

BZA 23-66 - Parents of Spastics
School, Inc. requests Variance of
setback on the west side of Grove
in an area bet. Clark and Kinkaid

Permit
8-27-66

5645

P.O.
B.I.

ACTION

DATE

2-27-66

Approved

Bya COMMITTEE

M.A.P.C.

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

R E S O L U T I O N N O . B Z A 2 3 - 6 6

WHEREAS, Parents of Spastics School, Inc., 2203 South Grove, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, requests a variance of the regulations of Section 28.04.040, Code of the City of Wichita, ("AA" One Family Dwelling District), to reduce the side yard setback adjacent to the north property line from the required 25 feet to 17 feet for an existing structure in order that the applicant may obtain a permit for construction of an addition to the south of the existing structure; and

WHEREAS, this request pertains to property legally described as follows:

Beginning 1544 feet north of the southeast corner of the Southwest Quarter of Section 34, Township 27, Range 1 East; west 190 feet; north 119 feet; east 190 feet; south 119 feet to beginning, except the east 35 feet for street, all in the City of Wichita, Sedgwick County, Kansas, and generally located on the west side of Grove in an area between Kinkaid and Clark; 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 September 27, 1966; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant inasmuch as the existing structure has been utilized by the Parents of Spastics School for many years, even though it was in violation of the required setback, and the new addition proposed is on the south side of the structure and will not encroach into the setback requested to be varied; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect adjacent property owners or residents in view of the fact that there will be no changes on the north side of the structure and it will remain as it has been for the past several years; a setback of 17 feet will still remain and since there are no entrances or exits on the north side of the structure, the privacy of the adjacent property should not be affected; 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 property owner represented in the application inasmuch as the school would not be able to expand unless a substantial amount of money was invested to move the existing structure 8 feet south of its present location; 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 an adequate distance would still be maintained between the structure and the property line and there would actually be no difference in the setback along the north property line than there is now; and

WHEREAS, the Board of Zoning Appeals has determined that the variance, as approved, will not be opposed to the general spirit and intent of Title 28, Code of the City of Wichita; and

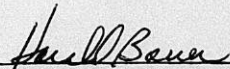
WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita, necessary to be present before a variance can be granted, has been found to exist; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the request be approved granting a variance of the regulations of Section 28.04.040, Code of the City of Wichita, ("AA" One Family Dwelling District), to reduce the side yard setback adjacent to the north property line from the required 25 feet to 17 feet for the existing structure only, and that the Superintendent of Central Inspection be authorized to issue a permit to the applicant for construction of an addition, all relating to property legally described as:


Beginning 1544 feet north of the southeast corner of the Southwest Quarter of Section 34, Township 27, Range 1 East; west 190 feet; north 119 feet; east 190 feet; south 119 feet to beginning, except the east 35 feet for street, all in the City of Wichita, Sedgwick County, Kansas, and generally located on the west side of Grove in an area between Kinkaid and Clark,

subject to the conditions that no entrances or exits be installed on the north side of the building, and that if the existing structure is ever removed or replaced, the new structure shall then maintain the required 25-foot side yard setback along the north property line.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1966.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

October 5, 1966

Mr. J. R. Vosburgh
1316 South Mosley
Wichita, Kansas

Dear Mr. Vosburgh:

Re: Case No. BEA 23-66 - Request
for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 27, 1966, in connection with your application for Variance of the setback requirements on property zoned "AA" and generally located on the west side of Grove in an area between Kinkaid and Clark. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:khg
Attachment

cc: Parents of Spastics School, Inc., 2203 South Grove
Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk

October 3, 1966

Mr. J. R. Vosburgh
1316 South Mosley
Wichita Kansas

Dear Mr. Vosburgh:

Re: Case No. ZEA 23-66 Request for
variance of side yard setback.

At the regular meeting of the Board of Zoning Appeals on September 27, 1966, your request for a variance of the side yard setback on property occupied by the Parents of Spastics School, and located on the west side of Grove in an area between Kinkaid and Clark, was considered.

It was the action of the Board to approve a variance of the side yard setback on the north side of an existing structure from the required 25 feet to 17 feet for the existing structure only, such approval being subject to the condition that no entrances or exits be installed on the north side of the building, and subject to the further condition that if the existing structure is ever removed and replaced, the new structure shall then maintain the required 25 foot side yard setback.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy thereof as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald Williamson
Assistant Secretary

RW:kkj

cc: Parents of Spastics School, Inc., 2203 South Grove
Glen Lytle, Superintendent of Central Inspection
L. L. Binkley, Maintenance Inspection Supervisor
Ralph Eberly, City Clerk
C. R. Wayne, 2526 South Grove *Mead*

SECRETARY'S REPORT

CASE NO. BZA 23-66

APPLICANT: Parents of Spastics School, Inc., 2203 South Grove

AGENT: J. R. Vosburgh, 1316 South Mosley

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the side yard setback adjacent to the north property line from the required 25 feet to 17 feet for an existing structure in order that the applicant may obtain a permit for construction of an addition to the south of the existing structure.

GENERAL LOCATION: West side of Grove in an area between Kinkaid and Clark

ZONING: Subject property and that to the north, east, south and west is zoned "AA" Single Family Residential.

LAND USE: Subject property is Parents of Spastics School; all surrounding development is single family dwellings.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, 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 application.
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 applicants point out in their statement of justification that they are planning to expand the facilities of the school but are unable to obtain a permit since the existing structure on the site is in violation of the side yard setback. The existing structure is a converted house, which has a side yard of 17 feet rather than 25 feet as required by the ordinance. The ordinance states that all schools, churches, community houses or public and semi-public buildings shall maintain a side yard setback of 25 feet.

The addition planned by the school is to be located adjacent to the south side of the existing structure and, therefore, will not have any effect on the setback to the north.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation inasmuch as the existing structure has been utilized by the Parents of Spastics School for many years, even though it was in violation of the required setback and that the new addition proposed is on the south side of the structure and will not encroach into the setback requested to be varied.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on the adjacent properties inasmuch as there will be no changes on the north side of the structure and it will remain as it has been for the past several years. A setback of 17 feet will still remain and since there are no entrances or exits on the north side of the structure, the privacy of the adjacent property should not be affected.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the school would not be able to expand unless a substantial amount of money was invested to move the existing structure 8 feet south of its present location.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on the public interest inasmuch as an adequate distance would still be maintained between the structure and the property line and that there would actually be no difference in the setback along the north property line than there is now.

SPIRIT AND INTENT

It is the opinion of the Secretary that the variance request is not opposed to the spirit and intent of the zoning ordinance.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is the recommendation of the Secretary that the variance of the side yard setback from 25 feet to 17 feet be granted adjacent to the north property line, subject to the condition that no entrances or exits be installed on the north side of the building, and subject to if the existing structure is ever removed and replaced, the new structure shall then maintain the required 25-foot side yard setback.

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

September 1, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 23-66

An application has been filed by Parents of Spastics School, Inc., 2203 South Grove, Wichita, Kansas, pursuant to Section 2.12.590. 2, Code of the City of Wichita, requesting approval of a variance of the side yard setback adjacent to the north property line from the required 25 feet to 17 feet for an existing structure, in order that the applicant may obtain a permit for construction of an addition to the south of the existing structure, on property zoned "AA" Single Family Residential, and legally described as follows:

Beginning 1544 feet north of the southeast corner of the Southwest quarter of Section 34, Township 27, Range 1 East; west 190 feet; north 119 feet; east 190 feet; south 119 feet to beginning, except east 35 feet for street.

This application has been assigned Case No. BZA 23-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 27, 1966, at 2 p.m. in Room 401 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.

Jack H. Galbraith
Secretary

August 17, 1966

Board of Zoning Appeals
City of Wichita, Kansas

Gentlemen:

This Variance is requested for improving and enlarging the existing structure of The Parents of Spastics School at 2203 South Grove. The old structure is located 8 feet from the property line and should be 25 feet to house a school.

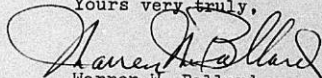
The improvement requested will be on the opposite side of the structure which will be 60 feet from the property line per attached Plot Plan.

The granting of this Permit of Variance will not adversely change the rights of the adjacent property owners or residents but will improve the appearance of the neighborhood.

The strict application of this Provision of which Variance is requested will constitute unnecessary hardship upon the School's growth and development to better serve the city of Wichita in training Handicapped Children.

The requested improvement has been approved by the City Health Department. The safety and welfare of the general area will not be adversely affected in any way, but will be improved by increased facilities which will enable the Parents of Spastics to better serve and help the handicapped children of the City of Wichita.

Yours very truly,


Warren W. Ballard
Vice President

WB/ab

BEFORE THE BOARD OF ZONING
WICHITA, KANSAS

It is the intention of the applicants to erect and construct an addition to be situated on the South side of the present existing structure, (as shown on the plot plan) to be situated (60') Sixty feet from South property line, described as lying within a radius of 200 feet of: Beg. 1544 Ft. North of the S.E. corner of the S.W. $\frac{1}{4}$ of Sec. 34, Twp 27, R 1 East; West 190 Ft.; North 119 Ft.; East 190 Ft; South 119 Ft. to Beg., exc East 35 Ft. for street, to the city of Wichita, Sedgwick County, Kansas: applicants submit herewith, a certified statement of record ownership, and mailing addresses, of the owners of all property within a distance and radius of (200) two hundred feet of the captioned premises involved in this application.

Applicants respectfully submit unto your honorable bodies, that the variance described consist of the following: That the existing ordinances and regulations of the city of Wichita, Kansas requiring that the existing structure does not conform to the city ordinance on the captioned premises, set back ~~twenty five~~ (25') feet from property line, be waived, and reduced and changed, so that the North side of the existing structure may set back ~~eight (8)~~ feet from the said property line.
seventeen (17)

Applicants further respectfully submit unto your honorable bodies, that the variance described is necessitated from some condition which is not ordinarily found, and is caused simply by the requirements, regulations and ordinances of the city of Wichita, Kansas, with which these applicants have complied, the variance requested is simply to ask waiver of a requirement which is not met by the existing structure which has been in place for many years. The applicants ask no variance release for the proposed new structure. Its existence will conform within the existing ordinances and regulations of the City of Wichita Kansas.

Applicants further respectfully submit unto your honorable bodies, that the granting of a permit for variance in this instance will not adversely effect the rights of adjacent property owners or residence, in that the same will not protrude upon any existing easements, facilities, or improvements of other property owners in the area, nor constitute a hazard, eyesore, or other obstruction to the orderly development of this, or other property concerned. That the sole intent of the request for variance by these applicants is to enable applicants as owners of the captioned property to erect and construct a proposed addition to the existing property, and which will constitute an improvement of the existing captioned premises.

Applicants further respectfully submit unto your honorable bodies, that strict application of the enforcement provisions of this present zoning ordinance would constitute unnecessary hardship upon said applicants, in that unless the requested variance is granted, applicants will not be able to erect, construct and build said proposed addition contemplated and designed by them; and will constitute unnecessary hardship upon the school's growth and development to better serve the city of Wichita in training of handicapped children. The requested improvements has been approved by the city Health Department. The safety and welfare of the general area will not be adversely affected in anyway, but will be improved by increased facilities which will enable the parents of spactics to better serve and help the handicapped.

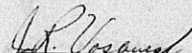
Applicants further respectfully submit unto your honorable bodies, that the variance desired is not against the public interest, but is designed to better serve the public interest by adding increased facilities which will enable the parents of spactics to better serve and help the handicapped children. Also, it will contribute to the available facilities in the area and to the city of Wichita, Kansas.

Applicants further respectfully submit unto your honorable bodies that the desired variance does not meet with the objection or disapproval of any of the adjacent property

owners within 200 feet of the captioned premises.

Applicants further respectfully submit that if the variance requested is granted, said proposed construction will be occupied by these applicants.

Respectfully submitted,


J. R. Vosburgh
Agent

BOARD OF ZONING APPEALS

CASE NO. 23-66

CITY OF WICHITA, KANSAS

FILED 8-29-66

APPLICATION FOR VARIANCE

I. Name of Applicant Parents of Spastics School, Inc.
Mailing Address 2203 South Grove Street Phone FO 3-0828
Name of Authorized Agent J. R. Vosburgh, W. Albert
Mailing Address 1316 S Mosley, Wichita Phone AM 48103
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is to allow for an erection of an
addition to the existing structure, which does not have the proper
25' set back from the north boundary.

for property located 2203 South Grove, Wichita, Kansas
West side of Grove in area bet. Clark & Winland

and legally described as: Big. 1544 ft. North of the SE corner of the SW 1/4
of Sec. 34, Twp 27, R1 East; West 190 ft.; North 119 ft.; East
190 ft.; South 119 ft. To Begin, etc East 35' for STREET
in the City of Wichita; and which is presently zoned _____.

(Give metes and bounds description below if appropriate):

III. 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 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;
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Parents of Spastics Inc.
Walter M. Ballard
Applicant Use Pres.
J. R. Vosburgh
Authorized Agent

OFFICE USE ONLY. Received in office of Secretary, Board of Zoning Appeal
10:45 (a.m.) - p.m.), August 29, 1966, together with
appropriate fee of \$50.00.

Ronald A. Williams
Signed

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
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:

Beg 154 1/4 ft North of the SE corner of the SW 1/4 of Sec. 34, Twp 27, R 1 East; West 190 ft; North 119 ft; East 190 ft; South 119 ft to beg., exc East 35 ft for Street.


**Fidelity
Title
Company.
inc.**

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

C-11177-20A

Beg 840 ft S & 190 ft W of NE cor SW 1/4 Sec 34,
Twp 27-R 1E; N 50 ft; W 140 ft; S 50 ft; E
140 ft to beg.

✓ William O. & Bonnie Mee Creekmore, ux
2130 S. Spruce

C-11177-22

Beg 990 ft S & 180 ft W of NE cor SW 1/4 Sec 34,
Twp 27, R 1 E., N 150 ft; W 150 ft; S 150 ft;
E to beg., exc S 75 ft.

✓ Eugene E. & Maxine A. Ahaffer, ux
2138 S. Spruce



C-11177-22A

Beg 990 ft S & 180 ft W of NE cor SW 1/4 Sec 34,
Twp 27, R 1 E; N 75 ft; W 150 ft; S 75 ft; E
to beg.

✓ Evelyn B. Vaught
2144 S. Spruce

C-11177-47

Beg 159.4 ft N & 190 ft W of SE cor SW $\frac{1}{4}$ Sec 34,
Twp 27, R 1 E; th W 176.05 ft; N 69 ft; E 176.05
ft; S to beg.

✓ Neva Harlowe *notice returned
9-8-66
no other address
found*
2410 Greenway Blvd

C-11177-46B

Beg 154.4 ft N & 190 ft W of SE cor SW $\frac{1}{4}$ Sec 34,
Twp 27, R 1 E; W 176.05 ft; N 50 ft; E 176.05
ft; S to beg.

✓ Robert F. & Betty J. Baker, ux
417 N. Pine, Goddard, Ks.

C-11177-46A

Beg 155.4 ft N & 336.05 ft W of SE cor SW $\frac{1}{4}$ Sec.
34, Twp 27, R 1 E; th S 50 ft; E 176.05 ft; N
50 ft; W to beg., exc W 36.05 ft for Street.

✓ Virgil C. & Irma Bonham, ux
2212 S. Spruce

C-11177-48

Beg 154.4 ft N of SE cor SW $\frac{1}{4}$ Sec 34, Twp 27,
R 1 E; W 190 ft; N 119 ft; E 190 ft; S to
beg, exc E 35 ft for Street.

Ⓟ Parents of Spastics, Inc.
2203 S. Grove

C-11177-21

Beg 990 ft S & 35 ft W of NE cor SW $\frac{1}{4}$ Sec 34,
Twp 27, R 1 E; th N 150 ft; W 145 ft; S 150
ft; E to beg., exc S 55 ft.

✓ *Juvana W. Sr.*
Lloyd W. & ~~Marie~~ Marie Belt, ux
2121 S. Grove

Lot 2, Wild Acres Addition.

✓ Ralph A. & Ethie C. Elmore, ux
2115 S. Grove

Lot 1, Blanche Stuckey Addition.

✓ Earl G. & Doris D. Eastman, ux
2020 S. Spruce

Lot 2, Blanche Stuckey Addition.

✓ Blanche Stuckey
2223 S. Grove

Lot 1, Kenneth Rouse Addition.

✓ Roy M. & Ila Freeman, ux
2147 S. Grove

Lot 1, Blk 4, Ward's 2nd Addition.

✓ Junior Harold & Flora B. Shepherd, ux
2224 S. Spruce

Lot 2, Blk 4, Ward's 2nd Addition.

✓ Arlene E. Lahr
2228 S. Spruce

Lot 21, Blk 4, Ward's 2nd Addition.

✓ C. R. & Alice L. Wayne, ux
2526 S. Meade

Lot 22, Blk 4, Ward's 2nd Addition.

✓ Clyde L. & Thelma F. Moelling, ux
2334 S. Poplar

Lot 3, Blk 1, Robert L. Myers Addition.

✓ Marvin Meril Scarbrough
Betsy M. E. Scarbrough, ux
1038 S. Topeka

*notice returned
9-8-66
no other address found*

Lot 4, Blk 1, Robert L. Myers Addition.

✓ James E. & Annabel L. Laird, ux
2122 S. Grove

Lot 5, Blk 1, Robert L. Myers Addition.

✓ Conrad D. & Lela Florence Craytor, ux
2128 S. Grove

Lot 6, Blk 1, Robert L. Myers Addition.

✓ Administrator of Veterans Affairs
5500 E. Kellogg

Lot 7, Blk 1, Robert L. Myers Addition.

✓ Kenneth A. & Edna Thomas, ux
2140 S. Grove

Lot 8, Blk 1, Robert L. Myers Addition.

✓ Donald E. & Wanda L. Schifferdecker, ux
2146 S. Grove

Lot 9, Blk 1, Robert L. Myers Addition.

✓ Lyle Lavern & Virginia M. Moss, ux
2152 S. Grove

Lot 10, Blk 1, Robert L. Myers Addition.

✓ George J. & Esther E. Burnett, ux
2158 S. Grove

Dated at Wichita, Kansas this 23rd day
of August, 1966 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

BY Elmer M. Farrell
Sec. OEM

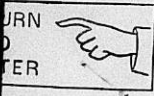
THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

23-66



- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

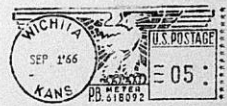
1319 d
West + South



Neva Harlowe
2410 Greenway Blvd.
Wichita, Kansas

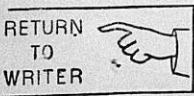
THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

23-66



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- No such number
- Moved, not forwardable
- Addressee unknown

1110



Marvin Meril and Betsy M. E. Scarbrough
1038 S. Topeka
Wichita, Kansas



Form 223-021

PAYMENT NOTICE

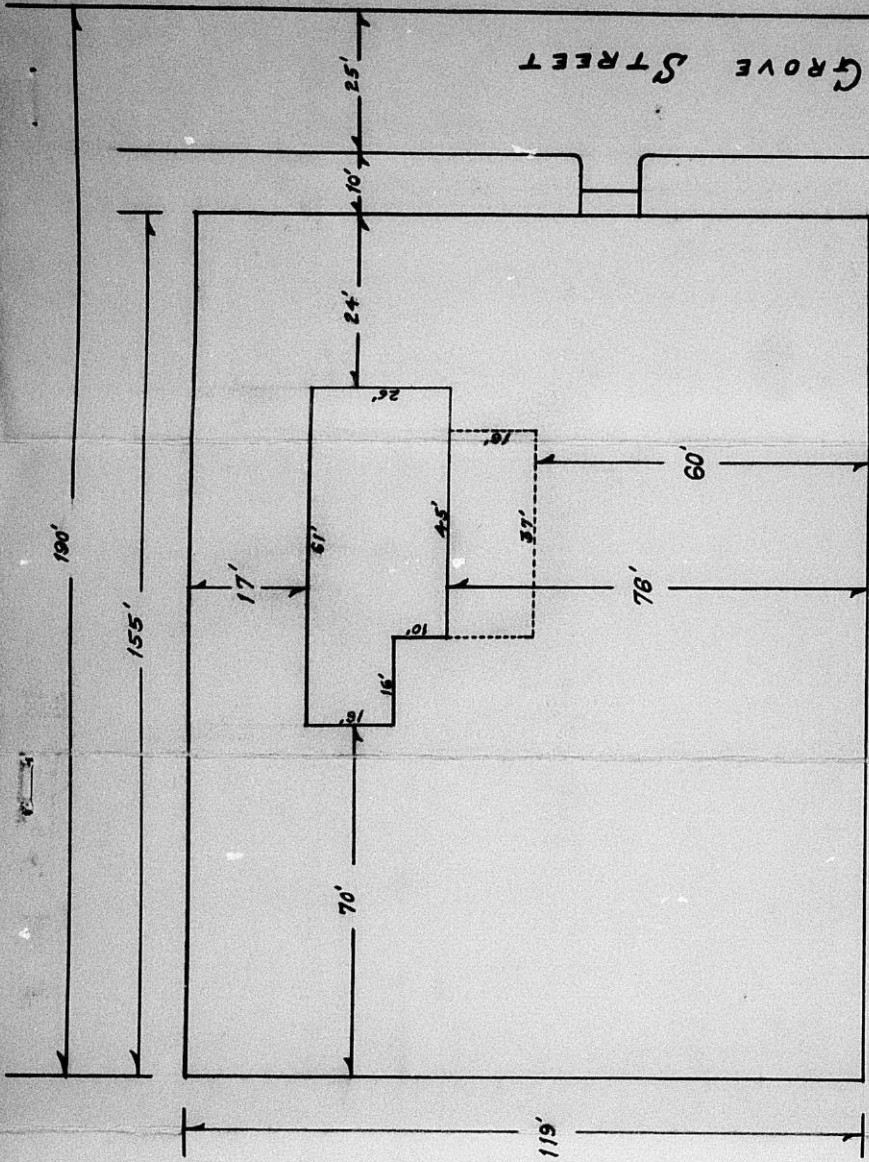
City of Wichita

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	Plans	Sidewalk
Street	Trailer	#50.00	

DESCRIPTION	AMOUNT
BZA Application Parents of St. Joseph's School St. A. Jabergh	
Address 1316 So. Mabley	
Type R-712	Due Date 8-29-66
Comments:	

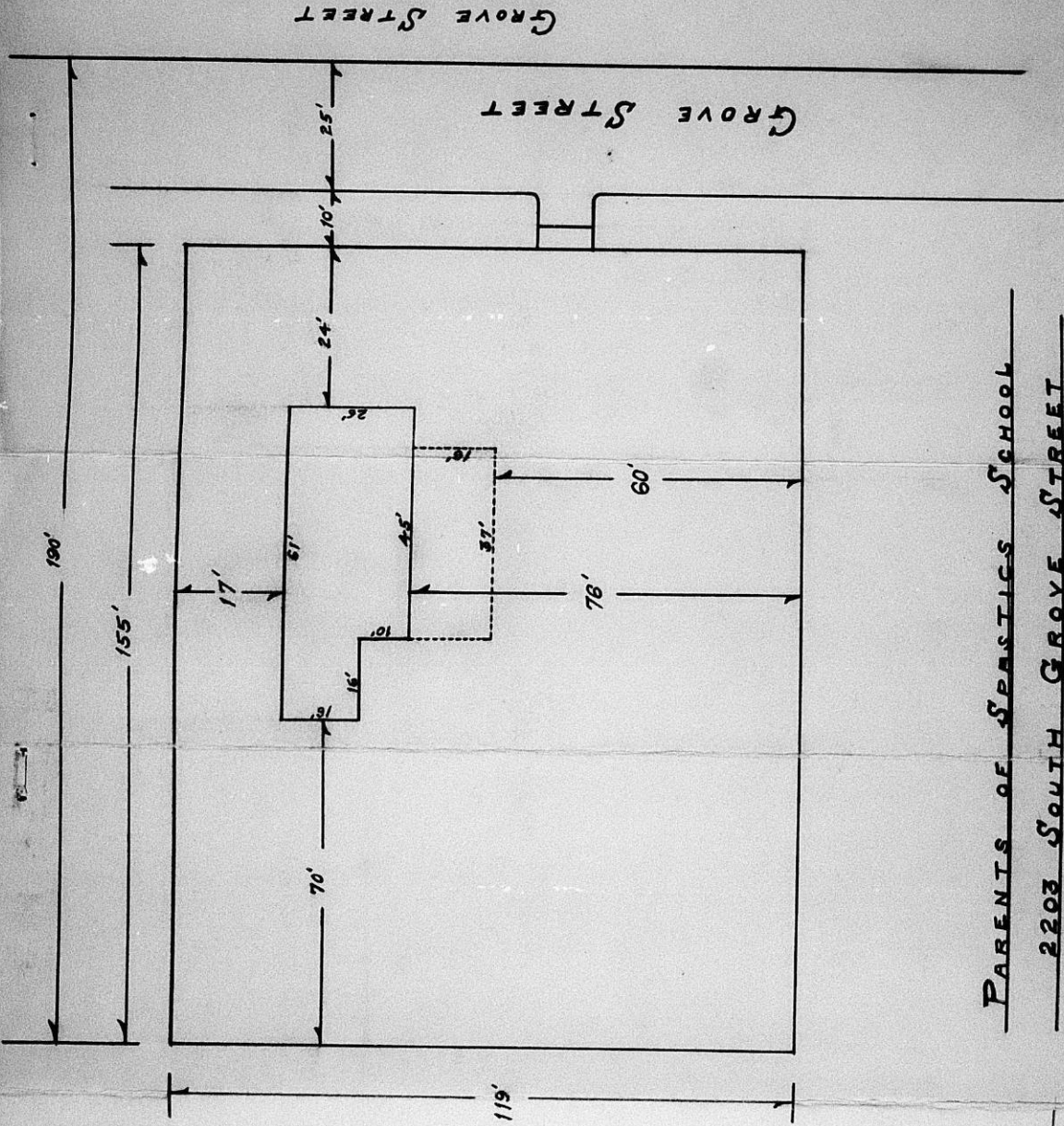
Date 8-29-66 By *Ja*



PARENTS OF SPASTICS SCHOOL
 2203 SOUTH GROVE STREET

PLOT PLAN

SCALE 1/4" = 1'-0"



PARENTS OF SPASTICS SCHOOL

2203 SOUTH GROVE STREET

LOT PLAN

SCALE 1/4" = 1'-0"

