

POSTED

4-5-72

MWD ✓

C.I. ✓

5-10-72

BZA 11-72 - I. Jean Evans requests
Exception for Mobile Home on W
side of Hydraulic in area between
MacArthur and Mills

4-25-72
~~BZA 3-28-72~~ Approve

35

Map No. 5543
Sec. _____
Twp. _____
Range _____

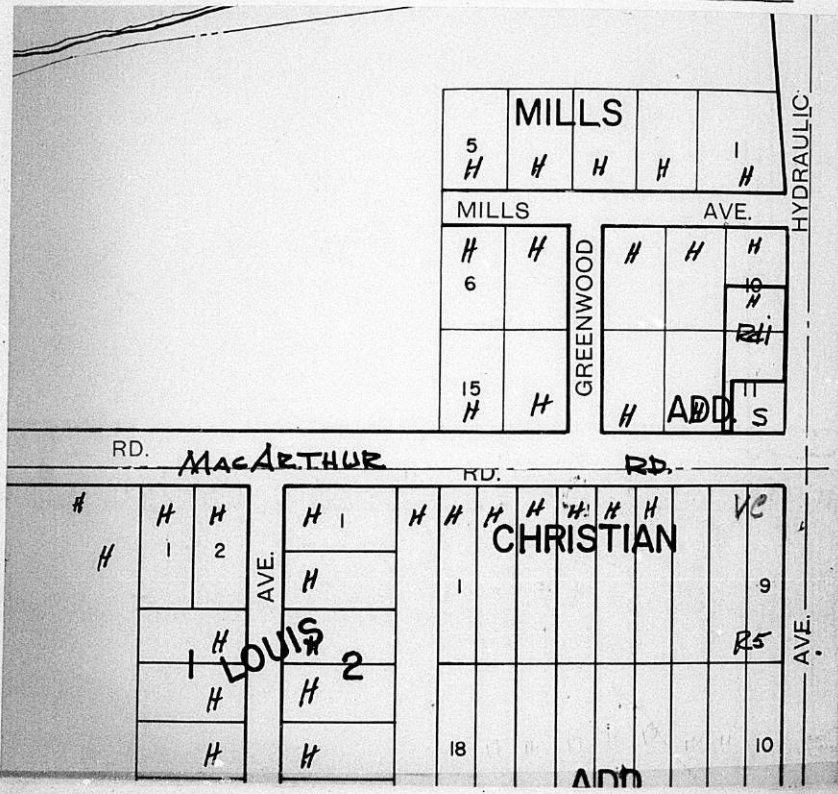
BZA- 11-72
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 0.4 (115 ft. by 254 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East DRIVE-IN THEATER South SERVICE STAT.
West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FAM & CARRY OUT
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 11-72

WHEREAS, I. Jean Evans, 3945 South Hydraulic, Wichita, Kansas, by William D. Rustin, 205 Century Plaza, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home, on property zoned "LC" Light Commercial, and legally described as follows:

The north 88.96 feet of Lot 11 and the west 12.2 feet of the south 90 feet of Lot 11 and the south 80.97 feet of Lot 10, of Mills Addition, Sedgwick County, Kansas. Generally located on the west side of Hydraulic in an area between MacArthur and Mills.

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 25, 1972, 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 is the sole source of income for herself, her totally disabled husband and her three children; and inasmuch as the mobile home located on her premises does allow for the necessary constant care of her husband and for her to remain at her place of business; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned "LC" Light Commercial, subject to conditions outlined in Title 26, 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 for the installation of a mobile home, on property zoned "LC" Light Commercial, and legally described as follows:

The north 88.96 feet of Lot 11 and the west 12.2 feet of the south 90 feet of Lot 11 and the south 80.97 feet of Lot 10, of Mills Addition, Sedgwick County, Kansas. Generally located on the west side of Hydraulic in an area between MacArthur and Mills.

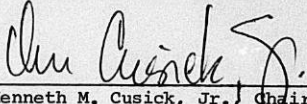
subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by I. Jean Evans and her husband Bobby and the cafe remains to be the main source of Mrs. Evan's employment.
2. The applicant shall report annually (January) to the Central Inspection Division as to whether or not she and her husband still occupy the mobile home and if she still operates the cafe on subject property.

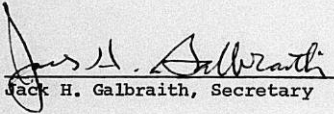
Page 2 - Resolution No. BZA 11-72

3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

ADOPTED AT WICHITA, KANSAS, this 25th day of April, 1972.


Kenneth M. Cusick, Jr., Chairman

ATTEST:


Jack H. Galbraith, Secretary

May 24, 1972

Mr. William D. Rustin
205 Century Plaza
Wichita, Kansas 67202

Subject: Case No. BEA 11-72
Request for Exception

Dear Mr. Rustin:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 25, 1972, in connection with your request for an exception to permit the installation of a mobile home, on property zoned "LC" Light Commercial, and generally located on the west side of Hydraulic in an area between MacArthur and Mills.

This Resolution reflects the official action of the Board to find that a hardship exists and to approve the request. It is forwarded to you for your information and files. If you have any questions, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc I. Jean Evans, 3945 South Hydraulic 67216
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

April 26, 1972

Mr. William D. Rustin
205 Century Plaza
Wichita, Kansas 67202

Subject: Case No. BZA 11-72
Request for Exception

Dear Mr. Rustin:

At the regular meeting of the Board of Zoning Appeals on April 25, 1972, your request for an exception to permit the installation of a mobile home, on property zoned "LC" Light Commercial, and generally located on the west side of Hydraulic in an area between MacArthur and Mills, was considered.

It was the action of the Board to find that a hardship exists and to approve the request subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by I. Jean Evans and her husband Bobby and the cafe remains to be the main source of Mrs. Evans' employment.
2. The applicant shall report annually (January) to the Central Inspection Division as to whether or not she and her husband still occupy the mobile home and if she still operates the cafe on subject property.
3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

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.

William D. Rustin
April 26, 1972

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

cc I. Jean Evans, 3945 South Hydraulic 67216
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 11-72

APPLICANT: I. Jean Evans, 3945 South Hydraulic, Wichita, Kansas
67216

AGENT: William D. Rustin, 205 Century Plaza, Wichita, Kansas 67202

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the
City of Wichita, to permit the installation of a mobile
home

GENERAL LOCATION: On the west side of Hydraulic in an area between
MacArthur and Mills

LAND USE: Subject property is occupied by a drive-in restaurant
as is that property to the east; to the south is a
service station; and to the north and west are single
family homes

ZONING: Subject property is zoned "IC" Light Commercial as are
those properties to the north and south; east is "C"
Commercial; and west is "AA" Single Family.

JURISDICTION:

The Board has jurisdiction to consider this request under
the provisions outlined under Section 28.04.182.3, Code of the
City of Wichita. The Board may grant the exception provided
that the Board finds that a hardship exists which cannot be
alleviated without the approval of the request.

COMMENTS BY THE SECRETARY:

The applicant's agent has been advised that it is necessary
that the applicant first submit an application to the inspection
offices for a mobile home park license. The request must have
tentative approval by the inspection officer and health officer
and shall show that compliance with the following minimum require-
ments can be met.

- (a) Area to be provided or allotted the mobile home shall contain
not less than twenty-five hundred square feet or the area
required for a single-family dwelling in the district wherein
located, whichever is larger. This shall not in any way inter-
fere with the area required for a structure already located
on the property.
- (b) That a side setback of six feet, a front setback of twenty-five
feet, a rear setback of ten feet, and a clearance of twenty
feet from any building located on the property, can and will
be maintained.

- (c) Off-street parking can be provided as required by Title 28 of the Code of the City of Wichita, Kansas.

Assuming that the above conditions can be met, it is the opinion of the Secretary that the applicant is burdened with an unnecessary hardship because of the reasons stated by the applicant in her statement of justification, a copy of which is attached. Therefore, it is recommended that the exception be granted subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by I. Jean Evans and her husband Bobby and the cafe remains to be the main source of Mrs. Evans' employment.
2. The applicant shall report annually (January) to the Central Inspection Division as to whether or not she and her husband still occupy the mobile home and if she still operates the cafe on subject property.
3. The location of the mobile home shall conform to all requirements of Title 26 - Mobile Home Code.

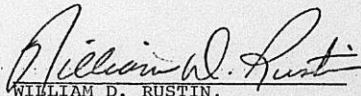
S T A T E M E N T

The applicant, I. Jean Evans, is submitting this Statement in writing as per paragraph 3 of the instructions for the Board of Zoning Appeals, asking for an exception under Wichita City Ordinance Number 28.04.182.3 subsection (a) for the reasons that installing such a mobile home on the property located at 3945 South Hydraulic is necessitated by the fact that she is the sole source of income for herself, her husband, and three children. She operates a 24 hour place of business that primarily specializes in barbecue foods.

Her husband, Mr. Bobby Evans, is a totally disabled person with incurable rheumatoid arthritis and is unable to be employed. He is under constant doctor's care under Dr. Robert Byrnes, and is allowed to remain at a normal functioning rate for four hours per day with the prognosis that his physical condition is deteriorating.

Mrs. Evans needs to be able to have constant care for her husband and the mobile home located on her premises does allow for this constant care, and also allows her to remain at her place of business which is a sole proprietorship to earn income for the family.

The inconvenience and cost of maintaining a separate house away from the premises is exorbitant, and with the medical bills and the needed income, Mrs. Evans does need this exception to the Wichita City Zoning Ordinances applicable to mobile homes.


WILLIAM D. RUSTIN,
Agent for I. Jean Evans

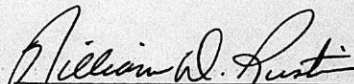
S T A T E M E N T

The applicant, I. Jean Evans, is submitting this Statement in writing as per paragraph 3 of the instructions for the Board of Zoning Appeals, asking for an exception under Wichita City Ordinance Number 28.04.182.3 sub-section (a) for the reasons that installing such a mobile home on the property located at 3945 South Hydraulic is necessitated by the fact that she is the sole source of income for herself, her husband, and three children. She operates a 24 hour place of business that primarily specializes in barbecue foods.

Her husband, Mr. Bobby Evans, is a totally disabled person with incurable rheumatoid arthritis and is unable to be employed. He is under constant doctor's care under Dr. Robert Byrnes, and is allowed to remain at a normal functioning rate for four hours per day with the prognosis that his physical condition is deteriorating.

Mrs. Evans needs to be able to have constant care for her husband and the mobile home located on her premises does allow for this constant care, and also allows her to remain at her place of business which is a sole proprietorship to earn income for the family.

The inconvenience and cost of maintaining a separate house away from the premises is exorbitant, and with the medical bills and the needed income, Mrs. Evans does need this exception to the Wichita City Zoning Ordinances applicable to mobile homes.


WILLIAM D. RUSTIN,
Agent for I. Jean Evans

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____

Date April 21, 1972

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate)

New
Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

I Jean Evans
Signature of Applicant

Signature of Owner

Legal Description of Proposed Park: The North 88.96 ft. of Lot 11 and the West 12.2 ft. of the South 90 ft. of Lot 11 and the South 80.97 ft. of Lot 10, of Mills Addition, Sedgwick County, Kansas.

Owner: I. Jean Evans

Address: 3945 S. Hydraulic

Tel: 524-9168

If Applicable:

Name of Park: N/A

Address: _____

Tel: _____

Name of Operator: _____

Address: _____

Tel: _____

Number of Spaces: Mobile Home One

House Trailer _____

Water: City

Sewage: City

Fuel: Public

Private _____

Private

Private _____

Electricity: Yes

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:

No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____

No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.

Include: Park dimensions.

Number, location and size of spaces.

Location and size of buildings, sewers, water lines, gas lines, sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours, drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: _____ Electricity: _____

APPROVAL

WICHITA-SEDGWICK COUNTY HEALTH DEPT.

CENTRAL INSPECTION DIVISION

By [Signature]

By [Signature]

Date 4-24-72

Date 4-24-72

41-247

April 17, 1972

Mr. William D. Rustin
205 Century Plaza
Wichita, Kansas 67202

Subject: Case No. BZA 11-72
Request for Exception

Dear Mr. Rustin:

In reviewing the above captioned case and in writing the Secretary's Report to the Board of Zoning Appeals, I find that you have not as yet made application and submitted plans to the inspection officer and received tentative approval by the inspection officer showing that compliance with the three conditions on the attached sheet can be met.

It is necessary that prior to the Board taking action on your request on April 25, 1972, that we be furnished a copy of this approved plan showing that these conditions can be complied with.

I would appreciate receiving a copy by April 24, 1972. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls
cc I. Jean Evans, 3945 South Hydraulic 67216
Attachment

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

April 5, 1972

< NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 11-72

An application has been filed by I. Jean Evans, 3945 South Hydraulic, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a mobile home, on property zoned "LC" Light Commercial, and legally described as follows:

The north 88.96 feet of Lot 11 and the west 12.2 feet of the south 90 feet of Lot 11 and the south 80.97 feet of Lot 10, of Mills Addition, Sedgwick County, Kansas. Generally located on the west side of Hydraulic in an area between MacArthur and Mills.

This application has been assigned Case No. BZA 11-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 25, 1972, 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

14 notices mailed 4-5-72 for Bza 4-25-72

BOARD OF ZONING APPEALS

CASE NO. 11-72

CITY OF WICHITA, KANSAS

FILED 3-28-72

APPLICATION FOR EXCEPTION

I. Name of Applicant ✓ I. Jean Evans
Mailing Address 3945 S. Hydraulic 67216 Phone 524-9168
Name of Authorized Agent ✓ William D. Rustin
Mailing Address 205 Century Plaza 67202 Phone 267-1229
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.182.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of mobile home
_____ on property zoned
Light Commercial, located 3945 S. Hydraulic

_____ and legally described as: Property lying
within a radius of 200 ft. of: The North 88.96 ft. of Lot 11
and the West 12.2 ft. of the South 90 ft. of Lot 11 and the
South 80.97 ft. of Lot 10, of Mills Addition, Sedgwick County,
Kansas,

_____, in the City of Wichita.

- 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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
 - d. 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.

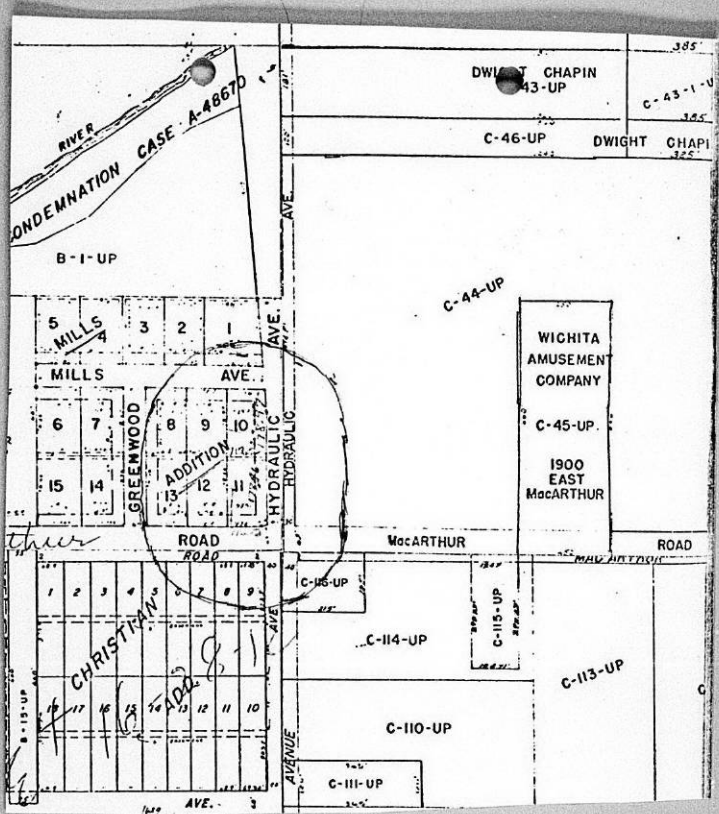
Applicant I. Jean Evans
Authorized Agent William D. Rustin
William D. Rustin

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3.00 (~~5.00~~ - p.m.), March 28, 19 72, together with appropriate fee of \$50.00.

T9-403

Signed Jess H. [Signature]

Map #5543



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 The North 88.96 ft of Lot 11 and the West 12.2 ft of the South 90 ft of Lot 11 and the South 80.97 ft of Lot 10, of Mills Addition, Sedgwick County, Kansas.


 Fidelity
 Title
 Company,
 Inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
1,		<u>MILLS</u>	✓ Raymond M. Schwyhart Alberta L. Schwyhart, ux 1626 E. Mills 67216
2,			✓ William Dale Moore Marilyn Kay Moore, ux 1614 E. Mills 67216
8,			✓ Enos U. & Mary H. Bezdek, ux 3908 Greenwood 67216
9,			✓ William D. York Florence E. York, ux 1615 Mills 67216
10, exc N 98', 11, exc S 90' of E 100',			✓ I. Jean & Bobby D. Evans, v1&2 2320 E. McArthur 67216
**10, (N 98')			✓ Lindy Andeel % R. V. & G. E. Luckey 847 S. Spruce 67211
10, (S 90' of E 100')			✓ American Petrofina P. O. Box 2159, Dallas, Texas

Form 227-021

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		150.01

DESCRIPTION	AMOUNT
<i>Bd of Zoning Appeals - application for exceptions</i>	
Name <i>William D. Keaton</i>	
Address <i>205 Century Plaza</i>	
Type <i>AA--407103</i>	Due Date
Comments:	
Date <i>3-28-72</i>	By <i>Curt Newby</i>