

CASE NO. 13-48

RESOLUTION 13-48

WHEREAS, G. P. Fowler, Jr., owner of the premises at 614-20 and 622-28 George Washington Boulevard, desires to construct a two-car attached garage to both of his apartment buildings and has applied for a building permit; and

WHEREAS, The City Building Inspector has issued a formal refusal because the proposed attached garages would not allow for a 15 foot rear yard setback as required by Section 18, paragraph 5 (c) of the Revised Zoning Ordinance; and

WHEREAS, the granting of the variance will not adversely affect the rights of adjacent property owners, since all the other requirements of the Zoning Ordinance will be complied with; and

WHEREAS, the strict application of the terms of this Ordinance will constitute unnecessary hardship on the property owner, inasmuch as the proposed garages have already been included in the appraised value of the apartments and would adversely affect the loan value of the apartments if they were not built; and

WHEREAS, the variance desired is not against the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Building Inspector of the City of Wichita is authorized and hereby directed to issue a permit for the construction of two two-car garages adjoining the two apartment buildings located at 614-20 and 622-28 George Washington Boulevard.

ADOPTED AT WICHITA, KANSAS, this twelfth day of July, 1949.

Attest:

Conlee Smith
Conlee Smith, Vice-Chairman

Eugene N. Smith
Eugene N. Smith, Secretary

The City of Wichita

City Planning Commission

205 CITY BUILDING
WICHITA 2, KANSAS

April 8, 1949

C. P. Fowler, Jr.
2814 East Mossman
Wichita, Kansas

Dear Mr. Fowler:

At the meeting of the Board of Zoning Appeals on March 8, 1949, your appeal, Case No. 13-48, was presented. This was an appeal from the Building Inspectors refusal to grant a building permit for the purpose of building attached garages to two apartment buildings located on the premises of 614-20 and 622-28 George Washington Boulevard without observing the 15 foot rear yard as required by Section 18, paragraph 5(c) of the Zoning Ordinance.

After careful consideration it was the unanimous decision of the Board that this appeal be denied unless written evidence is presented to them that the denial of this appeal has adversely affected the financing of the apartments in question thus creating an undue hardship.

If there is any questions concerning the Board's decision, please feel free to call.

Very truly yours,

Eugene N. Smith
Secretary

April 8, 1949

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2814 East Mossman
Wichita, Kansas

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Very truly yours,

Eugene N. Smith
Secretary

BOARD OF ZONING APPEALS
Room 304, City Hall
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

March 3, 1949

An appeal has been filed by C. P. FOWLER, JR.
(Address) 2814 Mossman ~~on behalf of~~
(Address)

as provided by Section 33 of the Zoning Ordinance. The appellant
desires to construct attached garages to two apartment buildings
without observing the 15-foot rear yard set-back on the premises
located at 614-20 and 622-28 George Washington Boulevard

This appeal has been given Case No. 13-48
and a hearing will be held by the Board of Zoning Appeals on Tuesday
March 8, 1949, in basement of the Library at 3:30 P.M.
at which time you may appear, if you so desire, either in person or
by agent or attorney.

By order of the Board of Zoning Appeals.

Eugene N. Smith
Secretary.

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER</u>
15	2	Kellogg Terrace	Cora A. Parker } 1400 W 14th
16 & 17	2	"	Howard L. Parker
18 & 19	2	"	Roland W. & Allene G. } 1825 Preboth } S.
20 & 21	2	"	Roland W. Preboth } Kellogg
32 & 33	2	"	Ivor L. Klinefelter } 1808 Orme
34, 35, 36 & 37 (exc. N. 35' Lot 36)	2	"	R. W. Preboth } 1825 E Kellogg
38 & 39	2	"	Gene C. & Norma Lee } 1160 Raymond } S. Parking
40, 41, 42 & 43	2	"	Roy S. & Myrtle M. Hoff } 1832 E Orme
44 & 45	2	"	✓ B. F. & Elizabeth Wheaton
46 & 47	2	"	Flossie M. McBride } 1908 E Orme
48	2	"	Builders, Inc. } 3527 N. Broadway
3 & 4	4	"	J. W. Mickle } 1915 Orme Ct
5, 6 & 7	4	"	A. H. & Ella Valentine } 1711 E Orme Ct
8 & 9	4	"	✓ O. H. & Edith M. Yarnell
10 & 11	4	"	Roy P. Wideman } 1531 Woodrow
12	4	"	Oliva Rae Garvey } 126 Circle Orme
13	4	"	Elmo Lodge of Perfection } 328 E 7th
14, 15, 16, 17, 18 & 19	4	"	C. P. Fowler, Jr. } 2814 E Washington
20 & 21	4	"	Dr. O. J. Raymond } 630 Deco Washington Blvd
22 & 23	4	"	T. H. & Elmetta Keaton } 634 Deco Washington Blvd
24, 25, 26 & 27	4	"	C. P. Fowler, Jr.
3, 4, 5 & 6	7	"	Lewis & Elinor Winters } 557 N Fountain
7, 8, 9, 10, 11, 12, 13 & 14	7	"	Willard W. & Jean K. } Garvey } 3527 N. Broadway
15 & 16	7	"	Charles Wm. Harlan } 615 Deco Washington Blvd
17	7	"	Paul H. Watson } 427 E. Kendale

C E R T I F I C A T E

We hereby certify the foregoing to be a correct list of property owners of the above described lands, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 22nd day of November A. D. 1948 at 7 o'clock A. M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By *Kenneth C. Brown*

Vice-President.

Order No. 41550.

---KB---

2814 East Mossman
Wichita, Kansas

Board of Zoning Appeals
Room 304, City Hall
Wichita, Kansas

Dear Sirs:

I am filing this appeal with you as a result of a permit being refused me to build an addition of a two car garages to two apartment buildings located at 614-20 and 622-28 George Washington Blvd.

I would like to point out to you wherein I think that the board has the jurisdiction and power to grant the exceptions:

1. The exception or variance desired is not ordinarily found in the zoning district as these are the only four family units in this area with full 6-rooms for each unit. In order to get the most conservative arrangement of space within the buildings, it was necessary to make the buildings 93' long. Therefore the buildings are longer and larger than the other four family units in the area. The people who can afford to occupy this type of lining unit have nice cars and demand a garage in which to park their car.

In checking the zoning map of 1946 against the Atlas of Wichita, Kansas, I find that the lots in most B districts are 140' to 150' deep with alleys from 10' to 20' wide. In some instances these alleys have been abandoned making the majority of lots run between 145' to 155', while in the B District I am building the lots are only 135' deep with no alleys.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents, as the garages will be located on the rear of the lots and will in no way cut off the breeze from adjacent occupants. The garages will be properly constructed and maintained in such a manner as not to create a nuisance to other residents with adjoining property.

3. The strict application of the terms of this ordinance would constitute an unnecessary hardship upon me as the property owner of these buildings, because it would prevent me from renting the apartments, due to the fact that people who can afford such an apartment have nice cars and refuse to rent apartments without garages.

4. The exception or variance desired will not be against the public interest in any way. In fact, it is for the public interest not only in providing it a place for car storage, but it also provides offstreet parking in a congested area and allows people parked in the garages to completely turn around driving into the traffic on Geo. Washington Blvd. in place of backing into the traffic.

I am also attaching a plat of 2-Apartment Buildings in the 600 Block on Geo. Washington Blvd. The addresses of each are:

614-16-18-20 and 622-24-26-28,

showing the location of the buildings, drives, garages, parking spaces and the set backs or side, back and front yards.

The buildings do not face the street, but are built in a court facing each other. With this arrangement of the buildings, it makes the front and back yards of the buildings the side yards of the lots as platted in the addition. The side yards of the buildings are the front and back yards of the lots as platted in the addition.

At the present time the buildings, as placed on the lots, have a front yard of 26' and a back yard of 27' 4". The side yards of the buildings on the street have a side yard of 20' each. The side yards of the buildings on the rear of the lot are 22'.

There is a drive down the center to a cement parking space at the rear of the lot or side of the buildings. The parking space is 17' wide and 92' long, allowing space for the cars to park and turn around before coming out of the yard onto the street.

At the rear of each building is a drive leading to a 2-car garage is located 5' from each property line and 3' from each building.

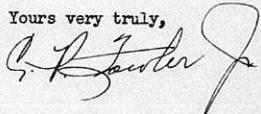
I propose to build another two car garage to each building, attaching it to the building and the present garages, of each building. I am attaching a blue print showing the garages as they would appear after they are built.

If I build these garages, a 15' rear yard will not be provided as required under Section 18, Par. 5 (C) as the lots are platted in the addition but will leave a rear yard of 27' 4" to each building, as the buildings are placed on the lot. This portion of the lot is already covered with cement to provide off-street parking. If the garages are allowed to be built it will be no more than putting a roof over the parking area and will not take out any more space from the lot than is already taken up for offstreet parking.

This comes under Section 33, Page 22, Paragraph 4, of the Revised Zoning Ordinance.

Trusting this petition will meet with your approval, I am,

Yours very truly,



2814 East Mossman
Wichita, Kansas

Board of Zoning Appeals
Room 304, City Hall
Wichita, Kansas

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Trusting this petition will meet with your approval, I am,

Yours very truly,

C. A. Fowler Jr.





BOARD OF ZONING APPEALS

Case No. 13-48

Filed 11/10, 1948

A P P E A L U N D E R T H E Z O N I N G O R D I N A N C E

TO THE BOARD OF ZONING APPEALS
Room 304, City Hall
Wichita, Kansas

The undersigned, C.P. Fowler, Jr., hereby appeals from the decision of the Building Inspector wherein a Building Permit Is Refused For addition of attached garages to two apartments buildings at the premises designated as 614-20- and 622-28 George Washington Blvd.

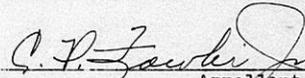
OR

Order Or Decision Rendered Because _____

The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.


Appellant.

NAMES AND ADDRESSES

Appellant C.P. Fowler Jr. Address 2814 East Mossman

Owner C.P. Fowler Jr. Address 2814 East Mossman

Lessee _____ Address _____

INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days after the date of the decision of the Building Inspector from which this appeal is taken.
2. The appellant must file an explicit Typewritten statement setting forth:
 - (a) The principal points on which this appeal is made. These points shall be the same as those under which the Building Inspector issued a refusal, order, or decision.
 - (b) A clear and accurate description of proposed work or use.
 - (c) Specific reference to that Section of the Zoning Ordinance under which it is claimed permit should be issued.
 - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To C. P. Fowler, Jr. Owner Address 2814 Mossman (*officer*)
To Same Applicant Address _____

Dear Sir:

Your Application Dated 8-20-48

For a Permit for the addition of attached garages to two apartment buildings
_____ at the premises designated as
614-20 and 622-28 George Washington Blvd.

Is hereby refused on this 20th day of August, 19 48,

Under Section 18, Par. 5 (c) of the Zoning Ordinance.

For the reason that a 15 foot rear yard will not be provided as required
by this section of the ordinance. Since these garages would be attached to the
apartment buildings, it will be necessary to provide the set-back as required for
an apartment building.

Respectfully,

B. B. Maple
B. B. Maple
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of
Zoning Appeals (Room 304, City Hall) within ninety (90) days after
the date of this refusal. For further information, take this notice
to the Planning Department, Room 304, City Hall.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 3, _____, 19 49

G. P. Fowler, Jr. :

Your appeal, under the Zoning Ordinance, relative to premises at
614-20 and 622-28 George Washington Boulevard

has been given Board of Zoning Appeals Case No. 13-48.

All inquiries and references should always be made to that Case
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning
Appeals either in person, or by agent or attorney, for a hearing of
your case on Tuesday, March 8, 19 49, at 3:30 P.M.
in the basement room of the Library.

Respectfully,

Eugene N. Smith
Secretary, Board of Zoning Appeals

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1