

Case No. BZA 51-81 - Steve Robl - requests a variance to reduce the front yard setback from 25' to 20' for off-street parking purposes only; and to reduce the rear yard setback from 20' to 15' on property zoned

POSTED
11-6-81

ACTION

DATE 11-24-81

COMMITTEE APPROVED

11-15-81

M.A.P.C. _____

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

4949C

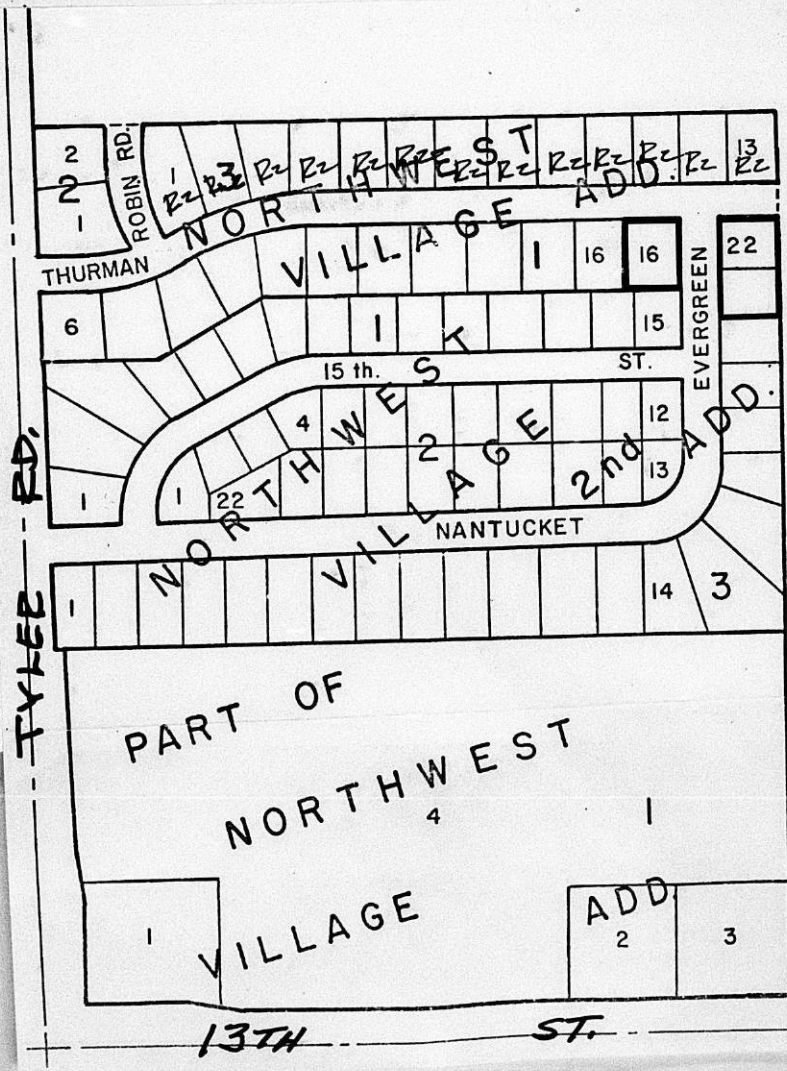
12-7-81
12-7-81
1-4-82
1-5-82
200' 14 Sec
Checked
Shot
Recorded

Map No. 1949
 Sec. 9
 Twp. 27
 Range 1W

BZA- 51-81
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA: (IRREGULAR)
1. Acres: 0.74 (110 ft. by 280 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Shirley
 No. 2153C
 HASTINGS MN
 LOS ANGELES-CHICAGO-LOGAN OH
 MEMPHIS-TX-CACUST-OROVILLE GA
 U.S.A.

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

November 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 51-81

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 Steve Robl, Robl Construction, Inc., 10119 Harvest Lane, 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 front yard setback from 25' to 20' for off-street parking purposes only; and to reduce the rear yard setback from 20' to 15' on property zoned the "RE" Four-family Dwelling District and "R-6" General Residence District. A legal description of the applicant's property is as follows:

Lot 16, Block 1, and Lots 21 and 22, Block 3, Northwest Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast and southwest corners of Thurman and Evergreen.

This application has been assigned Case No. BZA 51-81. It will be considered by the Board of Zoning Appeals on November 24, 1981 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

December 1, 1981

Steve Robl
10119 Harvest Lane
Wichita, Kansas 67212

Re: Case No. EZA 51-81
Request for Variance

Dear Mr. Robl:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 24, 1981.

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,

Jack H. Galbraith
Secretary

GEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 51-81

WHEREAS, Steve Robl, 10119 Harvest Lane, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25' to 20' for off-street parking purposes only; and to reduce the rear yard setback from 20' to 15' on property zoned the "RB" Four-family and the "R-6" General Residence Districts and legally described as follows:

Lot 16, Block 1, and Lots 21 and 22, Block 3, Northwest Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast and southwest corners of Thurman and Evergreen.

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 November 24, 1981, 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 properties will still maintain a minimum front yard and rear yard that normally are required by the four-family dwelling district; 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 yard areas are relatively minor and should not interfere with the open space necessary for residential development; 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 applicant would have to redesign the buildings to conform to unusual conditions of the properties; 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 use of the property will not interfere with any easements or public 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 minimum requirements for the four-family dwelling district will be maintained; 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.

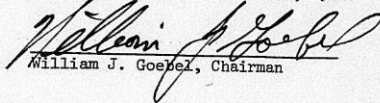
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that the requests for variances to reduce the front yard setback from 25' to 20' for off-street parking purposes only; and to reduce the required rear yard from 20' to 15' on property zoned the "RB" Four-family and the "R-6" General Residence Districts and legally described as:

Lot 16, Block 1, and Lots 21 and 22, Block 3, Northwest
Village Second Addition to Wichita, Sedgwick County, Kansas.
Generally located at the southeast and southwest corners of
Thurman and Evergreen.

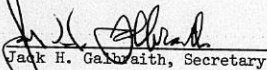
be approved subject to the following condition:

1. The remaining 20' front yards shall be landscaped with a combination of grass, shrubs and trees.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1981.


William J. Goebel, Chairman

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 23, 1981



TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 51-81, Southeast and
Southwest corners of Thurman
and Evergreen

At its November 18th meeting, CPO Neighborhood Council Area "A" considered the captioned request for a variance to reduce the front yard setback from 25' to 20' for off-street parking purposes only and to reduce the rear yard setback from 20' to 15' on property zoned "RE", Four-Family Dwelling District and "R-6", General Residence District. No area residents attended the meeting concerning the case.

The Council voted unanimously, 5-0, to recommend approval of the variance subject to the BZA Secretary's recommendations.

Please inform the members of the Board of Zoning Appeals of the Council's recommendation when this case is considered by them on November 24th. Thank you.

Dean Kruithof
Dean Kruithof
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert

Sarah Gilbert
CP Coordinator

RECEIVED

NOV 24 1981

METROPOLITAN PLANNING

ROUTE

Lytle

SECRETARY'S REPORT
CASE NO. BZA 51-81

APPLICANT: Steve Robl, 10119 Harvest Lane, Wichita, Kansas 67212

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to 20 feet for off-street parking purposes only; and to reduce the rear yard setback on Lot 21 from 20 feet to 15 feet.

GENERAL LOCATION: Subject properties are located on the southeast and southwest corners of Thurman and Evergreen.

ZONING: Subject properties are zoned the "RB" Four-family Dwelling District and the "R-6" General Residence District. Property to the west is zoned "RB", to the south "R-6", to the east "AA" and to the north "A".

LAND USE: Subject properties are vacant as are the properties to the south, east and west. The properties to the north are occupied with two-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 and 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 two variances. One will apply to each of the three lots, and that being to reduce the required front yard setback from 25 feet to 20 feet for off-street parking purposes only. The second variance is to reduce the rear yard setback from 20 feet to 15 feet on Lot 21.

It should be noted that in most areas that are zoned the "RB" Four-family Dwelling District a 20 foot front yard setback is required. In this particular case the entire area is platted with 25 foot front yard setbacks. The applicant indicates that the depth of the lots prevent the location of the required parking in back of this setback.

It should also be noted that one of the lots in question is located in the "R-6" and the "RB" districts. The "R-6" district requires a 20 foot rear yard and the "RB" only a 15 foot rear yard. It is the applicant's desire to develop two lots on the east side of Evergreen with similar four-family dwellings, and requests a variance on Lot 21 with the "R-6" and "RB" zoning to be reduced to 15 feet for the entire lot.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the properties will still maintain a minimum front yard of 20 feet for landscaping and the lot that has an off-set rear yard is very unique due to the zoning requirements.

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 adjacent properties are not developed and the variances requested are relatively minor and should not interfere with the light and air of adjacent properties.

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 applicant would have to redesign the buildings to conform to some unusual conditions on lots that have unique features.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the variances would not interfere with the use of easements or public right-of-way.

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 the minimum requirements as set forth in the ordinance will still be observed.

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 remaining 20 foot front yards will be landscaped with a combination of grass, shrubs and trees.

BZA CASE NO. 51-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

3 NOTICES SENT TO ADJOINING PROPERTY OWNERS

15 TOTAL NOTICES SENT 11-4-81

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

November 4, 1981

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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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 51-81
FILED 10-26-81

APPLICATION FOR VARIANCE

I. Name of Applicant Steve Rabi ¹²¹²
Mailing Address 16119 Harvest Lane ⁶ Phone 722-8347
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard setback
from 25 feet to 20 feet for off street parking purposes only;
and to reduce the rear yard on Lot 21 from 20 feet to 15 feet.
for property located at the southeast and southwest corners of
Thurman and Evergreen.

*also Regal
from surrounding
lot*
2nd Addn.
and legally described as: Lots 16, ~~21~~, Block 1 Northwest
Village to Wichita, Sedgwick Co. Ks, ~~21~~ and Lots 21 & 22, Block
3, Northwest Village to Wichita, Sedgwick County,
Kansas *2nd Addn.*

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

- 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 Steve Rabi

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 9:15 (a.m./p.m.); Oct. 26, 1981, together with appropriate fee of 75.00.

Signed A. Lytle

Block 1

Lots 16, 22, & 21, Block 3, Northwest Village--reason for changing:

All adjacent lots are zoned RB and have a 20' building set back. However, these lots are also zoned RB but have a 25' building set back requirement.

Lot 21, Block 3, Northwest Village--reason for changing:

There is a zoning split between RB and R-6 on this lot. On the R-6 section of Lot 21, a 15' rear yard set back is needed.

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 14	1	Northwest Village	<i>Duf</i> Robl Construction Inc. 10119 Harvest Lane 67212
Lot 15	1	"	Same as above
Lot 16	1	"	Same as above
Lot 8	3	"	Thurman Smith 11216 Maple St. 67209 and Inland Investment Co. Inc. % Donald Slawson #200 Douglas Building 104 S. Broadway 67202
Lot 9	3	"	Same as above
Lot 10	3	"	Same as above
Lot 11	3	"	Same as above
Lot 12	3	"	Same as above
Lot 13	3	"	Same as above
Lot 12	1	Northwest Village 2nd Addition	Same as above
Lot 13	1	"	Same as above
Lot 14	1	"	Same as above
Lot 15	1	"	Same as above
Lot 16	1	"	Same as above
Lot 10	2	"	Same as above
Lot 11	2	"	Same as above
Lot 12	2	"	Same as above

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 18	3	Northwest Village 2nd Addition	<i>Dup</i> Thurman Smith 11216 Maple St. and 67209 Inland Investment Co. Inc. <i>Dup</i> % Donald Slawson #200 Douglas Building 104 S. Broadway 67202
Lot 19	3	"	Same as above
Lot 20	3	"	Same as above
Lot 21	3	"	Same as above
Lot 22	3	"	Same as above

Tract Description

A tract commencing at a point on the west line of the Southwest Quarter of Section 9, Township 27 South, Range 1 West of the 6th P.M., being 953.3 feet South of the Northwest corner of said quarter; thence East parallel to the North line of said quarter 1358.03 feet; thence South parallel to the West line of said quarter to a point 1320 feet North of the South line of said quarter; thence West parallel to the North line of said quarter to the West line of said quarter; thence North on the West line of said quarter to the point of beginning, except that portion platted as Northwest Village, and as Northwest Village 2nd Addition.

Same as above

A tract commencing at the Southeast corner of the SW $\frac{1}{4}$ of Section 9, Township 27 South, Range 1 West of the 6th P.M., thence West along the South line of said quarter section 1320 feet; thence North 2573.5 feet to a point on the North line of said quarter section 1320 feet West of the Northeast corner of said quarter section; thence East 1320 feet to the NE corner of said $\frac{1}{4}$ section, thence South along the east line of said $\frac{1}{4}$ section to the point of beginning.

✓ Wesley Medical
Foundation
550 N. Hillside
67214

Page 3

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

use for legal

Lot 16, Block 4, and
Lots 21 and 22, Block 3,
Northwest Village 2nd Addition
to Wichita, Sedgwick County,
Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 23rd day of October, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE
CO. INC.

By

Mary Hable
Vice President

Order No. 303910
AP

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 25-21

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

NAME _____

ADDRESS _____

FUND	DUE DATE

COMMENTS _____

DATE	BY

*

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

Roll # 2