



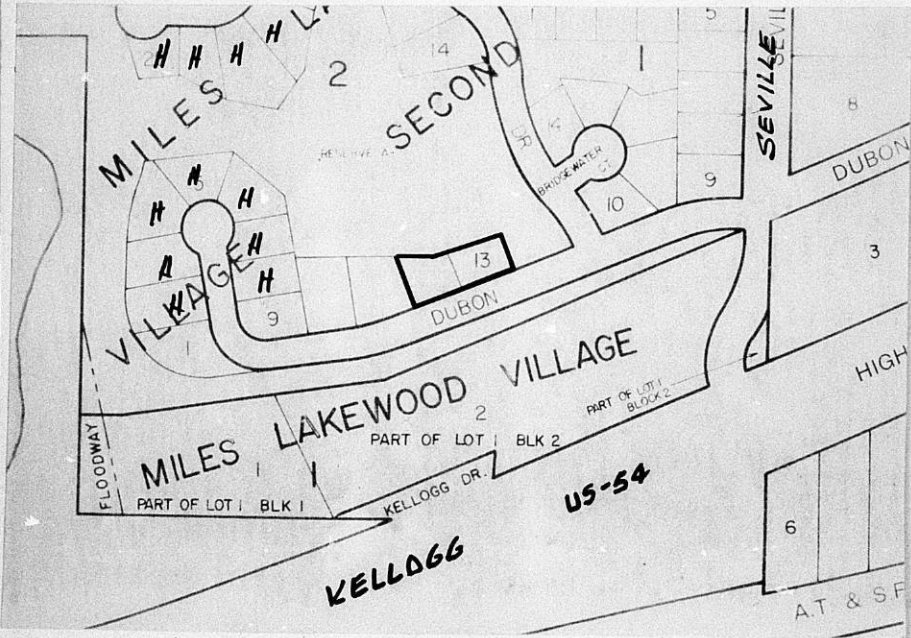
Map No. 4846  
 Sec. 29  
 Twp. 27  
 Range 1W

BZA- 66-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA: (IRREGULAR)  
 1. Acres: 0.37 ( 100 ft. by 195 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North UNDEVELOPED  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: \_\_\_\_\_  
 5. Area (is) (is not) platted.

LAND USE NEEDS UPDATING  
 IN FIELD.

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



66-79

Smith  
 No. 2153C  
 HASTINGS, MN - LOS ANGELES  
 LOGAN, OH - McREGOR, TX U. S. A.

December 6, 1979

Gene Miles  
Gene Miles Development Inc.  
10711 W. Kellogg  
Wichita, Kansas

Re: Case No. BZA 66-79

Dear Mr. Miles:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1979, in connection with your request for a variance to reduce the rear yard requirement from 20' to 0' on property zoned the "AA" Single Family Dwelling District and generally located approximately 150' west of Bridgewater Drive on the north side of Dubon.

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:sad  
Enclosure

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

RESOLUTION NO. BZA 66-79

WHEREAS, Gene Miles Development Inc., 10711 W. Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard requirement from 20' to 0' on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 12 & 13, Block 2, Miles Lakewood Village Second Addition, to Wichita, Sedgwick County, Kansas. Generally located approximately 150' west of Bridgewater Drive on the north side of Dubon.

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 27, 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 lots are shallow in depth and bounded on the north and east by common open space and not by adjacent building sites; 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 land to the north and east is to remain common open space and the property owner to the west has indicated he has no objections to the request.

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 buildable area on these lots is very limited if the rear yard setbacks are complied with.

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 variance requested is interiorly located and not adjacent to other private property; 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 purpose of rear yards is to provide separation and open space; and

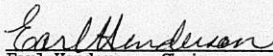
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 requirement from 20' to 0' on property zoned the "AA" Single Family Dwelling District and legally described as:

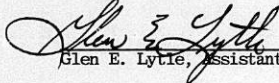
Lots 12 & 13, Block 2, Miles Lakewood  
Village Second Addition, to Wichita,  
Sedgwick County, Kansas. Generally  
located approximately 150' west of  
Bridgewater Drive on the north side  
of Dubon.

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1979 .

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN PARTICIPATION**

**DATE** November 26, 1979

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Gail Williams, CPO Administrative Aide

**SUBJECT** BZA 66-79: Dubon and  
Bridgewater Drive

On November 21, 1979, CPO Council "A" discussed the captioned case and voted 5-0 to recommend denial of the requested variance.

Council members felt that reducing the rear yard setbacks from 20 feet to 0 feet to increase the buildable area of the subject lots would complicate the future construction of accessory structures and would be passing the burden for improper platting from the responsible party to the residents of the proposed dwellings. Council members also felt that the proper procedure would be for the applicant to replat the subject lots to accurately reflect the desired buildable area, without penalizing the future owners of the structures.

*Gail Williams*

Gail Williams  
CPO Administrative Aide

GW:ml

Noted:

*Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator

November 28, 1979

Gene Miles  
Gene Miles Development Inc.  
10711 West Kellogg  
Wichita, Kansas

Re: Case No. BZA 66-79  
Request for Variance

Dear Mr. Miles:

At the regular meeting of the Board of Zoning Appeals on Tuesday, November 27, 1979, your request for a variance to reduce the required rear yard setback from 20' to 0' on property zoned "AA" Single-family, and generally located on the north side of Dubon approximately 150' west of Bridgewater Drive was considered.

It was the action of the Board to approve this request.

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:sad

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

SECRETARY'S REPORT  
CASE NO. BZA 66-79

APPLICANT: Gene Miles Development Inc., 10711 W. Kellogg, Wichita, Kansas

AGENT: Gene Miles, 10711 W. Kellogg, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20' to 0'

GENERAL LOCATION: North side of Dubon approximately 150' west of Bridgewater Drive

ZONING: Subject property is zoned "AA" Single-family as are those properties to the north, south, east and west

LAND USE: Subject property is undeveloped as are those properties to the south and west; north and east is "common open space".

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 applicant is requesting a variance of the required rear yard setback from 20' to 0' for two platted lots zoned "AA" Single-family located in an area north of U.S. 54 and west of Seville. One of the lots in question has a maximum depth of 70' and the other, which is irregular in shape, a maximum depth of 89'.

In his statement of justification the applicant points out that he and his engineer failed to catch the shallow depths of the lots at the time of platting. He also points out that these lots back up to Reserve A (common area) which is water and that he is in the process of deeding that area to the present Miles Lakewood Village Home Owners Association. The applicant indicates that the property owner to the west has no objection to the variance.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance may arise from conditions unique to this property inasmuch as the lots are shallow in depth and bounded on the north and east by common open space and not adjacent building sites.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the land to the north and east is to remain common open space and the property owner to the west has indicated he has no objections to the request.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 23 (Zoning Ordinance) would constitute an unnecessary hardship upon the applicant inasmuch as the buildable area on these lots is very limited if the rear yard setbacks are complied with.

PUBLIC INTEREST:

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

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 Title 28 (Zoning Ordinance) inasmuch as the four previous conditions can be found to exist.

PAGE 3  
BZA AGENDA  
11-27-79

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the rear yard setback from 20' to 0', be approved.

BZA CASE NO. 66-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

1 NOTICES SENT TO ADJOINING PROPERTY OWNERS

13 TOTAL NOTICES SENT 11-6-79

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

November 5, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 66-79

An application has been filed by Gene Miles Dev. Inc., 10711 W. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the rear yard requirement from 20 feet to 0 feet on property zoned "AA" Single Family Dwelling District and legally described as follows:

Lots 12 & 13, Block 2, Miles Lakewood  
Village Second Addition, to Wichita,  
Sedgwick County, Kansas. Generally  
located approximately 150' west of  
Bridgewater Drive on the north side  
of Dubon.

This application has been assigned case No. BZA 66-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1979, 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

APPLICATION FOR VARIANCE

I. Name of Applicant GENE MILES DEV. INC.  
 Mailing Address 10711 W. Kellogg 67209 Phone 722-6630  
 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 rear yard  
from 20 feet to 0 feet.

for property located approximately 150 west of  
Bridgewater Drive on the north side of Dubon.

and legally described as: Lots 12 & 13, Block 2, Miles  
Lake wood Village, Second Addition, to Wichita, Sedgwick  
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. 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.

Gene Miles Dev. Inc.  
 Applicant  
By Gene Miles  
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:30 (~~2:00~~ - p.m.), OCT. 29 1979 together with appropriate fee of \$50.00.

[Signature]  
 Signed

GENE MILES



*Builder · Developer*

GENE MILES CONSTRUCTION, INC.  
GENE MILES DEVELOPMENT, INC.

10711 WEST KELLOGG · WICHITA, KANSAS 67209  
TELEPHONE (316) 722-6630

October 31, 1979

Mr. Glen Lytle  
Zoning Division  
Planning Department  
City of Wichita

**RECEIVED**

NOV - 2 1979

METROPOLITAN PLANNING

ROUTE  Lytle

Sub: Lots 12 & 13, Block 2, Miles Lakewood Village.

Dear Mr. Lytle:

I am requesting a variance of set back on these two lots for the following reasons:

1. The civil engineer and myself failed to catch the shallow depths in these lots at the time of planning.
2. These two lots, back up to reserve A (common area) which is water and will not cause any problems as far as minimum rear yard set back.
3. The reserve A is owned by Gene Miles Development, Inc., and I am in the process in deeding that area to the present Miles Lakewood Village Home Owners Association. There is only one party within the 200 ft, and his name is Larry Monckton on Lot 11, and he is in full agreement for the variance of rear yard set back.

I would not request this variance if I would have felt it would be detriment to any of the Home Owners Association in the area. I would appreciate the board granting the variance on these two lots.

Sincerely yours,

GENE MILES DEVELOPMENT, INC.

By: Gene Miles  
Gene Miles, President

O W N E R S H I P   L I S T

Lot	Addition	Property Owner
lot 2, Block 1 except that portion platted as Miles Lakewood Village Second Addition	Miles Lakewood Village	Gene Miles Development Inc. 10711 West Kellogg    67209
lots 10 and 14 Block 1	Miles Lakewood Village Second Addition	Same
Reserve A	Same	Same
lots 7,8,9,10, 12 and 13, Blk 2	Same	Same
lot 11, Block 2	Same	Lawrence E. Monckton & Helen M. 451 South Robin Road    67209

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

A 200 foot radius of: Lots 12 and 13,  
Block 2, Miles Lakewood Village Second  
Addition, Wichita, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 29th day of October, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Gable*  
Vice President

Order No. 282851  
wh

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 021 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>City 872</i>	<i>50.00</i>

NAME *SENE Blue Dog Inc*

ADDRESS *16211 W & Hwy*

FUND *100-000-0001* DUE DATE *12-31-00*

COMMENTS

DATE *12-27-00* BY *[Signature]*