

ACTION

DATE

2-23-63

COMMITTEE

App.

M.A.P.C.

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

BZA 21-63 - Gerald W. Pike requests
Variance from setback requirements

R E S O L U T I O N N O . 2 1 - 6 3

WHEREAS, Gerald W. Pike, 1305 West River Boulevard, Wichita, Kansas, has filed an application for a variance, as provided in Section 2.12.590.2, Code of the City of Wichita, to allow the attachment, by roof, of an existing garage to the existing house, which would result in an insufficient side and rear yard setback, inasmuch as the garage would then become a part of the main structure, on property generally located at the southwest corner of West River Boulevard and Faulkner, and legally described as follows:

Lots 130, 132 and 134 in Riverside Addition,
in the City of Wichita, Sedgwick County,
Kansas; and

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, in regular meeting, consider said application on July 23, 1963; and

WHEREAS, the Board of Zoning Appeals has determined it has jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "A", Two Family, which requires a rear yard of 20 feet and a side yard of 6 feet; and

WHEREAS, the attachment of the garage and dwelling (by roof) will result in one main structure, and thus will result in the existing rear yard setback of 6 feet, and the side yard setback of 2.5 feet, as related to the garage; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance arises from a condition which is found to be unique and is not ordinarily found in the same zoning district inasmuch as it is an irregularly shaped lot and the house and garage at the time of original construction, were placed far to the west (the present owner did not construct the house or garage), and south, thus resulting in a large front yard and large side yard to the north; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as approved, would not adversely affect the rights of adjacent property owners inasmuch as the house and garage are already existing and the installation of a roof connecting the two structures would not have an adverse affect on adjoining property; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the applicant inasmuch as he would be deprived of year around shelter for the back door of the dwelling and for the concrete patio area, and there is no reasonable method of relocating the improvements involved; and further, that there is no way the existing house and garage could be attached without the variance requested; and

WHEREAS, the Board of Zoning Appeals has found that this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

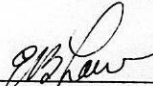
WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for a variance to permit the attachment, by roof, of an existing dwelling and garage, on property generally located at the southwest corner of West River Boulevard and Faulkner, and legally described as

Lots 130, 132 and 134, in Riverside Addition,
in the City of Wichita, Sedgwick County, Kansas,

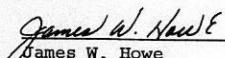
be approved, and the Superintendent of Central Inspection be authorized to issue the appropriate permit.

ADOPTED this 23rd day of July, 1963.



E. B. Law, Chairman

ATTEST:



James W. Howe
Assistant Secretary

August 5, 1963

Mr. Gerald W. Pike
1305 West River Boulevard
Wichita, Kansas

Dear Mr. Pike:

Subject: BZA 21-63

On July 25, 1963, we advised you that the Board of Zoning Appeals had approved subject application for a variance to allow the joining of the dwelling house and garage, by means of a roof, on property legally described as:

Lots 130, 132 and 134, in Riverside Addition,
in the City of Wichita, Sedgwick County,
Kansas,

which is generally located at the southwest corner of West River Boulevard and Faulkner.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before August 2, 1963. The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber
Attachment
cc: Glen Lytle, Superintendent
of Central Inspection

Board of Zoning Appeals

July 30, 1963

C. H. Funk, City Clerk

James W. Howe, Assistant Secretary

BZA 21-63

Attached is a copy of BZA Resolution No. 21-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on July 23, 1963, and an appeal may be filed in your office on or before August 2, 1963.

If an appeal is filed, please advise.

James W. Howe
Assistant Secretary

JWH:ber

Attachment

July 25, 1963

Mr. Gerald W. Pike
1305 West River Boulevard
Wichita, Kansas

Dear Mr. Pike:

Subject: BZA 21-63

This is to advise you that at its regular meeting of July 23, 1963, the Board of Zoning Appeals of the City of Wichita, considered the above case, which was a request for a variance to permit the attachment of an existing garage to the existing house, by placing a roof over the patio area between the two structures, which would cause the property to be considered as one main structure, in which case a six foot side yard is required and a 20 foot rear yard is required. This concerns property generally located at the southwest corner of West River Boulevard and Faulkner and is legally described as:

Lots 130, 132 and 134, in Riverside Addition, in the City of Wichita, Sedgwick County, Kansas.

After discussion, it was the action of the Board of Zoning Appeals to approve this application.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before August 2, 1963.

Page 2 - Gerald W. Pike
July 25, 1963

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before August 2, 1963, the decision of the Board shall be final and the Superintendent of Central Inspection will be in a position to issue an appropriate permit.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber

cc: City Clerk

SECRETARY'S REPORT

CASE BZA NO. 21-63

GENERAL DESCRIPTION

The area involved in this case is located on the southwest corner of West River Boulevard and Faulkner. The lot in question is presently occupied by a single family house. It is zoned "A" Two Family. To the west and south is "A" zoning; east is "B" zoning; with the Little Arkansas River located to the north.

Existing land use to the west is single family dwelling; south is single family dwelling and a duplex.

REQUEST

The request is for a variance as provided in Section 2.12.590, Code of the City of Wichita, to allow the attachment of an existing garage to the existing house. The garage is now within 2.5 feet of the side property line (6 feet is the normal requirement) and within 6 feet of the rear property line (20 feet is the normal requirement).

The variance desired is within the jurisdiction of the Board of Zoning Appeals to grant, provided that all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and not ordinarily found in the same zoning district;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners;
3. The strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant represented in the appeal;
4. The variance desired is not against the public interest.

The applicant has submitted a statement of justification and plot plan, which are shown as Attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

As stated by the applicant, this property, located at 1305 West River Boulevard, consists of a two story home and a three car garage. The garage is now located 2½ feet from the side property line and 6 feet from the rear property line. It is the applicant's intention to attach (by roof) his three car garage to his home. In order to do this he must obtain a variance of the required side and rear yard setback requirements.

UNIQUENESS

The applicant suggests that the variance desired arises from such conditions which are unique and not ordinarily found in the same zoning district, in that the house and garage are on a unique location on the lot.

The Secretary is of the opinion that this may well be true, but it is very doubtful that the condition of uniqueness, i.e. unusual ground characteristics, odd and irregular shaped lots, physical characteristics, unusual or unique topography, unusual platting, etc., can be found to exist from the information supplied by the applicant.

For some reason or another, whoever built this particular house and garage placed them on the southwest corner of the property. The house is set back approximately 40 feet from the east property line and approximately 60 feet from the front property line. Although

the "condition" may be unique, it is one which was self-created, although the present owner did not construct the home, it was purchased subject to the existing and then standing regulations. The Secretary is of the opinion that it does not meet the definition of uniqueness that has been suggested to the Board.

ADJACENT PROPERTY

The Secretary concurs with the applicant in that the granting of this permit should not adversely affect the rights of adjacent property owners inasmuch as the house and garage are already there, and the connection of the two should not have any adverse affect on surrounding property.

HARDSHIP

The applicant is of the contention that due to the very close location of the house and garage, the addition of the roof would add needed year around shelter for his back door and garage, and for the concrete patio which is now present.

It is the opinion of the Secretary that hardship "exists" if the property cannot be used for the purpose for which it is zoned. The applicant is of the opinion that there is no way he can attach his garage and house without the variance requested.

The Board should consider whether the reason submitted can be classed as a "hardship" or merely a convenience to the use of the property. The applicant has made no showing that the garage cannot be rearranged so that it would be attached without the variances requested.

It is the opinion of the Secretary that the element of hardship does not exist and is a convenience although perhaps a desirable one.

PUBLIC INTEREST

The Secretary is of the opinion that the proposed variances should in no way affect the public interest.

It is doubtful that the applicant has met the first and third requirements which must be present before the Board can grant the requested variance. If the Board concurs with the Secretary, then the application should be denied in that an adequate showing under terms of the ordinance has not been made; however, if the Board feels that the reasons given by the applicant are sufficient or that the general criteria being used for definitions are too strict, then the case should be approved without conditions.

Attachments

- #1 - Statement of justification
- #2 - Plot plan
- #3 - Variance vote sheet

July 2, 1963

Board of Zoning Appeals
City of Wichita, Kansas

I wish to submit an application for a variance from the setback provisions of the zoning ordinance. My property, located at 1305 West River Boulevard, consists of a two story home and a three-car garage. From the attached plat, I would point out the unique location of these two structures on this property. The applicant desires to join the house and garage with the addition of a roof between the two. The garage is approximately 2½ feet from the west property line instead of the required 6 feet called for in the zoning provisions, and approximately 6 feet from the alley instead of the required 20 feet called for in the zoning provisions. It is also 2½ feet from the house. It is for this setback requirement the variance is requested.

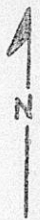
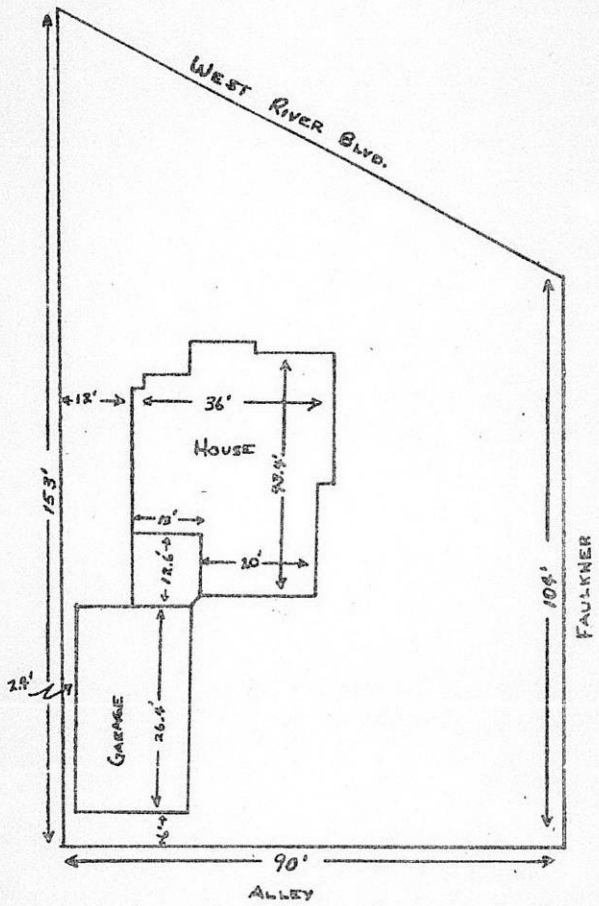
Due to the very close location of my home and garage, the addition of this roof would add needed year around shelter for my back door and garage, and for the concrete patio which is now present.

The rights of my adjacent property owners and residents will not be adversely affected and the variance desired is not against the public interest.

I am proud of my home and my neighborhood, and I respectfully request the granting of this variance.

S/ Gerald W. Pike

BZA 21-63
Attachment #1



Scale $\frac{1}{8}'' = 10'$

BZA 21-63
Attachment #2

BZA ACTION

MOTION MADE BY	SECONDED BY	ACTION
		JURISDICTIONS
		<p>FINDINGS OF FACT</p> <p>1. VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT.</p>
		<p>2. GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.</p>
		<p>3. STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL.</p>
		<p>4. VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.</p>
		<p>DETERMINATION (APPROVE OR DENY)</p>

July 2, 1963

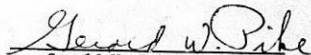
Board of Zoning Appeals
City of Wichita, Kansas

I wish to submit an application for a variance from the setback provisions of the zoning ordinance. My property, located at 1305 West River Boulevard, consists of a two story home and a three-car garage. From the attached plat, I would point out the unique location of these two structures on this property. The applicant desires to join the house and garage with the addition of a roof between the two. The garage is approximately 2½ feet from the west property line instead of the required 6 feet called for in the zoning provisions, and approximately 6 feet from the alley instead of the required 20 feet called for in the zoning provisions. It is also 2½ feet from the house. It is for this setback requirement the variance is requested.

Due to the very close location of my home and garage, the addition of this roof would add needed year-around shelter for my back door and garage, and for the concrete patio which is now present.

The rights of my adjacent property owners and residents will not be adversely affected and the variance desired is not against the public interest.

I am proud of my home and my neighborhood, and I respectfully request the granting of this variance.


Gerald W. Pike

BZA 21-63
Attachment #1

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

July 5, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-63

An application has been filed by Gerald W. Pike, 1305 West River Boulevard, Wichita, Kansas, requesting a variance, as provided in Section 2.12.590.2, Code of the City of Wichita, from a required 6 foot side yard setback to 2½ foot setback, and variance from a required 20 foot rear yard setback to a 6 foot setback, as required in Section 28.04.040, on property legally described as:

Lots 130, 132 and 134 in Riverside Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of West River Boulevard and Faulkner.

This application has been assigned Case No. BZA 21-63. A hearing will be held by the Board of Zoning Appeals on Tuesday, July 23, 1963, at 2 p.m. in Room 402 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin
Secretary

Case BZA 21-63

HEARING: July 23, 1963

Gerald W. Pike
1305 West River Boulevard

Earl W. Hamman
Jewel Hamman
1321 West River Boulevard

John W. Pearson
Olga E. Pearson
1638 Burns

Earl G. Teubner
Viola M. Teubner
1311 West River Boulevard

Gerald W. Pike
Mona C. Pike
1305 West River Boulevard

Zella M. Marriott
1002 Litchfield

T. D. Glaze
Gladys P. Glaze
1004 Litchfield

Frederick E. Hoyle
Hazel M. Hoyle
1010 Litchfield

Richard A. Kucharo, Jr.
Jane Louise Kucharo
1003 Faulkner

Union National Bank
Union Center Building

Beatrice Brown
1543 North Spruce

James R. Schaeffer
Nancy L. Schaeffer
322 Circle Drive

James W. Sargent
3928 Willow Drive

William J. Froelich, Jr.
14 Hampton

Robert G. Braden
1515 Willow Road

Richard J. Boushka
8202 Morningside

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT Gerald W. Pike
MAILING ADDRESS 1305 West River Boulevard PHONE AM 5-0059
Wichita, Kansas
NAME OF AUTHORIZED AGENT None
MAILING ADDRESS None PHONE _____
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF OWNER & RESIDENT
(OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED IS SIDE YARD SETBACK FROM 6 FEET TO 2½ FEET
AND REAR YARD SETBACK FROM 20 FEET TO 6 FEET.

FOR PROPERTY LOCATED AT 1305 West River Boulevard, Wichita, Kansas
AND LEGALLY DESCRIBED AS: Lots 130, 132, 134 in Riverside Addition,
Wichita, Kansas
IN THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED A.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

- 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 APPEAL OF THE DECISION OF THE BOARD TO THE CITY COMMISSION WITHIN TEN (10) DAYS OF THAT DECISION;
 - D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.

Gerald W. Pike
APPLICANT

AUTHORIZED AGENT

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 1125 (A.M. - P.M.), July 2, 1963, TOGETHER WITH APPROPRIATE FEE OF \$50.00.

M. Martin
SIGNED

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
112	Riverside Ave.	Riverside Addition	Earl W. Hamman Jewel Hamman 1321 W. River Blvd.
114	"	"	"
116	"	"	"
118	"	"	"
120	"	"	John W. Pearson Olga E. Pearson 1638 Burns
122	"	"	"
124	"	"	"
126	"	"	Earl G. Teubner Viola M. Teubner 1311 W. River Blvd
128	"	"	"
130	"	"	Gerald W. Pike Mona C. Pike 1305 W. River Blvd
132	"	"	"
134	"	"	"
98	Litchfield Ave.	"	Zella M. Marriott 1002 Litchfield
S $\frac{1}{2}$ of 100	"	"	"
N $\frac{1}{2}$ of 100	"	"	T. D. Glaze Gladys P. Glaze 1004 Litchfield
102	"	"	"
104	"	"	Frederick E. Hoyle Hazel M. Hoyle 1010 Litchfield
106	"	"	"
108	"	"	Jennie McDonald Address unknown X
110	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
97	Faulkner Ave.	Riverside Addition	Richard A. Kucharo, Jr. Jane Louise Kucharo 1003 Faulkner
99	"	"	"
101	"	"	"
103	"	"	Beatrice Brown Address unknown <i>1543 7th Spruce</i>
105	"	"	"
107	"	"	Union National Bank Union Center Bldg.
109	"	"	"
1		Cox's 2nd Addition	Paul K. Lewis, d.b.a <i>no 202</i> River Oaks Development Co, Richard J. Boushka, Robert G. Braden, William J. Froelich, Jr., James W. Sargent, James R. Schaeffer and Nancy L. Schaeffer Address unknown <i>515 Wilson Rd.</i>
2		"	" <i>14 Hampton</i>
3		" <i>3928 Willow Dr.</i>	"
4		"	" <i>322 Circle Dr.</i>
5		"	"
6		"	"
7		"	"
8		"	"
9		"	"

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of: Lots 130, 132 & 134, on Riverside Avenue, in Riverside Addition to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 1st day of July, 1963 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. R. [Signature]
Vice-President

Order No. 105064

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. _____ Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Eng. Inspect</i>	<i>50.00</i>
<i>Plan</i>	

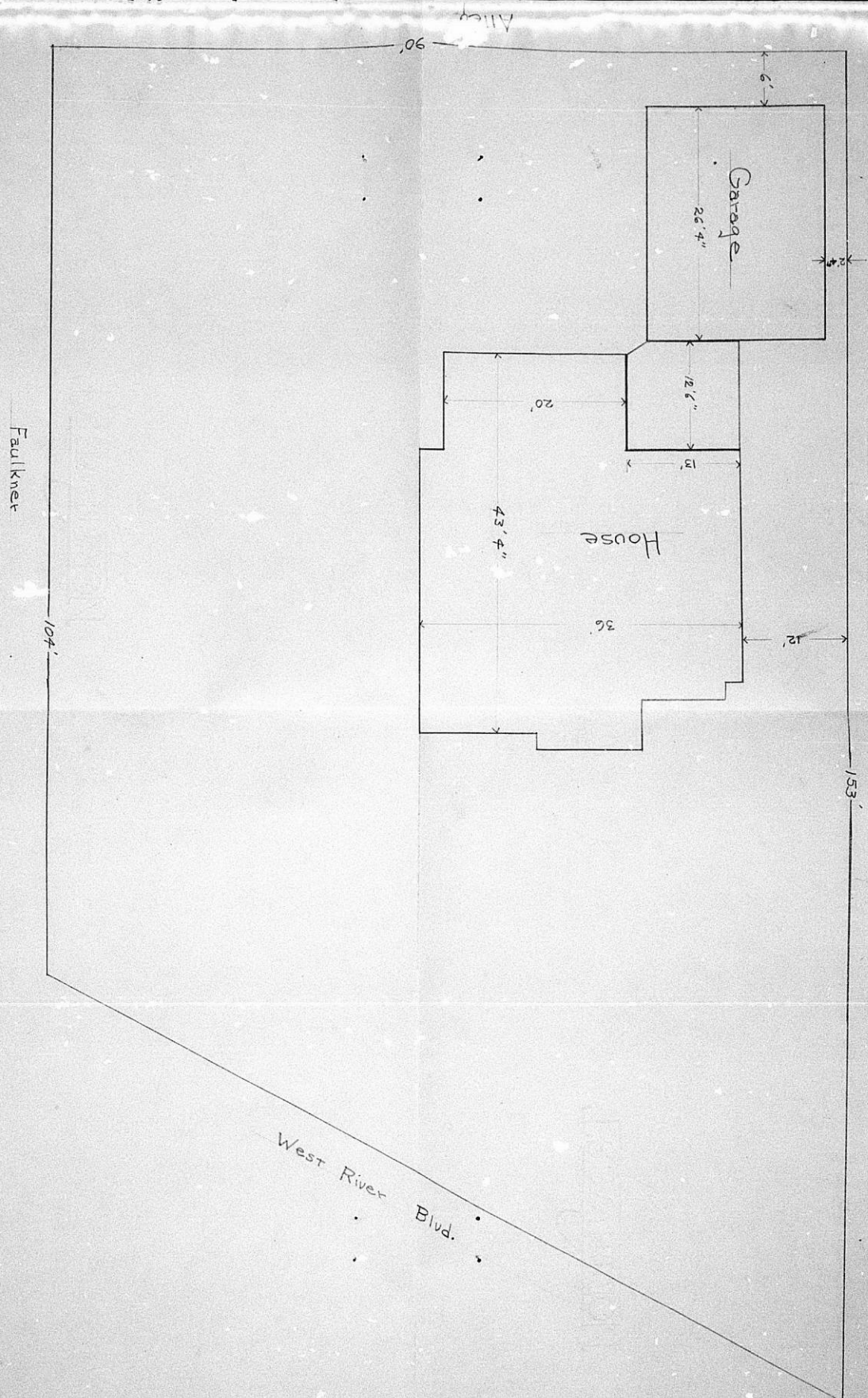
Name *W. H. Hall*

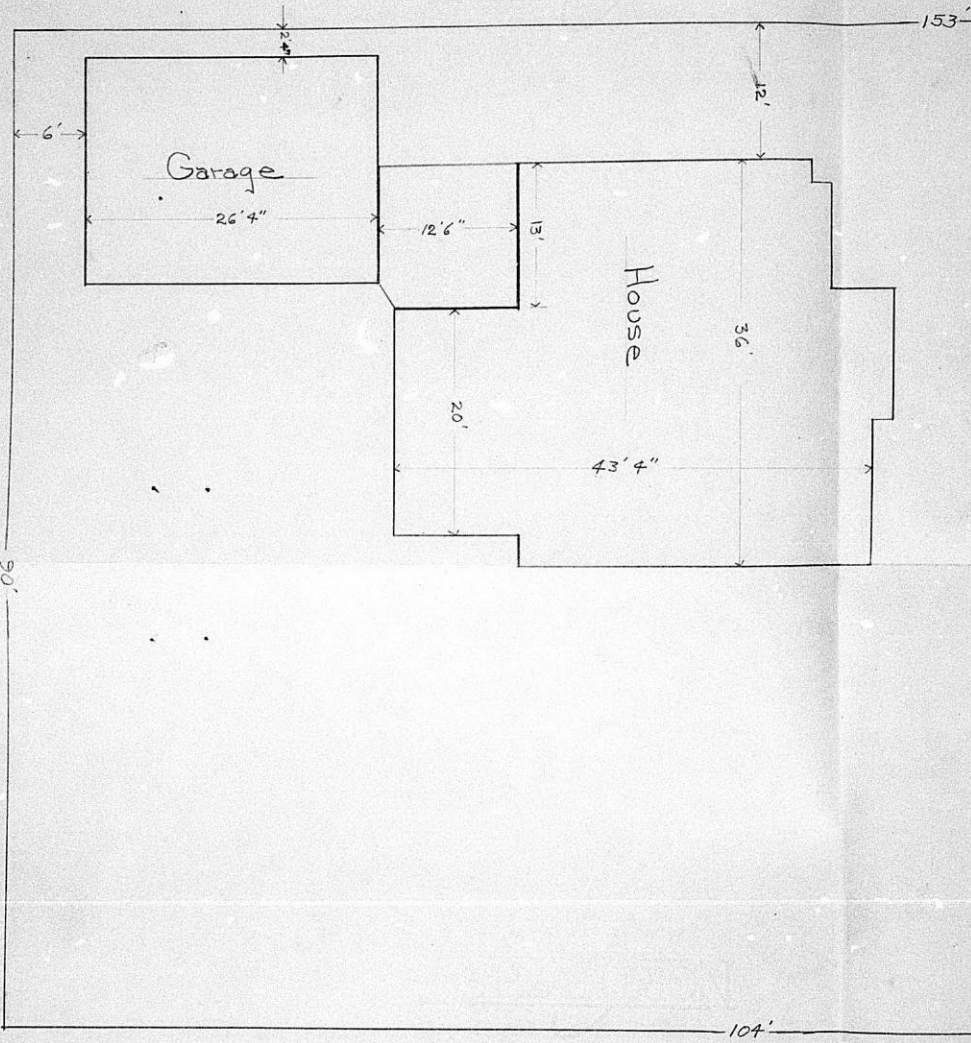
Address *W. 10th St*

Type _____ Due Date *12-2-53*

Comments: _____

Date *12-2-53* By *W. H. Hall*





Alley

Garage

House

Faulkner

1" = 10'

