

BZA 12-73 Wayne Williams requests  
variance to reduce the frontyard  
setback from 30 ft. to 25 ft. at  
Se corner of Boston & Eastmoor

*POSTED*

*5-2-73*

*M.A.P.C.*

*C.I.V.*

*6-18-73*

**ACTION**

**DATE** *5-22-73*

*Approved as Requested*

**BZA COMMITTEE**

**M.A.P.C.**

**B.C.C./B. CO. C.**



May 25, 1973

Mr. Wayne Williams  
P.O. Box 8207  
Wichita, Kansas 67208

Subject: Case No. BZA 12-73 - Request for Variance

Dear Mr. Williams:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 22, 1973, in connection with your request for a variance to reduce the required front yard setback from 30 feet to 25 feet, on property zoned the "AA" Single Family Dwelling District, and generally located at the Southeast corner of Boston and Eastmoor.

This Resolution reflects the official action of the Board to approve this request as requested. 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:rw  
enclosure

cc: Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 12-73

WHEREAS, Wayne Williams, P.O. Box 8207, Wichita, Kansas, 67208, 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 30 feet to 25 feet on property zoned the "AA" Single Family Dwelling District, legally described as follows:

Lots 1 and 3 in Block 6, Lynncrest Heights Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of Boston and Eastmoor.

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 22, 1973, 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 in that the existing farm home between the lots in question is the original home in the area, developed before the area was platted and setbacks required; 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 sufficient front yards will be maintained to provide a feeling of open space; 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 the houses would have to be completely restructured; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the variance is for lots interiorly located; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not be opposed to the general spirit and intent of Title 28 (zoning ordinance) inasmuch as the application does meet the 4 previous requirements; and

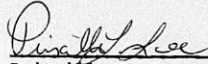
WHEREAS, each of the 5 conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 30 feet to 25 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

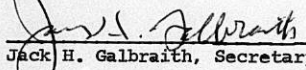
Lots 1 and 3 in Block 6, Lynncrest Heights Addition to  
Wichita, Sedgwick County, Kansas. Generally located at  
the Southeast corner of Boston and Eastmoor.

be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1973.

  
\_\_\_\_\_  
Priscilla L. Lee, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

May 23, 1973

Mr. Wayne Williams  
P.O. Box 8207  
Wichita, Kansas 67208

Subject: Case No. BZA 12-73 - Request for Variance

Dear Mr. Williams:

At the regular meeting of the Board of Zoning Appeals on May 22, 1973, your request for a variance to reduce the required front yard setback from 30 feet to 25 feet, on property zoned the "AA" Single Family Dwelling District, and generally located at the Southeast corner of Boston and Eastmoor was considered.

It was the action of the Board to approve this request as requested.

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.


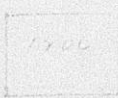
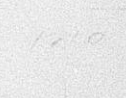
If you have any questions, please call our office.

Very truly yours,

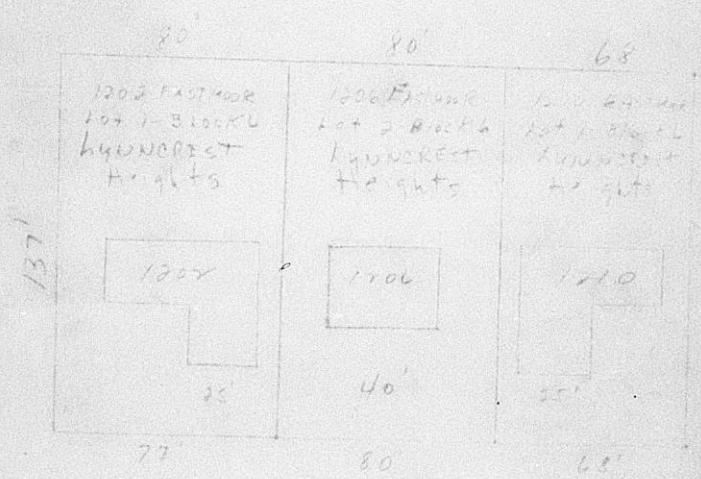
Jack H. Galbraith  
Secretary

JHG:rw

cc: Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

	70	70	68
	1202.50000 LOT 1. 2100x6 LANDSCAPE HEIGHTS	1206 LOT 2. 2100x6 LANDSCAPE HEIGHTS	1210 LOT 3. 2100x6 LANDSCAPE HEIGHTS
1977			
	77	80	62

BZA 12-73



52A 12-73

SECRETARY'S REPORT  
CASE NO. EZA 12-73

APPLICANT: Wayne Williams, P.O. Box 8207, Wichita, Kansas,  
67208

AGENT: Same

REQUEST: Variance pursuant to Section 2.12.590.B, Code of  
the City of Wichita, to reduce the required front yard setback  
from 30 feet to 25 feet.

GENERAL LOCATION: At the Southeast corner of Boston and  
Eastmoor

ZONING: Subject property is zoned the "AA" Single Family  
Dwelling District as are those properties to the North,  
South, and West; and East is "AA" Single Family and "B"  
Multiple Family.

LAND USE: Subject property is occupied by two single family  
residences; west, north, and south are single family, east  
is single family and apartments.

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 appli-  
cation.
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 front yard setback from 30 feet to 25 feet in order to complete construction of two single family dwellings on subject properties.

It should be pointed out that building permits were issued for the two structures involved in January of this year. In viewing the area in the field, it may be seen that the dwellings are virtually complete. However, the applicant has been notified they are in violation and a work stoppage has been ordered by the Office of Central Inspection.

It should be noted that the remainder of the homes in this block maintain only the required 25 foot front yard setback with the exception of the residence located between the two properties included in this application which maintains a 40 foot setback thereby requiring subject properties to observe a 30 foot front yard setback under the terms of the zoning ordinance.

Uniqueness:

It is the opinion of the Secretary that if uniqueness can be found to exist, it is because this is the original home in the area, developed before the area was platted and setbacks required.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent properties inasmuch as sufficient front yards will be maintained to provide a feeling of open space.

Hardship:

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance were not granted inasmuch as the houses would have to be completely restructured.

Public Interest:

It is the opinion of the Secretary that the granting of the variance should in no way affect the public interest inasmuch as the variance request is interiorly located.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of Title 28 inasmuch as the application does meet the four previous requirements.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance be found to exist and, therefore, it is recommended that the variance be granted to reduce the front yard setbacks from 30 feet to 25 feet.

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

May 2, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 12-73

An application has been filed by Wayne Williams, P.O. Box 8207, Wichita, Kansas, 67208, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 30 feet to 25 feet, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lots 1 and 3 in Block 6, Lynncrest Heights Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of Boston and Eastmoor.

This application has been assigned Case No. BZA 12-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 22, 1973, 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

26 notices to Property Owners sent 5:2:73  
8 " " " " " " to MAPC "

BOARD OF ZONING APPEALS

CASE NO. 12-13

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

6046  
29  
275  
2E

APPLICATION FOR VARIANCE

I. Name of Applicant  Wayne Williams

Mailing Address P. O. Box 8207 Wichita, Ks. 67208 Phone 685-1213

Name of Authorized Agent Same

Mailing Address Same Phone same

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

II. The variance requested is to Reduce the required <sup>front yard</sup> ~~30 ft.~~ set back ~~to~~

from 30 feet to 25 feet.

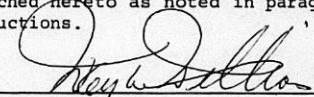
for property located at 1202 Eastmoor and 1210 Eastmoor  
SE corner of Boston and Eastmoor

and legally described as: Lots 1 and 3 in Block 6, Lynncrest Heights  
Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned AA

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.

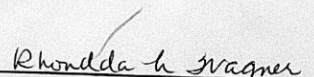
  
Applicant Wayne Williams

Same.

Authorized Agent Same

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals \_\_\_\_\_ (a.m. - p.m.), 4.25 19 53 together with appropriate fee of \$50.00.

T9-402

  
Signed

1. There is no platted set back in this area. The homes in question per drawing (1202 and 1210 Eastmoor) were set at 25 ft. The home at 1206 Eastmoor has been built for a long time ( before platting) and had this not been so, the set back of 25 ft. would have been legal.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. 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.
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of area residents.
5. Granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).



C E R T I F I C A T E  
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GUARANTEE TITLE CO., INC., hereby certifies that the following is a true and correct list of all additional owners required to include the following property in our Ownership List #45052, viz:

Lot 3, Block 6, in Lynncrest Heights,  
an Addition to Wichita, Sedgwick  
County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>
<u>Lynncrest Heights</u>	
<u>Block 5</u>	
Lots 5, 6, 13 and the S 20.5' of Lot 14	✓ Bernard V. & Vicki S. Fairchild 8001 Mockingbird 67207
Lot 14, exc S 20.5' and Lot 15, exc N 22.5'	✓ Louis S. & Judith A. Fizer 737 S. Lightner 67218
N 22.5' of Lot 15 & all of Lot 16	✓ Thomas Ammen Showalter, Jr. & Susan M. Showalter 909 S. Govenour 67207
<u>Block 6</u>	
Lots 5 and 6	D Wayne Williams, Inc. 553 N. Oliver 67208

Dated this 27th day of April, 1973, at 7:00 A. M.

No. 45052-A

GUARANTEE TITLE CO., INC.

By *Frank R. Fleck*  
Vice-President

CERTIFICATE OF OWNERSHIP  
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GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

Lot 1, Block 6, in Lynncrest Heights,  
an Addition to Wichita, Sedgwick  
County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS
<u>Lynncrest Heights</u>	
<u>Block 3</u>	
Lot 4	✓ Ronald F. Cornelson, Jr. & Juanita Cornelson 8113 Grail 67207
Lot 5 (Ex E 17.5')	✓ Patricia Ann Brandner 8117 Grail 67207
E 17.5' of Lot 5 & Lot 6 (Exc E 9')	✓ Warren E. & Lois R. Gfeller 8121 Grail 67207
E 9' of Lot 6 & all of Lot 7	✓ William P. & Victoria M. Miles 8125 Grail 67207
Lot 8	✓ Darrell D. & Eunice Doerksen 8226 Boston Ave 67207
Lot 9	✓ John T. & Virginia L. Campbell 8122 Boston Avenue 67207
Lot 10	✓ Roland & Beverly A. Curzydlo 8118 E. Boston 67207
Lot 11	✓ Kenton Roy & Ruby E. Elley 8114 Boston 67207
Lot 12 (Exc W 2')	✓ Helen Marie Aust 8110 Boston 67207
Lot 12 (W 2') & all of Lot 13	✓ Michael Gene & Sharon K. Paugh 2237 S. Vine 67213
<u>Block 5</u>	
Lot 1 & N 20' of Lot 2	✓ Donald Lee & Nina Jo Kirkham c/o Mid Kansas Fed Svgs & Loan 230 S. Market 67202
Lot 2 (Exc N 20') & N 35' of Lot 3	✓ Charles W. & Gayle J. Reeves 2063 S. Green 67211
Lot 3 (Exc N 35') & Lot 4 exc S 20'	✓ H. B. & Barbara G. Canida 6251 Marjorie Lane 67208
Lot 4 (S 20')	✓ Bernard V. & Vicki S. Fairchild 8204 E. Harry 67207

Lynncrest Heights Cont'd

Block 5

Lot 16 D Thomas Amman Showalter, Jr. &  
Susan M. Showalter  
909 S. Gouverneur 67207

Lot 17 ✓ Leslie W. & Barbara Sue Griffith  
127 S. Edgemoor 67218

Block 6

Lots 1-3-4 D Wayne Williams, Inc.  
553 N. Oliver 67208

Lot 2 ✓ Lewis C. & Clara M. Schrader  
951 S. Bleckley Dr.  
Apt. 112 67218

Annamae Garvie Addition

Block 2

Lot 1 ✓ Joseph P. & Kathleen Brasier  
8129 Grail 67207

Lot 2 ✓ Dwight Earl & Mary W. D. Tullis  
8133 Grail 67207

Lot 18 ✓ Joseph E. & Helen E. Bloomer  
2218 S. Pershing 67218

Lots 19 & 20 ✓ Annamae Garvie  
425 N. Bdwy 67202

Annamae Garvie 2nd

Block 1

Lots 1-2-3 ✓ Casado-McKay, Inc.  
302 N. Main 67202

Lot 4 ✓ Ronald W. & Barbara E. Mais  
c/o Mid Kansas Federal Svgs & Loan  
290 S. Market 67202

Lot 11 ✓ Continental Construction Co., Inc.  
c/o Fidelity Investment Co.  
2800 S. Osage 229 N. Market ~~67202~~  
67217

Dated this 18th day of April, 1973 at 7:00 o'clock A. M.

GUARANTEE TITLE CO., INC.

By *Went P. Shultz*  
Vice-President

No. 45052

Form 273-021

**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
207 - 1000	2000

Name \_\_\_\_\_

Address \_\_\_\_\_

Type 711 - 100 7103 Due Date \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

Date 10/2/73 By RKW