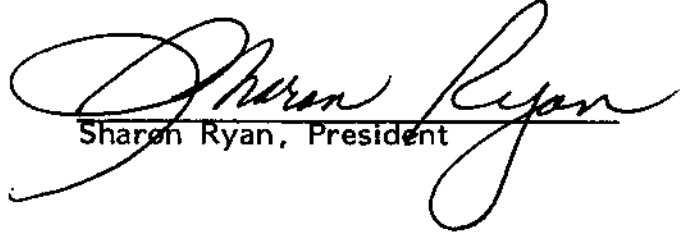


1. No portion of the main structure shall be located closer to the rear (east) property line than 10 feet, nor shall any portion of any structure, including foundations, footings and roof overhangs, encroach into any utility easement.
2. Any structure within the east 20 feet of this lot shall be no taller than one story.
3. Prior to obtaining building permits for the proposed expansion, the applicant shall submit a lot grading and drainage plan to the office of Central Inspection for approval that does not direct runoff onto adjacent properties.

ADOPTED AT WICHITA, KANSAS, this 24th day of May, 1988.

  
Sharon Ryan, President

ATTEST:

  
Louise Olivarez, Assistant Secretary

WHEREAS, Carl Yaeger, M.D., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 12, Block 5, Second Addition to Vickridge, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara and Tipperary (816 Tara Lane).

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 May 24, 1988, 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 existing house sits well back from the front of the lot (50 feet at the closest point) and the existing pool prohibits expansion of the house directly to the rear; 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 all adjacent lots are developed; all are larger than average in size and have large rear and side yards; and there is an existing 6-foot high solid wood fence along the east and south property lines of the application area; 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 expansion of the dwelling in any other manner would require totally reworking the interior layout of the house which would be expensive and disruptive; 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 proposed addition would be almost invisible from the road; does not encroach any utility easements; and would not be a source of visual or audible pollution; 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 there will still be sufficient separation between structures on adjoining properties to provide adequate access, light and air; 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 be approved for a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 12, Block 5, Second Addition to Vickridge, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Tara and Tipperary (816 Tara Lane).

subject to the following conditions:

# THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL — TENTH FLOOR  
456 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

June 2, 1988

Maurice Breidenthal  
200 N. Broadway, Ste. 110  
Wichita, KS 67202

Re: BZA 16-88 - Variance to reduce rear yard setback from 20 ft. to 10 ft. (816 Tara Lane)

Dear Mr. Breidenthal:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 24, 1988. 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,

Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm  
Enclosure

cc: Carl Yaeger, M.D., 816 Tara Lane, Wichita, KS 67206  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

FILE COPY

**BACKGROUND:** The applicant is requesting a variance of the rear yard setback from 20 feet to 10 feet on the east side of a lot located at the southeast corner of Tara and Tipperary. The lot is zoned "AA" and has a platted 30-foot front yard setback from both streets. The restrictive covenants for this subdivision require a 20-foot setback from the rear and side property lines, but the homeowners' association has issued a letter waiving this provision so that the contemplated addition to the house may be within no less than 10 feet of the east (rear) and south (side) property lines. An existing pool somewhat limits the possible locations of expansion.

**ADJACENT ZONING AND LAND USE:**

NORTH	"AA"	Single-family dwelling
SOUTH	"AA"	Single-family dwelling
EAST	"AA"	Single-family dwelling
WEST	"AA"	Single-family dwelling

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the existing house sits well back from the front of the lot (50 feet at the closest point) and the existing pool prohibits expansion of the house directly to the rear.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as all adjacent lots are developed; all are larger than average in size and have large rear and side yards; and there is an existing 6-foot high solid wood fence along the east and south property lines of the application area.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as expansion of the dwelling in any other manner would require totally reworking the interior layout of the house which would be expensive and disruptive.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed addition would be almost invisible from the road; does not encroach any utility easements; and would not be a source of visual or audible pollution.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there will still be sufficient separation between structures on adjoining properties to provide adequate access, light and air.

**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. No portion of the main structure shall be located closer to the rear (east) property line than 10 feet, nor shall any portion of any structure, including foundations, footings and roof overhangs, encroach into any utility easement.
2. Any structure within the east 20 feet of this lot shall be no taller than one story.

May 24, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 16-88

OWNER/APPLICANT/AGENT: Carl Yaeger, M.D. (owner/applicant)  
Maurice Breidenthal, architect (agent)

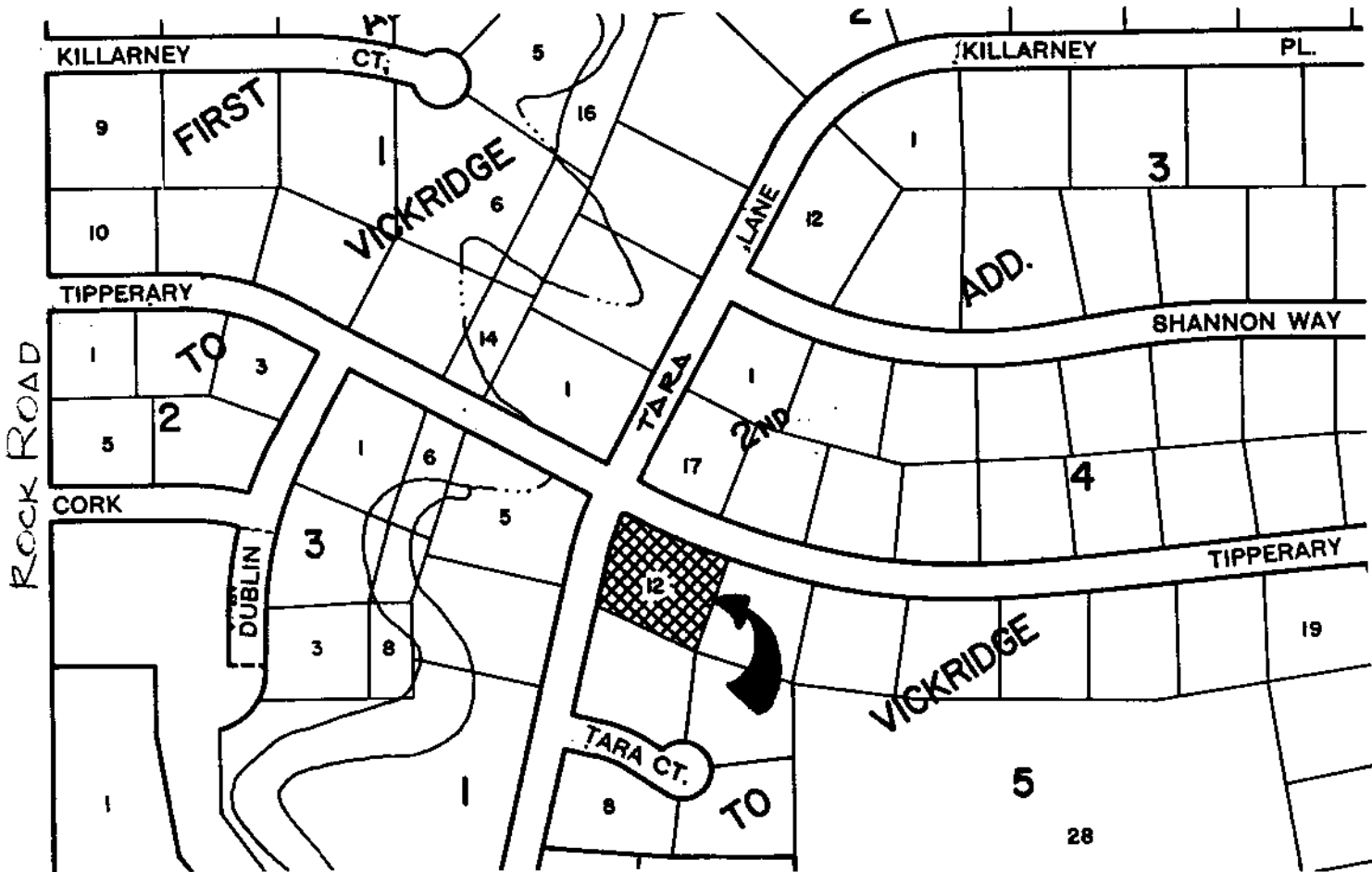
REQUEST: Variance to reduce the rear yard setback (on the east) from 20 feet to 10 feet

CURRENT ZONING: "AA" One-family Dwelling District

SITE SIZE: 165 ft. x 185 ft.

LOCATION: Southeast corner of Tara and Tipperary

PROPOSED USE: Single-family dwelling



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.