

Case No. BZA 50-87 - Slawson Residential Development Co. requests a variance to reduce the rear yard setback from 20' to 13' on property zoned the "AA" One-family Dwelling District & generally

Parted

BZA. 50-87 Approved 12/15/87
DATE

ACTION

Noted 12-24-87
Shot 1-07-88
Record ✓

DATA SHEET

MAP NO.: 4749C

CASE NO. BZA 50-87

(CPO 5A, 12/2/87)

REQUEST: Variance to reduce the rear yard setback from 20 feet to 13 feet

EXISTING ZONING: "AA" One-family Dwelling District

GENERAL LOCATION: On the west side of Pine Grove in an area south of 17th Street North (1709 N. Pine Grove)

APPLICANT: Slawson Residential Development Company, c/o Terry Smythe
 ADDRESS: 8100 E. 22nd St. N., Bldg. 1900, Wichita, 67226 PHONE: 685-4663

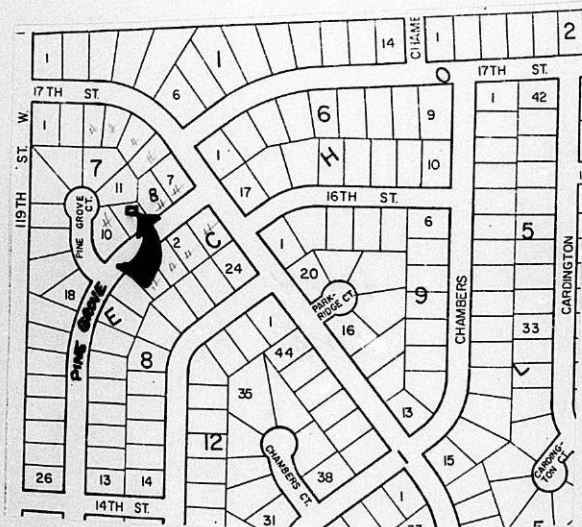
AGENT: Gary Wiley, Professional Engineering Consultants
 ADDRESS: 1440 E. English, Wichita, KS 67211 PHONE: 262-2691

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	AA	<u>undeveloped</u>
South	AA	<u>s.f.</u>
East	AA	<u>s.f.</u>
West	AA	<u>s.f.</u>



PL1-0066

LOG ANGELO ENGINEERING & ARCHITECTURE
 1409 E. 17TH ST. SUITE 100
 WICHITA, KANSAS 67211
 U.S.A.

Standard
 No. 2453C

December 16, 1987

Gary Wiley
1440 East English
Wichita, Kansas 67211

Re: BZA 50-87 - Variance to reduce the rear yard setback from 20 feet
to 13 feet (1709 N. Pine Grove)

Dear Mr. Wiley:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on December 15, 1987. This Resolution reflects the official action of the Board to grant your 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.

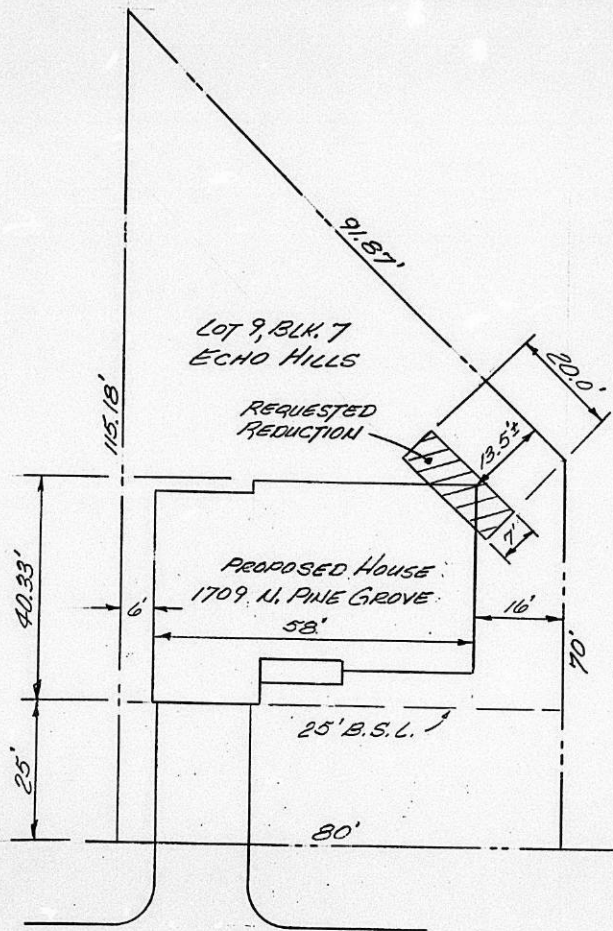
Sincerely,

Jack H. Galbraith
Secretary

JHG/lw

Enclosures

cc: Slawson Residential Development Co., c/o Terry Smythe, 8100 E.
22nd Street N., Bldg 1900, Wichita, KS 67226 (w/site plan)
Monty Robson, Superintendent of Central Inspection (w/site plan)
Joe Donnelly (w/site plan)
Dale Rea, Deputy City Clerk



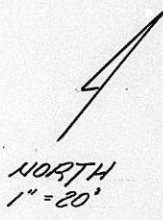
LOT 9, BLK. 7
ECHO HILLS

REQUESTED
REDUCTION

PROPOSED HOUSE
1709 N. PINE GROVE

25' B.S.L.

PINE GROVE



BZA 50-87

RESOLUTION NO. BZA 50-87

WHEREAS, Slawson Residential Development Company, 8100 E. 22nd Street North, Building 1900, Wichita, Kansas 67226, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 13 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Lot 9, Block 7, Echo Hills Addition to Wichita, Sedgwick County, Kansas, described as beginning 13 feet south of the northeast corner of said lot; thence continuing south 7 feet; thence west 20 feet; thence north 7 feet; thence east 20 feet to beginning. Generally located on the west side of Pine Grove in an area south of 17th Street North (1709 N. Pine Grove).

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 15, 1987, 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 ~~the~~ shape of the lot severely limits the normal placement of an average size house on the lot parallel to the street unless either the front or rear yard is permitted an encroachment; 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 actual encroachment will be only about 50 square feet and will not affect the light or air on any adjacent property; 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 proposed house would have to be redesigned to fit on the lot at a different angle which would be time consuming and costly; 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 proposed construction will not encroach any utility easements or street right-of-way; 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 adequate area for rear yard open space and outdoor activities would still remain; 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 13 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Lot 9, Block 7, Echo Hills Addition to Wichita, Sedgwick County, Kansas, described as beginning 13 feet south of the northeast corner of said lot; thence continuing south 7 feet; thence west 20

feet; thence north 7 feet; thence east 20 feet to beginning. Generally located on the west side of Pine Grove in an area south of 17th Street North (1709 N. Pine Grove).

be approved subject to the following conditions:

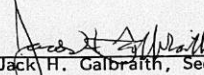
1. The rear yard reduction shall apply to only the 7 foot by 20 foot area in the northeast corner of the lot as depicted on the site plan submitted with this application.

ADOPTED AT WICHITA, KANSAS, this 15th day of December, 1987.



Danny E. Jenkins, President

ATTEST:



Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE December 3, 1987

TO Louise Oliverez, Principal Planner
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 50-87: West side of Pine
 Grove in an area south of 17th
 Street North (1709 North Pine
 Grove)

On Wednesday, December 2, 1987, CPO West Side Neighborhood Council 5A considered the captioned case, a request for a variance to reduce the rear yard setback from 20 feet to 13 feet on property zoned the "AA" One Family Dwelling District.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After a brief discussion, the Council voted 5-0 to recommend approval of the request.

The agent, Gary Wiley, was present to describe the request and respond to questions from the Council. Mr. Wiley explained that the lot in question (lot #9) is rather irregular in shape and needs the variance so that a house comparable with others in the neighborhood can be built.

J.M. Cox, 1703 Pine Grove, who owns the property adjacent to lot #9, stated that he had no objections to the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 50-87 is considered.

BLC:dm

RECEIVED

DEC 04 1987

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT

CASE NUMBER: BZA 50-87

OWNER/APPLICANT/AGENT: Slawson Residential Development Company (owner)
Gary Wiley (agent)

REQUEST: Variance to reduce the rear yard setback from 20 feet to 13 feet for a portion of a lot

CURRENT ZONING: "AA" One-family Dwelling District

SITE SIZE: 7,300 square feet (approximate)

LOCATION: West side of Pine Grove in an area south of 17th Street North



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.

BACKGROUND: The applicant is requesting a variance to reduce the rear yard setback from 20 feet to 13 feet on a small portion (7 feet by 20 feet) of a trapezoidal-shaped lot in order to accommodate the corner of a proposed house. The platted utility easements along the rear and side lot lines will remain free of encroachments. A rear yard of about 1,800 square feet will remain thus providing adequate open space and separation between structures on adjoining lots.

ADJACENT ZONING AND LAND USE:

NORTH	AA	Undeveloped
SOUTH	AA	One-family dwelling
EAST	AA	One-family dwelling
WEST	AA	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the shape of the lot severely limits the normal placement of an average size house on the lot parallel to the street unless either the front or rear yard is permitted an encroachment.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the actual encroachment will be only about 50 square feet and will not affect the light or air on any adjacent property.

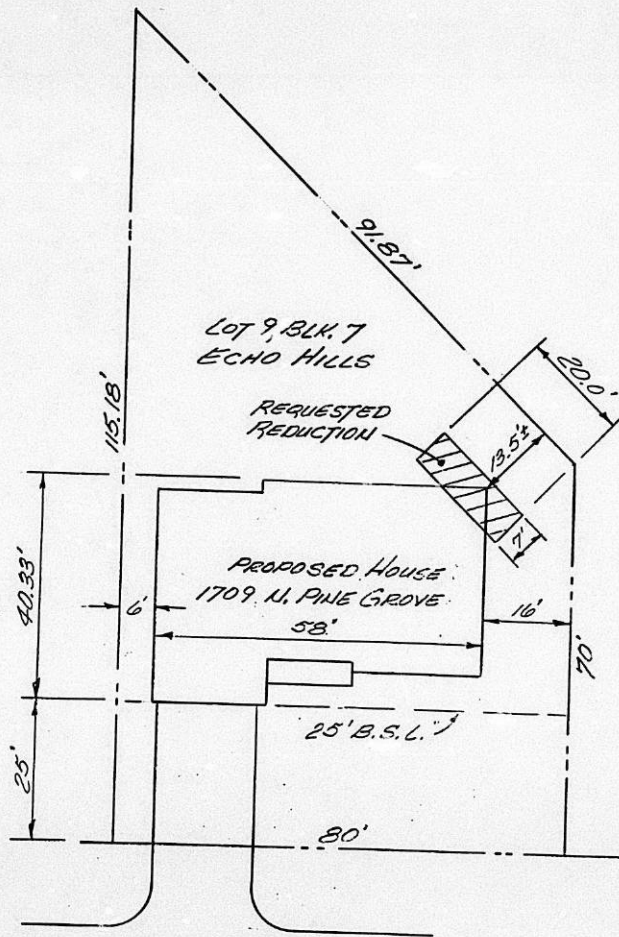
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the proposed house would have to be redesigned to fit on the lot at a different angle which would be time consuming and costly.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed construction will not encroach any utility easements or street right-of-way.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate area for rear yard open space and outdoor activities would still remain.

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 rear yard reduction shall apply to only the 7 foot by 20 foot area in the northeast corner of the lot as depicted on the site plan submitted with this application.



LOT 9, BLK. 7
ECHO HILLS

REQUESTED
REDUCTION

PROPOSED HOUSE
1709 N. PINE GROVE

25' B.S.L.

PINE GROVE

NORTH
1" = 20'

BZA CASE NO. 50-87

16 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
2 NOTICES SENT TO APPLICANT/AGENT
14 NOTICES SENT TO ADJOINING PROPERTY OWNERS
5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 11/29/87

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF
Jack Galbraith
Louise Olivarez
Barbara Harris
Karen Crook

(_____) Published in The Daily Record, November 20, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 15th day of December, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 49-87 - David and Marci Fleeker, 2166 S. Topeka, Wichita, Kansas 67211, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 34.5 feet to 27 feet on property zoned the "A Two-family Dwelling District and legally described as follows:

Lots 41 and 43, Jack's Subdivision of Lots in Kinkaid's Out-Lots to Wichita, Sedgwick County, Kansas. Generally located on the east side of Topeka in an area north of Kinkaid (2166 S. Topeka).

2. Case No. BZA 50-87 - Slawson Residential Development Company, 8100 E. 22nd Street North, Building 1900, Wichita, Kansas 67226, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 13 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Lot 9, Block 7, Echo Hills Addition to Wichita, Sedgwick County, Kansas, described as beginning 13 feet south of the northeast corner of said lot; thence continuing south 7 feet; thence west 20 feet; thence north 7 feet; thence east 20 feet to beginning. Generally located on the west side of Pine Grove in an area south of 17th Street North (1709 N. Pine Grove).

3. Case No. BZA 51-87 - John G. Wurth, 120 S. Market, Suite #400, Wichita, Kansas 67202, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback along Grove Street from 25 feet to zero feet for parking purposes only on property zoned the "R-6" General Residence District and legally described as follows:

The west 150 feet of Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County,

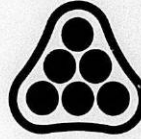
Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 19th day of November, 1987.

Jack H. Galbraith, Secretary

DIRECTORS

C O KNOP, P.E.
R B PEUGH, P.
C J FREUND, P.E.
W H KELTNER, P.E.
R D PLETCHER, P.E.
F D MIDDLETON, JR., P.E.
D E MALTBIE, P.E.
M D SCHOMAKER, P.E.
G D SCHOCK, P.E.
J H BAILEY, P.E., PH.D.



**PROFESSIONAL
ENGINEERING
CONSULTANTS**
PROFESSIONAL ASSOCIATION

November 12, 1987

Board of Zoning Appeals
City of Wichita
10th Floor, City Hall
455 N. Main
Wichita, Kansas 67202

Attention: Louise Olivarez

Reference: Request for a reduction to the rear yard setback
for Lot 9, Block 7, Echo Hills, an Addition to
Wichita, Sedgwick County, Kansas
PEC File No. 36-87460-2253

Dear Louise:

My client, Slawson Residential Development Company, is the owner of the above mentioned lot.

Section 28.04.040, paragraph "C" 3.1 of the Zoning Ordinance, City of Wichita, requires that there shall be a rear yard setback of not less than 20 feet.

The lot contains approximately 7400 square feet, but is unique in configuration. The rear lot line angles from 115.18 feet to 70 feet.

The lot to the north is a pie-shaped lot, that fronts onto Pine Grove Court and sides into the rear yard of the subject lot. Side yard setbacks with the adjacent lots will be adhered to.

Without the requested variance, the owner would be required to construct a much smaller home that would not be in character with the existing neighborhood.

Should you need additional information, please advise.

Very truly yours,

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

Gary Wiley
Gary Wiley
Land Development

GW/cs

1440 EAST ENGLISH
WICHITA, KANSAS 67211
(316) 262-2691

BZA 12-15-87

APPLICATION FOR VARIANCE

I. Applicant Slawson Residential Development Company - Terry Smythe
Address 8100 E. 22nd N., Bldg. 1900 Zip Code 67226 Phone 685-4663
Agent P.E.C., P.A. - Gary Wiley
Address 1440 E. English Zip Code 67211 Phone 262-2691
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is a reduction of the rear yard setback from 20 feet
to 13 feet for a portion of the subject lot described as beginning 13 feet south of
the northeast corner of said lot, thence continuing south 7 feet, thence west
50 feet, thence north 7 feet, thence east 20 feet to beginning which is
on property zoned "AA" One-Family
80 ft by 115 ft (or _____ acres) in size, legally described as:
Lot 9, Block 7, Echo Hills Addition
(The requested reduction is for the easterly 20 feet of said lot)

and located 1709 N. Pine Grove West side of Pine Grove in an
area south of 17th Street North
in the City of Wichita.

- 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. 39-285); 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 SLAWSON RESIDENTIAL DEVELOPMENT COMPANY

Authorized Agent Gary Wiley
P.E.C., P.A. - Gary Wiley

OFFICE USE ONLY:

Map No. 4749C Zoning: (N) AA (S) AA (E) AA (W) AA CPO SA 12-2-87

Received in Office of Secretary, Board of Zoning Appeals, _____ (a.m./p.m.),
1-13, 1987, together with appropriate fee of 200.00.

Signed Faive Olivarez

OWNERSHIP LIST

Property Description			Property Owner
<i>104 S. Broadway</i> Lot 9	BLOCK 7	Echo Hills Addition	✓ Slawson Residential Development Co. 104 S. Broadway Wichita, KS 67202
Lot 2	"	"	✓ Ronald H. Warren Ellen M. Warren 11915 W. 17th Wichita, KS 67212
Lot 3	"	"	✓ Gene A. Cox Janet D. Cox 11903 W. 17th Wichita, KS 67212
Lot 4 and 5	"	"	⊖ Slawson Residential Development Co. 104 S. Broadway Wichita, KS 67202
Lot 6	"	"	✓ Roger H. Mort Joan F. Mort 11805 W. 17th Wichita, KS 67212
Lot 7	"	"	✓ Mathan L. Oakley Annette D. Oakley 1725 Pine Grove Wichita, KS 67212
Lot 8	"	"	✓ Robert E. Mossberg Marce D. Mossberg 1715 Pine Grove Wichita, KS 67212
Lot 10	"	"	✓ J.M. Cox Kathleen G. Cox 1703 Pine Grove Wichita, KS 67212
Lot 11 and 12	"	"	⊕ Slawson Investment Corporation 104 S. Broadway Wichita, KS 67202
Lots 13 thru 18 inclusive	"	"	SAME AS ABOVE
Lot 1	Block 8	"	✓ Steven M. Hartke Brenda C. Hartke 1720 Pine Grove Wichita, KS 67212
Lot 2	"	"	✓ Douglas M. Perkins 1716 Pine Grove Wichita, KS 67212

Page 2

<u>Property Description</u>			<u>Property Owner</u>
Lot 3	Block 8	Echo Hills Addition	✓ Charles D. Pfeifer Catherine C. Pfeifer 1710 Pine Grove Wichita, KS 67212
Lot 4	"	"	✓ William A. Bryant Miriam L. Bryant 1708 Pine Grove Wichita, KS 67212
Lot 5	"	"	✓ David L. King Glata Kathy King 1630 Pine Grove Wichita, KS 67212
Lot 6	"	"	② Slawson Investment Corporation 104 S. Broadway Wichita, KS 67202
Lot 20	"	"	SAME AS ABOVE
Lot 21	"	"	✓ Howard A. Tomlinson Anna B. Tomlinson 1609 N. Judith Wichita, KS 67212
Lot 22	"	"	✓ Kenneth M. Ferguson Laura A. Ferguson 1615 N. Judith Wichita, KS 67212
Lot 23	"	"	✓ Michael L. McKenzie Jacquelyn R. McKenzie 1621 N. Judith Wichita, KS 67212

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 9, Block 7, Echo Hills, an 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 10th day of November, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

BY: 
Sr. Vice-President

Order No.: 388088
cd

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29 1

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>620 ...</i>	<i>...</i>
<i>...</i>	<i>...</i>

NAME PEC

ADDRESS 1440 E. ...

FUND ... DUE DATE 11-13-77

COMMENT.

DATE 11-13-77 BY ...