

Case No. BZA 39-79 - David Wigglesworth requests variance to reduce the required rear yard setback from 10' to 8' on property zoned the "LC" district and located on the east side of

*Roster  
9-24-79*

*10-16  
10-16  
M.R.D.  
C.I.  
1/200  
1/200*

**ACTION**

*BZA*

COMMITTEE *Appx. 9-25-79*  
*4-0*

DATE

*9-25-79*

M.A.P.C.

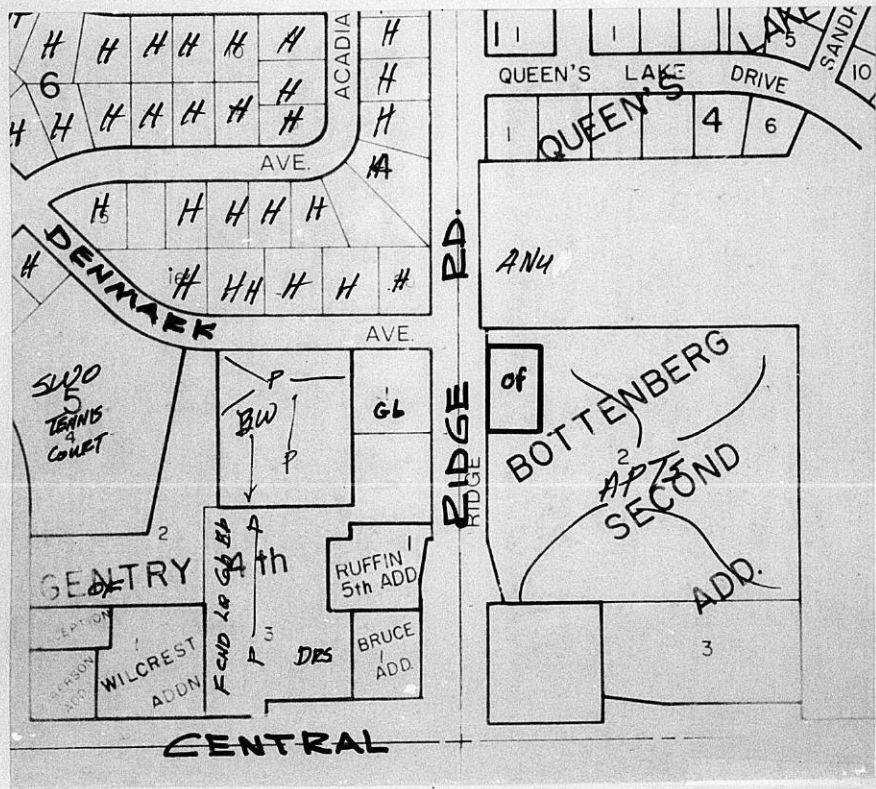
B.C.C./B. CO. C.

Map No. 4948  
 5048  
 Sec. 15  
 Twp. 27  
 Range 1W

BZA- 39-78 39-79  
 CZ-  
 CU-  
 Filed

AREA DATA:  
 1. Acres: 0.3 ( 100 ft. by 150 ft.)  
 2. Adjoining Zoning: E LC S LC W BB+LC N LC  
 3. Land Use: East APARTMENTS South OFFICE  
 West ? North GREENHOUSE  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: \_\_\_\_\_  
 6. Area (is) (is not) platted. UP DATE LAND USE IN FIELD

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Smith's  
 No. 2-153C  
 HASTINGS, MN - LOS ANGELES  
 LOGAN OH - McREGOR, TX U. S. A.

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

September 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 30-79

An application has been filed by David Wigglesworth, 786 N. Ridge Road, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 10 feet to 8 feet, on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Bottenberg 2nd Addition to Wichita,  
Sedgwick County, Kansas. Generally located  
on the east side of Ridge Road in an area  
between Central and Queen's Lakes Drive.

This application has been assigned case No. BZA 30-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 1970, 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.

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

**RESOLUTION NO. BZA 39-79**

WHEREAS, David Wigglesworth, 736 N. Ridge Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Bottenberg 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Ridge Road in an area between Central and Queen's Lakes Drive.

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 September 25, 1979, 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 proposed expansion of the existing building could have been accomplished prior to the reduction of the lot size as originally platted; 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 same rear yard setback will be maintained that presently exists; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the existing building is nonconforming and Section 28.04.170(1.) of the zoning ordinance prohibits its enlargement even though the lot is adequate in size for the proposed expansion; 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 inasmuch as the request 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 the four previous conditions necessary to the granting of the variance can be found to exist; 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 rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as:

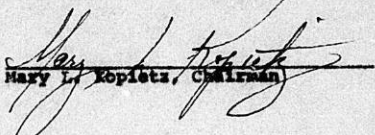
Resolution No. BEA 19-79  
Page 2

Lot 1, Bottenberg 2nd Addition to Wichita,  
Sedgwick County, Kansas. Generally located  
on the east side of Ridge Road in an area  
between Central and Queen's Lakes Drive.


be approved subject to the following condition:

1. This variance shall apply to only that portion of the property adjacent to the existing and proposed building as shown on the applicant's submitted plot plan.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1979.

  
Mary L. Kopsitz, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 258-4561

October 10, 1979

David Wigglesworth  
786 N. Ridge Road  
Wichita, Kansas 67212

Re: Case No. BZA 39-79  
Request for Variance


Dear Mr. Wigglesworth:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 25, 1979, in connection with your request for a variance to reduce the required rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and generally located on the east side of Ridge Road in an area between Central and Queen's Lakes Drive (786 N. Ridge Road).

This Resolution reflects the official action of the Board to approve this request, 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:bbc  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 39-79

WHEREAS, David Wigglesworth, 786 N. Ridge Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Bottenberg 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Ridge Road in an area between Central and Queen's Lakes Drive.

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 September 25, 1979, 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 proposed expansion of the existing building could have been accomplished prior to the reduction of the lot size as originally platted; 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 same rear yard setback will be maintained that presently exists; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the existing building is nonconforming and Section 28.04.170(1.) of the zoning ordinance prohibits its enlargement even though the lot is adequate in size for the proposed expansion; 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 inasmuch as the request 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 the four previous conditions necessary to the granting of the variance can be found to exist; 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 rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and legally described as:

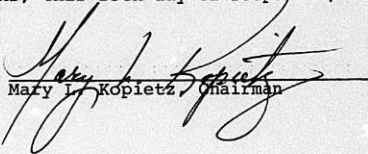
Resolution No. BZA 39-79  
Page 2

Lot 1, Bottenberg 2nd Addition to Wichita,  
Sedgwick County, Kansas. Generally located  
on the east side of Ridge Road in an area  
between Central and Queen's Lakes Drive.

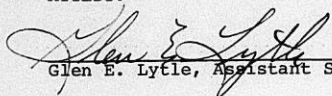
be approved subject to the following condition:

1. This variance shall apply to only that portion of the property adjacent to the existing and proposed building as shown on the applicant's submitted plot plan.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1979.

  
Mary L. Kopietz, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

September 26, 1979

Rodger A. Brooks  
7701 E. Kellogg #725  
Wichita, Kansas 67207

Re: Case No. BZA 39-79  
Request for Variance

Dear Mr. Brooks:

At the regular meeting of the Board of Zoning Appeals on September 25, 1979, your request for a variance to reduce the required rear yard setback from 10 feet to 8 feet on property zoned the "LC" Light Commercial District and generally located on the east side of Ridge Road in an area between Central and Queen's Lakes Drive (786 N. Ridge Road) was considered.

It was the action of the Board to approve this request subject to the following condition:

1. This variance shall apply to only that portion of the property adjacent to the existing and proposed building as shown on the applicant's submitted plot plan.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:bbc

cc: David Wigglesworth, 786 N. Ridge Road 67212  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE September 24, 1979 SEP 24 1979

RECEIVED

METROPOLITAN PLANNING

ROUTE  16  
 411

TO Jack Galbraith, Chief Planner, Current Plans

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 39-79: 786 North Ridge Road

CPO Council "A" discussed the captioned case at its meeting of September 20, and voted 4-0 (with one abstention) to recommend approval of the requested variance for the setback adjacent to the existing and proposed building.

One member of the Council reported that parking space for the office building is relatively limited at this time. There was some concern that the proposed expansion would worsen this problem; however, because no mention was made in staff comments of the effect of the proposed expansion on the availability of parking, the Council assumed that the requested variance will not contribute to a parking shortage and voted to approve the setback reduction.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:ml

NOTED:

*Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator

BZA CASE NO. 39-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

5 NOTICES SENT TO ADJOINING PROPERTY OWNERS

18 TOTAL NOTICES SENT 9-5-79

SECRETARY'S REPORT  
CASE NO. BZA 30-76

APPLICANT: David Wigglesworth, 736 N. Ridge Road,  
Wichita, Kansas

AGENT: Rodger Brooks, 7701 E. Kellogg #725,  
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.500.B, Code  
of the City of Wichita, to reduce the re-  
quired rear yard setback from 10 feet to 8 feet.

GENERAL LOCATION: East side of Ridge Road in an area between  
Central and Queen's Lake Drive (736 N. Ridge  
Road).

ZONING: Subject property is zoned "LC" Light Commercial  
as are those properties to the north, south  
and east. West is "EB" Office and "LC".

LAND USE: Subject property is occupied by an office  
building; east and south are apartments; north  
is a nursery; west is a bicycle shop and  
bowling alley.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.500.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 39-79  
BZA AGENDA  
9-25-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required rear yard setback from 10 feet to 8 feet for the purpose of expanding an existing office building located on the premises.

In his statement of justification, the applicant points out that the variance request arises due to the fact that when the existing structure was built the lot was 200 foot in depth and later replatted by the previous owner with only 100 foot of depth resulting in the building being in violation of the rear yard setback of 10 feet.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a unique situation inasmuch as the proposed expansion of the existing building could have been accomplished prior to the reduction of the lot size as originally platted.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested will not affect the rights of adjacent property owners inasmuch as the same rear yard setback will be maintained that presently exists.

HARDSHIP:

It is the opinion of the Secretary that the strict provisions of the zoning ordinance would constitute an unnecessary hardship inasmuch as the existing building is nonconforming and Section 28.04.170(1.) of the zoning ordinance prohibits its enlargement even though the lot is adequate in size for the proposed expansion.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the previous four conditions necessary to the granting of the variance can be found to exist, the granting of the variance would not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

Page 3  
BZA 30-70  
BZA AGENDA  
9-25-70

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application to reduce the rear yard setback from 10 feet to 8 feet be approved for only that portion adjacent to the existing and proposed building as shown on the applicant's submitted plot plan.

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

September 5, 1970

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 30-70

An application has been filed by David Wigglesworth, 786 N. Ridge Road, Wichita, Kansas, pursuant to Section 2.12.500.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 10 feet to 8 feet, on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Bottenberg 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Ridge Road in an area between Central and Queen's Lakes Drive.

This application has been assigned case No. BZA 30-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 1970, 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.

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

Map 5048

BOARD OF ZONING APPEALS

CASE NO. 39-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant David Wigglesworth ✓

Mailing Address 786 N. Ridge Road 12 Phone 943-1219

Name of Authorized Agent Rodger A. Brooks

Mailing Address 7701 E. Kellogg #725 01V Phone 684-0147

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

II. The variance requested is to reduce the required  
Reduction of the rear yard setback  
from 10' to 8'

East side of Ridge Road in an area between Central & Queen Lakes Drive  
for property located (786 N. Ridge Road)

and legally described as: \_\_\_\_\_

OK Lot 1, Bottenberg Second Addition to Wichita, Sedgwick County,  
Kansas

in the City of Wichita; and which is presently zoned LC

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. 24-606); 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

David Wigglesworth  
Applicant

Rodger A. Brooks  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:45 (a.m. - p.m.), August 22 19 79 together with appropriate fee of \$50.00.

E. Lynn Shirley  
Signed

Response #1: As indicated by the site plan, the Applicant wishes to add to an existing structure which is in non-compliance with rear yard setback requirements. The non-compliance resulted from the property being re-platted to a smaller lot, by the previous owner, after the subject structure was built.

Response #2: The adjacent property has been developed with apartment structures. There is ample open area between the subject structure and those adjacent.

Response #3: If section 28.04.170(1) of Title 28 is strictly applied, the applicant could not enlarge the existing structure by addition even though the lot is otherwise adequate.

Response #4: There will be no adverse effect because the requested variance is on an interior side.

Response #5: Title 28 requires a 10 foot setback and the request to reduce this to an 8 foot setback is not against the general spirit and intent.

1968  
1973

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Record Owners within 200 feet  
 of: Lot 1, BOTTENBERG SECOND  
 ADDITION, Sedgwick County,  
 Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>Lots and Blocks</u>	<u>Addition</u>	<u>Owners</u>
Lot 1,	BOTTENBERG 2ND	David W. & Kathryn E. Wigglesworth 525 Circle Lake Road Wichita, Kansas 67209
Lot 2,	BOTTENBERG 2ND	Lakewood Village Apartments a Mass. Limited Partnership 734 N. Ridge Road Wichita, Kansas 67212
All of Lot 1, Block 1, and part of Lot 3, Block 1, GENTRY 4TH ADDITION, Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning at the northeast corner of said Lot 3, Block 1; thence south on the east line of said Lot 3, Block 1, 165 feet; thence west at right angles, 150 feet; thence south at right angles, 31.8 feet; thence west at right angles, 262.35 feet to the west line of said Lot 3, Block 1; thence north on said west line, 70 feet to the northwest corner of said Lot 1		Ridge Road Bowl Inc. 749 N. Ridge Road Wichita, Kansas 67212

Fidelity  Title  
 COMPANY, INC.

LOTS AND BLOCKS

ADDITION

OWNERS

Block 1; thence east on the north line of said Lot 3, Block 1, 262.35 feet; thence north 126.8 feet; thence east 150 feet to the point of beginning.

Lot 20, Block 4,

COUNTRY ACRES

✓ Emil D. & Berta K. Firkus  
800 Denmark Avenue  
Wichita, Kansas 67212

Lot 1,

RUFFIN 5TH

✓ Phil G. & Lynne A. Ruffin  
1458 Willow Road  
Wichita, Kansas 67208

Beginning 880 feet north, Southwest corner of the Southwest Quarter; East 580.80 feet; thence North 150 feet; thence West 580.80 feet; thence South 150 feet to beginning except the West 50 feet for Ridge Road, in Section 15, Township 27, Range 1 West,

✓ Arthur W. Borst  
802 N. Ridge Road  
Wichita, Kansas 67212

Beginning 730 feet North of the Southwest corner in the Southwest Quarter; East 580.8 feet ; thence North 150 feet; thence West 680.8 feet; thence South 150 feet to beginning except the West 50 feet for Ridge Road, in Section 15, Township 27, Range 1 West,

D Arthur W. Borst  
802 N. Ridge Road  
Wichita, Kansas 67212



Dated in Wichita, Kansas, this 20th day of August, 1979 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By: *Patricia M. Grier*  
Vice President

Tracer No. 49927



FO 29-021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

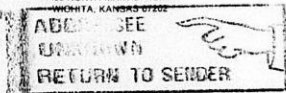
Planning

DESCRIPTION	AMOUNT
<i>228</i>	<i>15.00</i>
NAME <i>Phil G. Ruffin</i>	
ADDRESS <i>1458 Willow Road</i>	
FUND <i>11-10071-103</i>	DUE DATE <i>9/10/79</i>
COMMENTS	
DATE <i>9/2/79</i>	BY <i>[Signature]</i>

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67208



*Resent  
9-10-79*



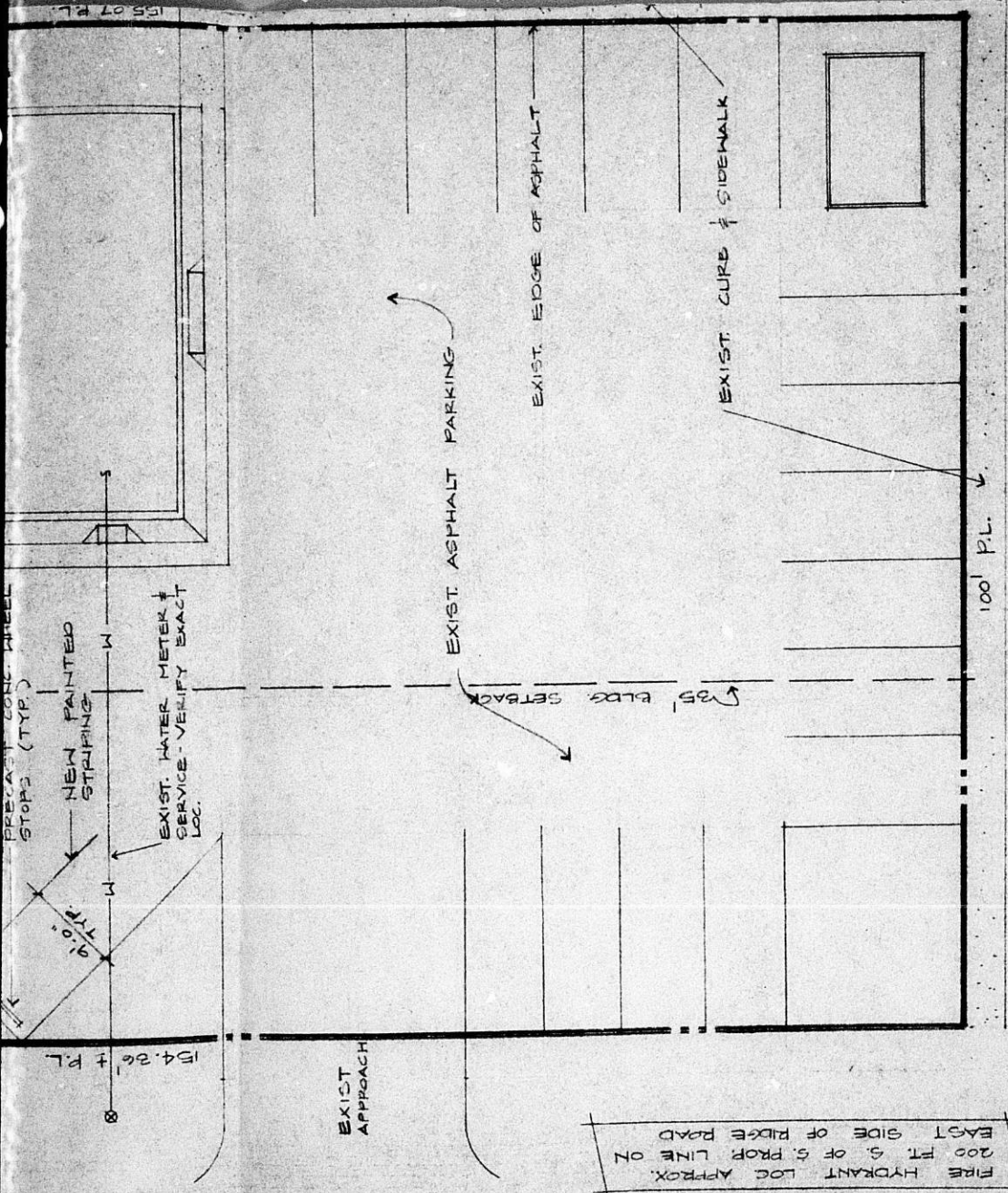
*39-79*

Phil G. and Lynne A. Ruffin  
1458 Willow Road  
Wichita, Kansas 67208



*943 McLean Blvd S*





**ROOF & SITE PLAN**  
 1" = 10' FEET

155.07 P.L.

\*

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

Roll # 2