

ACTION

BZA COMMITTEE Approved DATE 11.28.72

M.A.P.C. _____

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

BZA 31-72 Robert E. Clark reqsts.
variance to reduce required separation
between buildings from 20
feet to 10 ft. at NW corner of
Wichita and Lincoln

POSTED
11/28/72

C. I. V.
MARP
1-3-73
JH

ACTION

BZA COMMITTEE Approved DATE 11.28.72

M.A.P.C. _____

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

BZA 31-72 Robert E. Clark requests
since no reduce required separa-
tion between buildings from 50
feet to 10 ft. at NW corner of
Wichita and Lincoln

Map No. 5446
 Sec. 29
 Twp. 27
 Range 1E

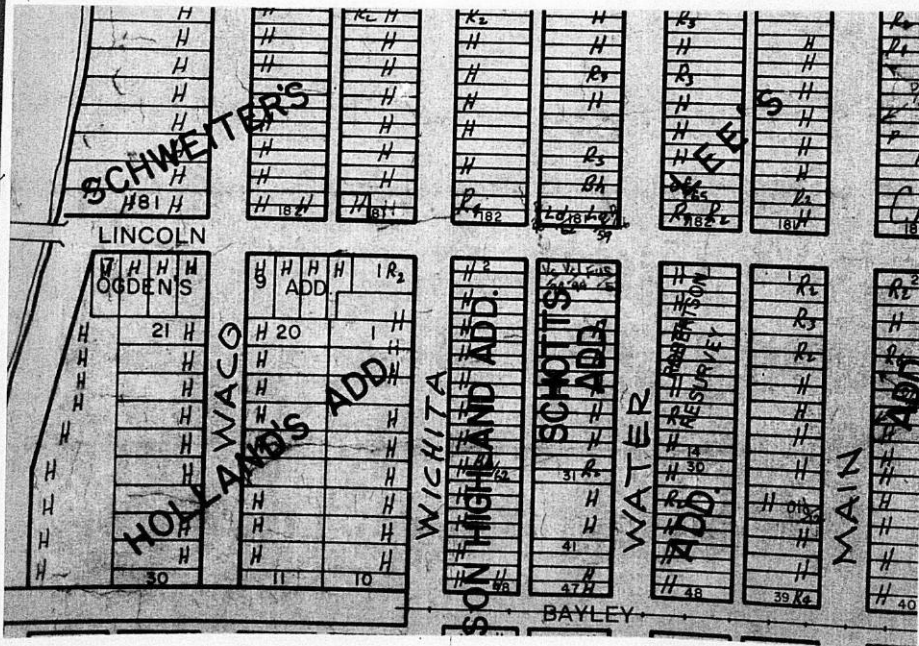
BZA- 31-72
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.06 (50 ft. by 55 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 _____



RESOLUTION NO. BZA 31-72

WHEREAS, Robert E. Clark, 1132 South Waco, Wichita, Kansas, 67213, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required separation between buildings from 20 feet to 10 feet, on property zoned "B" Multiple Family Dwelling District, and legally described as follows:

The West 55 feet of Lots 179 and 181 on Wichita Street, Schweiter's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the Northwest corner of Lincoln and Wichita.

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 November 28, 1972, 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 due to the fact that although the lots are platted along Wichita, both houses are constructed facing Lincoln. The sideyard regulations in zoning district "B" would require 10 feet between the structures, but since this is a corner lot, it must fulfill the rearyard requirement of 20 feet; 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 the property to the west is separated by an unpaved alley, while the carport is adjacent to the garage of the house to the east; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as he and his wife would be deprived of the convenience and protection provided by shelter for their car; 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, as there is sufficient space between the two garages; 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) since both residences face Lincoln and the remaining rearyard separation would afford adequate separation between the two structures; and

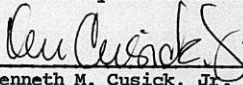
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 separation between buildings from 20 feet to 10 feet, on property zoned "B" Multiple Family Dwelling District, and legally described as:

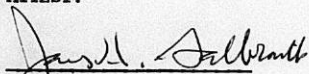
The West 55 feet of Lot 179 and 181 on Wichita Street, Schweiter's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the Northwest corner of Lincoln and Wichita.

be approved as requested.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

December 27, 1972

Mr. Robert E. Clark
1132 South Waco
Wichita, Kansas 67213

Subject: Case No. BEA 31-72 - Request for Variance

Dear Mr. Clark:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 28, 1972, in connection with your request for a variance to reduce the required separation between buildings from 20 feet to 10 feet, on property zoned "B" Multiple Family Dwelling District, and generally located on the Northwest corner of Lincoln and Wichita.

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

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw
attachment

cc: Marvin R. Parkey, 905 East Main, Mulvane, Ks. 67110
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

December 1, 1972

Mr. Robert E. Clark
1132 South Waco
Wichita, Kansas 67213

Subject: Case No. BEA 31-72 - Request for Variance

Dear Mr. Clark:

At the regular meeting of the Board of Zoning Appeals on November 28, 1972, your request for a variance to reduce the required separation between buildings from 20 feet to 10 feet on property zoned "B" Multiple Family Dwelling District, and generally located on the Northwest corner of Lincoln and Wichita, was considered.

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

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rv

cc: Marvin R. Parkey, 905 East Main, Mulvane, Ks. 67110
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

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

November 8, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. EZA 31-72

An application has been filed by Robert E. Clark, 1132 South Waco, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required separation between buildings from 20 feet to 10 feet, on property zoned "B" Multiple Family Dwelling District, and legally described as follows:

The West 55 feet of Lots 179 and 181 on Wichita Street, Schweiter's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the Northwest corner of Lincoln and Wichita.

This application has been assigned Case No. BZA 31-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

10 copies sent to Property Owners 11/8/72
8 copies to MAPC members "

SECRETARY'S REPORT
CASE NO. BEA 31-72

APPLICANT: Robert E. Clark, 1132 South Waco, Wichita, Kansas,
67213

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required separation
between buildings from 20 feet to 10 feet.

GENERAL LOCATION: Northwest corner of Lincoln and Wichita

ZONING: Subject property is zoned "B" Multiple Family as
are those properties to the north, east and west.
To the south is "RB" Four Family zoning.

LAND USE: Subject property is occupied by a single family
residence, as are those properties to the north,
south, east and west.

JURISDICTION:

The Board has jurisdiction to consider the variance
request under the provisions outlined in Section 2.12.590.B,
Code of the City of Wichita. The Board may grant the request
when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition
which is unique to the property in question and which is
not ordinarily found in the same zone or district; and
is not created by an action or actions of the property
owner or the applicant.
2. That the granting of the permit for the variance will
not adversely affect the rights of adjacent property
owners or residents.
3. That the strict application of the provisions of Title 28
of which variance is requested will constitute unnecessary
hardship upon the property owner represented in the appli-
cation.
4. That the variance desired will not adversely affect the
public health, safety, morals, order, convenience, pros-
perity 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 from 20 feet to 10 feet for the required separation between the front and rear buildings constructed on a corner lot. The applicant's property is the west 55 feet of Lots 179 and 181 at the corner of Wichita and Lincoln. The single family houses which have been constructed on the front and the rear of these two lots face Lincoln, rather than Wichita. The house on the east 85 feet of these lots has an attached garage which extends to within 2'8" of the property line. The applicant has constructed a carport attached to the east side of his house, which reduces the separation between the front and rear buildings to 11'7". The property for which this variance is requested is zoned "B", and the required separation between front and rear buildings constructed on a corner lot is 20 feet.

The applicant has a very limited area in which to provide shelter for his car. His house is separated from the alley on the west by only three feet and from the north property line by 8 feet. Thus, with the existing garage attached to the house on the front of the lot, it is not possible for him to construct any sort of car shelter which would conform to the provisions of Title 28.

Uniqueness:

It is the opinion of the Secretary that this situation is somewhat unique due to the fact that although the lots are platted along Wichita, both houses are constructed facing Lincoln. The sideyard regulations in zoning district "B" would require 10 feet between the structures, but since this is a corner lot, it must fulfill the rearyard requirement of 20 feet.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent properties

Page 3 - Secretary's Report
BZA Case No. 31-72

inasmuch as the property to the west is separated by an unpaved alley, while the carport is adjacent to the garage of the house to the east.

Hardship:

It is the opinion of the Secretary that unnecessary hardship would be placed upon the applicant if the variance were not granted inasmuch as he and his wife would be deprived of the convenience and protection provided by shelter for their car.

Public Interest:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare as there is sufficient space between the two garages.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 since both residences face Lincoln and the remaining rearward separation would afford adequate separation between the two structures.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance can be found to exist, and it is therefore recommended that the request to reduce the separation required between the front and rear buildings constructed on a corner lot from 20 feet to 10 feet be approved for only that area occupied by the existing carport.

BOARD OF ZONING APPEALS

CASE NO. 31-72

CITY OF WICHITA, KANSAS

FILED 10-26-72

APPLICATION FOR VARIANCE

I. Name of Applicant Robert E. Clark
 Mailing Address 1132 So. Waco - Wichita, KS 67213 Phone 265-6732
 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 Changing of distance
of 50 ft to 10 ft for building setback
To reduce the required separation between buildings from 20 feet to 10 feet
 for property located 314 W. Lincoln
Wichita KS
 and legally described as: West 50 ft of lots
179 & 181 Schweitzer Estate #1
commonly known as
1147 S. Wichita
 in the City of Wichita; and which is presently zoned B.

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.

Robert E. Clark
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:35 (a.m. - p.m.), October 26 1972 together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley
Signed

Oct. 21 - 1972.

Dear Sirs -

1. We are requesting a variance from the terms of Title 28 because of the need of space for a carport. The condition is unique in that our property is the west 55 ft of lots 179+181 on Wichita. The city has our lot facing on Wichita & it is facing Lincoln (314 W.). For the reason we don't have enough footage to allow 20 ft between the carport and the building on the adjacent lot. According to Title 28.

2. The house is bounded on the West by an alley and in no way could this request affect the rights of adjacent owners.

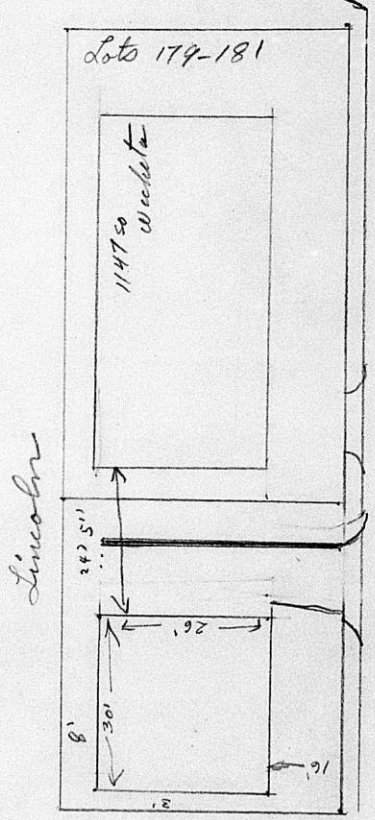
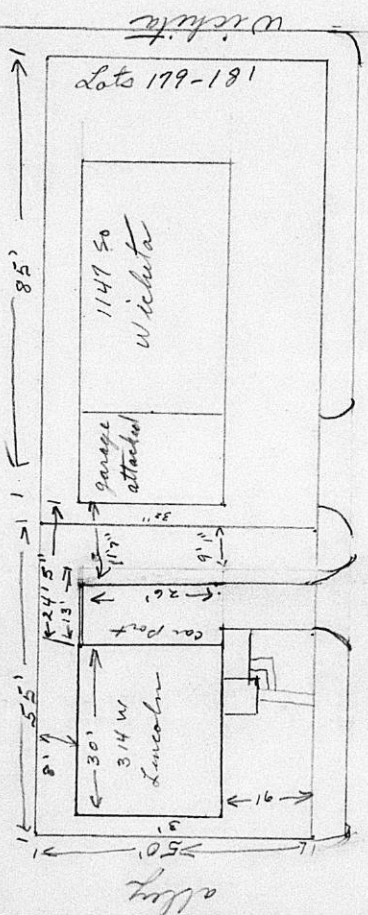
3. The strict application of Title 28 would prevent us having any kind of enclosure for our car.

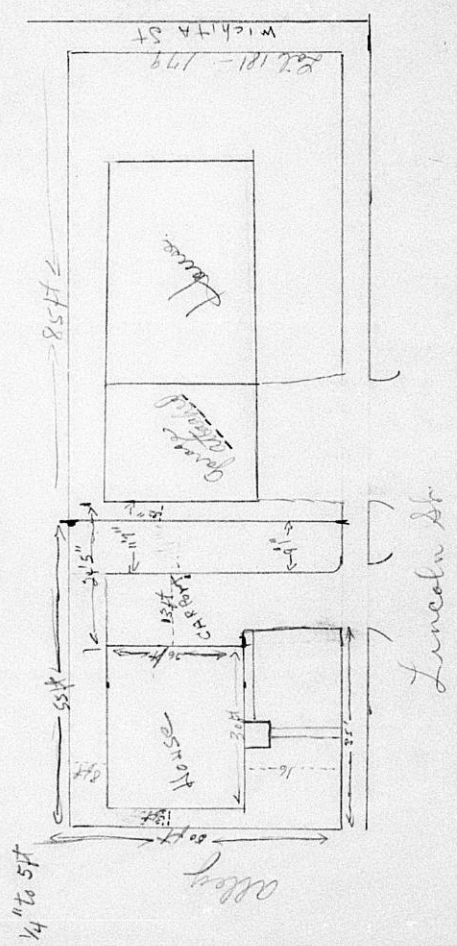
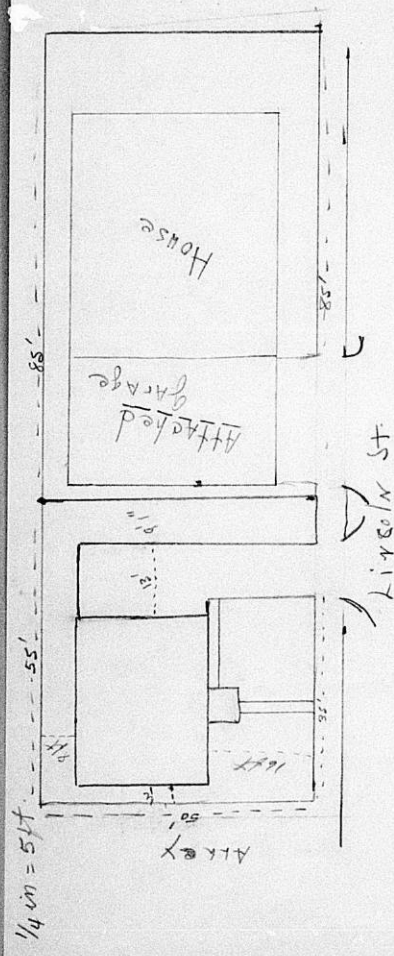
4. The Variance would add to the appearance and in no way would have an adverse effect.

5. Our request is that we be allowed to erect the carport, with 10 ft between it & the garage on the front lot, instead of the stated 20 ft in Title 28.

Robert C. Clark

1/4" x 5"





1/4 in = 5ft

1/4" to 5ft

52121-179
Wichita St

Lincoln St

O W N E R S H I P L I S T

Lot	Street	Addition	Property Owner
168	Wichita	Schweikers Addition	✓ Dean E. Atherton 1124 South Wichita Wichita, Kansas 67213
170	Same	Same	<i>no address found</i> W. B. Brinnon and Imogene C. Brinnon Address Unknown
172	Same	Same	Same
174	Same	Same	✓ J. Dwight Starkey and Flossie G. Starkey 853 Porter Avenue Wichita, Kansas 67203
176	Same	Same	Same
178	Same	Same	✓ Winifred E. Overholt 1502 South Water Wichita, Kansas 67213
180	Same	Same	Same
182	Same	Same	Same
163	Same	Same	✓ Clearance D. Duggin and Verian Nadine Duggin 1125 South Wichita Wichita, Kansas 67213
165	Same	Same	Same
167	Same	Same	✓ Mary Jane Anderson 1131 South Wichita Wichita, Kansas 67213
169	Same	Same	Same
171	Same	Same	✓ Marvin R. Parkey and Janice M. Parkey 905 East Main Mulvane, Kansas 67110
173	Same	Same	Same
175	Same	Same	<i>no address found</i> Daniel R. Aikman Address Unknown
177	Same	Same	Same
W55 ¹			D Robert E. Clark and Ruth F. Clark 1132 South Waco
179	Same	Same	

Lot	Street	Addition	Property Owner
W55' 181	Wichita	Schweikers Addition	D Robert E. Clark and Ruth F. Clark 1132 South Waco Wichita, Kansas 67213
179 exc W55'	Same	Same	Optimistic Futures Inc. Address Unknown <i>Harold George</i> <i>140 So. Central</i> <i>Wichita K.S. 67211</i>
181 exc W55'	Same	Same	Same
164	Waco	Same	✓ Pearl Willett Osborn and Daisy M. Osborn 1123 South Waco Wichita, Kansas 67213
166	Same	Same	Same
168	Same	Same	D Robert E. Clark and Ruth F. Clark 1132 South Waco Wichita, Kansas 67213
170	Same	Same	Same
172	Same	Same	✓ Irene M. Dunnavent 1712 Palisade Wichita, Kansas 67213
174	Same	Same	Same
W90' 176	Same	Same	✓ Wallace E. Gilbert 1142 South Waco Wichita, Kansas 67213
W90' 178	Same	Same	Same
E50' 176	Same	Same	✓ Velma L. Holland 318 West Lincoln Wichita, Kansas 67213
E50' 178	Same	Same	Same
E50' 180	Same	Same	Same
E50' 182	Same	Same	Same
W90' 180	Same	Same	✓ Jacob J. Kuhn and Olive E. Kuhn 6947 Hollywood 67209

Lot	Street	Addition	Property Owner
W90'	Waco	Schweikers Addition	✓ D Jacob J. Kuhn and Olive E. Kuhn 6947 Hollywood Wichita, Kansas 67209
1	Lincoln	Ogdens Addition	✓ Ernest H. Snyder and Hellen A. Snyder 112 East Skinner Wichita, Kansas 67213
3	Same	Same	✓ Valdia C. Wage 311 West Lincoln Wichita, Kansas 67213
5	Same	Same	<i>no address found</i> John T. Shahan and Gloria J. Shahan Address Unknown.
7	Same	Same	✓ Max D. Meredith and Lottie D. Meredith 323 West Lincoln Wichita, Kansas 67213
9	Same	Same	<i>no address found</i> Gilbert J. Doll Address Unknown
S40'	1	Wichita Hollands Addition	✓ Varena Scott 1211 South Wichita Wichita, Kansas 67213
N10'	1	Same	✓ Merrill B. Van Arsdale and Delia E. Van Arsdale 1017 Litchfield Wichita, Kansas 67203
20	Waco	Same	✓ Thomas F. Doyle and Dorothy E. Doyle 1208 South Waco Wichita, Kansas 67213
Commencing 1524 feet West and 99.82 ft. South of the Northeast corner of the Southeast Quarter of Section 29-27-1E thence South 50 ft, West 140 ft, North 50 feet, East 140 feet to point of beg.			✓ D Delia E. Van Arsdale and Merrill B. Van Arsdale 1017 Litchfield Wichita, Kansas 67203
2	Wichita	Nelson's Highland Addition	✓ Louis E. Dorr and Helen E. Dorr 1202 South Wichita Wichita, Kansas 67213
4	Same	Same	Same

The Security Abstract and Title Company, Inc. hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: The West 55 feet of Lots 179 and 181 on Wichita Street, Schweiter's Addition to the City of Wichita, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 27th day of October, 1972 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Assistant Vice President

Order No. 195879

FORM 220-01

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
172A Insurance	2-050

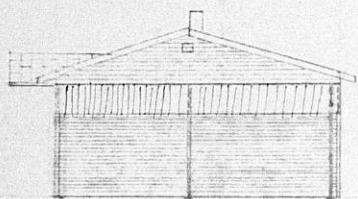
Name 172A - 172A

Address 172A - 172A

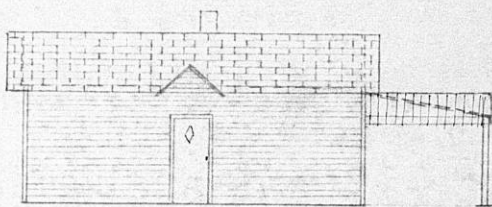
Type 172A - 172A Due Date

Comments:

Date 1-28-72 By RLW



EAST END



SOUTH SIDE

Scale 1" = 10'