

Case No. BZA 34-85 - Raymond E. & Shirley C. Drouhard - Requests a variance to reduce the required rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and generally located

200'4Sec 7-11-85  
Slot 2-22  
Record

POSTED  
6-3-85 G.C.

# ACTION

B.Z.A. 3405 APPROVED 6-25-85  
DATE

200'4 Sec 7-11-85  
Slot 7-22  
Record

Case No. BZA 34-85 Raymond & Shir-  
ley C. Drouhard - Requests a variance to  
reduce the required rear yard setback  
from 20 feet to not less than 15 feet  
on property zoned the "AA" One-Family  
Dwelling District and generally located



# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

June 28, 1985

Raymond E. & Shirley Drouhard  
2945 South Washington  
Wichita, Ks.

Re: BZA 34-85 - Request for Variance

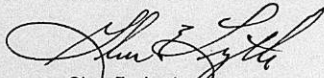
Dear Mr. & Mrs. Drouhard:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 25, 1985.

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

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

Sincerely,



Glen E. Lytle  
Assistant Secretary

GEL:sad

Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 34-85

WHEREAS, Raymond E. & Shirley C. Drouhard, 2945 South Washington, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 71, Block 3, Cedar Lake Village 4th Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Mt. Vernon Court and north of Mt. Vernon (8632 Mt. Vernon 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 June 25, 1985, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the lot is located on a cul-de-sac and the rear yard is adjacent to common open space that is adjacent to a public street serving the properties to the north; 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 structure will be located more than 150 feet to any other structure on an adjoining building site to the rear; 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 without the variance the structure would have to be reoriented on the site, thus losing the potential for possible solar design; 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 of the rear yard will not interfere with any right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the yard requirements are to maintain adequate open space to serve 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 a variance to reduce the rear yard setback from 20 feet to not less than 15 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 71, Block 3, Cedar Lake Village 4th Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Mt. Vernon Court and north of Mt. Vernon (8632 Mt. Vernon Court).


be approved subject to the following conditions:

1. The reduction of the rear yard shall not reduce the setback to less than 15 feet, and the area covered by the structure in the required rear yard shall not exceed 150 square feet.

ADOPTED AT WICHITA, KANSAS, this 25th day of June, 1985.

  
William J. Goebel, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

RE: AGENDA ITEM NO. 2

SECRETARY'S REPORT  
CASE NO. BZA 34-85

APPLICANT: Raymond E. & Shirley Drouhard, 2945 South Washington, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to not less than 15 feet.

GENERAL LOCATION: On the east side of Mt. Vernon Court and north of Mt. Vernon (8632 Mt. Vernon Court).

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

LAND USE: Subject property is to be developed with a one-family dwelling. Open space to the north and east. One-family dwellings to the south and west.

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 to reduce the required rear yard setback from 20 feet to not less than 15 feet for the construction of a greenhouse area into the setback. This yard is adjacent to a common open area that provides drainage through the development.

The applicant has already received an administrative adjustment on the front yard for a small triangular projection of approximately four feet. The applicant's site plan indicates that an area of only 84 square feet (4' x 21') of the structure will project into the rear yard which is only a small portion of the 150 foot rear yard requiring a 20 foot setback.

It should be noted that a rear yard may include one-half of a platted alley, but does not make any provision for including any portion of common open space. Also, when lots front on a cul-de-sac, the effective depth of the lot is reduced, yet the lots generally contain greater lot area. In this case the administrative adjustment of the front yard is insignificant due to the orientation of the structure on the property.

When you take into consideration the lot is located on a cul-de-sac and also the rear yard is adjacent to common open space, the lot has uniqueness that most other lots do not have. Any reduction of the rear yard on this property will have no affect on any adjacent property due to the relation of the property to any other building site.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the lot is located on a cul-de-sac and the rear yard is adjacent to common open space and also by a public street from the properties to the north.

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 reduction of the rear yard would only reduce a small portion of the yard that is located adjacent to common open space that will be more than 150 feet to any other structure on the adjacent property.

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 residence would need to be oriented in a different direction which would lose the potential of the design for passive solar design.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as intent of the rear yard is to maintain adequate light and air to all properties.

RECOMMENDATION:

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

1. The reduction of the rear yard shall not reduce the setback to less than 15 feet, and the area covered by the structure in the required rear yard shall not exceed 150 square feet.
-

BZA CASE NO. 34-85

<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>6-5-85</u>

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

June 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 34-85

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 Raymond E. & Shirley C. Drouhard, 2945 South Washington, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required rear yard setback from 20' to not less than 15' on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 71, Block 3, Cedar Lake Village 4th Addition to  
Wichita, Sedgwick County, Kansas. Generally located  
on the east side of Mt. Vernon Court and north of  
Mt. Vernon (8632 Mt. Vernon Court).

This application has been assigned Case BZA 34-85. It will be considered by the Board of Zoning Appeals on June 25, 1985 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

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
456 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

May 8, 1985

Mr. Raymond E. Drouhard  
2945 South Washington  
Wichita, Kansas 67217

RE: DP-51: Request for administrative adjustment of minimum front yard  
setback in Parcel 1. (Lot 71, Block 3, Cedar Lake Village 4th Addition)

Dear Mr. Drouhard:

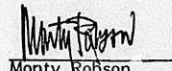
We have reviewed your request for an administrative adjustment of the 25-foot front yard setback requirement on Lot 71, Block 3, Cedar Lake Village 4th Addition, as specified on the C.U.P. The proposed site plan submitted with your request shows an encroachment of the wall of the house into the 25-foot setback by about three feet, measured radially. We do not feel that this is a substantial deviation from the original intent of the C.U.P. and therefore grant the adjustment for a reduction of the front yard setback from 25 feet to no less than 21 feet.

This adjustment is granted for a site plan similar to the one submitted with your request and any major change in the site plan will require our review and reconsideration of the adjustment.

Would you please submit one additional copy of the site plan to the Planning Department so that both Central Inspection and Planning will have a copy for their C.U.P. files.

Sincerely,

  
Robert A. Lakin  
Director of Planning

  
Monty Robson  
Superintendent of  
Central Inspection

MR/LO/lw

BOARD OF ZONING APPEALS

CASE NO. 34-85

CITY OF WICHITA, KANSAS

FILED 5-3-85

APPLICATION FOR VARIANCE

- I. Name of Applicant Raymond E. and Shirley C. Drouhard  
Mailing Address 2945 S. Washington Phone 522-2145  
Name of Authorized Agent Same  
Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_  
Relationship of applicant to property is that of Purchaser  
(Owner, Tenant, Lessee, Other)
- II. The variance requested is A 4 Ft. Encroachment into a  
rear yard requirement. ( no property in back of lot-  
see attached picture)  
for property located 8632 Mt. Vernon Court  
Wichita, Kansas 67207  
and legally described as: Lot 71, Block 3  
Cedar Lake Village, 4th Addition

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

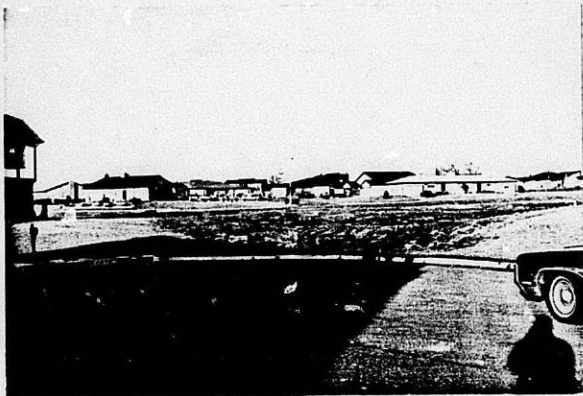
- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); 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 Raymond E. Drouhard

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
12:15 (a.m.p.m.), MAY 3, 1985, together with  
appropriate fee of 75.00.

Signed [Signature]



8632 MT. VERNON CTR.  
LOT 71. BLOCK 3  
CEDAR LAKE VILLAGE 4th ADDITION

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 59	Block 3	Cedar Lakes Village Fourth Addition	✓ Scudder D. Mackey Debra M. Mackey 8532 E. Mt. Vernon Ct. Wichita, KS 67207
Lot 60	Block 3	"	✓ Steven R. Lindeman Mary A. Lindeman 8538 Mt. Vernon Ct. Wichita, KS 67207
Lot 61	Block 3	"	✓ Roger D. Roberts Nancy L. Roberts 8542 Mt. Vernon Ct. Wichita, KS 67207
Lot 66	Block 3	"	✓ Robert E. Southern II Kimberly Ann Southern 8608 E. Mt. Vernon Ct. Wichita, KS 67207
Lot 67	Block 3	"	✓ Richard W. Corman Sharon B. Corman 8612 Mt. Vernon Ct. Wichita, KS 67207
Lot 68	Block 3	"	✓ Gary Lee Haseloh Constance M. Haseloh 2141 Flynn Lane Wichita, KS 67207
Lot 69	Block 3	"	✓ American Homes, Inc. 9323 E. Harry, Suite 120 Wichita, KS 67207 <i>Returned 6-7-85</i>
Lot 70	Block 3	"	✓ Phillip S. Kriss Lana Jane Kriss 8628 Mt. Vernon Ct. Wichita, KS 67207
Lot 71	Block 3	"	✓ Steven R. Manweiler Linda M. Manweiler 2306 Winstead Circle Wichita, KS 67226
Lot 72	Block 3	"	✓ Andrew K. Reheis Becky L. Reheis 8638 Mt. Vernon Ct. Wichita, KS 67207
Lot 73	Block 3	"	✓ Charles Ray Mitts Patricia H. Mitts 8642 E. Mt. Vernon Ct. Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 74	Block 3	Cedar Lakes Village Fourth Addition	Gary D. Bue ✓ Frances E. Bue 8648 E. Mt. Vernon Ct. Wichita, KS 67207
Lot 77	Block 3	"	William A. Griffith ✓ Tina D. Griffith 1908 Capri Circle Wichita, KS 67207
Lot 78	Block 3	"	Steven R. Manweiler D Linda M. Manweiler 2306 Winstead Circle Wichita, KS 67226
Lot 79	Block 3	"	Same as above
Lot 80	Block 3	"	✓ Clifford J. Vickery Patricia A. Vickery 1924 Capri Circle Wichita, KS 67207
Reserve "A"		Cedar Lakes Village and Cedar Lakes Village Second, Third and Fourth Additions	Cedar Lakes Village Landowners Association ✓ 8201 E. Harry Wichita, KS 67207
Lot 33	Block 2	Cedar Lakes Village Addition	✓ Lanell B. Razook 1802 Longford Court Wichita, KS 67207

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

Lot 17, Block 3, Cedar Lakes Village Fourth Addition to Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 2nd day of May, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Gable*  
Sr. Vice-President

Order No.: 346241  
dk

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

June 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 34-85

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 Raymond E. & Shirley C. Drouhard, 2945 South Washington, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required rear yard setback from 20' to not less than 15' on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 71, Block 3, Cedar Lake Village 4th Addition to  
Wichita, Sedgwick County, Kansas. Generally located  
on the east side of Mt. Vernon Court and north of  
Mt. Vernon (8632 Mt. Vernon Court).

This application has been assigned Case BZA 34-85. It will be considered by the Board of Zoning Appeals on June 25, 1985 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

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29-02 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
Gravel Van # 152	

NAME: Raymond E. DeWitt  
ADDRESS: 9323 East Harry, Suite 120  
FUND: 200624A1 DUE DATE: 06/06/85  
COMMENTS:  
DATE: JUN 7 1985 BY: [Signature]

WICHITA - SEDGWICK COUNTY



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

**RECEIVED**

JUN 07 1985

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

AME 23X 200624A1 06/06/85

RETURN TO SENDER  
NO FORWARDING ORDER ON FILE  
UNABLE TO FORWARD

American Homes, Inc.  
9323 East Harry, Suite 120  
Wichita, Ks. 67207



\*

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

Roll # 2