

Case No. BZA 76-84 - Greg Bruggeman  
- requests a variance to reduce the  
required side yard setback adjacent  
to the north property line from 6'  
to not less than 3' on property  
used the "AA" One-family Dwelling

POSTED  
10-29-84 GBL

ACTION

BZA 76-84 APPROVED 11-27-84  
DATE

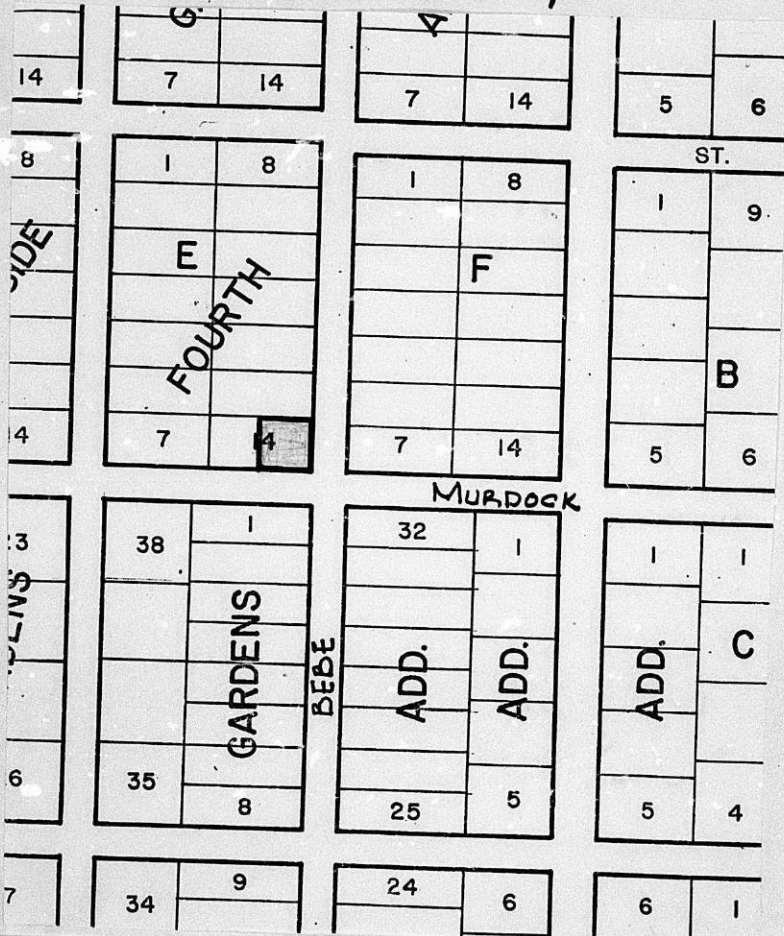
Resol. null & void - see memo to file, 5/11/87

Map No. 5148 C

BZA 76-84  
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. but needs lot split




LOS ANGELES COUNTY  
REGISTERED PROFESSIONAL  
PLANNING ENGINEER  
No. 24523  
U.S.A.

**Spaw**  
No. 24523

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: May 12, 1987

TO: BZA FILE 76-84

FROM: Glen E. Lytle, Assistant Secretary 

SUBJECT: BZA 76-84 (Variance)

The applicant Greg Bruggeman has advised me that he has sold the property and no longer has an interest in completing this application.

The resolution adopted on November 27, 1984 thus becomes null and void.

GEL/iw

PL/0151/1

November 29, 1984

Greg Bruggeman  
801 North Bebe  
Wichita, Ks. 67212

Re: BZA 76-84 - Request for Variance

Dear Mr. Bruggeman:

At the regular meeting of the Board of Zoning Appeals on November 27, 1984, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions:

1. The reduction of the side yard setback from 6 feet to 3 feet shall only be applicable to the addition of an attached garage that shall not exceed a north-south dimension of 30 feet.
2. Prior to release of the resolution authorizing the issuance of any building permits, the applicant shall secure a lot split approval for the property.

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 condition number 2 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

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN RIGHTS & SERVICES**

**DATE** November 14, 1984

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

**FROM** Mary L. Moore, Administrative Aide III

**SUBJECT** BZA 76-84 GENERALLY LOCATED ON  
THE NORTHEAST CORNER OF MURDOCK  
AND BEBE (901 NORTH BEBE)

On Wednesday, November 7th, CPD Council "N" considered the above captioned case. The Council voted 7-0 to recommend approval.

Greg Bruggeman, applicant was present to discuss the case with the Council. There were no area residents presents to discuss this case.

Please present the Council's recommendation to the BZA when it considers this case.

*Mary L. Moore*

Mary L. Moore  
Administrative Aide III

MLM/glw

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

SECRETARY'S REPORT  
CASE NO. BZA 76-84

APPLICANT: Greg Bruggeman, 801 North Bebe, 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 3 feet.

GENERAL LOCATION: On the northwest corner of Murdock and Bebe.

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 to reduce the required side yard setback adjacent to the north property line from 6 feet to 3 feet in order to construct an attached garage on the north of the existing house. The present house and driveway is located within 16 feet of the north property line and maintains a setback of 31 feet from Bebe and 42 feet from Murdock. Both of the setbacks from the street right-of-way lines are in excess of the minimums. Unfortunately, the house was built on the property without a garage and did not take into consideration the possibility of an owner wanting an attached garage. Due to the design of the house, the only logical location is on the north as proposed by the applicant.

It should be noted, that the house was constructed on only a portion of a platted lot with the property having access to utilities only thru the adjacent property to the west.

It should be noted that the applicant will be required to obtain a lot split on the property. In addition the applicant should maintain a 20 foot rear yard to the west of the addition.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the existing house is designed and located on a property that is approximately square and the only logical location for an attached garage is on the north side of the house as proposed by the applicant.

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 home on the north is located 12 to 15 feet from the property line and is also located to the east of where the garage is to be constructed which should not interfere with the light and air to the adjacent structure.

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 be unable to build an attached garage at a location appropriate to the existing house.

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 not interfere with any needed 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 adequate separation of structures on the adjacent properties will be maintained to provide light and air to both structures.

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. The reduction of the side yard setback from 6 feet to 3 feet shall only be applicable to the addition of an attached garage that shall not exceed a north-south dimension of 30 feet.
  2. Prior to release of the resolution authorizing the issuance of any building permits, the applicant shall secure a lot-split approval for the property.
-

BZA CASE NO. 76-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>17</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>11-7-84</u>

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

November 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 76-84

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 Greg Bruggeman, 801 North Bebe, 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 adjacent to the north property line from 6 feet to not less than 3 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

East one-half of Lot 14, Block E, Sunnyside Gardens 4th Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Murdock and Bebe (801 North Bebe).

This application has been assigned Case BZA 76-84. It will be considered by the Board of Zoning Appeals on November 27, 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. 71a-84

CITY OF WICHITA, KANSAS

FILED 10-29-84

APPLICATION FOR VARIANCE

I. Name of Applicant Greg Bruggeman  
 Mailing Address 801 N. Bebe 67212 Phone 942-5169  
 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 Reduction of width of sideyard from  
six feet to three feet.

for property located at the northwest corner of Mandeville & Bebe  
(801 North Bebe)

and legally described as: E. 1/2 of Lot 14, Block E, Sunnyside  
Gardens 4th Addition

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 Greg Bruggeman  
 Greg Bruggeman

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

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
10:00 (a.m.p.m.), Oct. 29, 1984, together with  
 appropriate fee of 75.00.

Signed [Signature]

This is a proposal for a variance from the minimum side yard requirement of six feet (Section 28.040.052.2 of the Zoning Ordinance, City of Wichita) so that a 13'x30' attached garage may be constructed at 801 North Bebe.

The requirements of Section 2.12.590B are satisfied in the outline below:

1. The location and floor plan (see drawing) of the residence at the above address are such that the only logical site for an attached garage is on the north side of the house. As the distance from the existing house to the north property line is 16 feet, the six feet minimum sideyard requirement prohibits the construction of a garage of adequate width.
2. The rights of the adjacent property owner to the north will not be adversely affected because the residence to the north is 17 feet from their south property line and their drive is on the north side of their lot, therefore, their house will not be crowded by the proposed garage.
3. Strict application of zoning regulations with no variance would cause unnecessary hardship upon the property owner for the following reasons: Lack of room to build adequate garage onto north of house, Floor plan prohibits attachment of garage built on different area of lot, and existing concrete drive on north side of lot would not be utilized.
4. As the garage will have the same appearance (see elevation) as the existing house it will not have an adverse effect on the area.
5. The granting of this variance will in no way harm public safety, health, convenience, comfort, propriety, general welfare, or the preservation of personal and property rights.

Greg Bruggeman

*Greg Bruggeman*

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Block E	Sunnyside Gardens Fourth Addition	Carl Humble ✓ Arvagene Humble 810 N. Clara Wichita, KS 67212
Lot 6	Block E	"	Gene Arthur Fensky ✓ Norma R. Fensky 806 N. Clara Wichita, KS 67212
Lot 7	Block E	"	Kenneth D. Fleetwood Dianna L. Fleetwood ✓ 802 N. Clara Wichita, KS 67212
Lot 11	Block E	"	Larry D. Galyardt Cheryl A. Galyardt ✓ 813 N. Bebe Wichita, KS 67212
Lot 12	Block E	"	Ora Loren Nestelroad ✓ Viola M. Nestelroad 809 N. Bebe Wichita, KS 67212
Lot 13	Block E	"	Kenneth R. Young Ethel J. Young ✓ 748 N. Anna Wichita, KS 67212
East 1/2 Lot 14	Block E	"	Gregory B. Bruggeman D Michaelaine R. Bruggeman 801 N. Bebe Wichita, KS 67212
West 1/2 Lot 14	Block E	"	Florine R. Cooper ✓ 4906 Murdock Wichita, KS 67212
Lot 4	Block F	"	Phillip R. Vaughn Rhonda V. Vaughn ✓ 814 N. Bebe Wichita, KS 67212
Lot 5	Block F	"	Marlon A. Wilbeck ✓ Preda L. Wilbeck 810 N. Bebe Wichita, KS 67212
Lot 6	Block F	"	Jimmy Dale Edgington ✓ 806 N. Bebe Wichita, KS 67212
Lot 7	Block F	"	Carl I. Morrison 802 N. Bebe
Lot 1		Sunnyside Gardens Second Addition	✓ Larry W. Winegarner Carolyn Winegarner 761 N. Bebe Wichita, KS 67212
Lot 4	Block E	Sunnyside Gardens Fourth Addition	✓ Junior Bullins Marie S. Bullins 814 N. Clara Wichita, KS 67212

Lot	Block	Addition	Property Owner
Lot 2		Sunnyside Gardens Second Addition	Robert A. Royal Wanda M. Royal 757 N. Bebe Wichita, KS 67212
Lot 31		"	Veterans Administration 901 George Washington Blvd. Wichita, KS 67211
Lot 32		"	Allen P. Bailey 762 N. Bebe Wichita, KS 67212
Lot 38		Pettett Gardens	International Church of Foursquare Gospel c/o West Side Community Church of the Foursquare Gospel <del>750 N. Clara</del> Wichita, KS 67212 <i>returned 11-13-84</i>

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:

The East Half of Lot 14, Block E, Sunnyside Gardens Fourth 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 4th day of October, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE  
COMPANY, INC.

By

*Mary Gable*  
Sr. Vice-President

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 29 1

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Sks	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
6704	75.00

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 DATE \_\_\_\_\_ BY \_\_\_\_\_

WICHITA - SEDGWICK COUNTY

**W S C**

BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

NOT KNOWN  
RETURN TO SENDER

BZA  
16-84  
NOV 8 1984

**RECEIVED**

NOV 13 1984

METROPOLITAN PLANNING  
ROUTE  Autley

WICHITA  
NOV-7'84  
U.S. POST  
KANS PER 341926

No Bal  
12/2

International Church of Foursquare Gospel  
% West Side Community Church of the Foursquare Gospel  
750 North Clara  
Wichita, Ks. 67212

\*

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

Roll # 2