

Pointed  
9-23-83  
562

5247A

ACTION

BZA 51-83 APPROVED 10/25/83  
DWE

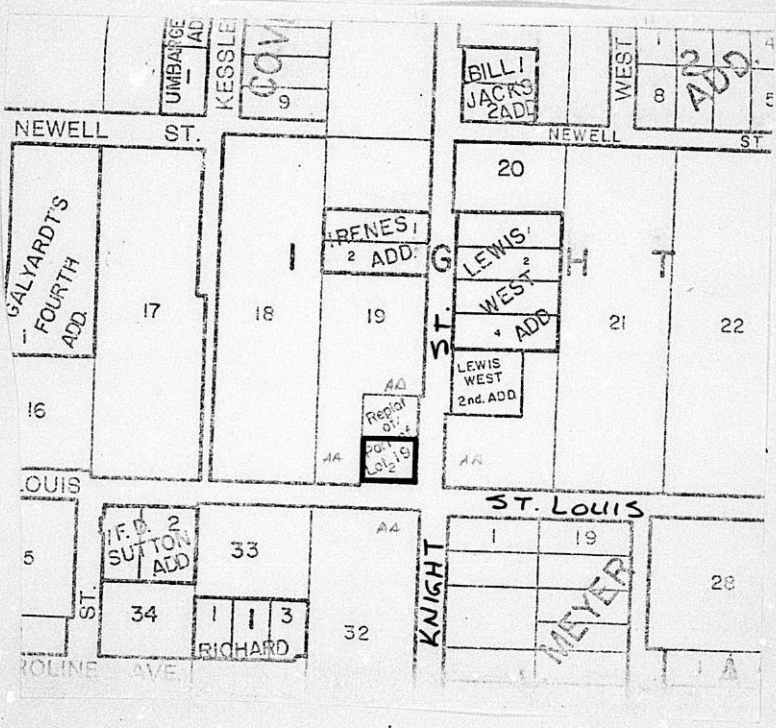
2004 Sec 12-19-83  
Checked   
Shot 12-20  
Record

Case No. BZA 51-83 - Randy E. Moore,  
requests a variance to reduce the re-  
quired rear yard from 20' to not less  
than 8', on property zoned the "AA"  
One-family Dwelling District and

Map No. 4247 <sup>SW SC</sup> 5248 5148  
<sup>NE</sup> 5247 5147

BZA 51-83  
 Filed \_\_\_\_\_

- AREA DATA:  
 1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
 2. Adjoining Zoning: E AA S AA W AA N AA  
 3. Land Use: East 1-F South 1-F  
 West 1-F North 1-F  
 4. Area (is) (~~is~~) platted.



WESTINGHOUSE  
 No. 2-153C  
 LOS ANGELES DIVISION, OREGON, OH  
 MCGREGOR, TULOCUS, GROVE, GA  
 U.S.A.

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

October 5, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 51-83

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 Randy E. Moore, 501 North Knight, 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 from 20' to not less than 8', on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

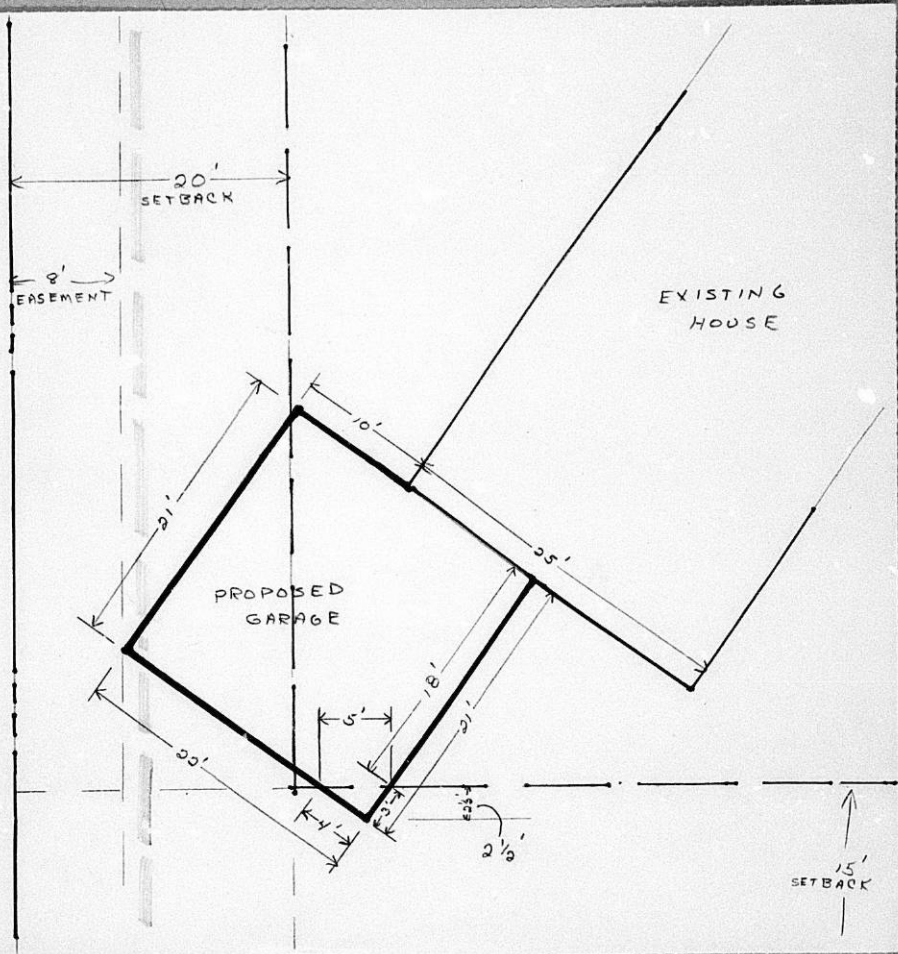
Lot 2, Replat of a portion of Lot 19, Knight Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Louis and Knight (501 North Knight).

This application has been assigned Case BZA 51-83. It will be considered by the Board of Zoning Appeals on October 25, 1983 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 6, 1983

Mr. Randy Moore  
501 North Knight  
Wichita, Ks.

Re: BZA 51-83 - Request for Variance

Dear Mr. Moore:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 25, 1983.

This Resolution reflects the official action of the Board to approve 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,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

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

RESOLUTION NO. BZA 51-83

WHEREAS, Randy E. Moore, 501 North Knight, 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 from 20' to not less than 8' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 2, Replat of a portion of Lot 19, Knight Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Louis and Knight (501 North Knight).

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 October 25, 1983, 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 location of the original home is located at an angle on the property that creates a situation making it almost impossible to locate a garage in compliance with the requirements. The angle of the structure places only a triangular area of the garage into the setback and it should not interfere with the majority of the required setback on the lot; 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 only a corner of the structure will extend into the 20' setback which should not be a detriment to the property to the west which should be the only adjacent property that would be affected in any way; 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 original structure is placed on the property at an angle that almost makes it impossible to add to the house without encroachment into one or more of the established setbacks on the property, yet the percent of lot coverage is extremely low; 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 addition will be placed so as not to interfere with the easement or the setback adjacent to St. Louis once two feet of additional utility easement is granted and the portion of the setback is vacated; 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 garage will be constructed so that any vehicles on the driveway will not project onto public right-of-way due to the angle of the structure on the property; 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.

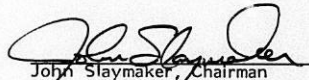
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to not less than 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 2, Replat of a portion of Lot 19, Knight Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Louis and Knight (501 North Knight).

be approved subject to the following conditions:

1. Prior to the release of the resolution authorizing the issuance of a building permit, the applicant shall complete the vacation of a portion of the platted setback adjacent to St. Louis and dedicate an additional two feet for the utility easement along the west.
2. The applicant shall furnish a new site plan showing the new location of the garage in such a manner that the structure or any overhang will not encroach into the easement.
3. Only a triangular portion of the garage will be permitted to encroach into the 20 foot rear yard setback and no portion of the yard shall be reduced to less than 10 feet. Any other additions shall comply with the 20 foot requirement.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1983.

  
John Slaymaker, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

EASEMENT

THIS EASEMENT made this 10<sup>TH</sup> day of NOVEMBER,  
1983, by and between RANDY E. MOORE  
of the first part and the City of Wichita, of the second part.

WITNESSETH: That the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer and all other public utilities, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

THE EAST TWO FEET OF THE WEST 10 FEET OF LOT 2, REPLAT OF A PORTION OF LOT 19, KNIGHT ACRES ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

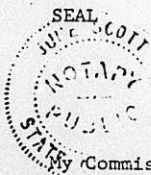
And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such sewer and all other public utilities.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

Randy E. Moore  
RANDY E. MOORE

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

Be it remembered that on this 10<sup>TH</sup> day of November, 1983, before me, a notary public in and for said County and State, came RANDY E. MOORE to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



Julie Scott  
Notary Public

My Commission expires: January 17, 1985

October 27, 1983

Randy E. Moore  
501 North Knight  
Wichita, Ks. 67302

Re: BZA 51-83 - Request for Variance

Dear Mr. Moore:

At the regular meeting of the Board of Zoning Appeals on October 25, 1983, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions:

1. Prior to the release of the resolution authorizing the issuance of a building permit, the applicant shall complete the vacation of a portion of the platted setback adjacent to St. Louis and dedicate an additional two feet for the utility easement along the west.
2. The applicant shall furnish a new site plan showing the new location of the garage in such a manner that the structure or any overhang will not encroach into the easement.
3. Only a triangular portion of the garage will be permitted to encroach into the 20 foot rear yard setback and no portion of the yard shall be reduced to less than 10 feet. Any other additions shall comply with the 20 foot requirement.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with conditions number one and two above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

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

SECRETARY'S REPORT  
CASE NO. BZA 51-83

APPLICANT: Randy E. Moore, 501 North Knight, 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 from 20 feet to not less than 8 feet.

GENERAL LOCATION: On the northwest corner of St. Louis and Knight (501 North Knight).

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

LAND USE: Subject property is occupied by a One-family Dwelling as are all adjacent properties.

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 of the required rear yard in order to construct an attached two car garage. The home was constructed on the property a number of years ago and was placed on the lot at approximately a 45 degree angle facing the corner. The lot has a platted 25 foot setback on Knight Street and a platted 15 foot setback on St. Louis. In order to construct the garage, it will extend into both the required 20 foot rear yard and the 15 foot platted setback adjacent to St. Louis.

The applicant has filed a vacation case for a portion of the platted setback and it would appear that this will be granted for only the triangular area necessary to accommodate a corner of the garage. In review of the site plan, it is noted that there is only an eight foot utility easement along the rear of the lot and in the process of both applications it is recommended that the garage be moved forward on the lot to allow for an additional 2 foot dedication for the utility easement.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the location of the original home is located at an angle on the property that creates a situation making it almost impossible to locate a garage in compliance with the requirements. The angle of the structure places only a triangular area of the garage into the setback and it should not interfere with the majority of the required setback on the lot.

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 only a corner of the structure will extend into the 20 foot setback which should not be a detriment to the property to the west which should be the only adjacent property that would be affected in any way.

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 original structure is placed on the property at an angle that almost makes it impossible to add to the house without encroachment into one or more of the established setbacks on the property, yet the percent of lot coverage is extremely low.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition will be placed so as not to interfere with the easement or the setback adjacent to St. Louis once two feet of additional utility easement is granted and the portion of the setback is vacated.

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 garage will be constructed so that any vehicles on the driveway will not project onto public right-of-way due to the angle of the structure on the property.

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 conditions:

1. Prior to the release of the resolution authorizing the issuance of a building permit, the applicant shall complete the vacation of a portion of the platted setback adjacent to St. Louis and dedicate an additional two feet for the utility easement along the west.
2. The applicant shall furnish a new site plan showing the new location of the garage in such a manner that the structure or any overhang will not encroach into the easement.
3. Only a triangular portion of the garage will be permitted to encroach into the 20 foot rear yard setback and no portion of the yard shall be reduced to less than 10 feet. Any other additions shall comply with the 20 foot requirement.

-----

BZA CASE NO. 51-83

1 NOTICES SENT TO APPLICANT/AGENT

10 <sup>Legal Adv.</sup>  
~~NOTICES~~ SENT TO MAPC

-1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

18 TOTAL NOTICES SENT 10-5-83

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

October 5, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 51-83

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 Randy E. Moore, 501 North Knight, 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 from 20' to not less than 8', on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 2, Replat of a portion of Lot 19, Knight Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Louis and Knight (501 North Knight).

This application has been assigned Case BZA 51-83. It will be considered by the Board of Zoning Appeals on October 25, 1983 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

BOARD OF ZONING APPEALS

CASE NO. 51-83

CITY OF WICHITA, KANSAS

FILED 9-22-83

APPLICATION FOR VARIANCE

I. Name of Applicant Randy E Moore

Mailing Address 501 N. Knight Phone 943-1090

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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

II. The variance requested is to reduce the required rear yard from 20 feet to not less than 8 feet.

on the northwest corner of 5th Ave and Knight  
for property located at (501 N. Knight)  
Wichita Kansas

and legally described as: Lot 2, Replat of a  
Portion of lot 19, Knight Acres  
Addition to Wichita, Sedgewick  
County, Kansas.

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

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. 36-596); 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 Sedgewick 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 Randy E Moore

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

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (a.m.-p.m.), SEPT. 22, 1983, together with appropriate fee of 75.00.

Signed [Signature]

The variance requested is to enable me to build a standard 21' by 22' two car garage. At present there is a 20' setback for attached buildings from my rear property line. There is included in this 20' setback an eight foot easement which need not be encroached on to build said garage. ~~Placement of the garage detached would only be~~ legal placement of a similar sized garage would only be possible if detached and placed in the North West corner of the lot. This would virtually eliminate all of my back yard, especially since the driveway would have to run south the nearly the length of the lot since there is only 7' between the corner of my house and the North property line.

Randy E Moore  
9-22-83



O W N E R S H I P L I S T

Property Description

Property Owner

Lot 1, Replat of part of Lot 19,  
Knight Acres

John A. Cline  
✓ Shirley M. Cline  
509 N. Knight Ave.  
Wichita, Kansas  
67203

Lot 2, Replat of Part of Lot 19,  
Knight Acres

John H. Wilson  
✓ Roberta L. Wilson  
442 Meeds Dr.  
Valley Center, Kansas  
67147

The west 15 feet of the west 90 feet of  
the south 170 feet of lot 19, Knight Acres

Randy E. Moore  
D 501 N. Knight Ave.  
Wichita, Kansas  
67203

The south 112.5 feet of the north 350  
feet of lot 19, Knight Acres

Richard L. Barnhill  
✓ 3608 St. Louis  
Wichita, Kansas  
67203

The west 90 feet of the south 170  
feet lot 19, except the west 15 feet,  
Knight Acres

Alva K. Richards  
✓ Evelyn M. Richards  
543 N. Knight Ave.  
Wichita, Kansas  
67203

The north 90 feet of the south 260  
feet & the north 10 feet of the east  
105 feet of the south 170 feet of lot  
19, Knight Acres

Clifford E. Butts  
✓ Pearl M. Butts  
3604 St. Louis  
Wichita, Kansas  
67203

~~No~~ A. Donaldson  
~~address unknown.~~

Shirley M. Cline  
D 509 N. Knight Ave.  
Wichita, Kansas  
67203

The north 121.1 feet of tract 1, lot 32,  
Beginning Knight St. & St. Louis St. corner  
of tract 1 extended south 121.1 feet; thence  
west 193 feet; thence north 121.1 feet; thence  
east 193 feet to the point of beginning,  
Knight Acres

✓ Hazel E. Ohmie  
Formerly Hazel E. McCauley  
459 N. Knight Acres  
Wichita, Kansas  
67203

The north 50 feet of the south 100 feet  
of the north 221 feet of lot 32, Knight  
Acres

✓ Lois Jean Nichols  
447 N. Knight Ave.  
Wichita, Kansas  
67203

Property Description

Property Owner

The north 168.1 feet of lot 33,  
Knight Acres

Bill M. Baker  
Betty Jo Baker  
✓ 3605 St. Louis  
Wichita, Kansas  
67203

The east 29.5 feet of the south 150  
feet of lot 18, Knight Acres

Richard L. Barnhill  
D 3608 St. Louis  
Wichita, Kansas  
67203

The west 59½ feet of the east 89 feet of  
the south 150 feet of lot 18, Knight Acres

Leo J. Irsik  
Jane A. Irsik  
✓ 3610 St. Louis  
Wichita, Kansas  
67203

Lot 18, except the west 15 feet; except  
the east 89 feet of the south 150 feet;  
except the north 255 feet; and except that part  
of lot 18, described as lot 18, except the  
west 15 feet; except the east 89 feet of  
the south 150 feet; except the west 89 feet  
of the south 155 feet; and except the north 255  
feet, Knight Acres (being the west 89 feet of  
the south 155 feet of lot 18)

Martin Pinaire  
✓ Lucy Pinaire  
3612 St. Louis  
Wichita, Kansas  
67203

Lot 18, except the west 15 feet; except  
the east 89 feet of the south 150 feet;  
except the west 89 feet of the south 155  
feet & except the north 255 feet,  
Knight Acres

Alvin J. Knoblauch  
Jeanne Marie Knoblauch  
✓ 1122 Alturas  
Wichita, Kansas  
67216

Lot 20, except the north 361 feet &  
except that part platted as Lewis West  
2nd Addition

~~Matilda Geselle (dec.)~~  
Paula E. West  
✓ 3514 St. Louis  
Wichita, Kansas  
67203

Lot 4, Lewis West Addition

Mark A. Kerschen  
✓ Connie S. Kerschen  
516 N. Knight Acres  
Wichita, Kansas  
67203

Lot 1, Lewis West 2nd Addition

D Matilda Geselle (dec.)  
Paula E. West  
3514 St. Louis  
Wichita, Kansas  
67203

Lot 1, Ben K. Meyers Addition

✓ National Bank of Wichita  
3900 W. Central  
Wichita, Kansas  
67203

Property Description

Property Owner

Lot 2, Ben K. Meyers Addition

Charles E. Macy  
Margaret A. Macy  
✓ 452 N. Knight Ave.  
Wichita, Kansas  
67203

Lot 3, Ben K. Meyers Addition

Ben K. Meyers  
✓ Marquerite Meyers  
440 N. Knight Ave.  
Wichita, Kansas  
67203

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

Lot 2, Replat of a Portion of Lot 19,  
Knight Acres 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 30th day of August, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*

Vice President

Order No: 324277  
cf

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 25 11

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.F.

Planning

DESCRIPTION	AMOUNT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

DATE \_\_\_\_\_ BY \_\_\_\_\_