

200 4 Sec 1030-84

Shot 11-14

Record ✓

Case No. BZA 66-94 - David & Joan
Datnes - request a variance to reduce
the required side yard setback from 6'
to not less than 3' adjacent to the
north property line on property zoned
the "AA" One-Family Dwelling District

Post 9
9-14-84 66L

ACTION

B.Z.A. ~~66-84~~ APPROVED 10-23-84
DATE

200' 4 Sec 10-30-84
Shot 11-14
Record ✓

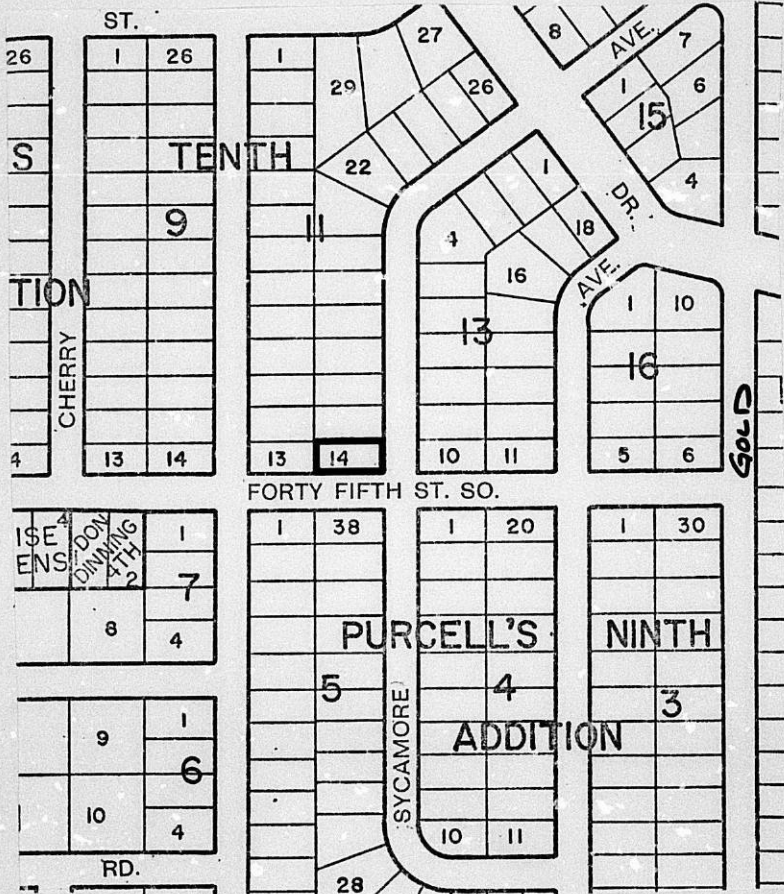
Case No. BZA 66-84 - David & Joan
Daines - request a variance to reduce
the required side yard setback from 6'
to not less than 3' adjacent to the
north property line on property zoned

Map No. 5442C

BZA 66-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East I-F South I-F
West I-F North I-F
4. Area (is) (~~is not~~) platted.



Shaw
No. 2-153C
HARTING, INC.
LOS ANGELES CHICAGO LOGAN O-
MEMORION 1X LOCUST GR. VVE. CA
U.S.A.

October 25, 1984

David & Joan Barnes
4575 South Sycamore
Wichita, Ks. 67217

Re: BZA 66-84 - Request for Variance

Dear Mr. & Mrs. Barnes:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1984.

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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

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

RESOLUTION NO. BZA 66-84

WHEREAS, David and Joan Barnes, 4575 South Sycamore, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 6 feet to 3 feet adjacent to the north property line on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 14, Block 11, Purcell's Tenth Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Sycamore and 45th Street South (4575 South Sycamore).

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 23, 1984, 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 garage is existing and is presently located approximately 3 feet from the north property line in conformance with the regulations and to attach it to the house with an addition that will conform to the 6 foot side yard should not change the general character of the neighborhood; 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 only variance that needs to be granted is for an existing structure and the majority of the north wall of the residence will remain at six feet or more from the north property line which should provide for adequate light and air to the property on the north; 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 without the variance the applicant would be required to move the existing structure approximately 3 feet to comply with the regulations; 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 reduction of the required side yard for only the existing structure will not interfere with any right-of-way or easements; 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 distance between structures adjacent to the common property line will provide more than the minimum separation required by ordinance; 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.

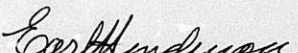
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback from 6 feet to 3 feet adjacent to the north property line on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 14, Block 11, Purcell's Tenth Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Sycamore
and 45th Street South (4575 South Sycamore).

be approved subject to the following condition:

1. The reduction of the required side yard adjacent to the north property line from 6 feet to not less than 3 feet shall only apply to the existing garage that has an east-west dimension of 30 feet. All other portions of the structure shall comply with the 6 foot side yard setback.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 19, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Mary L. Moore, Administrative Aide III

SUBJECT BZA 66-84 Generally located on
the northwest corner of Sycamore
and 45th Street South (4575 South
Sycamore)

On Monday, October 15th, CPO Council "C" considered the above captioned case.

The Council voted 6-0 to recommend approval of the requested variance.

David Barns, applicant, was present to discuss the request and respond to questions from the Council. No area residents or property owners were present.

Please provide the Council's recommendation to the Board of Zoning Appeals for its consideration when BZA 66-84 is considered.

Mary L. Moore

Mary L. Moore
Administrative Aide III

MLM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO.

SECRETARY'S REPORT CASE NO. BZA 66-84

APPLICANT: David and Joan Barnes, 4575 South Sycamore, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 6 feet to not less than 3 feet adjacent to the north property line.

GENERAL LOCATION: On the northwest corner of Sycamore and 45th Street South.

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

LAND USE: Subject property is developed as 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 to reduce the side yard setback adjacent to the north property line in order to attach an existing garage with an addition to the house. Once this is done, the garage becomes part of the main structure and must observe the setback required for a main use. The existing garage is only 3'3" from the north property line so the applicant is requesting the variance to reduce the sideyard from 6 feet to not less than 3 feet so the addition can be built attaching the house and garage.

It is the Secretary's opinion that it is difficult to justify all five conditions necessary to the granting of a variance. However, since the garage is existing and is located to the west of the residence to the north, there could be some uniqueness to the property which is not ordinarily found on a rectangular shaped lot. If the variance is granted only for the area now occupied by the existing garage, it should not interfere with the light and air of the adjacent property.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the garage is existing and is presently located approximately 3 feet from the north property line in conformance with the regulations and to attach it to the house with an addition that will conform to the 6 foot side yard should not change the general character of the neighborhood.

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 only variance that needs to be granted is for an existing structure and the majority of the north wall of the residence will remain at six feet or more from the north property line which should provide for adequate light and air to the property on the north.

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 without the variance the applicant would be required to move the existing structure approximately 3 feet to comply with the regulations.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the required side yard for only the existing structure will not interfere with any right-of-way or easements.

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 distance between structures adjacent to the common property line will provide more than the minimum separation required by ordinance.

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 reduction of the required side yard adjacent to the north property line from 6 feet to not less than 3 feet shall only apply to the existing garage that has an east-west dimension of 30 feet. All other portions of the structure shall comply with the 6 foot side yard setback.
-

BZA CASE NO. 66-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>32</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>34</u>	TOTAL NOTICES SENT <u>10-3-84</u>

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

October 3, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 66-84

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 David & Joan Barnes, 4575 South Sycamore, 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 side yard setback from 6 feet to not less than 3 feet adjacent to the north property line on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 14, Block 11, Purcell's Tenth Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the northwest corner of Sycamore
and 45th Street South (4575 South Sycamore).

This application has been assigned Case BZA 66-84. It will be considered by the Board of Zoning Appeals on October 23, 1984 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. 66-84

CITY OF WICHITA, KANSAS

FILED 9-13-84

APPLICATION FOR VARIANCE

I. Name of Applicant David and Joan Barnes

Mailing Address 4575 So. Sycamore Phone 263-1111 Ext. 236 Work
522-4074 Home

Name of Authorized Agent N/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 To reduce the required side yard
setback from 6 feet to 3 feet adjacent to the north prop. line

for property located On the northwest corner of Sycamore and
45th St. South (4575 So. Sycamore)

and legally described as: Lot 14, Block 11, Purcell's Tenth
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. 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 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 David B Barnes

Authorized Agent N/A

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:00 (a.m./p.m.), SEPT 13, 1984, together with
appropriate fee of 75.00.

Signed [Signature]

Statement of Hardship

David and Joan Barnes (Owner's)
4575 So. Sycamore
Wichita, Kansas 67217

Legal Property Description: Lot 14, Block 11, Purcell's Tenth
Addition to Wichita, Sedgwick
County, Kansas. Zoned "AA".

The garage is existing and is in conformance with the regulations when detached. When connected by the addition, the requirement of six feet is applicable and the garage is in a location that any addition to the house would be impossible without moving the garage.

Our neighbors to the north, Ray and Dixie Cato, have no objection to the room addition. Their house is nine feet off of the property line, which puts it eighteen feet from our existing house and also eighteen feet from the proposed room addition. They currently have a ten year old existing two car garage located on the north side of their lot. This garage is approximately in the same location as our's and is about forty feet from our garage. Therefore it is not anticipated that they will be building any structure close to our property line.

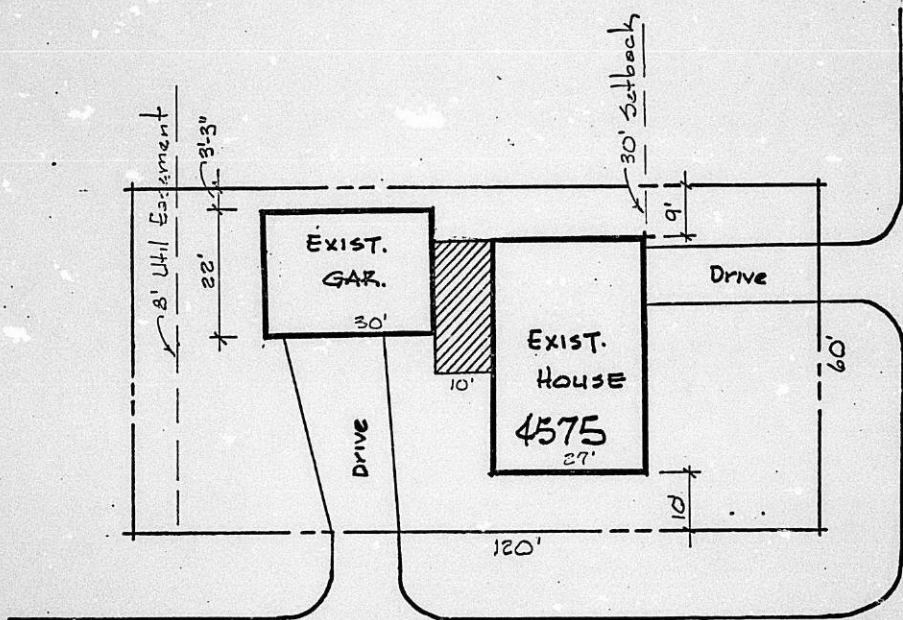
We signed a contract with a licensed contractor to have the room addition added. Not knowing that there would be any problem putting the room addition on we removed twenty four feet of brick from the house in the location where the addition was to be put on. We removed the brick rather than allowing the contractor to remove it to keep it from being damaged as we wanted to use it for flower planters. Removal of this brick has left the twenty four foot area exposed to the weather.

The house is currently a two bedroom house. One of these bedrooms is being used for a study and sewing room. We have two single mothers who are in their sixties and come to visit overnight frequently. We need to convert the one bedroom back into a bedroom. The new addition was planned to be the study and sewing room.

The garage was built five years ago as a two car garage and shop. The shop is used only for hobbies. There is no intention or ever will be of using the garage for any other purpose.

Thank You for Your consideration of this request.

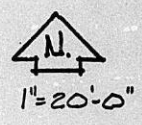
David W. Barnes
Joan M. Barnes



SYCAMORE

LOT 14, BLK. 11
 PURCELL'S 10TH ADDN.

45TH ST. SO.



OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 16	9	Purcell's Tenth Addition Sedgwick, County Kansas	✓ John H. Buita Louella E. Buita 4563 South Oak Street 67217
Lot 15	9	"	✓ Marcie L. Arpin 4569 Oak Street 67217
Lot 14	9	"	✓ Ned Joseph Hallacy Connie M. Hallacy 4575 Oak St. 67217
Lot 9	11	"	✓ Charles A. Rishel Cheryl J. Rishel 4530 South Land Ave. Derby, 67037
Lot 10	11	"	✓ Robert L. Cruse Johanna L. Cruse 4556 Oak Street 67217
Lot 11	11	"	✓ Darrell Thomas Urban Robin D. Urban 4562 Oak Street 67217
Lot 12	11	"	✓ Administrator of Veterans Affairs 901 George Washington Blvd. 67211
Lot 13	11	"	✓ Gene E. Wilcoxson Hazel Wilcoxson 4574 Oak Street 67217
Lot 14	11	"	D David K. Barnes 4575 S. Sycamore 67217
Lot 16	11	"	Lee H. Meyers ✓ Shirley J. Meyers 1130 Oakwood Court Derby 67037 <i>returned 10-9-84</i>
Lot 17	11	"	✓ Byrnard W. Burroughs Virginia C. Burroughs 4557 S. Sycamore 67217
Lot 15	11	"	✓ Raymond I. Cato Dixie Ann Cato 4569 S. Sycamore 67217
Lot 18	11	"	✓ Edward A. Cornelson Nora M. Cornelson 4551 Sycamore 67217

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 6	13	Purcell's Tenth Addition	✓ Basil E. Jones Thelma M. Jones 4550 Sycamore 67217
Lot 7	13	"	✓ Donald R. Stirn Betty Jean Stirn 4556 Sycamore 67217
Lot 8	13	"	✓ Lawrence H. Brown Leecy M. Brown 4562 Sycamore 67217
Lot 9	13	"	✓ Dolores C. Mabry T. M. Mabry 4568 Sycamore 67217
Lot 10	13	"	✓ Ray D. Richecky Diana L. Richecky 4576 Sycamore 67217
Lot 11	13	"	✓ Betty E. Keenan 4569 LaClede Ave. 67217
Lot 12	13	"	✓ R. P. Compton Lena Ruth Compton 2109 Victoria 67211
Lot 13	13	"	✓ Enoch Rainbolt Ailene Rainbolt 4557 LaClede 67217
Lot 1	4	Purcell's Ninth Addition	✓ Mid Kansas Federal Savings and Loan 230 South Market 67202 ✓ Aff. of Interest filed by Perry M. Chambers Linda M. Chambers 4602 S. Sycamore 67217
Lot 2	4	"	✓ Leonard Bryan Faubion Edna Faubion 4608 S. Sycamore 67217

Lot	Block	Addition	Property Owner
Lot 3	4	Purcell's Ninth Addition	✓ Cecil N. Angleton Eula Mae Angleton 4614 S. Sycamore 67217
Lot 20	4	"	✓ Donald C. Brockmeyer Lois P. Brockmeyer 4603 LaClede <i>returned 10-9-44 67217.</i> <i>resent to 2241 W. Bavis Drive</i> 67217
Lot 1	5	"	✓ Joel J. Miller Linda Sue Miller 4602 S. Oak 67217
Lot 2	5	"	✓ Charles C. Rush Jane F. Rush 4608 S. Oak 67217
Lot 3	5	"	William Michael Axtell ✓ Judy A. Axtell 4614 S. Oak Street 67217
Lot 36	5	"	John E. Robertson Daren Lee Robertson ✓ 4615 S. Sycamore 67217
Lot 37	5	"	✓ Barbara J. Pope 4609 S. Sycamore 67217
Lot 38	5	"	Clifford Warren Rufener ✓ Sherry L. Rufener 4603 S. Sycamore 67217
Lot 1	7	"	✓ James R. Kingsland Patricia A. Kingsland 4603 S. Oak Street 67217

Page 4

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 14, Block 11, Purcell's Tenth
Addition, 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 12th day of September, 1984 at 7:00 o'clock A.M.

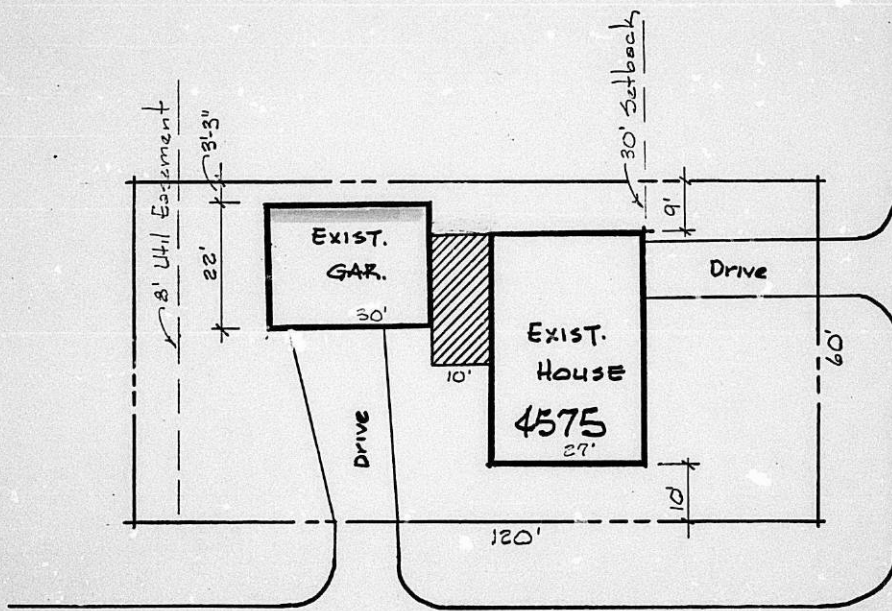
THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable

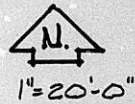
Sr. Vice-President

Order No: 338460
ap



LOT 14, BLK. 11
PURCELL'S 10TH ADDN.

45TH ST. So.



1"=20'-0"

BZA 66-84

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-

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
CITY P2A VAL	\$ 75.00
NAME <u>DAVID BARNES</u>	
ADDRESS <u>4575 S. SWICKMORE</u>	
FUND <u>355-40071-003</u>	DUE DATE
COMMENTS	
DATE <u>July 13, 1989</u>	BY <u>[Signature]</u>