

BZA 8-71 - Fred W. Kelly requests  
Exception to permit the install.  
or construc. of free standing car-  
port on E side of Walnut, N of  
Kiowa

Posted  
9-2-71

MAP ✓

C.I. ✓

10-22-71

C. H. ✓

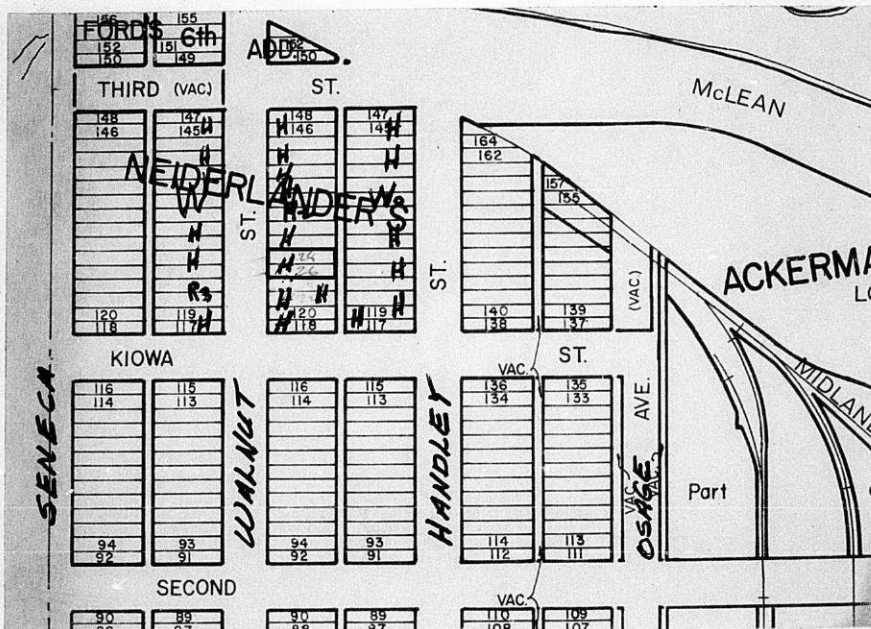
BZA 9-28-71 Approver

Map No. 5447  
 Sec. 20  
 Twp. 27  
 Range 1E

BZA 8-71  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:  
 1. Acres: 0.14 ( 50 ft. by 125 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: \_\_\_\_\_  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 8-71

WHEREAS, Fred W. Kelly, 522 North Walnut, Wichita, Kansas, by Russell L. Brown, B & H Corporation, 2020 West Second Street, Wichita, Kansas, requests an exception as provided in Section 28.04.170.3, Code of the City of Wichita, to permit the installation or construction of a free standing carport, on property zoned "E" Light Industrial, and legally described as follows:

Lots 126 and 128 on Walnut Street, in Niederlander's Addition to West Wichita, Sedgwick County, Kansas. Generally located on the east side of Walnut in an area north of Kiowa.

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 September 28, 1971, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant would be denied the protection of a carport for his automobile as well as additional storage space; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation or construction of a free standing carport, on property zoned "E" Light Industrial, subject to the conditions outlined in Section 28.04.170.3, Code of the City of Wichita.

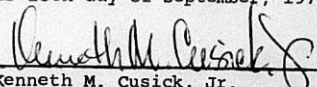
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the installation or construction of a free standing carport, on property zoned "E" Light Industrial, and legally described as follows:

Lots 126 and 128 on Walnut Street, in Niederlander's Addition to West Wichita, Sedgwick County, Kansas. Generally located on the east side of Walnut in an area north of Kiowa.

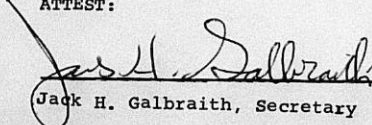
subject to the following conditions:

1. The carport shall maintain all setbacks required by the ordinance.
2. The proposed carport shall not exceed 40 percent of the existing floor area of the present structure on the site.
3. Whenever the time limit for the non-conforming use status of the existing building terminates, the non-conforming use status of the carport shall also terminate.

ADOPTED AT WICHITA, KANSAS, this 28th day of September, 1971.

  
Kenneth M. Cusick, Jr.  
Vice-Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

October 6, 1971

Mr. Russell L. Brown  
B & H Corporation  
2020 West Second Street  
Wichita, Kansas 67203

Subject: Case No. BZA 8-71  
Request for Exception

Dear Mr. Brown:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 28, 1971, in connection with your request for an exception to permit the installation or construction of a free standing carport, on property zoned "E" Light Industrial and generally located on the east side of Walnut in an area north of Kiowa.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure

cc Fred W. Kelly, 522 North Walnut 67203  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

September 28, 1971

Mr. Russell L. Brown  
B & H Corporation  
2020 West Second Street  
Wichita, Kansas 67203

Dear Mr. Brown:

Subject: Case No. BZA 8-71  
Request for Exception

At the regular meeting of the Board of Zoning Appeals on September 28, 1971, your request for an exception to permit the installation or construction of a free standing carport, on property zoned "E" Light Industrial, and generally located on the east side of Walnut in an area north of Kiowa, was considered.

It was the action of the Board to approve this request subject to the conditions set out 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.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls

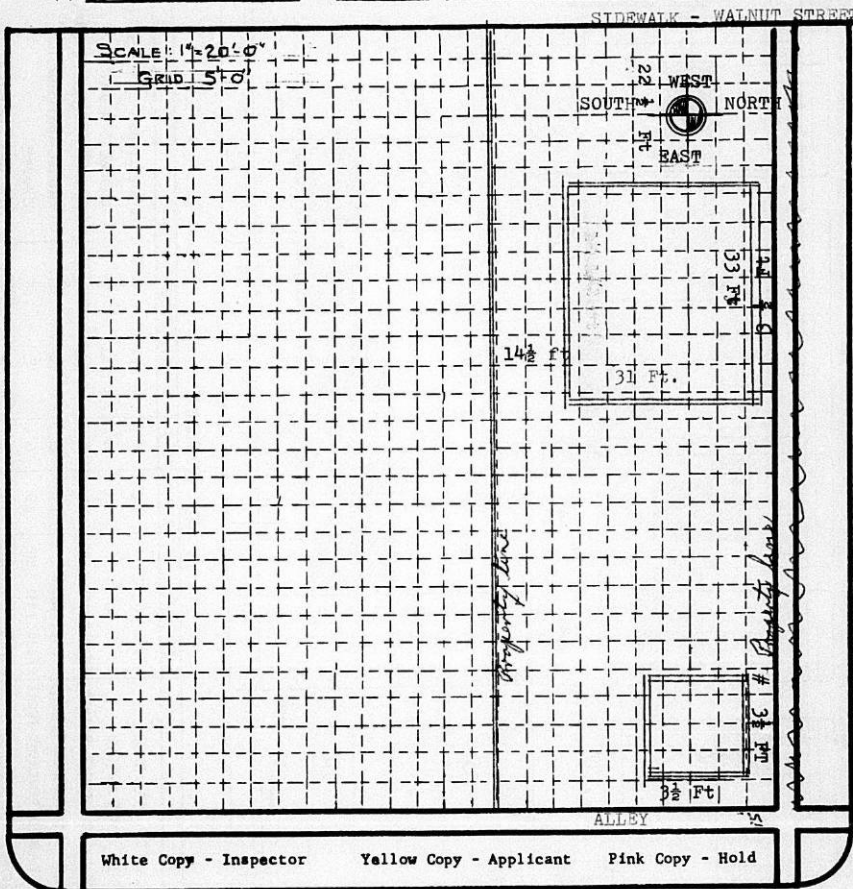
cc Fred W. Kelly, 522 North Walnut 67203  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

RESIDENTIAL PLOT PLAN

ADDRESS: 522 North Walnut

PERMIT NO.: \_\_\_\_\_

LOT(s): 126 & 128 BLK. \_\_\_\_\_ OF Mieder Landers Add ZONING: E



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: \_\_\_\_\_ (Applicant)

Garage  Carport  Open Parking

Board of Appeals Sept 23, 1971  
To Secretary, Jack Galbraith,  
In your letter regarding  
Case of, No. B 2A, 8-71  
your opinion stated you  
found it difficult to justify  
this as a hardship case,  
since I had been without a  
garage since 1967,

The proposed carport  
would give me some  
storage space as well as  
protection for my car.

I have no outside  
storage building of any kind.  
I have to keep all my  
garden tools and hose, ect.

under hoses and in 50 gallon  
baggies to keep them out of  
the weather, including my  
lawn mower,

I have had to have my car  
repainted because of the  
dripping elm juice, which  
ruins the paint, even with a  
good wax job.

This car I need to transport  
me to buy groceries, and take me  
to the doctors office once each  
week for my doctor appointment.

I have cancer of the pancreas  
and must have a serum injection  
every week. these are some of the  
reasons, I must keep my car out  
of the weather, and so it will

go when I need it,  
applicant  
case No. B 2 A 8-71

Fred W. Kelly  
522 N. Walnut  
Wichita Kansas,  
67203



SECRETARY'S REPORT  
CASE NO. BZA 8-71

APPLICANT: Fred W. Kelly, 522 North Walnut, Wichita, Kansas

AGENT: Russell L. Brown, B & H Corporation, 2020 West Second Street, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.170.3, Code of the City of Wichita, to permit the installation or construction of a free standing carport

GENERAL LOCATION: On the east side of Walnut in an area north of Kiowa

ZONING: Subject property is zoned "E" Light Industrial as are those properties to the north, east, south and west

LAND USE: Subject property is occupied by a single family residence as are all surrounding properties

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception to permit the construction of the carport up to 40 percent of the existing floor area of the residential structure on the site when a hardship can be found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the construction of a free standing carport not to exceed 40 percent of the floor area of the existing residential structure on the site located in an "E" Light Industrial District. The Board must find that a hardship exists in order to grant the exception to permit the construction of the carport.

The applicant points out in his statement of justification that the carport is to be installed to replace a garage which was destroyed in 1967. He further points out that a permit was issued to replace the garage but due to illness it was never constructed.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to justify hardship in this instance, inasmuch as the applicant has been without a garage since 1967; however, if the Board should

Page 2 - Secretary's Report  
Case No. BZA 8-71

determine that hardship does exist and recommends approval of the request, it should be approved subject to the following conditions:

1. The carport shall maintain all setbacks required by the ordinance.
2. The proposed carport shall not exceed 40 percent of the existing floor area of the present structure on the site.
3. Whenever the time limit for the non-conforming use status of the existing building terminates, the non-conforming use status of the carport shall also terminate.

BEAUTY

UTILITY

PRESERVATION

## B & H CORPORATION

- COOL - TEMP -

2020 WEST SECOND WICHITA, KANSAS 67203

PHONE: WHitehall 3-3293

September 10, 1971

Linn Shirkey  
City Planning Commission  
City Building  
Wichita, Kansas 67202

Re: Carport to be Installed:  
Fred W. Kelly  
522 North Walnut

Gentlemen:

The above mentioned carport will be installed to replace a garage which stood on this property, and was destroyed in 1967.

A permit was issued to replace the garage, but Mr. Kelly became ill and was unable to do so.

The carport will be the same size as the garage, and will be installed in a fenced yard. There will be little or no obstruction caused by the installation of the carport.

Very truly yours,

B & H CORPORATION

*Russell L. Brown*  
RUSSELL L. BROWN  
President

RLB/mm



SIDING: STEEL-VINYL-ALUMINUM-CHINA GLAZE-COMplete JOBS • AWnings-PATIO COVERS-CAR PORTS-STORM WINDOWS & DOORS-GUTTERING

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

September 9, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. RZA 8-71

An application has been filed by Fred W. Kelly, 522 North Walnut, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation or construction of a free standing carport, on property zoned "B" Light Industrial, and legally described as follows:

Lots 126 and 128 on Walnut Street, in Niederlander's Addition to West Wichita, Sedgwick County, Kansas. Generally located on the east side of Walnut in an area north of Kiowa.

This application has been assigned Case No. RZA 8-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 28, 1971, at 1:30 p.m., in Room 402 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

*19 notices mailed 9-9-71*

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

FILE NO. 8-71  
FILED 8-26-71

APPLICATION FOR EXCEPTION

Name of Applicant: FRED W. KELLY  
MAILING ADDRESS: 522 NORTH WALNUT Phone 262-8698  
Russell L. Brown  
Name of Authorized Agent: B & H Corporation  
Mailing Address: 2020 West Second St. Phone 943-3293  
Relationship of applicant to property is that of Owner

Application is made for an exception as provided in Section

212-590C, Code of the City of Wichita, Kansas (Zoning Ordinance): to permit the installation or construction

of: Cool-Temp Deluxe Aluminum Carport (Free Standing) 20x20  
Close in North-East & West sides with white  
Fiber glass and windows on property zoned  
E LOCATED 522 North Walnut, Wichita, Kansas  
*side of Walnut, n. of Nowa*

And legally described as: Key No. D-302

Lots 126 & 128 Walnut St. Nieder Landers Addition

in the city of Wichita.

The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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.

Applicant Fred W. Kelly

Authorized Agent Russell L. Brown  
*Russell L. Brown pers.*

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:50 p.m., August 26, 1971, together with appropriate fee of \$50.00.

Signed Laura Scott

MAP No.  
5447

INSTRUCTIONS TO APPLICANT

- ① Applicant must complete the attached application form. All blanks should be filled in and any not applicable should be completed with N/A.
- ② Applicant must submit a certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of two-hundred (200) feet of property involved in the application. Mailing addresses submitted without ZIP CODES will be returned to the applicant.
- ③ Applicant must submit a statement in writing justifying the exception applied for, and indicating under which provisions of the zoning ordinance the Board of Zoning Appeals is believed to have jurisdiction.

Certain types of exceptions such as for "off-street parking permits" and "new and used car lots," and "self-service and automatic car washes," etc., require the submission of a detailed plot plan, in duplicate, approved by the office of the Traffic Engineer, drawn to scale, and showing all existing and proposed structures, off-street parking spaces, all points of ingress and egress, width of driveways, markings for traffic channelization and any other appropriate dimensions or information which would be helpful to the Board of Zoning Appeals in consideration of the application.

- ④ The above listed documents shall be submitted, together with the fee of \$50.00 prescribed by Section 2.12.580.2, Code of the City of Wichita. In the event there is a request for more than one exception to the ordinance, an additional \$50.00 filing fee shall be requested for each additional request. The fee should be made by check, payable to the City of Wichita.
- ⑤ All documents and the fee shall be submitted to the office of the Secretary, Board of Zoning Appeals, Room 402 City Building Annex, 104 South Main, Wichita, Kansas, by 5:00 p.m. on the designated closing date as established by the Board. Incomplete applications will be returned to the applicant.

The Board of Zoning Appeals meets on the fourth Tuesday of each month at 1:30 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas.

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
117 119	Walnut	Niederlanders Add. to West Wichita.	✓ Lena M. Kuhl 501 N. Walnut 67203
121 123	"	"	✓ Rosina S. Christiansen 252 N. Glendale 67208
125 127	"	"	John C. Malone <i>none found</i>
129 131	"	"	✓ Garfield F. Stone Estella M. Stone 515 N. Walnut 67203
133	"		
135	"		
137	"		
139	"		✓ Longview Machine, Inc.
141	"		450 N. Seneca 67203
143	"	"	
116	"	"	✓ Lola B. Reiser 446 N. Walnut 67203
118 120	"	"	✓ Moscalein May Zimmerman 502 N. Walnut 67203
122 124	"	"	✓ J. Orval Colaw Frances R. Colaw 129 S. Nevada 67213
126 128	"	"	D Fred W. Kelly, Jr. Deborah Kelly 522 N. Walnut 67203
130	"	"	✓ Tillie Bokey 524 N. Walnut 67203
132 134	"	"	Errol Wayne Williams Roseana J. Williams <i>none found</i>

- continued - 2

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
136 138	Walnut "	Niederlander's Add. to West Wichita	✓Mary Jane Legleiter Joe J. Legleiter 67203 536 N. Walnut
140 142	"	"	✓Charles D. Towns Louise M. Towns 101 Nevada 67213
144	"	"	✓Walter L. Hall Jessie Marie Hall 2701 Coolidge 67204
115	Handley	"	✓Gordon Edwin McMahon Mary B. McMahon 423 N. Handley 67203
117 119 121	"	"	✓Vida Gibson W. E. Gibson 503 N. Handley 67203
123 125 127	"	"	✓Richard A. Turnbull Thelma L. Turnbull 1525 W. Murdock 67203
129 131	"	"	✓Vedia Phillips 729 N. St. Francis 67214
133 135	"	" <i>ret 9-13-71 remailed</i>	✓James V. Riddell, Jr. <del>529 N. Handley</del> 67203 <i>1479 Perry</i>
137 139 141 143	"	"	✓Jess A. Eastin Ferol Eastin 523 N. Handley

-----

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of Lots 126 and 128 on Walnut Street, in Niederlander's Add. to West Wichita, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 24th day of August, 1971 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Kenneth P. Brown*  
Vice President.

Order No. 181906.

RESIDENTIAL PLOT PLAN

ADDRESS: 522 North Walnut

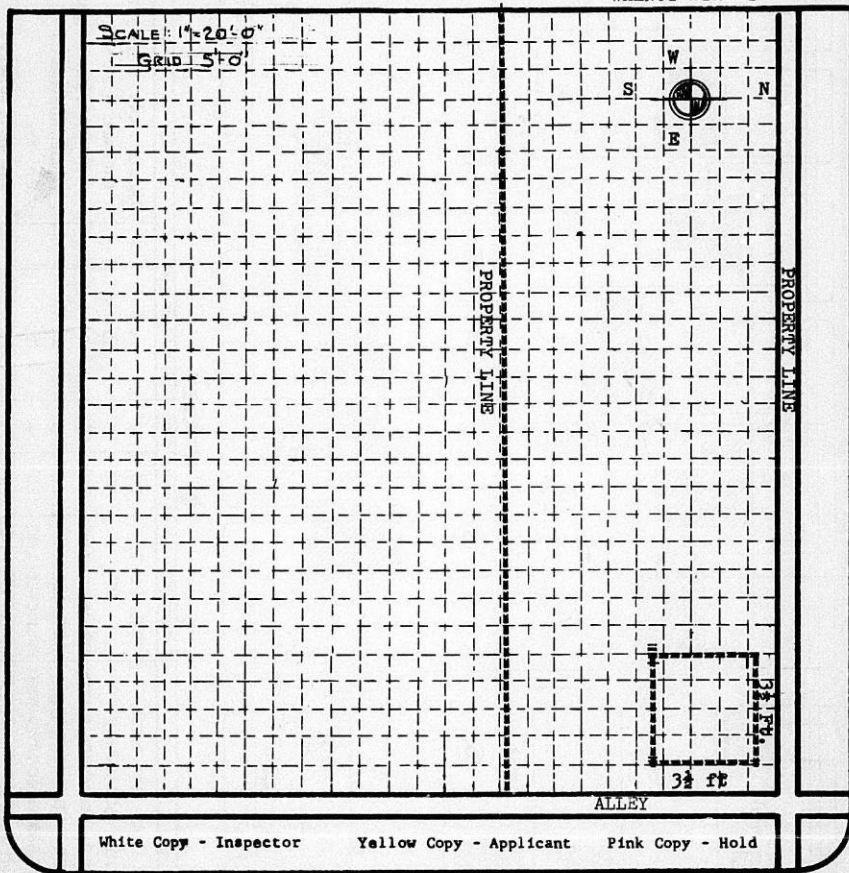
PERMIT NO.:

LOT(s): 126-128

BLK.

OF Nieder Landers Addition ZONING: E

WALNUT STREET



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed:

*End W. Kelly*  
(Applicant)

Garage  Carport  Open Parking

RESIDENTIAL PLOT PLAN

ADDRESS: 522 North Walnut

PERMIT NO.: \_\_\_\_\_

LOT(s): 126-128

BLK. \_\_\_\_\_

OF Nieder Landers Addition ZONING: E

WALNUT STREET

SCALE: 1"=20'-0"  
GRID 5' to

PROPERTY LINE

PROPERTY LINE

ADULT

White Copy - Inspector    Yellow Copy - Applicant    Pink Copy - Hold

I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed: \_\_\_\_\_

*Fred W. Keller*  
(Applicant)

Garage  Carport  Open Parking

Form 2 021

**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
<i>Bza App</i>	<i>50<sup>00</sup></i>

Name *Fred W Kelly*  
Address *522 N. Walnut*  
Type *AA 409103* Due Date \_\_\_\_\_  
Comments: \_\_\_\_\_

*Duplicate*

Date *8-26-71* By *ls*