

Case No. BZA 82-84 0 Carl T. & Carol
L. Castle.- request a variance to
reduce the required rear yard setback
from 20 feet to 12 feet for the
construction of an addition to the
existing house on property located in

Passed
11-16-84 R.E.L.

ACTION

BZA 82-84 APPROVED

11-17-84
DATE

20' 4" Sec 1-10-85

Shot 1-23-85

Record ✓

December 19, 1984

Carl T. & Carol L. Castle
2187 South Glendale
Wichita, Ks. 67218

Re: BZA 82-84 - Request for Variance

Dear Mr. & Mrs. Castle:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 18, 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: Larry D. Ellsaessen, Crown Construction Company, 731 South Gordon,
Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 82-84

WHEREAS, Carl T. and Carol L. Castle, 2187 South Glendale, 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 setback from 20 feet to 12 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7, Roper and Zimmerman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Glendale immediately north of the center line of Kinkaid Street if extended from the east (2187 South Glendale).

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 December 18, 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 it was platted with the depth of the lot less than 100 feet and with a side yard easement of sufficient width to protect the possible extension of an east-west street which severely limits the usability of 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 the property to the west would be the only adjacent residence that could be affected by the construction and this lot is of such size that more than adequate distance is maintained for open space; 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 design of the existing home is such that this is the only logical location of a kitchen/family room addition; 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 rear yard to 12 feet will not interfere with any easement; 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 adequate separation between the structures on adjoining properties 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.

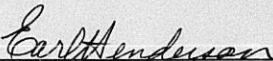
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 20 feet to 12 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 7, Roper and Zimmerman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Glendale immediately north of the center line of Kinkaid Street if extended from the east (2187 South Glendale).

be approved subject to the following condition:

1. The reduction of the rear yard from 70 feet to 12 feet shall be for an addition that will not exceed a north-south dimension of 39 feet.

ADOPTED AT WICHITA, KANSAS, this 18th day of December, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE December 11, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Enriken, Administrative Aide III

SUBJECT BZA 82-84: Generally located on
the west side of Glendale immediately
north of the Center line of Kinkaid
Street if extended from the east
(2187 South Glendale)

On Monday, December 10, 1984, CPO Council "F" considered the above captioned case.

The Council voted 8-0 to recommend approval. C.T. Castle, the applicant, was present to discuss the case with the Council. No area residents were present.

Please provide the Council's recommendation to the BZA when it meets to consider the case.

Cindy Enriken
Cindy Enriken
Administrative Aide III

CE:dm

RECEIVED

DEC 12 1984

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 82-84

APPLICANT: Carl T. & Carol L. Castle, 2187 South Glendale, Wichita, Kansas.

AGENT: Larry D. Ellsaessen, Crown Construction Company, 731 South Gordon, 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 feet to 12 feet.

GENERAL LOCATION: On the west side of Glendale and immediately north of the center line of Kindaid if extended from the east (2187 South Glendale).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties except to the south which is zoned the "A" Two-family Dwelling District.

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 rear yard setback from 20 feet to 12 feet in order to construct an addition to the rear of the existing house. The addition is for a kitchen/family room that is best suited to the rear of the existing home due to the design.

It should be noted that the lot is only 90 feet in depth which is less than normally found in the "AA" One-family Dwelling District. Also, the applicant's property has a 40 foot setback adjacent to the south property line which severely limits the amount of buildable area. The properties to the west adjacent to Oliver are all large tracts that for the most part are developed with one-family dwellings. However, the properties to the south toward Pawnee on Oliver have been developed commercially or as apartments. Should this trend of development continue to the north, this reduction of the rear yard on this property should not have any adverse affect on the property to the west.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it was platteu with the depth of the lot less than 100 feet and with a side yard easement of sufficient width to protect the possible extension of an east-west street which severely limits the usability of 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 the property to the west would be the only adjacent residence that could be affected by the construction and this lot is of such size that more than adequate distance is maintained for open space.

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 design of the existing home is such that this is the only logical location of a kitchen/family room addition.

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 rear yard to 12 feet will not interfere with any easement.

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 between the structures on adjoining properties will be maintained.

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 rear yard from 20 feet to 12 feet shall be for an addition that will not exceed a north-south dimension of 39 feet.
-

BZA CASE NO. 82-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>18</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>21</u>	TOTAL NOTICES SENT <u>11-27-84</u>

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

November 28, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 82-84

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 Carl T. & Carol L. Castle, 2187 South Glendale, 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 setback from 20 feet to 12 feet for the construction of an addition to the existing house on property located in the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 7, Roper and Zimmerman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Glendale immediately north of the center line of Kinkaid Street if extended from the east (2187 South Glendale).

This application has been assigned Case BZA 82-84. It will be considered by the Board of Zoning Appeals on December 18, 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 CPC 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. 82-84

CITY OF WICHITA, KANSAS

FILED 11-16-84

APPLICATION FOR VARIANCE

i. Name of Applicant CARL T. & CAROL L. CASTLE
 Mailing Address 2187 SO. GLENDALE Phone 686-6295
 Name of Authorized Agent CROWN CONST. Co.
 Mailing Address 731 S. Gordon 67213 Phone _____
 Relationship of applicant to property is that of OWNER.
 (Owner, Tenant, Lessee, Other)

ii. The variance requested is TO DECREASE FROM 20 FT TO
12 FT SET BACK ALLOWANCE FROM REAR
PROPERTY LINE (9 FT FROM EASEMENT)
 for property located 2187 SO GLENDALE, SEDGWICK CO,
WICHITA, KANS 67218.
 and legally described as: LOT 7, ROPER & ZIMMERMAN
ADDITION TO WICHITA, SEDGWICK COUNTY.

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

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 *Carl Castle* 11/4/84

Authorized Agent *Jerry D. Ellsasser*
CROWN CONST. Co.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:00 (a.m./p.m.), Nov. 16, 1984, together with
 appropriate fee of 75.00.

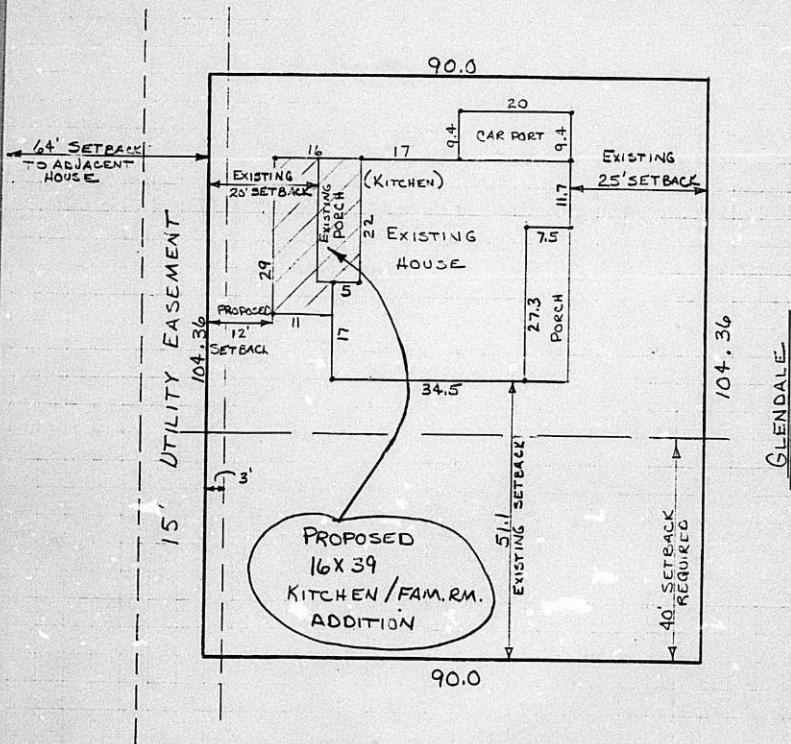
Signed *H. Lytle*

LEGAL : LOT 7 - ROPER & ZIMMELMAN ADDITION

ADDRESS : 2187 S. GLENDALE

OWNER : C. T. CASTLE

DRAWN BY : LARRY ELLSAESSER - CROWN CONST. CO.



November 11, 1984

Board of Zoning Appeals
City of Wichita, Kansas

Dear Sirs,

We, Carl T. and Carol L. Castle do respectively request a variance to Section 2.12.590.B, Building Code of the City of Wichita to construct a kitchen expansion and family room on the rear of the present structure at 2187 South Glendale, to within 12 feet of the west property line (9 feet from easement) in lieu of the present allowable 20 feet of west property line. The arrangement of the current structure prevents expansion in other directions and thus would eliminate planned neighborhood and home improvement without the variance requested.

It is believed that this will meet the requirements of Section 2.12.590.B Code of the City of Wichita.

Respectfully yours,



Carl T. Castle
Carol L. Castle

Carol L. Castle



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5	Roper & Zimmerman	✓ Eloise R. Bear 2157 S. Glendale Wichita, KS 67218
Lot 6	"	D Carl T. Castle Carol L. Castle 2187 S. Glendale Wichita, KS 67218
Lot 7	"	Same As Above
Lot 8	"	✓ Frank J. Rosile Carolyn Rosile 2124 S. Oliver Wichita, KS 67218
East 5' of the South 104.35' of Lot 9	"	D Eloise R. Bear 2157 S. Glendale Wichita, KS 67218
Lot 9, except the East 5'	"	✓ G. A. Edminister 2120 S. Oliver Wichita, KS 67218
Lot 1	K & L Addition	✓ Keith L. Anderson Lois I. Anderson 6002 Grace Lane Wichita, KS 67218
Lot 1	Glendale Heights Addition	✓ Bryce O. Gregory Helen M. Gregory 2201 S. Glendale Wichita, KS 67218
Lot 2	"	✓ Stephen A. Brunger V. Sue Brunger 2207 S. Glendale Wichita, KS 67218
Lot 3	"	✓ Paul M. Ballard Sandra L. Ballard 2213 S. Glendale Wichita, KS 67218
Lot 1	Block B McAdam Acres Addition	✓ William J. Newell Patricia A. Newell 2204 S. Glendale Wichita, KS 67218
Lot 2	Block B	✓ Martha A. Shaffer 2208 S. Glendale Wichita, KS 67218

Lot	Block	Addition	Property Owner
Lot 3	Block B	McAdams Acres Addition	John T. Dustin Marjorie J. Dustin Address Unknown Property Address: 2212 S. Glendale Wichita, KS 67218
Lot 14	Block 13	Edgewood Addition	Gordon R. Smith Deanna M. Smith 2174 S. Glendale Wichita, KS 67218
Lot 15	Block 13	"	Frelon M. Evans Alecia L. Evans 2174 S. Glendale Wichita, KS 67218
Lot 16	Block 13	"	Adelbert D. Leavell Betty O. Leavell 2200 S. Glendale Wichita, KS 67218 <i>2180 S. Glendale</i> <i>Return 12-3-84</i>
Lot 17	Block 13	"	Donna M. Reed 2184 S. Glendale Wichita, KS 67218
Lot 18	Block 13	"	Janice K. Ward Frank M. Ward 2188 S. Glendale Wichita, KS 67218
South 55' Lot 19	Block 13	"	Stanley R. Hancock 2189 Elpyco Wichita, KS 67218 <i>Return 12-3-84</i>
North 8.35' of Lot 19 & all Lot 20	Block 13	"	Walter G. McMoran Roberta R. McMoran 2185 Elpyco Wichita, KS 67218
Lot 21	Block 13	"	Thomas E. Wallis Helen M. Fardham 2181 Elpyco Wichita, KS 67218

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

November 28, 1984

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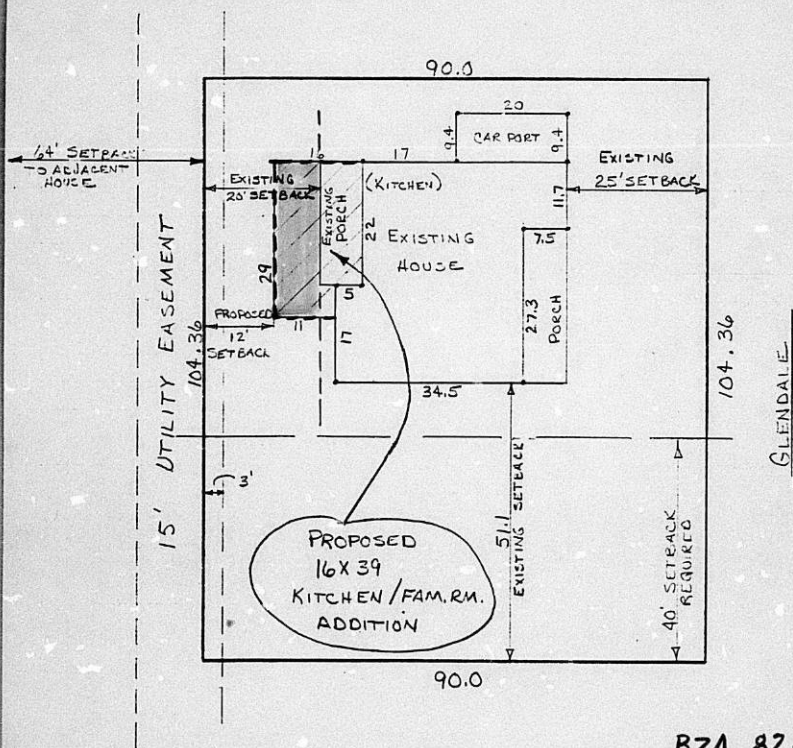
Jack H. Galbraith
Secretary

LEGAL : LOT 7 - ROPER & ZIMMELMAN ADDITION

ADDRESS : 2187 S. GLENDALE

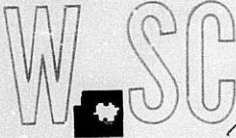
OWNER : C. T. CASTLE

DRAWN BY : LARRY ELLSAESSER - CROWN CONST. CO.



BZA 82-84

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
NUMBER
RETURN TO SENDER

RECEIVED

DEC 3 1984

METROPOLITAN PLANNING

ROUTE Sak

72A 8284 2180 S. Glendale

Adelbert D. & Betty O. Leave11
1280 South Glendale
Wichita, Ks. 67218



*18/6
11-29*



WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
ATTEMPTED
NOT KNOWN
RETURN TO SENDER

RECEIVED

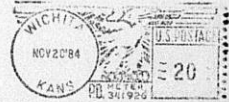
DEC 3 1984

METROPOLITAN PLANNING

ROUTE

72A 8284

Stanley R. Hancock
2189 Elyco
Wichita, Ks. 67218



*P.F.
1824*



MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-J21

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	Set ar	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City 224 VAR	75.00

NAME W. T. CASTLE

ADDRESS 2187 So Glendale

FUND 755-40071-003 DUE DATE

COMMENTS

DATE Nov 16, 1974 BY [Signature]