

Case No. BZA 30-78 - Harold R. Davis requests a variance to reduce the required side yard setback adjacent to the north property line from 6' to 5' on property generally located on the

ACTION

BZA 30-78 COMMITTEE

Approved

DATE

7-25-78

M.A.P.C. _____

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

*POSTED
7-6-78
C.I.V.
MAPPY
8-16-78
JH*

Case No. BZA 30-78 - Harold R. Davis requests a variance to reduce the required side yard setback adjacent to the north property line from 6' to 5' on property generally located on the

Map No. 5544
 Sec. 9
 Twp. 20
 Range 1E

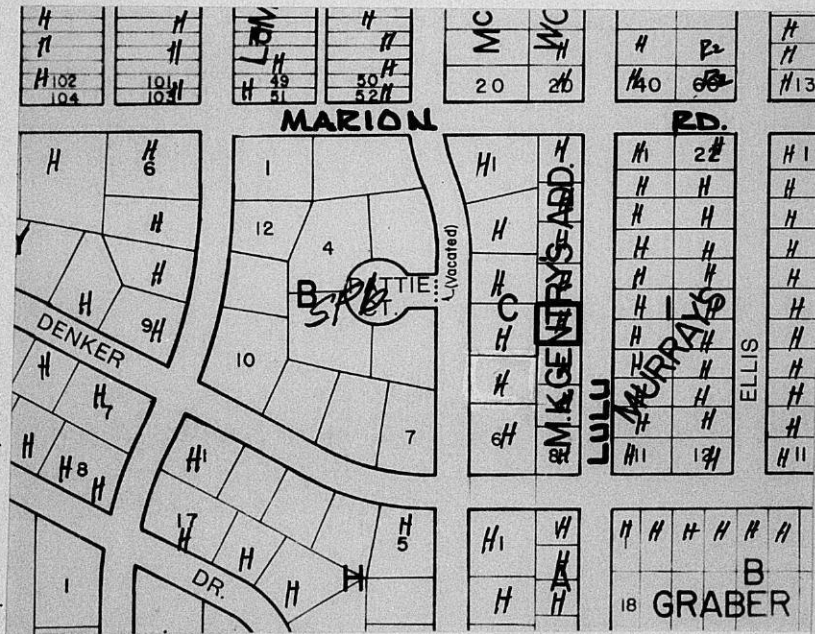
BZA- 30-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.12 (70 ft. by 80 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTING, SAN LOS ANGELES
 LONDON, ON - HONOLULU, TX U.S.A.


 No. 2153C

*Staff report to
 Linde -*

RESOLUTION NO. BZA 30-78

WHEREAS, Harold Davis, 2637 Lulu, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the north property line from 6 foot to 5 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 5, M. K. Gentry's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

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 July 25, 1978, 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 inasmuch as the shallowness of the lot (83 feet) and the placement of the house on the lot makes it difficult, if not impossible, to add a garage or room expansion in any direction without encroaching into a setback; 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 a solid cedar fence separates subject property from the property to the north, thereby negating the impact of only a 1 foot variance; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application inasmuch as moving the footing in by 1 foot will create additional expense and labor and would result in a garage narrower than desired; 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 due to the fact that the request is interiorly located and remains clear of the five foot utility easement; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the above four conditions can be found to exist and adequate space is still retained between structures; and

WHEREAS, each of the five 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 side yard setback adjacent to the north property line from 6 feet to 5 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

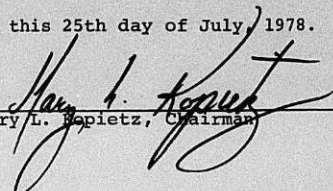
Lot 5, M. K. Gentry's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

RESOLUTION NO. BZA 30-78

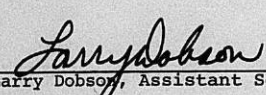
Page 2

be approved for only that portion of the north side yard needed to accommodate the applicant's proposed garage, as shown on his submitted site plan.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1978.


Mary L. Bopietz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

August 9, 1978

Mr. Harold Davis
2637 Lulu
Wichita, Kansas 67216

Re: Case No. BZA 30-78
Request for Variance

Dear Mr. Davis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1978, in connection with your request for a variance to reduce the required side yard setback adjacent to the north property line from six feet to five feet on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Larry Dobson
Assistant Secretary

LD:bbc
Enclosure

cc: Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE July 20, 1978



TO Fred Linde, Grievance Officer

FROM Robert B. Feldner, Superintendent of Central Inspection

SUBJECT Harold R. Davis - Building Permit D29712

RE: Grievance Office File No. 8706

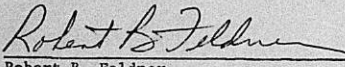
Central Inspection agrees that in all probability, Mr. Davis's intent was to honestly comply with all code requirements. This is usually the case with nearly all permit applicants. Unfortunately good intentions alone do not guarantee satisfactory code compliant improvements of any type. It is the applicants responsibility to conscientiously determine pertinent requirements. Central Inspection must (as do all other enforcement agencies) operate on the concept that it is the individuals responsibility to know/find out all pertinent requirements: Basically, ignorance of the law cannot excuse violation.

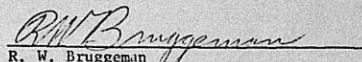
This is not to say, however, that we will not expend every effort to assist any applicant. In the case of Mr. Davis, this was done with all due diligence by the inspector. Regardless of the proposed drawings brought in (which contain three different width dimensions), the building permit issuance was based upon the approved residential plot plan (copy attached) which was drawn by the inspector and Mr. Davis at the time application was made. It should be noted that this document clearly reflects a six foot side yard as required by Section 28.04.040 C.2.2 of the Zoning Ordinance, and bears Mr. Davis's signature. Mr. Davis was provided a copy of this plot plan with his permit paperwork. The fact that he chose to utilize his drawing in the construction process, rather than the approved plan, is a decision beyond the control of Central Inspection.

It appears that Mr. Davis has two alternative solutions to this unfortunate circumstance: He may appeal to the Board of Zoning Appeals for a variance or he could reduce the width of his proposed garage by one foot. Central Inspection will be happy to provide any assistance possible, whichever course of action he ultimately decides to take.

In the event that Mr. Davis believes that he is aggrieved in this matter, it is suggested that he utilize the claims procedure as per your correspondence.

APPROVED:


Robert B. Feldner
Superintendent of Central Inspection


R. W. Bruggeman
Director of Public Works

cc: E. H. Denton, City Manager
Jack Galbraith, Chief Planner
Grievance Office Advisory Board Members
Harold R. Davis, 2637 Lulu

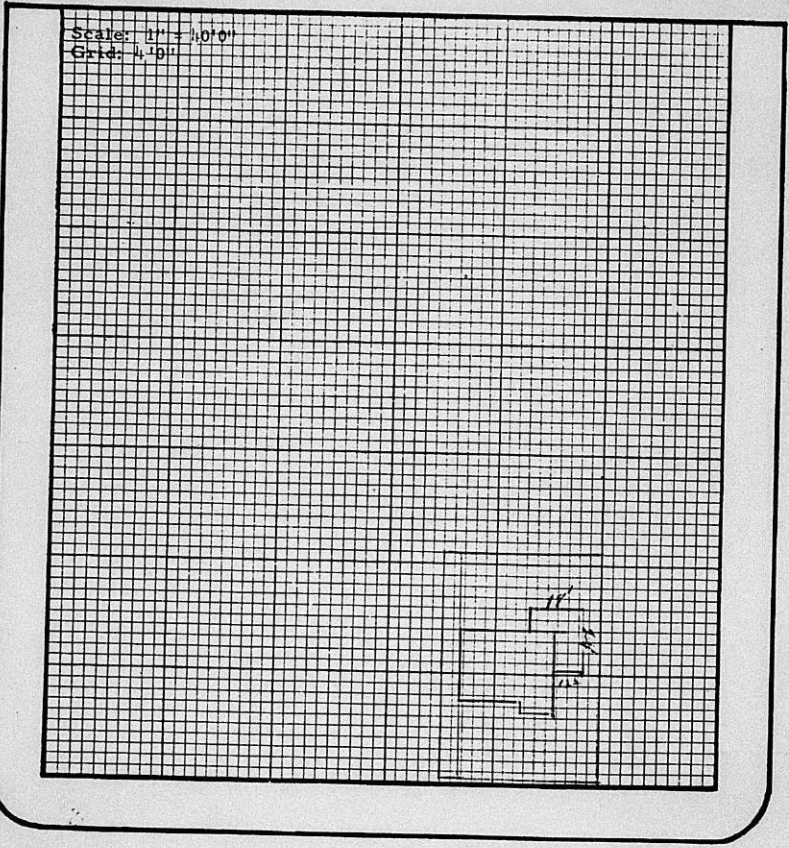
RESIDENTIAL PLOT PLAN

ADDRESS: 2637 OULU

PERMIT NO. 029712

LOT(S): 5 BLK. _____ OF M.K. GENTRY'S ZONING _____

Scale: 1" = 10'0"
Grid: 1/4"



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: Harold R. Davis
(Applicant)

White Copy - File Yellow Copy - Applicant Pink Copy - Hold

Form No. KA-345 (2/76)

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE July 25, 1978

TO Larry Dobson, Secretariat, Board of Zoning Appeals

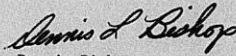
FROM Dennis Bishop, CPO Administrative Aide

SUBJECT BZA 30-78: West Side of Lulu
Avenue, Between Marion Road and
Denker Street

At their regularly scheduled meeting on July 24, 1978, CPO Council "D" considered BZA 30-78.

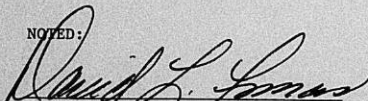
Two of the Council members had conversed with the applicant and neighbors. Based upon staff comments and the conversations with the residents, Council "D" voted to recommend approval of the variance by 6-0.

Please inform the Board of Zoning Appeals of this recommendation when they consider this case on July 25, 1978.


Dennis Bishop
CPO Administrative Aide

DB:rh

NOTED:


David Furnas
Citizen Participation Coordinator

July 26, 1978

Mr. Harold Davis
2637 Lulu
Wichita, Kansas 67216

Re: Case No. BZA 30-78
Request for Variance

Dear Mr. Davis:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 25, 1978, your request for a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 5 feet on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu) was considered.

It was the action of the Board to approve the request for only that portion of the north side yard needed to accommodate the proposed garage as shown on the submitted site plan.

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,

Larry Dobson
Assistant Secretary

LD:bh

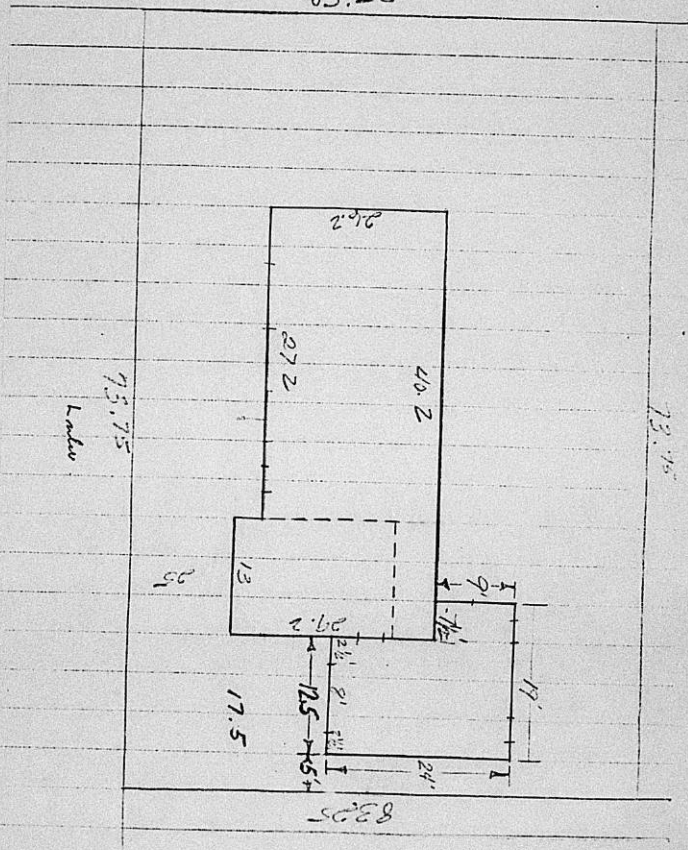
cc: Fred Linde, Grievance Officer
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

6-1658
Autolite A-7

800394

Harold B. Davis

83.25



SECRETARY'S REPORT
CASE NO. BZA 30-78

APPLICANT: Harold R. Davis, 2637 Lulu, Wichita, Kansas.

AGENT: Same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback, adjacent to the north property line, from six feet to 5 feet.

GENERAL LOCATION: West side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

ZONING: Subject property is zoned the "AA" Single Family Dwelling District as are all surrounding properties.

LAND USE: Subject property is developed as a single family residence as are all surrounding properties.

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 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 applicant is requesting a variance to reduce the required side yard setback from 6 feet to 5 feet for the purpose of building an attached garage to the north side of his house.

The applicant states that in the process of obtaining a building permit, he was told he could add on to the north side of his house as long as he stayed off a five foot utility easement which runs parallel to his north property line. He also states that he had a site plan with him that clearly showed the planned five foot setback. A plot plan drawn on the grid form used for issuing residential building permits was drawn by the inspector issuing the permit and was scaled to show a six foot side yard, although not numerically designated as such. After obtaining his permit the applicant proceeded to dig footings and lay reinforcing steel with the understanding that a five foot setback was allowable. The applicant then called Central Inspection for a footing inspection and was found in violation of the six foot side yard requirement.

The proposed garage will replace an existing garage which is to be converted into additional living space for the applicant and his family. The proposed garage extends 12 1/2 feet from the north wall of the existing garage to the five foot easement. To reduce the width of the garage by 1 foot would leave a very narrow garage. The applicant at one time had considered adding on to the rear of the house, but the depth of the lot (83 feet) is not sufficient to maintain the required rear yard setback. Having being led to believe that he could build to within five feet of the property line, he chose the proposed solution to his expansion needs. It should be noted that a five to six foot cedar fence delineates the north property line.

Although it is incumbent upon the applicant for a building permit to be knowledgeable of the requirements of the issuance of such a permit, in actual practice the information conveyed by the Central Inspection representative is assumed to be accurate and consistent with what the code requires.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness is difficult to find simply because of error or misunderstanding; however, if uniqueness can be found to exist it may be unique that the shallowness of the lot (83 feet) and the placement of the house on the lot makes it difficult, if not impossible, to add a garage or room expansion in any direction without encroaching into a setback.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance desired may not adversely affect the rights of adjacent property owners or residents inasmuch as a solid cedar fence separates subject property from the property to the north, thereby negating the impact of only a 1 foot variance.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute

SECRETARY'S REPORT
Case No. BZA 30-78
Page 3

an unnecessary hardship upon the applicant inasmuch as moving the footing in by 1 foot will create additional expense and labor and would result in a garage narrower than desired.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the request is interiorly located and remains clear of the five foot utility easement.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired would not be opposed to the general spirit and intent of the zoning ordinance if the above four conditons are found to exist.

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist it is recommended that the requested variance be granted for only that portion of the north side yard needed to accommodate the applicant's proposed garage as shown on his submitted site plan.

Grievance Office

June 29, 1978

86

Bob Feldner, Central Inspection

Fredrick Linde, Grievance Officer



Harold R. Davis, Building Permit
D29712. File #8706.

Mr. Harold R. Davis of 2637 Lulu applied to the Central Inspection Division for a permit to build a garage attached to his residence. Building permit D29712, at a cost of \$24.00, was granted to Mr. Davis by the inspector on duty at the time of the application.

After receiving the building permit Mr. Davis proceeded on day labor to make excavations and to set reinforcing steel. He then called for a first inspection. At this point no concrete had been poured. The field inspector ordered the work to stop because the side of the garage was to be 5'-0" instead of the required 6'-0" side yard setback. The job has stopped and Mr. Davis has no plans to continue until the setback issue can be resolved.

Mr. Davis appears to have made an honest effort to comply with all code and department regulations. He presented a detailed plot plan, copy attached, which clearly shows the intended 5' side yard setback. The plot plan was accepted by the inspector on duty and partly on the basis of the acceptance of the plot plan, the building permit was granted. This matter has been discussed with Mr. Mobley and I believe Mr. Mobley concurs with my opinion about Mr. Davis's intentions and efforts to be completely factual. At this point I must conclude a mistake was made by the office inspector. The error could have been avoided had the inspector exercised minimal diligence relative to the required side yard setback.

Mr. Davis is aggrieved. He has been properly instructed about his remedies which involve an appeal to the Board of Zoning Appeals for a variance. At least two elements add to the

Bob Feldner
June 29, 1978
Page Two

magnitude of the grievance. To make an appeal Mr. Davis must pay a \$50.00 filing fee and must provide to BZA a certified list of property owners within 200 feet of his property. The total cost, not including time lost by Mr. Davis from his employment, will be of the order of \$100 to \$125. In addition to the monetary loss, Mr. Davis is looking at an absolute time delay of at least one month. A further hazard enters over the collapse of his trenches and over the possibility of the steel already in place being distorted.

I have explored with Mr. Galbraith the possibility of some type of administrative relief. There appears no way to grant this type of relief to Mr. Davis. He must apply for the variance in the normal procedure and in conformity with the state statutes. At best he will not be able to present his case before ~~the~~^{the} next regular^{03/1} meeting the last week of July.

Although it may be argued that Mr. Davis should have been aware of the required 6' setback and he therefore is not without some culpability, I believe the practical view dismisses this argument out of hand. Few persons are knowledgeable of the niceties of building codes which of course is one reason for maintaining inspectors and inspections and permits but if the burden of knowledge is somehow to be imposed upon the permittee, the burden to be placed upon the inspector is all the greater.

Because of the hardships and loss of time and money it is my recommendation that Mr. Davis be held free of all expenses and the cost of the appeal to BZA be absorbed by Central Inspection. This will not correct the time loss and the inconvenience but it will relieve Mr. Davis of additional and unanticipated monetary loss.

In the event the recommended relief cannot be granted administratively I will be happy to advise Mr. Davis of the availability of the claims procedure. Ultimately this will bring Mr. Davis before the City Commission.

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Fredrick A. Linde,
Grievance Officer

FL:lc

Bob Feldner
June 29, 1978
Page Three

cc: Harold R. Davis, 2637 Lulu, Wichita, Kansas 67216
Ray Bruggeman, Public Works Department
E. H. Denton, City Manager
✓ Jack Galbraith, Planning Department

29 notices sent to agent, applicant, and adjacent property owners
10 notices sent to MAPC
1 notice to CPO
31 total notices sent on BZA 30-78, 6-29-78

BOARD OF ZONING APPEALS
City Hall - Tenth Floor
455 North Main, Wichita, Kansas 67202

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 30-78

An application has been filed by Harold Davis, 2637 Lulu, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 5 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 5, M. K. Gentry's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

This application has been assigned Case No. BZA 30-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Harold R. Davis

Mailing Address 2637 Lulu Wichita, Kansas 67216 Phone 267-6400
261-4498 (Bus.)

Name of Authorized Agent _____

Mailing Address _____ Phone _____

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

II. The variance requested is to allow building attached garage to
extend 5 foot from side property line instead of 6 foot.

for property located at 2637 Lulu Wichita, Kansas 67216

and legally described as: Lot 5, M. K. Gentry's Addition

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

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.

Harold R. Davis
Applicant Harold R. Davis

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 6-29-78 (10:00 a.m.), _____ 19____ together with appropriate fee of \$50.00.

*accepted late for July 11th.
as prearranged*

Larry Dobson
Signed

June 28, 1978

Board of Zoning Appeals
City of Wichita, Kansas

To Whom It May Concern:

On June 19, 1978 when applying for a building permit for an attached garage at 2637 Lulu, I was advised that I could build this garage five feet from property line and permit was approved. Drawing with complete dimensions of attached garage accompanied application for building permit. Footings were dug and steel laid and field inspector was called for approval and I was found to be in violation of side yard set back.

To comply with city ordinance undue hardship for labor and expense will occur. I have used ground for footing forms and will have to buy forming materials as well as dig footing again if I have to move footing one foot.

If building permit had not been issued allowing this, or if inspector had approved footing on basis of building permit, this application and associated expense would not be necessary. Therefore, I feel the filing fee for this variance should be waived.

Sincerely,

Harold R. Davis
Harold R. Davis

HRD:mp

Encls.

5 1/2 Cedar fence on N prop line

SET BACK AND SIDE YARDS SHALL CONFORM WITH ZONING ORDINANCE

CASH CHECK

CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION

App. No.
28A

Permit
No. D29712

Permission is hereby granted to *erect*

a structure at No. *2637 S. Kulu* and to be used for *garage*

All work to be done in compliance with the laws and ordinances pertaining to same and in conformity with the plans or application filed with, and approved by, the Inspection Department.

Estimated Cost \$ *2,495* Fee \$ *24.00*

**KEEP PERMIT
ON PREMISES**

Owner *Harold Klaus*

PAID

Date *6-19*, 19*78*

Address *Ray, work*

JUN 19 1978

**SUPERINTENDENT of
CENTRAL INSPECTION**

Contractor *Ray, work*
Address
Subject to refund of 50% if application
is made within ten (10) days.

CITY OF WICHITA Issued by *SP*

VOID UNLESS STAMPED BY CASHIER

KA-001 REV. 11-75 VOID UNLESS WORK IS STARTED WITHIN 120 DAYS

W. L. KORBER R. G. WAYMIRE
BAUGHMAN CO.
SURVEYORS

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

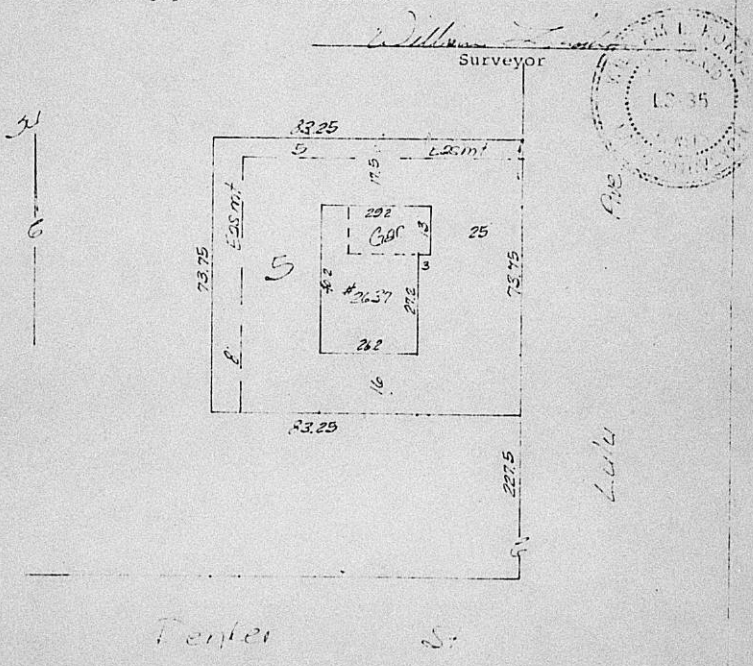
State of Kansas)
) SS
County of Sedgwick)

June 12, 1975

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 12th day of June, 1975 survey Lot 5, M.K. Gentry's Addition to Wichita, Kansas.

On said lot is house No. 2637 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.





Application for Building Permit

PERMIT NO. **D27712**

I. IMPORTANT: Complete ALL Items, Mark Boxes Where Applicable

LOCATION OF BUILDING CARD 1: STREET NUMBER DIR. **2637** **E** STREET NAME _____ TYPE DIR. _____ UNIT _____ SECONDARY ADDRESS _____

CARD 2: LOT(S) **5** BLOCK **MK GENTRY** ADDITION _____ ZONE: Dist **3** Fire **3**

CARD 3: LOT(S) _____ BLOCK _____ ADDITION _____ LOT SPLIT NO. _____

If Metes and Bounds, Attach Additional Information

II. TYPE AND COST OF BUILDING - All Applicants Complete A - E

A. TYPE OF IMPROVEMENT
 New Building
 Addition (If Residential, enter number of new housing units added, if any, in Part E)
 Alteration (See 2 above)
 Repair, Replacement
 Wrecking (If multi-family residential, enter number of units in Building in Part E, 3)
 Move-In (relocation)

B. OWNERSHIP
 PUBLIC
 PRIVATE

C. FLOOD PLAIN AREA **Y** **M**
 FLOOR ELEVATION BY CITY DATUM _____

D. VALUATION: \$ **2495** VALUATION TO Nearest Dollar

E. PROPOSED USE - For "Wrecking" Most Recent Use
Residential:
 One-Family
 Two-Family
 Multi-Family (*)
 Garage-Attached
 Garage-Detached
 Carport-Attached
 Carport-Detached
 Storage Shed
 Other - Specify _____
Commercial:
 Amusement, Recreational Building
 Church, Religious Building
 Industrial Building
 Parking Garage
 Service Station
 Hospital, Institutional Building
 Office, Bank, Professional Building
 Public Works, Utilities
 School, Educational Building
 Stores, Mercantile Building
 Transient Hotel, Dormitory, etc.
 Other Buildings
 Structures Other Than Buildings

F. Project Name: **ERECT ATTACHED GARAGE** Const. Type Hour Occupancy (Group)

G. DESCRIPTION OF WORK: _____

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete parts H through R; for wrecking complete only part K; for all others, skip to IV.

H. FOUNDATION
 Concrete
 Concrete Block
 Wood
 Other

I. STRUCTURE (Principal Type of Frame)
 Masonry (Wall Bearing)
 Steel
 Concrete
 Wood
 Other
Roof:
 Wood
 Metal
 Concrete
 Other
Floor:
 Wood
 Concrete
 Other

J. COVERING
Roof:
 Wood
 Composition
 Metal
 Concrete
 Built-Up
 Other
Exterior Walls:
 Wood
 Masonry
 Metal
 Composition
 Asbestos
 Other
Interior Walls:
 Dry Wall
 Plaster
 Masonry
 Other

K. DIMENSIONS:
 1. _____ Number of Stories
 2. _____ Basement
 3. **567** Total Sq. Ft.
 4. _____ Building Height

L. TYPE OF WATER SUPPLY
 Public
 Private -
 Approved by Health

M. TYPE OF SEWAGE DISPOSAL
 Public
 Private -
 Approved by Health

N. NUMBER OF STAIRWAYS
 1. _____ Basement to 1st
 2. _____ 1st to 2nd
 3. _____ 2nd to Roof

O. NUMBER OF OFF-STREET PARKING SPACES
 1. _____ Enclosed
 2. _____ Outdoors

P.
 1. _____ No. of Escalators
 2. _____ No. of Elevators

Q. RESIDENTIAL
 1. _____ No. Bedrooms
 2. _____ No. Bathrooms

R. REQUIREMENTS:
 Sidewalk
 Historical Structure
 Partial Permit

IV. IDENTIFICATION - To be completed on all applications

1. (DAYWORK) OWNER **HAROLD R DAVIS** CITY **Wichita** STATE **KS**

STREET NUMBER DIR. **2637** **E** STREET NAME **Lulu** TYPE DIR. _____ ZIP CODE **67216** TELEPHONE **62676400**

CONTRACTOR _____ LICENSE NO. _____

3. ARCHITECT AND/OR ENGINEER _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant _____ Address _____ Telephone _____ Date _____

PERMIT STATUS Other Permits Required: Plumbing Electrical Mechanical Boiler Elevator Sidewalk Other

PERMIT FEE: \$ **24.00** Date: **06/19/78** Application approved by _____

VOID UNLESS: WORK STARTED WITHIN 120 DAYS

Application and Plot plans checked and approved as to the following:
 Setback Easements Sewer available or sealed 10' easement, existing sewer U.S. 54 setback Elec. Released

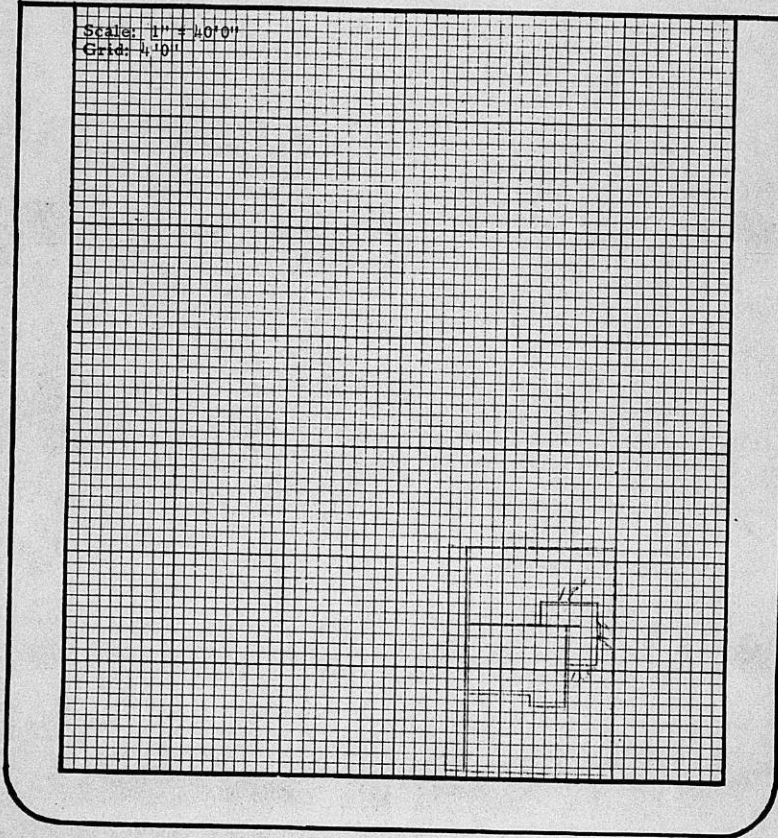
RESIDENTIAL PLOT PLAN

ADDRESS: 2637 LULU

PERMIT NO. 15972

LOT(S): 5 BLK. _____ OF A.K. BENTLEY'S ZONING _____

Scale: 1" = 40'
Grid: 1/4"



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: Harold P. Davis
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

Form No. KA-345 (2/76)

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 5	M.K. Gentry's	D Harold Robert Davis & Marla Kay 2637 Lulu Ave. 67216
Lot 4	" " "	Patricia Kay Maggard ✓ 2629 Lulu Ave. 67216
Lot 3	" " "	✓ Doyle Raymond Patchett & Georgie June 2621 Lulu Ave. 67216
Lot 2	" " "	✓ Daniel J. Kraft & Mildred E. 2613 Lulu Ave. 67216
Lot 6	" " "	✓ Roger W. Sutter & Bonnie L. 2645 Lulu Ave. 67216
Lot 7	" " "	✓ Paul D. Jackson & Sharon K. 2653 Lulu Ave. 67216
Lot 8	" " "	✓ Johnny Narcios Perez & Carolyn C. 2661 Lulu Ave. 67216
Lot 1, Block C	Lowrey	✓ Donald C. Simon & Lucille K. 2602 Pattie Ave. 67216
Lot 2, Block C	" "	✓ John W. Walker & Iris V. 2614 Pattie Ave. 67216
Lot 3, Block C	" "	✓ James E. Vines & Thelma Jean 2622 Pattie Ave. 67216
Lot 4, Block C	" "	✓ Wilfred F. Brake & Maxine M. 2626 Pattie Ave. 67216
Lot 5, Block C	" "	✓ John B. Durnil & G. LaRose 2638 Pattie Ave. 67216
Lot 6, Block C	" "	✓ Ruben H. Nietfeld & Betty J. 2646 Pattie Ave. 67216
Lot 3, 6 & 7, Block B	" "	✓ Catholic Diocese of Wichita 424 N. Broadway 67202
Lot 2, Block 1	Murray's	✓ Rosa Werth 2608 Lulu Ave. 67216
Lot 3, Block 1	" "	✓ Paul Schwartz & Evelyn J. <i>CD</i> 2614 Lulu Ave. 67216 <i>not in CD</i>
Lot 4, Block 1	" "	X Clifford R. Ballard & Doris R. address unknown
Lot 5, Block 1	" "	✓ Otilia L. Collar 2626 Lulu Ave. 67216
Lot 6, Block 1	" "	✓ S. Morris Jackson & Gladys D. 2632 Lulu Ave. 67216
Lot 7, Block 1	" "	✓ Stephen E. Allen & AnnaBelle 2638 Lulu Ave. 67216
Lot 8, Block 1	" "	✓ Charles E. Dix & Dorothy A. 2644 Lulu 67216

Lot	Addition	Property Owner
Lot 9, Block 1	Murray's	Kenneth E. Meyer & Carolyn A. 2650 Lulu Ave. 67216
Lot 10, Block 1	" "	Michael D. Camp & Paula Gerald T. Camp Ruth R. Durham 2656 Lulu Ave. 67216
Lot 11, Block 1	" "	Billy B. Quincy & Helen Jean 2662 Lulu 67216
Lot 19, Block 1	" "	Stephen Blake Sipes & Carol L. 2617 Ellis 67216
Lot 18, Block 1	" "	Elmer L. Friedman & Eileen G. 2623 Ellis Ave. 67216
Lot 17, Block 1	" "	Elvin Dennis Swan & Deborah Anne 1708 N. Arkansas 67203 <i>mail ret'd 7-3-78</i>
Lot 16, Block 1	" "	Michael S. Ables & Cynthia A. 2635 Ellis 67216
Lot 15, Block 1	" "	William A. Hensley & Lola Marie address unknown <i>Sw in phone book in PD work in</i>
Lot 14, Block 1	" "	Clifford A. Marcotte & Blanche M. 2647 Ellis Ave. 67216
Lot 13, Block 1	" "	Eugene E. Wade 2653 Ellis 67216

We hereby certify the foregoing to be a true and correct list of the property owners of:

200' radius of Lot 5, M.K. Gentry's Addition
to Wichita, Kansas, Sedgwick County, Kansas,

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 28th day of June, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable
Vice President

Order No. 266117
rmk

BOARD OF ZONING APPEALS
City Hall - Tenth Floor
455 North Main, Wichita, Kansas 67202

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 30-78

An application has been filed by Harold Davis, 2637 Lulu, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 5 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 5, M. K. Gentry's Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Lulu Avenue in an area between Marion Road and Denker Street (2637 Lulu).

This application has been assigned Case No. BZA 30-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Important!
Notice of Hearing
Enclosed

RETURN
TO
ADDRESS UNKNOWN
DOWNTOWN STA.



Elvin Dennis Swan and Deborah Anne
1708 N. Arkansas
Wichita, Ks. 67203

