

BZA 8-70 - Chet E. Shellenberger,
requests VARIANCE to reduce front
yard setback from 25 feet to 22
feet at 4641 Ida.

POSTED
4-3-70
MAR -
C.I. ✓
5:22:30

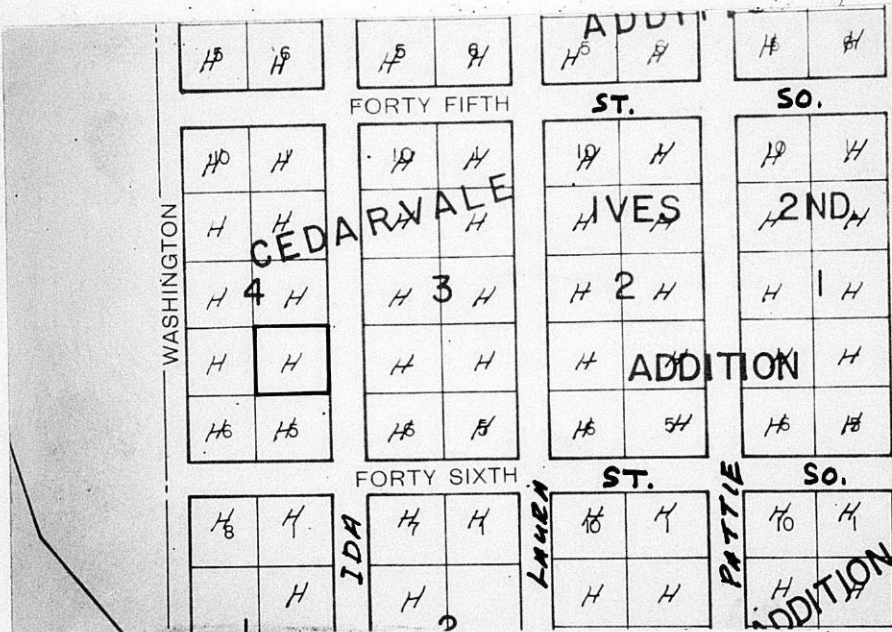
4-28-70 approved

Map No. 5342
 Sec. 16
 Twp. 285
 Range 1E

CZA 8-70
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.4 (120 ft. by 140 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: RESIDENTIAL
 5. Present Land Use is for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION BZA 8-70

WHEREAS, Chet E. Shellenberger, 4641 Ida, Wichita, Kansas, by J. Francis Hesse, 500 Farmers and Bankers Bldg., Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 22 feet on property zoned "AA"-Single Family, and legally described as follows:

Lot 4, Block 4, Cedarvale Acres Addition,
Sedgwick County, Kansas. Generally located
on the west side of Ida between 45th and 46th
Streets South.

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 April 28, 1970, 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 an error was made by the contractor and since the applicant is desirous of not having to remove the bay window; 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 applicant's home is 45 feet from their north property line and 32 feet from their south property line; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as that part of the bay window encroaching into the required setback will have to be removed; 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 inasmuch as the large size of the lot would preclude any feeling of lost open space; 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 sufficient open space will remain to provide for adequate amounts of air and light; 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, have 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 front yard setback from 25 feet to 22 feet on property zoned "AA"- Single Family, and legally described as:

Lot 4, Block 4, Cedarvale Acres Addition,
Sedgwick County, Kansas. Generally located
on the west side of Ida between 45th and 46th
Streets South.

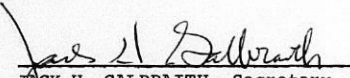
be approved for only that portion presently in violation.

ADOPTED AT WICHITA, KANSAS, this 28th day of April,
1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

May 5, 1970

Mr. Chet E. Shellenbergex
4641 Ida
Wichita, Kansas 67216

Dear Mr. Shellenberger:

Subject: Case No. BZA 8-70
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1970, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 22 feet on property zoned "AA"-Single Family and generally located on the west side of Ida between 45th and 46th Streets South.

This Resolution reflects the official action of the Board to approve your request for that portion presently in violation. It is forwarded to you for your information and files.

If you have any questions, concerning this matter, please call our office.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc J. Francis Hesse, 500 Farmers & Bankers Bldg.
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

Board of Zoning appeals
Room 402
Case # BZA 8-70



Dear Mr Galbraith

My property joins Mr Chet Shellenberger's property at the back property line. In sighting down my street my house sets closer to the street than most. In driving around in my area I notice a number of houses very close to the street. I can not see any reason why Mr Shellenberger's application for a 22 foot setback should not be granted.

In view of the fact that this case is the result of adding a bay window which enhances the appearance of the property I would favor ruling in favor of Mr. Shellenbergers request.
(over)

Sincerely,
Henry W. Bergen
4642 So Washington
Wichita Kan 67216
JA 21149

April 29, 1970

Mr. Chet E. Shellenberger
4641 Ida
Wichita, Kansas 67216

Dear Mr. Shellenberger:

Subject: Case No. BZA 8-70
Request for Variance

At the regular meeting of the Board of Zoning Appeals on Tuesday, April 28, 1970, your request for a variance to reduce the required front yard setback from 25 feet to 22 feet on property zoned "AA"-Single Family and generally located on the west side of Ida between 45th and 46th Streets South, was considered.

It was the action of the Board to approve this request as recommended in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours

Jack H. Galbraith
Secretary

JEG:ls

cc J. Francis Hesse, 500 Farmers & Bankers Bldg., Wichita
Henry W. Bergen, 4642 South Washington, Wichita
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

Wichita, Kansas 67216

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Metropolitan Area Planning Commission
City Building Annex
104 South Main Street
Wichita, Kansas 67202

Re: Case No. BZA 8-70

Dear Mr. Galbraith:

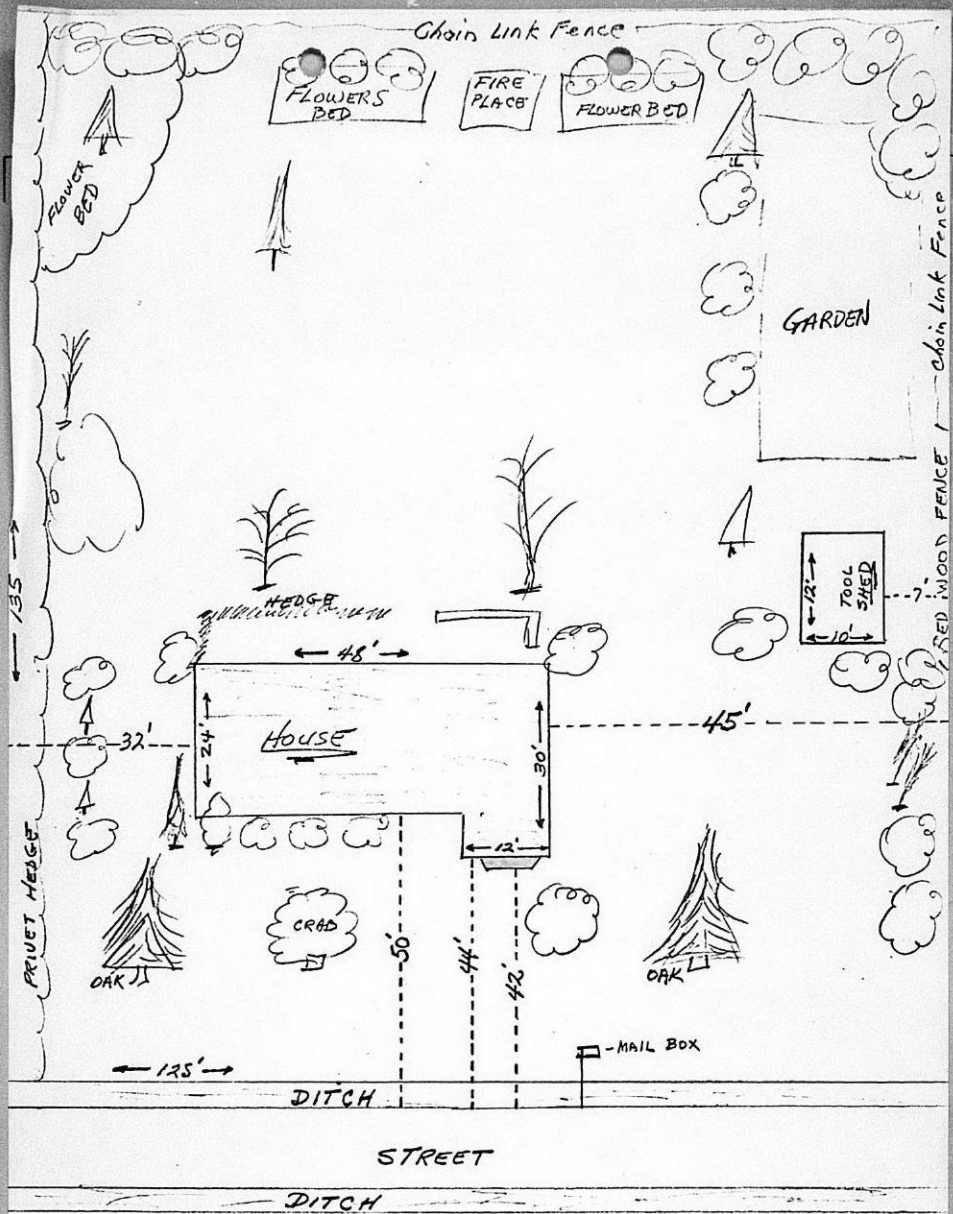
I wish to express my thanks to the Board of Zoning Appeals for granting a variance in my case which was heard at today's meeting.

I especially would like to thank you personally for the fair and expert manner in which you presented my case and for the favorable recommendation that you offered to the Board.

Sincerely,

C. E. Shellenberger
C. E. Shellenberger
4641 Ida Ave.





NOT DRAWN TO SCALE

MEASUREMENTS ARE APPROXIMATE BUT CLOSE

LOT SIZE: 125' x 135'

SECRETARY'S REPORT
CASE NO. BZA 8-70

APPLICANT: Chet E. Shellenberger, 4641 Ida, Wichita, Kansas

AGENT: J. Francis Hesse, 500 Farmers and Bankers Building,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required front yard
setback from 25 feet to 22 feet

GENERAL LOCATION: On the west side of Ida between 45th and 46th
Streets South

ZONING: Subject property is zoned "AA"-Single Family, as is
the property to the north, east, south, and west

LAND USE: Subject property is occupied by a single family
residence as are those properties to the north, south
east, and west

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not
adversely affect the rights of adjacent property owners or
residents.
3. That the strict application of the provisions of Title 28
of which variance is requested will constitute unnecessary
hardship upon the property owner represented in the applica-
tion.
4. That the variance desired will not adversely affect the
public health, safety, morals, order, convenience, prosperity
or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY

The applicant is requesting a variance of the required front yard setback from 25 feet to 22 feet. The situation, briefly, is that the applicant hired a contractor to convert their attached garage into a recreation room and desired to have a bay window facing the street. The contractor in constructing the bay window projected it into the front yard setback a distance of 28 inches whereas Section 28.04.188.3 provides that "bay windows may extend not more than twelve (12) inches from the main body of the building without being considered as an encroachment in the yard area."

UNIQUENESS

It is the opinion of the Secretary that uniqueness is difficult to justify because of error only, however, due to the fact that an error was made by the contractor and since the applicant is desirous of not having to remove the bay window, the Secretary feels that uniqueness can be found to exist.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent properties in that the applicant's home is 45 feet from their north property line and 32 feet from their south property line.

HARDSHIP

It is the opinion of the Secretary that the applicant will be burdened with an unnecessary hardship if the variance is not granted inasmuch as that part of the bay window encroaching into the required setback will have to be removed.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the large size of the lot would preclude any feeling of lost open space.

Page 3 - Secretary's Report
Case No. BZA 8-70

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance will not be opposed to the general spirit and intent of Title 28 inasmuch as sufficient open space will remain to provide for adequate amounts of air and light.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted to reduce the front yard setback from 25 feet to 22 feet for only the portion presently in violation.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

April 8, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 8-70

An application has been filed by Chet E. Shellenberger, 4641 Ida, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 22 feet, on property zoned "AA"-Single Family, and legally described as follows:

Lot 4, Block 4, Cedarvale Acres Addition,
Sedgwick County, Kansas. Generally located
on the west side of Ida between 45th and 46th
Streets South.

This application has been assigned Case No. BZA 8-70 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 28, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

18 copies mailed 4-8-70

BOARD OF ZONING APPEALS

CASE NO. 8-70

CITY OF WICHITA, KANSAS

FILED 3-26-70

APPLICATION FOR VARIANCE

I. Name of Applicant Chet E. Shellenberger

Mailing Address 4641 Ida Phone JA 4-7487

Name of Authorized Agent J. Francis Hesse

Mailing Address 500 Farmers & Bankers Bldg. Phone AM 2-8444

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is an exception under special conditions
to reduce the required front yard setback from 25 feet to 22 feet
authorizing a bay window to extend into the required front-yard
setback more than 12 inches from the main body of the building.
(see Section 28.04.188, paragraph 3, Code of the City of Wichita
relating generally to the subject of zoning).
for property located 4641 Ida

Note: existing window extends into front yard 28 inches where minimum 12" is allowed.

OK for legal

and legally described as: Lot 4, Block 4, Cedarvale Acres

Addition, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned 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. 24-606); 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.

Chet E. Shellenberger
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:30 (a.m. - p.m.), March 26 1970 together with appropriate fee of \$50.00.

T9-402

Carla J. Huber
Signed

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
7	1	Cedarvale Acres	✓ James L. White C/o Creole Petroleum Apt. 889 Caracas, Venezuela
8	"	"	✓ Dale F. Oelkers & Vivian C. Oelkers 4700 S. Washington Wichita, Kansas 67216
7	2	"	✓ Max Daugherty & Reva E. Daugherty 4700 Ida Wichita, Kansas 67216
3	3	"	✓ Homer E. Robinson & Beula E. Robinson 4631 Laura Wichita, Kansas 67216
4	"	"	✓ Andrew J. Tole & Pauline Ellen Tole 4643 Laura Wichita, Kansas 67216
5	"	"	<i>John Smith</i> Robert E. Smith & Deloris A. Smith Address unknown
6	"	"	✓ Charles Lee Cozad & Reba June Cozad 4654 Ida Wichita, Kansas 67216
7	"	"	✓ James V. Miller & Lela V. Miller 4642 Ida Wichita, Kansas 67216
8	"	"	✓ Alvin J. Purl & Hazel D. Purl 4630 Ida Wichita, Kansas 67216
9	"	"	✓ Walter Wesley Thomas & Brenda M. Thomas 4618 Ida Wichita, Kansas 67216
2	4	"	✓ Allen E. Becker & Helen L. Becker 4617 Ida Wichita, Kansas 67216

Lot	Block	Addition	Property Owner
3	4	Cedarvale Acres	✓ Carl E. Murrell 4631 Ida Wichita, Kansas 67216
4	"	"	<i>W</i> ✓ Chet E. Shellenberger & Mary Kay Shellenberger 4641 Ida Wichita, Kansas 67216
5	"	"	✓ Arthur William Keene, Jr. & Lois Ann Keene 4655 Ida Wichita, Kansas 67216
6	"	"	✓ Marian Faye Wilson 4654 S. Washington Wichita, Kansas 67216
7	"	"	✓ Henry W. Bergen & Delores J. Bergen 4642 S. Washington Wichita, Kansas 67216
8	"	"	✓ James C. Youel & Ruby I. Youel 1514 Georgia Wichita, Kansas 67216
9	"	"	<i>True John</i> ✓ Edmund J. Gardner & Juanita K. Gardner Address unknown

Description

That part of the E½ of SW¼ of 16-28-1E,
lying North & East of the Kansas Turnpike
right-of-way

✓ E. R. Brookings
1732 S. Topeka
Wichita, Kansas 67211

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 Foot radius of: Lot 4, Block 4, in Cedarvale Acres Addition, Sedgwick County, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 17th day of March, 1970 at 7:00 A.M.

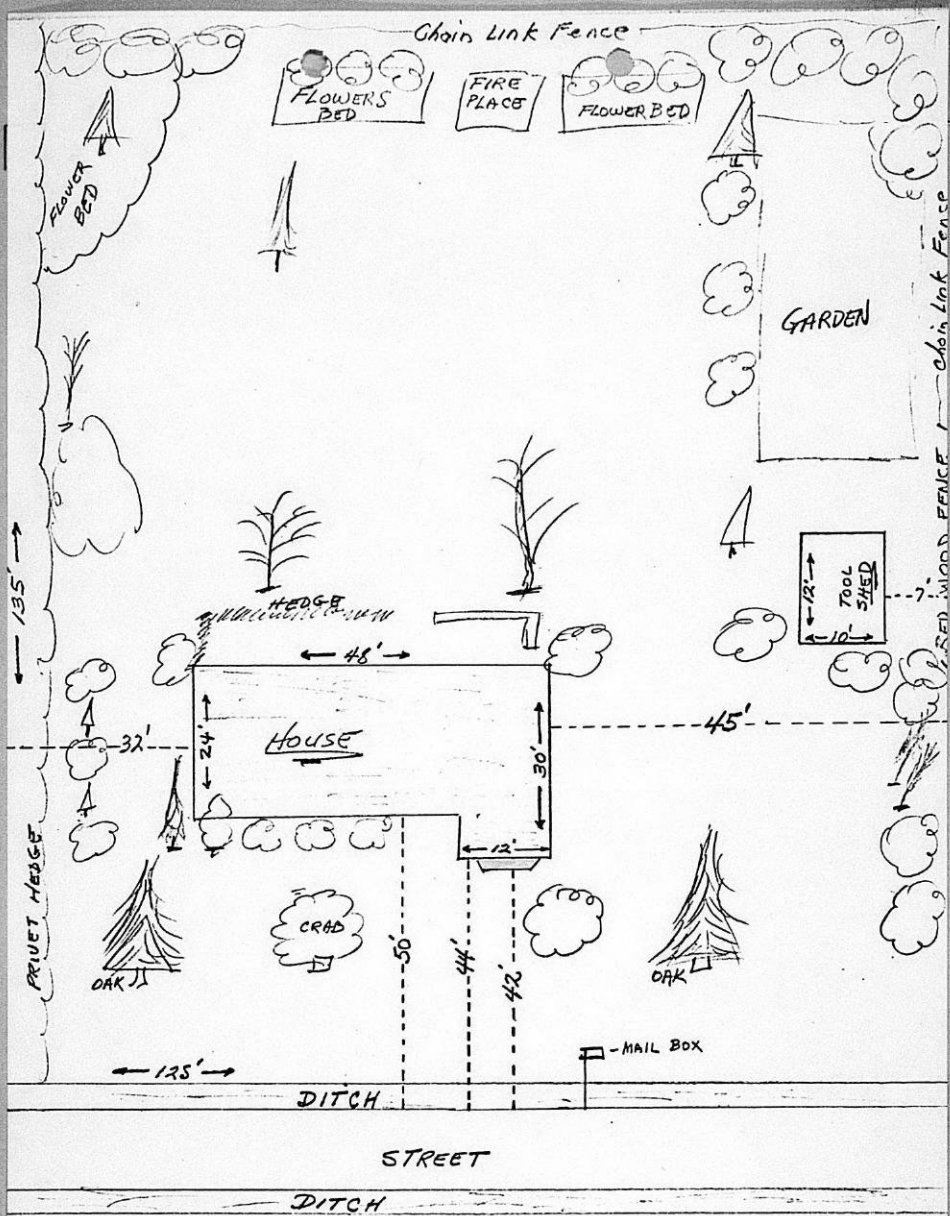
THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schwede

Vice President

Order No. 169654
jwp



NOT DRAWN TO SCALE

MEASUREMENTS ARE APPROXIMATE BUT CLOSE

LOT SIZE: 125' x 135'

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By