

BZA 50-75 Peter Russell and
Craig Lawrence -variance to re-
duce required ^{lot size} ~~setback~~ in an area
generally located between Doreen
and Longfellow Lane, south of
Boston.

*Robert
12-2-75
C.P. 76
3-14-76*

ACTION

DATE

COMMITTEE

Approved

M.A.P.C.

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

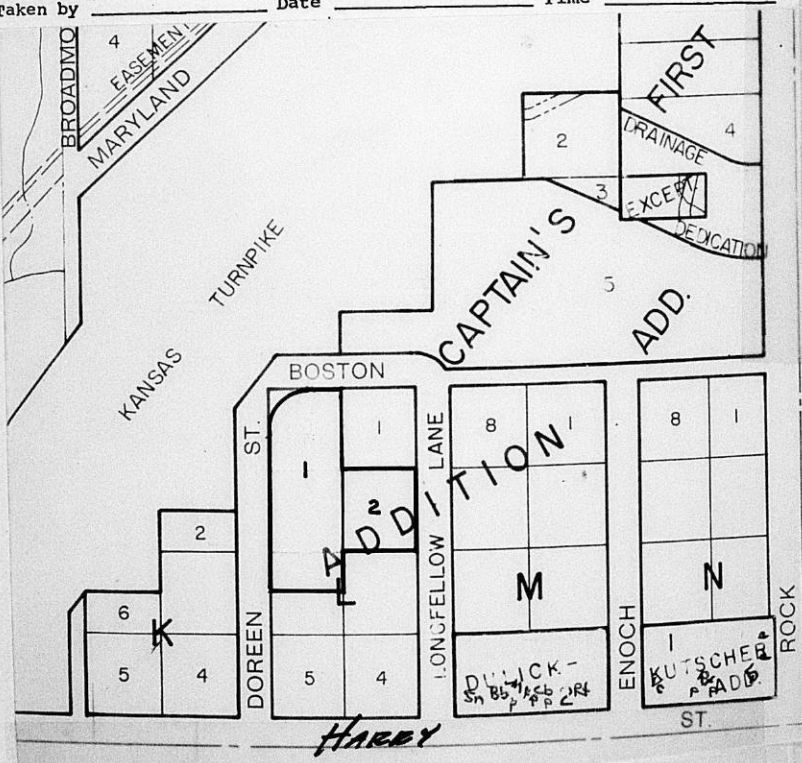
BZA-50-75

Map No. 5946
 Sec. 36
 Twp. 27
 Range 2E

BZA- 50-75
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 1.5 (IRREGULAR) (268 ft. by 357 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South UNDEVELOPED
 West UNDEVELOPED North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



HASTINGS, MIN. LOTS ANGELES
 LOCAL CH. MEMPHIS, TX. U. S. A.
 No. 2153C
 Sinead

RESOLUTION NO. BZA 50-75

WHEREAS, Pete Russell and Craig Lawrence, 14742 Twinlake, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required lot size for Two-Family dwellings, from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence, and legally described as follows:

Lots 1 and 2, Holiday Heights Addition to
Wichita, Sedgwick County, Kansas. Generally
located south of Boston Street between Doreen
Street and Longfellow Lane.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 16, 1975, 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 property is zoned for a much greater number of dwelling units than proposed here, in a general area that can be expected to develop at a high residential density or with office uses; 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 proposed development of subject property would be the same or lower density than could be expected to occur on adjacent properties; 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 they could not develop this property with 7 duplexes, but could develop the property with multiple family structures up to approximately 43 dwelling units; 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 property would be developed at a lower density than otherwise permitted; 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 development of this property would be a much lower density of dwelling units than is permitted in the "R-6" zoning district; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

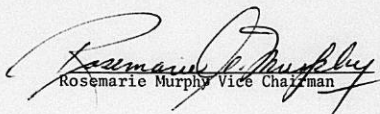
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required lot size for Two-Family dwellings, from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence District and legally described as follows:

Lots 1 and 2, Holiday Heights Addition to
Wichita, Sedgwick County, Kansas. Generally
located south of Boston Street between Doreen
Street and Longfellow Lane

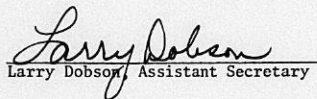
be approved subject to the following condition:

1. The applicants shall not sell any portion of subject property other than by platted lot.

ADOPTED AT WICHITA, KANSAS, this 16th day of December, 1975.


Rosemarie Murphy Vice Chairman

ATTEST:


Larry Dobson, Assistant Secretary

Tenth Floor
455 North Main

January 7, 1976

Mr. Pete Russell
1400 Colleen Terrace
Wichita, Kansas 67230

Subject: Case No. BZA 50-75
Request for Variance

Dear Mr. Russell:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 16, 1975, in connection with your request for a variance to reduce the required lot size for Two Family Dwellings from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence District, and generally located south of Boston Street between Doreen Street and Longfellow Lane.

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

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

Very truly yours,


Larry Dobson
Assistant Secretary

LD:MH

Enclosure

cc: Craig Lawrence, 14742 Twinlake, 67230
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Donald Gisick, City Clerk

Tenth Floor
455 North Main

December 17, 1975

Mr. Pete Russell
1400 Colleen Terrace
Wichita, Kansas 67230

Dear Mr. Russell:

Re: Case No. BZA 50-75
Request for Variance

At the regular meeting of the Board of Zoning Appeals on December 16, 1975, your request for a variance to reduce the required lot size for Two Family Dwellings from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence District, and generally located south of Boston Street between Doreen Street and Longfellow Lane, was considered.

It was the action of the Board to approve the request for a variance subject to the following condition:

No portion of the subject
property shall be sold other
than by platted plot.

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.

Very truly yours,

Larry Dobson
Assistant Secretary

cc: Craig Lawrence, 14742 Twinlake, 67230
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Donald Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 50-75

APPLICANT: Pete Russell and Craig Lawrence, 14742 Twinlake, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City, of Wichita, to reduce the required lot size for Two-Family dwellings from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence District.

GENERAL LOCATION: South of Boston Street between Doreen and Longfellow.

ZONING: Subject property is zoned the "R-6" General Residence District. Properties to the east, north and south are zoned the "AA" Single Family Dwelling District. West is the "R-6" District and "AA" District.

LAND USE: Subject property and all surrounding properties are vacant.

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).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the minimum lot size for Two-Family Dwellings in the "R-6" General Residence District. The applicants propose to construct a total of seven duplexes on two lots.

The larger of the two lots has approximately 357 feet of frontage on Doreen and 134 of depth, with an area of approximately 46,411 square feet. The applicants plan to build five duplexes on this lot, providing 4,641 square feet per dwelling unit as opposed to the 5,000 square foot requirement. The smaller lot has 143+ feet of frontage on Longfellow Lane and is 134+ feet deep, for an area of 19,193. The plans call for the construction of two duplexes on this lot, which would provide 4,795 square feet per dwelling unit. These two lots are adjacent to one another, sharing a common rear property line.

At your last meeting of October 28, 1975, you considered and approved a similar request just west of this property across Doreen Street (BZA 46-75). As mentioned at that meeting, the "R-6" General Residence District allows the development of "R-6" zoned property at a much greater density than proposed here. This district permits multiple family dwellings at the rate of 1 dwelling unit per 1,500 square feet of lot area which would permit 43 dwelling units to be constructed on subject property whereas the applicants are proposing a total development of 14 dwelling units in the form of 7 duplexes.

The "R-6" zoning district permits the construction of more than one structure per lot when the structures are part of a total development that is intended to be bought, sold or managed as a total package. The applicants have indicated that this is their intention.

Subject property and all adjacent properties are vacant. To the west is the property previously mentioned where you approved a similar request for a reduction of lot size. Also to the west and to the north is turnpike right-of-way. Northeast of this area is the nearly completed residential storage warehouse facility that this Board granted an exception for in April, 1975 (BZA 12-75). Although some of the property in the area is zoned the "AA" Single Family Dwelling District, it seems unlikely that such development would occur due to the proximity of the Kansas Turnpike, the abundance of light commercial and multiple family zoning, all of which lies in the McConnell Air Force Base flight path.

SECRETARY'S REPORT

BZA 50-75

Page 3

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a condition unique to this property which is not created by the actions of the property owners inasmuch as the property is zoned for a much greater number of dwelling units than proposed here, in a general area that can be expected to develop at a high residential density or with office uses.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the rights of adjacent property owners inasmuch as the proposed development of subject property would be the same or lower density than could be expected to occur on adjacent properties.

HARDSHIP

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance would create an unnecessary hardship upon the applicants inasmuch as they could not develop this property with 7 duplexes, but could develop the property with multiple family structures up to approximately 43 dwelling units.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as the property would be developed at a lower density than otherwise permitted.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of this variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the development of this property with duplexes would be a much lower density of dwelling units than is permitted in the "R-6" zoning district.

RECOMMENDATION:

If the Board concurs that the five conditions necessary to the granting of a variance can be found to exist, it is recommended that the requested variance be granted subject to the following condition:

1. The applicants shall not sell any portion of subject property other than by platted lot.

BZA 50-75 18 notices to adjoining property owners
9 notices to MAPC members

BOARD OF ZONING APPEALS

Fifth Floor, City Hall
455 N. Main, Wichita, Kansas
67202

November 24, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 50-75

An application has been filed by Pete Russell and Craig Lawrence, 14742 Twinlake, Wichita, Kansas, pursuant to Section 2.12.590.B. Code of the City of Wichita, requesting a variance to reduce the required lot size for Two-Family dwellings, from 5,000 square feet per dwelling unit to 4,641 square feet per dwelling unit on property zoned the "R-6" General Residence District and legally described as follows:

Lots 1 and 2, Holiday Heights Addition to
Wichita, Sedgwick County, Kansas. Generally
located south of Boston Street between Doreen
Street and Longfellow Lane.

This application has been assigned Case No. BZA 50-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 16, 1975, at 1:30 p.m., in the Public Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time, if you so desire, you may appear, either in person or by agent, or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Pete Russell and Craig Lawrence
1400 Colleen Terrace Wichita 67230 733-2237
 Mailing Address 14742 Twinlake Wichita 67230 Phone 733-0477

Name of Authorized Agent NN/A

Mailing Address N/A Phone N/A

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

II. The variance requested is See attached reduce required
 lot size for duplexes in R-6 district from \$5,000/ft
per dwelling unit to 4,795 ft

for property located Approximate vicinity of Rock Road and East
Harry. Between Boston and Doreen.

and legally described as: Lot 1 and Lot 2 Holiday Heights Addition

Sedgwick County Kansas

in the City of Wichita; and which is presently zoned "R-6".

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.

Pete Russell
Applicant
Craig Lawrence
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. p.m.), 11/13 1975 together with appropriate fee of \$50.00.

T9-402

Larry Johnson
Signed subject to abstract list
being delivered by 11/18/75

We propose to construct seven duplexes on two lots zone "R-6" and are requesting a variance to reduce the minimum required lot size and lot width, One of the lots is 357.9' x 134' in size with an area of 47,958.6 sq. feet, and the other is 143.16' x 134' in size with an area of 19,183.44 sq. feet.

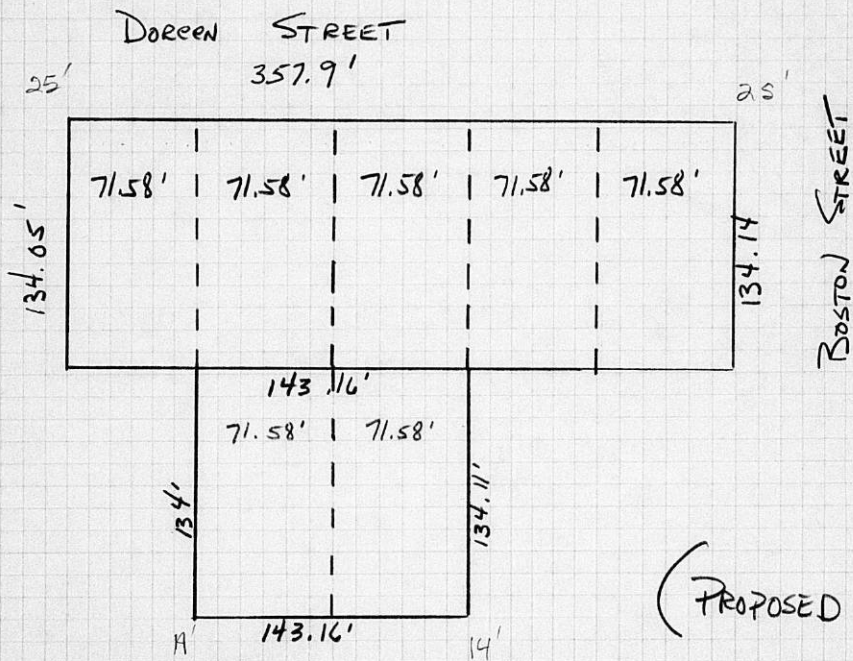
Our plans are to construct five duplexes on the larger lot and two on the smaller lot. On the larger lot this would give a total area of ~~4795.86~~ sq. ft. per dwelling unit with a lot width of 71.58'. On the smaller lot an area of 4795.86 sq. ft. per dwelling unit with a lot width of 71.58' would be obtained.

The surrounding properties are undeveloped, but are zoned either light commercial or "R-6" with the exception of a few lots zoned "AA" ^{which is a questionable if they} will ever be used as single family due to the close proximity of the "R-6" and "LC" zoning.

The strict application of the provisions of the zoning ordinance would create an unnecessary hardship in that we would be unable to build the proposed 7 (seven) duplexes.

The variance does not oppose the spirit and intent of the zoning ordinance in that with the duplexes would be a much lower density of dwelling units than is permitted in "R-6" zoning district.

46411
Per
Telephon
Conversation
With Craig
Janssen
on 11/21/75



CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

Lots 1 and 2, HOLIDAY HEIGHTS, an addition
to Wichita, Sedgwick County, Kansas,

together with all real estate lying within a 200 foot radius thereof.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Broadmoor Addition, Sedgwick County, Kansas:</u>	
<u>Block K</u>	
South Half of Lot 2	Kenneth D. King 3540 South St. Francis Wichita, Kansas 67216
Lot 3	Kenneth D. King 3540 South St. Francis Wichita, Kansas 67216
Lot 4	Jesse L. Graham 1403 Harding Wichita, Kansas 67208
Lot 5	Jesse L. Graham 1403 Harding Wichita, Kansas 67208
South Half of Lot 6	Jesse L. Graham 1403 Harding Wichita, Kansas 67208
<u>Block L</u>	
South Half of Lot 1	Raymond B. Trotter 736 North Broadway Wichita, Kansas 67214
North Half of Lot 1	Leonard M. Hanks 6700 East Zimmerly Wichita, Kansas 67207
South Half of Lot 3	Edward M. Lewis 2402 Bedford Road Wichita, Kansas 67218
North Half of Lot 3	Eleanor C. Kale 1675 Roanoke Wichita, Kansas 67218
Lot 4	Bernard R. Lickteig 402 North Bluff Wichita, Kansas 67208
	Jack Pearce 8220 Peach Tree Lane Wichita, Kansas 67207



<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Broadmoor Addition, Sedgwick County, Kansas:</u>	
<u>Block L</u>	
Lot 4 (continued)	✓ Cecil Merkel 360 Wagon Wheel Wichita, Kansas 67209
Lot 5	✓ Jesse L. Graham 1403 Harding Wichita, Kansas 67208
South Half of Lot 6	✓ Ella Cleveland c/o Dorothy L. Bray 2116 Mesita Wichita, Kansas 67211
<u>Branson Addition, Wichita, Sedgwick County, Kansas:</u>	
Lots 1, 2, 3 and 4	✓ J. Jerald Branson 221 Hillsdale Wichita, Kansas 67230
<u>Dulick-Kutscher Addition, Sedgwick County, Kansas:</u>	
Lot 2 except the east 1/4	✓ George L. Hall 5901 South Greenwich Road Wichita, Kansas 67210
	✓ Daniel M. Carney 201 South Lynwood Blvd. Wichita, Kansas 67218
<u>Captain's First Addition, Wichita, Sedgwick County, Kansas:</u>	
Lot 5	✓ Leslie W. Griffith 2111 Rosalie Wichita, Kansas 67207
<u>Holiday Heights, an addition to Wichita, Sedgwick County, Kansas:</u>	
Lots 1 and 2	✓ Stephen Russell 1400 Colleen Terrace Wichita, Kansas 67230
	✓ Craig Lawrence 14742 Twinlake Wichita, Kansas 67230

WITNESS our hand and seal at Wichita, Kansas this 17th day of November, 1975, at 7:00 o'clock A.M.

REALTY TITLE CO., INC.

BY Linda Ayala
Linda Ayala, Vice President

H201175

FORM 2021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		50.00

DESCRIPTION	AMOUNT
BZA Variance Appl.	

Name: Patricia Russell & Craig Lawrence

Address: 1400 Colleen Terrace

Type: AA 907103 Due Date: _____

Comments: _____

Date: 11/13/75 By: ld

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1