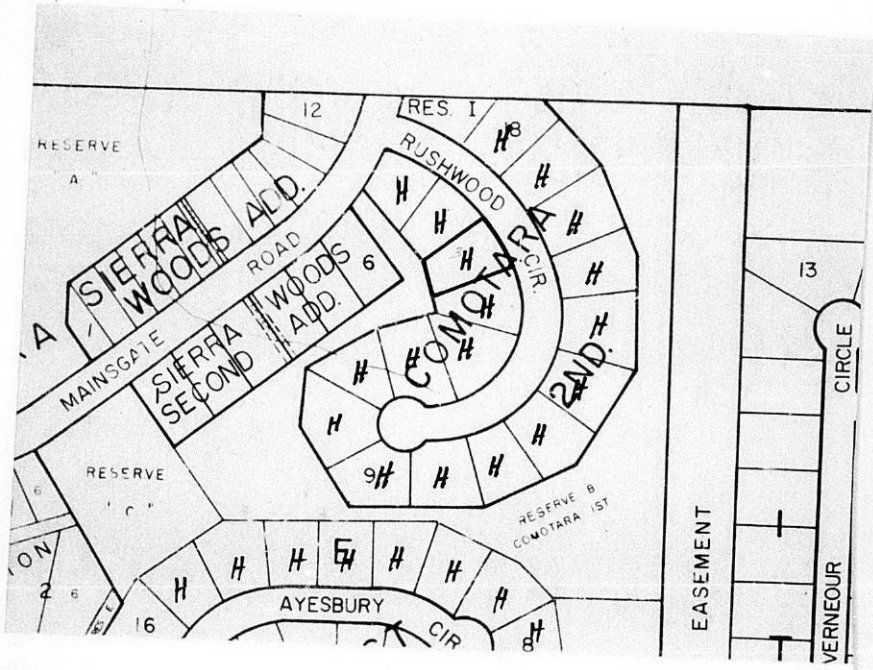
BZA- 34-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.27 (84 ft. by 142 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West UNDEVELOPED North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted. SINGLE FAM

PHOTO DATA:

Taken by _____ Date _____ Time _____



BZA 34

Shoemaker
 No. 2153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOUISIANA, OHIO
 MEMPHIS, MIAMI, WEST CHESTER, GA
 U.S.A.

September 16, 1980

Ronald Hall
7223 Rockhill
Wichita, Kansas

Re: Case No. BZA 34-80
Request for Variance

Dear Mr. Hall:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 26, 1980, in connection with your request for a variance to reduce the side yard setback from 6 feet to 5 feet on the south side on property zoned the "AA" One-family Dwelling District and generally located on the west side of Rushwood Circle (6915 Rushwood Circle).

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: Mike Nichols, 6915 Rushwood Circle, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 34-80

WHEREAS, Mike Nichols, 6915 Rushwood Circle, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the sideyard setback from 6 feet to 5 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 3, Block L, Comotara Second Addition
to Wichita, Sedgwick County, Kansas.
Generally located on the west side of
Rushwood Circle (6915 Rushwood Circle).

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 August 26, 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 area is 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 contractor 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 side yard is 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 required side yard along the south property line from 6 feet to 5 feet only for the existing structure on property zoned the "AA" One-family Dwelling District and legally described as:

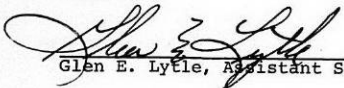
Lot 3, Block L, Comotara Second Addition
to Wichita, Sedgwick County, Kansas.
Generally located on the west side of
Rushwood Circle (6915 Rushwood Circle).

be approved.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

August 28, 1980

Ronald Hall
7223 Rockhill
Wichita, Kansas

Re: Case No. BEA 34-80
Request for Variance

Dear Mr. Hall:

At the regular meeting of the Board of Zoning Appeals on August 26, 1980, your request for a variance to reduce the side yard setback from 6 feet to 5 feet on the south side on property zoned the "AA" One-family Dwelling District and generally located on the west side of Rushwood Circle (6915 Rushwood Circle) was considered.

It was the action of the Board to approve your request for the existing structure only.

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,

Jack H. Galbraith
Secretary

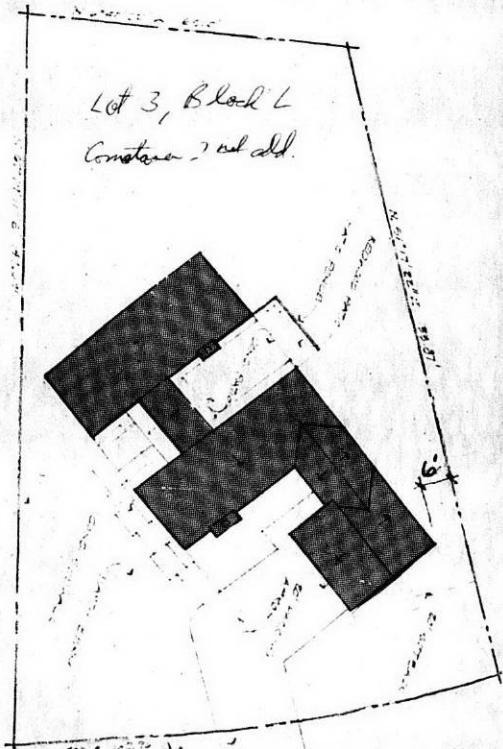
JHG:sad

cc: Mike Nichols, 6915 Rushwood Circle, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Cisick, City Clerk

MICROFILMED
FROM THE BEST
AVAILABLE COPY

65 Rushwood
Dr
D26626

Lot 3, Block L
Constans 2nd add.



11020 000M-512
Korold Hill BZA 34-80

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 20, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 34-80: 6915 Rushwood Circle

CPO Council "I" considered the captioned case on August 19, 1980, and voted 7-0 to recommend approval of the requested side yard setback variance.

Council members felt that the one-foot setback reduction is relatively insignificant, especially in that it is needed for only one corner of the house.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is heard on August 26.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:m1

Noted:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

AUG 22 1980

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 34-80

APPLICANT: Mike Nichols, 6915 Rushwood Circle, Wichita, Kansas.

AGENT: Ronald F. Hall, 7223 Rockhill, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 5 feet.

GENERAL LOCATION: On the west side of Rushwood Circle (6915 Rushwood Circle).

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

LAND USE: Entire general area is 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 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 34-80
BZA AGENDA
3-26-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the side yard setback adjacent to the south property line from 6 feet to 5 feet. The permit for the residence was issued by Central Inspection on December 3, 1977 and has been completed. The application indicates that a 6 foot side yard was dimensioned on the north side and it was apparently misunderstood about the requirement along the south property line. Along the south property line is a 10 foot utility easement, 5 foot of which is on the applicant's property and the contractor apparently understood the setback was 5 feet.

In this particular instance the home is oriented on the property that only a corner of the house violates the 6' side yard by 1 foot.

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 area is 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 contractor 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 side yard is being maintained to provide light and air to both properties.

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

August 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 34-80

An application has been filed by Mike Nichols, 6915 Rushwood Circle, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the 6 feet side yard setback to 5 feet on the south side on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot #3, Block L, Comotara Second Addition
to Wichita, Sedgwick County, Kansas.
Generally located on the west side of Rush-
wood Circle (6915 Rushwood Circle).

This application has been assigned case No. BZA 34-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 26, 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. 34-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

25 TOTAL NOTICES SENT 8-06-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 34-80
FILED 7-28-80

APPLICATION FOR VARIANCE

I. Name of Applicant Mike Nichols
Mailing Address 6915 Rushwood Cir. Phone _____
Name of Authorized Agent Ronald F. Hall
Mailing Address 7223 Rock Hill, Wb. Phone 685-1697
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is ^{to} Reduce 6 ft side yard
setback to 5 ft on south side of 6915
Rushwood Circle
for property located ^{on the west end of Rushwood Circle} (6915 Rushwood Circle)

and legally described as: Lot # 3 Block L
Crestona Second addition to Wichita
Sedgwick County Ks.

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 _____

Authorized Agent Ronald F. Hall

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 (~~_____~~ p.m.), July 28, 1980 together with appropriate fee of 75.00.

Signed [Signature]


OWNERSHIP LIST

Property located within a 200 foot radius of Lot 3, Block L, Comotara Second Addition, an Addition to Wichita, Sedgwick County, Kansas.

| <u>LOT & BLOCK</u> | <u>ADDITION</u> | <u>PROPERTY OWNERS</u> |
|------------------------|--------------------------|---|
| Lot 1, Block L | Comotara Second Addition | ✓ William H. & Eva Jean Androes 6905 Rushwood Circle Wichita, Ks 67226 |
| Lot 2, Block L | " | ✓ Robert B. Schwan 6909 Rushwood Wichita, Ks 67226 |
| Lot 3, Block L | " | ✓ Michael F. & Camilla K. Nichols Address Unknown 6915 Rushwood Circle |
| Lot 4, Block L | " | ✓ William R. & Judith C. Fitzhugh 2309 Dawn Hill Road Rose Hill, Ks 67010 |
| Lot 5, Block L | " | ✓ Henry J. & Patricia A. Schulte 6935 Rushwood Wichita, Ks 67226 |
| Lot 6, Block L | " | ✓ Philip R. & Janet L. Roth Address Unknown |
| Lot 7, Block L | " | ✓ Stanley L. & Linda L. Carlton 6941 Rushwood Wichita, Ks 67226 |
| Lot 13, Block L | " | ✓ Fritz R. & Karen K. Krohmer 6932 Rushwood Circle Wichita, Ks 67226 |
| Lot 14, Block L | " | ✓ Douglas A. McKnight Address Unknown 201 S. W. 67213 |
| Lot 15, Block L | " | ✓ Samuel & Linda D. Paschal 2531 N. Dellrose Wichita, Ks 67220 |
| Lot 16, Block L | " | ✓ Simon S. & Andrea G. Stras 6918 Rushwood Wichita, Ks 67226 |
| Lot 17, Block L | " | ✓ Frank & Lis Hutton 6914 Rushwood Wichita, Ks 67226 |
| Lot 18, Block L | " | ✓ Dennis B. & Billie Jo Ashworth 6908 Rushwood Circle Wichita, Ks 67226 |

Columbian National Title Insurance of Wichita, Inc. hereby certifies the foregoing to be a true and correct list of property owners of all property located within a 200 foot radius of Lot 3, Block L, Comotara Second Addition, an Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the office of the Register of Deeds of Sedgwick County, Kansas, on this 23rd day of July, 1980 @ 7:00 A.M.

COLUMBIAN NATIONAL TITLE INSURANCE
OF WICHITA, INC.

By:  Gary G. Newcome

MICROFILMED
FROM THE BEST
AVAILABLE COPY

THE CITY OF WICHITA
Application for Building Permit PERMIT NO. **D226224**

I. IMPORTANT: Complete All Items. Mark Boxes Where Applicable

LOCATION OF BUILDING
 CARD 1: STREET NUMBER/DIR: **6715 RUSHWOOD** STREET NAME: **CR** UNIT: **CR** SECONDARY ADDRESS:
 CARD 2: **3** LOT(S): **1** BLOCK: **1** ADDITION: **COMOTARA 2ND** ZONE DISTRICT: **HA3**
 CARD 3: LOT(S): BLOCK: ADDITION: LOT SPLIT NO.:
 City P.D. 946

II. TYPE AND COST OF BUILDING - All Applicants Complete A

A. TYPE OF IMPROVEMENT
 New Building
 Addition of Residential Unit
 Addition of Non-Residential Unit
 Alteration of Existing Building
 Demolition of Existing Building
 Change of Use of Existing Building
 Other (Specify in Remarks)

B. OWNERSHIP
 Private
 Public

C. FLOOD PLAIN AREA
 Flood Plain Area
 Other (Specify in Remarks)

D. VALUATION
 Valuation to Nearest Dollar: **34,547**

E. PROJECT NAME
NEW HOME + HIT GARAGE

III. DESCRIPTION OF WORK

IV. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete parts II through E. For remodeling complete only part E, for all others, skip to IV.

H. FOUNDATION
 Concrete
 Masonry
 Other

I. STRUCTURE (Principal Type or Frame)
 Masonry
 Concrete
 Steel
 Other

J. COVERING
 Asphalt
 Concrete
 Other

K. EXTERIOR WALLS
 Masonry
 Concrete
 Other

L. INTERIOR WALLS
 Masonry
 Concrete
 Other

M. FLOORING
 Carpet
 Hardwood
 Other

N. ROOFING
 Asphalt
 Concrete
 Other

O. NUMBER OF STAIRWAYS
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20

P. NUMBER OF OFF-STREET PARKING SPACES
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20

Q. RESIDENTIAL REQUIREMENTS
 No. Bedrooms
 No. Bathrooms
 No. Kitchens
 No. Living Rooms
 No. Dining Rooms
 No. Stairways
 No. Closets
 No. Porches
 No. Terraces
 No. Balconies
 No. Patios
 No. Staircases
 No. Staircases
 No. Staircases

V. IDENTIFICATION - to be completed on all applications

OWNER
 NAME: **MIKE NICHOLS** CITY: _____ STATE: _____
 STREET NUMBER/DIR: _____ STREET NAME: _____ TYPE/DIR: _____ ZIP CODE: _____

CONTRACTOR
 NAME: **RONALD F HALL** LICENSE NO.: **HC0123**

VI. ARCHITECT/ENGINEER
 NAME: **Ronald F Hall** ADDRESS: **1330 Oklahoma** TELEPHONE: **685-1497** DATE: **12-2-77**

VII. FEES
 PERMIT FEE: **1730.00** DATE: **12/03/77** RECEIVED BY: **R.F.H.**

VOID UNLESS WORK STARTED WITHIN 90 DAYS

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2 21 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>City 120 Home</i> | <i>75.00</i> |

NAME *Mrs. Pauline T. Co*

ADDRESS *1223 Rockhill W.K.*

FUND *110-00-000-40071-* DUE DATE *10-31-00*

COMMENTS

DATE *7/2/00* BY *[Signature]*