

ACTION

Bye COMMITTEE App. DATE 5-26-64

M.A.P.C. _____

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

BZA 28-64 - Charles E. Switzer re-
quests variance to permit waiving
of 6' sideyard requirement at 1917
S. Water

June 8, 1964

Mr. and Mrs. Charles E. Switzer
1917 South Water
Wichita, Kansas

Dear Mr. and Mrs. Switzer:

Re: Case No. BZA 28-64

On May 27, 1964, we advised you that the Board of Zoning Appeals had approved your request for a Variance to allow expansion of the dwelling house into the rear yard setback area, on property legally described as:

South 10 feet of Lot 160, all of Lot 162 on Water Street,
Walter and Wright's Addition, in the City of Wichita,
Sedgwick County, Kansas,

generally located on the west side of Water in an area south of Skinner. We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before June 5, 1964.

The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 2 8 - 6 4

WHEREAS, Charles E. and Reba I. Switzer, 1917 South Water, Wichita, Kansas, have requested a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, to allow the construction of an extension to the house to occupy two feet of the required six foot side yard setback requirement, on property legally described as follows:

South 10 feet of Lot 160, all of Lot 162 on Water Street, Walter and Wright's Addition, in the City of Wichita, Sedgwick County, Kansas,

and generally located on the west side of Water in an area south of Skinner; 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 the 26th day of May, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590, Code of the City of Wichita; 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 not ordinarily found in the same zoning district inasmuch as the present structure was built prior to the adoption of the existing zoning ordinance and the applicants merely wish to extend the house parallel with the existing structure; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the rights of adjacent property owners inasmuch as the remodeling of the dwelling proposed will enhance the appearance of the property, and also no adjoining property owners appeared in opposition to this variance; 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 applicants due to conditions which existed prior to the adoption of the zoning ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the 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, that the request for that portion of the side yard setback which will be occupied by the extension of the dwelling, on property legally described as follows:

South 10 feet of Lot 160, all of Lot 162 on
Water Street, Walter and Wright's Addition, in
the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Water in an area south of
Skinner, be approved, subject to the following:

1. There shall not be less than a 4 foot side yard set-
back and a roof overhang of not more than one foot.
2. Construction to be completed within two years from
the effective date of this approval.

DATED AT WICHITA, KANSAS, this 26th day of May, 1964.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Board of Zoning Appeals

June 4, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 28-64

Attached is a copy of Resolution No. BZA 28-64, covering action taken by the Board of Zoning Appeals in connection with the above-numbered case, which case was heard by the Board on May 26, 1964. An appeal may be filed in your office on or before June 5, 1964. If an appeal is filed, please advise.

**Jack H. Galbraith
Secretary**

JHG:ber

Attachment

May 27, 1964

Mr. and Mrs. Charles E. Switzer
1917 South Water
Wichita, Kansas

Dear Mr. and Mrs. Switzer:

Re: Case No. BZA 28-64

This is to advise you that at its regular meeting of May 26, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to allow expansion of the dwelling house into the rear yard setback area, on property legally described as:

South 10 feet of Lot 160, all of Lot 162 on
Water Street, Walter and Wright's Addition, in
the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Water in an area south of
Skinner.

It was the decision of the Board to approve this request subject to
the following:

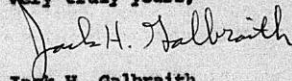
1. There shall not be less than a 4 foot rear yard setback, and a roof overhang of not more than one foot.
2. Construction to be completed within two years from the effective date of this approval.

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 Board's action. Accordingly, an appeal could be filed in this case on or before June 5, 1964.

Page 2 - Mr. and Mrs. Charles E. Switzer
May 27, 1964

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before the above date, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,



Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 28-64

APPLICANT: Charles E. and Reba I. Switzer, 1917 South water

GENERAL LOCATION: Generally located on the west side of Water in an area south of Skinner.

LAND USE: Property in question - single family home
Existing land use to the north, east, south and west is single family.

EXISTING ZONING: Property in question - "A" Two Family.
Existing zoning to the north, east, south and west "A" Two Family

REQUEST: The request is for a variance to allow the construction of an extension to the house which would occupy two feet of the required six foot side yard setback requirement. The variance is within the jurisdiction of the Board to grant, provided all four of the following conditions are found to exist:

1. The variance 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 plot plan which is included as Attachment #1 to this report.

COMMENTS BY THE SECRETARY:

The applicants have requested that they be allowed to utilize two feet of the required side yard setback of six feet for construction of an extension to their home. The present structure occupies two feet of the side yard requirement and the applicant wishes to extend the existing structure, which would not constitute any further encroachment of the existing side yard requirement.

UNIQUENESS

The present structure was built prior to the adoption of the existing zoning ordinance and the applicants merely wish to extend the house parallel with the existing structure.

ADJACENT PROPERTY

It is felt there will be no adverse affect on any of the adjacent properties as the general character of the neighborhood is rather compact.

HARDSHIP

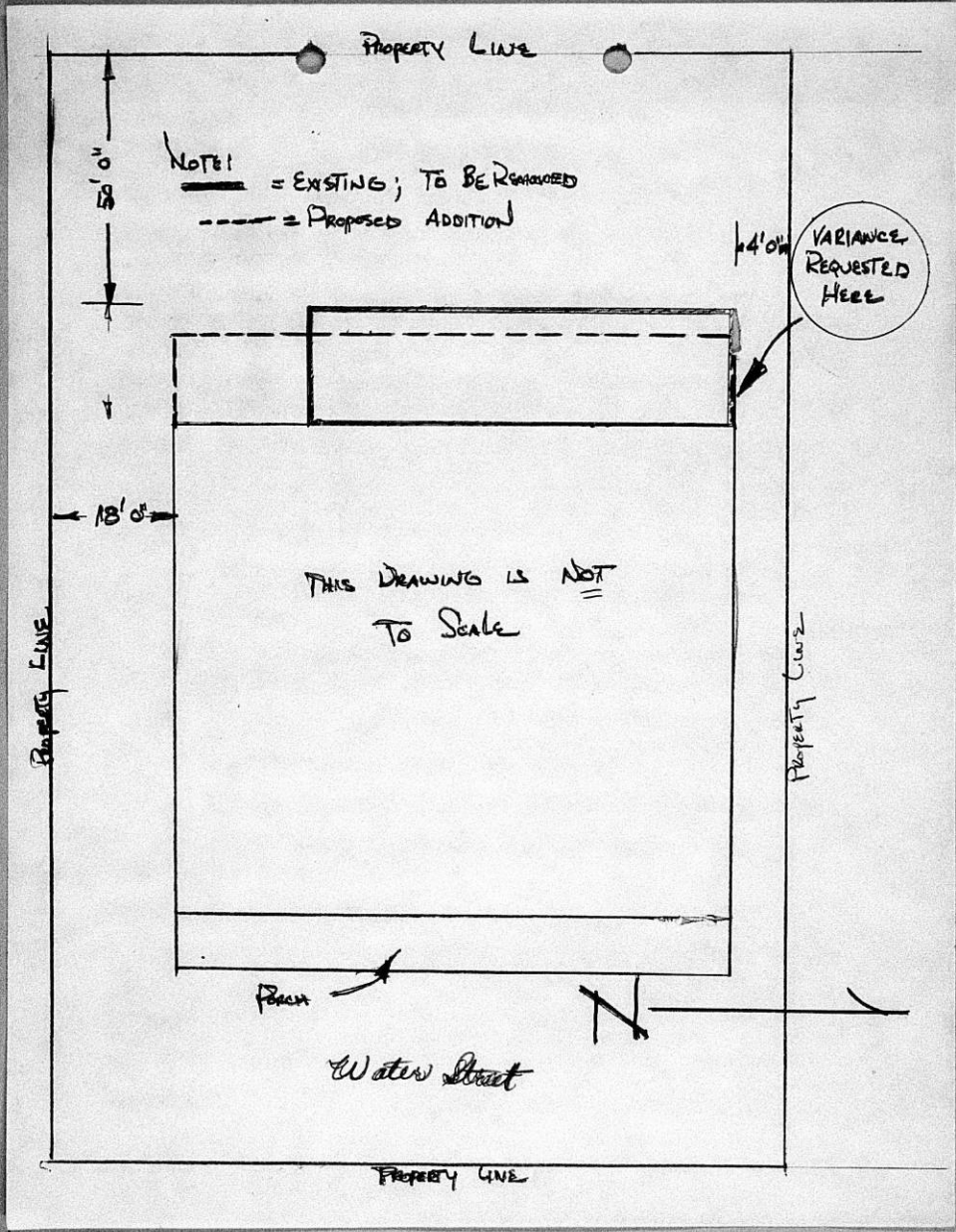
It is recommended that hardship be found to exist due to conditions which existed prior to adoption of the zoning ordinance now in affect.

GENERAL WELFARE

It is the opinion of the Secretary that granting the variance will not adversely affect the general health, welfare and prosperity of the community. It is felt that the proposed addition does not encroach on the existing side yard requirements to any further degree than the present situation.

Based on the foregoing, it is the recommendation of the Secretary that this application be approved and that the Superintendent of Central Inspection be instructed to issue a building permit for an addition to the house having a setback of not less than four feet, and having a roof overhang of not more than one foot, subject to construction being completed within two years from the effective date of this approval.

Attachments #1 - Plot Plan



NOTE:
—— = EXISTING; TO BE REMOVED
- - - = PROPOSED ADDITION

VARIANCE REQUESTED HERE

THIS DRAWING IS NOT TO SCALE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

Water Street

Beach

3' 18"

13' 0"

4' 0"

SECRETARY'S REPORT

CASE NO. BZA 28-64

APPLICANT: Charles E. and Reba I. Switzer, 1917 South water

GENERAL LOCATION: Generally located on the west side of Water in an area south of Skinner.

LAND USE: Property in question - single family home
Existing land use to the north, east, south and west is single family.

EXISTING ZONING: Property in question - "A" Two Family.
Existing zoning to the north, east, south and west "A" Two Family

REQUEST: The request is for a variance to allow the construction of an extension to the house which would occupy two feet of the required six foot side yard setback requirement. The variance is within the jurisdiction of the Board to grant, provided all four of the following conditions are found to exist:

1. The variance 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 plot plan which is included as Attachment #1 to this report.

COMMENTS BY THE SECRETARY:

The applicants have requested that they be allowed to utilize two feet of the required side yard setback of six feet for construction of an extension to their home. The present structure occupies two feet of the side yard requirement and the applicant wishes to extend the existing structure, which would not constitute any further encroachment of the existing side yard requirement.

UNIQUENESS

The present structure was built prior to the adoption of the existing zoning ordinance and the applicants merely wish to extend the house parallel with the existing structure.

Page 2 - Case No. BZA 28-64

ADJACENT PROPERTY

It is felt there will be no adverse affect on any of the adjacent properties as the general character of the neighborhood is rather compact.

HARDSHIP

It is recommended that hardship be found to exist due to conditions which existed prior to adoption of the zoning ordinance now in affect.

GENERAL WELFARE

It is the opinion of the Secretary that granting the variance will not adversely affect the general health, welfare and prosperity of the community. It is felt that the proposed addition does not encroach on the existing side yard requirements to any further degree than the present situation.

Based on the foregoing, it is the recommendation of the Secretary that this application be approved and that the Superintendent of Central Inspection be instructed to issue a building permit for an addition to the house having a setback of not less than four feet, and having a roof overhang of not more than one foot, subject to construction being completed within two years from the effective date of this approval.

Attachments #1 - Plot Plan

Nothing herein shall be construed as a guarantee of the accuracy of the information herein contained, and the applicant is advised that the same should be verified with the existing records.

Secretary's Report

Applicant: Case No. BZA 28-64

Agent: ?

General Location: Generally located on the West side of Water in an area south of Skinner.

Land Use: The property in question is presently occupied by a single family home. The existing land use, to the north, east, south, and west is single family housing.

Existing zoning: The property in question is zoned "A" Two Family. The existing zoning to the north, east, south, and west is "A" Two Family.

Request: The request is for a variance to allow the construction of an extension to the house which would occupy two feet of the required six foot side yard setback requirement. The variance is within the jurisdiction of the Board to grant provided all four of the following conditions are found to exist:

1. The variance 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 ~~zoning~~ 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 plot plan and a ~~statement~~ which is included as Attachment #1 to this report.

Comments By the Secretary

The applicants have requested that they be allowed to utilize two feet of the required side yard setback of six feet for construction of an extension to their home. The present structure ~~presently~~ occupies two feet of ~~the~~ of the side yard requirement and the applicant wishes to extend the existing structure, which would not constitute any ^{further} ~~additional~~ encroachment of the existing side yard requirement.

Uniqueness

~~The applicant~~ The present structure was built prior to the adoption of the existing zoning ordinance and the applicants merely wish to extend the house parallel with the existing structure.

Affect on Adjacent Property Owners

It is felt there will be no adverse affect on any of the adjacent properties as the general character of the neighborhood is rather compact.

Hardship

It is recommended that hardship be found to exist due to conditions which existed prior to adoption of the zoning ordinance now in affect.

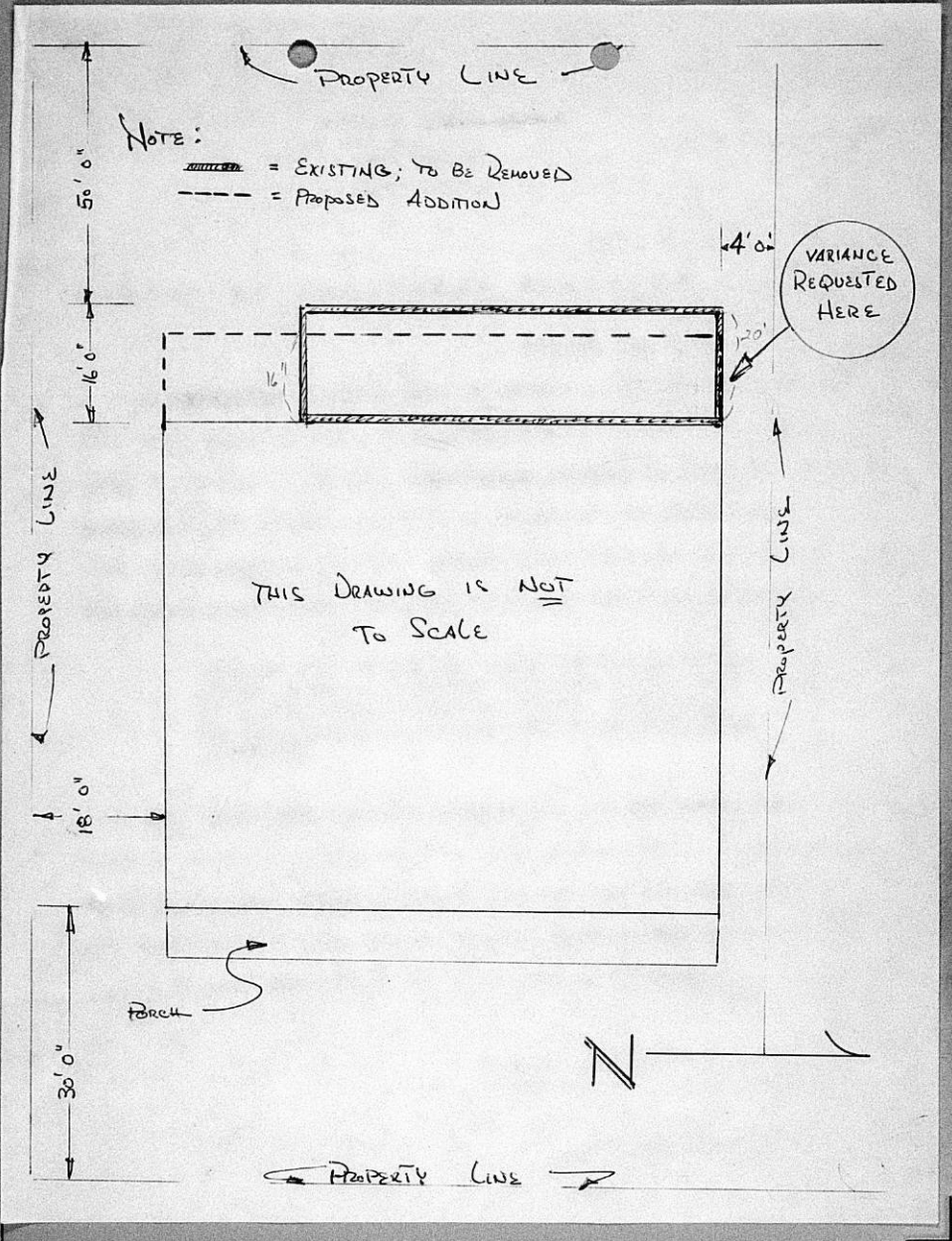
Affect on General Welfare

It is the opinion of the Secretary that granting the variance will not adversely affect the general health, welfare and prosperity of the community. It is felt that the proposed addition does not encroach on the ~~set~~ existing side yard requirements to any further degree than ~~already~~ ~~already~~ the present situation.

Based on the foregoing, it is the recommendation of the Secretary that this application be approved and that the Superintendent of Central Inspection be instructed to issue a building permit for an addition to the house having a setback of not less than four feet, and having a roof overhang of not more than one foot, subject to construction being completed within ^{two} ~~one~~ years from the effective date of this approval.

Attachments

#1 Plot Plan



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

May 7, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 28-64

An application has been filed by Charles E. and Reba I. Switzer, 1917 South Water, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a VARIANCE to allow an addition to the existing house to be constructed to within four feet of the required side yard setback rather than six feet which is the normal requirement, on property legally described as follows:

South 10 feet of Lot 160, all of Lot 162 on Water Street, Walter and Wright's Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the west side of Water in an area south of Skinner.

This application has been assigned Case No. BZA 28-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1964, 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.

The normal requirement of the zoning ordinance is legally described as follows:

Jack H. Galbraith
Secretary

South 10 feet of Lot 160, all of Lot 162 on Water Street, Walter and Wright's Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on the west side of Water in an area south of Skinner.

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CASE NO. BZA 28-64

26 NOTICES MAILED 5-8-64 FOR MEETING MAY 26, 1964

Charles E. & Reba I. Switzer
1917 South Water

Loyd Ray Drake
1928 South Water

Earnest A. & Ruth Ochel
2230 South Rutan

V. B. & Gertrude E. Burleigh
1924 South Water

James F. & Mildred L. Stanford
2053 South Wichita

H. R. & Thelma Needham
1931 South Water

Edgar Poe & Lola E. Brown
1927 South Water

Guy R. & Ann L. Swett
1921 South Water

D. H. & Maude Lashley
1919 South Water

Paul L. & Rachel F. Price
1932 South Wichita

Robert R. & Ruth K. Chadwick
1930 South Wichita

Raymond M. & Esther E. Fitzwater
1922 South Wichita

Alfred L. & Ruth Mae Gregg
1920 South Wichita

W. L. & Thelma Graham
1016 South Wichita

Harold F. & Mary L. Stull
1908 South Wichita

L. E. & Ida Pauline Nibarger
R #1
Goddard, Kansas

Pearl Maxine Lamborn
1902 South Hillside

Lawrence C. Cook
637 South Hillside

Hulon H. & Dorothy M. Johnson
1920 South Water

Clyde S. & Jo Lynn Hendershot
2027 Gold

Jessie E. Friesen
1910 South Water

First Church of the Open Bible
125 West Skinner

Sadie Pearl Daniels
1914 South Main

Calvin & Doris Kempton
1015 Ellis

Ruby B. Conly & Agnes O. McKnight
207 West Skinner

John R. & Lela M. Bush
1845 South Water

*Reset 5-12-64
to 1902 So.
Wichita*

BOARD OF ZONING APPEALS

CASE NO. 28-64

CITY OF WICHITA, KANSAS

FILED 5-5-64

APPLICATION FOR VARIANCE

I. Name of Applicant Charles E. and Reba I. Switzer
Mailing Address 1917 S. Water Phone AM 5-5945
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 waiving six foot sideyard requirement
to permit extending house to rear in line with present house
which is setting four feet from line.
for property located at 1917 South Water

and legally described as: South 10 feet of Lot 160, all of Lot 162
on Water Street, Walter and Wright's Addition

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.

Charles E. & Reba I. Switzer
Applicant

Same
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
5:30 (a.m. p.m.), 5-5-64, 1964, together with
appropriate fee of \$50.00.

B. Rathke
Charles E. Switzer
Signed

STATEMENT OF RECORD 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: The South 10 ft of Lot 160 & All Lot 162, Water Street, in Walter & Wright's Addition to Wichita, Kansas.

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

Lot	Street	Addition	Owner
144	Water	Walter & Wright's	John R. & Lela M. Bush, ux 1845 S. Water
150 & 152 exc S 3' 152	"	" "	Ruby B. Conly & Agnes O. McKnight 207 W. Skinner
S 3' Lot 152 All Lot 154 & N 19' Lot 156	Water	" "	Calvin & Doris Kempton, ux 1015 Ellis
S 6' Lot 156, all 158 & N 15' Lot 160)	"	" "	Sadie Pearl Daniels 1914 S. Main
S 10' Lot 160 All Lot 162	"	" "	Charles E. & Reba I. Switzer, ux 1917 S. Water
149 & 151	"	" "	First Church of the Open Bible 125 W. Skinner

**Fidelity
Title
Company,
inc.**



Lot	Street	Addition	Owner
153, 155, 157	Water	Walter & Wright's	Jessie E. Friesen 1910 S. Water
159 & 161, exc S 4' Lot 161	"	" "	Clyde S. & Jo Lynn Hendershot, ux 2027 Gold
S 4' Lot 161	"	" "	Hulon H. & Dorothy M. Johnson, ux 1920 S. Water
143	Wichita	English 8th.	Lawrence C. Cook, sgle 637 S. Hillside
145 & 147	"	" "	Pearl Maxine Lamborn 1902 S. Wichita
149 & 151	"	" "	L. E. & Ida Pauline Nibarger, ux R # 1, Goddard, Ks.
153 & 155	"	" "	Harold F. & Mary L. Stull, ux 1908 S. Wichita
157	"	" "	W. L. & Thelma Graham, ux 1916 S. Wichita
5	"	English 9th.	W. L. & Thelma Graham, ux 1916 S. Wichita
7 & 9	"	" "	Alfred L. & Ruth Mae Gregg, ux 1920 S. Wichita
11 & 13	"	" "	Raymond M. & Esther E. Fitzwater, ux 1922 S. Wichita
15 & 17	"	" "	Robert R. & Ruth K. Chadwick, ux 1930 S. Wichita
19 & N 17' Lot 21	"	" "	Paul L. & Rachel F. Price, ux 1932 S. Wichita
6 & 8	Water	" "	D. H. & Maude Lashley, ux 1919 S. Water
10 & 12	"	" "	Guy R. & Ann L. Swett, ux 1921 S. Water
14 & 16	"	" "	Edgar Poe & Lola E. Brown, ux 1927 S. Water
18 & 20	"	" "	H. R. & Thelma Needham, ux 1931 S. Water
22 & 24	"	" "	James F. & Mildred L. Stanford, ux 2053 S. Wichita
5 & 7	"	" "	Hulon H. & Dorothy M. Johnson, ux 1920 S. Water
9 & 11	"	" "	V. B. & Gertrude E. Bursleigh, ux 1924 S. Water

Lot	Street	Addition	Owner
13 & 15	Water	English 9th.	Earnest A. & Ruth Ochel, ux 2230 S. Rutan
17 & 19	"	" "	Loyd Ray Drake, sgle 1928 S. Water

Dated at Wichita, Kansas this 5th day
of May, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elaine M Farrell
Sec. OEM

Tracer # 60372

FORM 223-021

PAYMENT NOTICE

City of Wichita

CITY 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>Planning app.</i>	<i>50.00</i>

Name *Chas. B. ...*

Address *1111 ...*

Type _____ Due Date *2-2-64*

Comments: _____

Date *2-2-64* By *D. K. ...*