

Case No. BZA 31-79 - S. T.
Hartnett requests variance to
reduce required ~~4~~ yard
setback from 20' to 2' 10" on
property zoned "B" and generally
located on the southwest corner

ACTION

BZA
31-79

COMMITTEE

Approved 7-24-79

DATE

M.A.P.C. _____

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

Postel

Case No. BZA 31-79 - S. T.
Harnett requests variance to
reduce required ~~setback~~ yard
setback from 20' to 21' 10" on
property zoned "B" and generally
located on the southwest corner

August 2, 1979

S. T. Hartnett
4100 E. English
Wichita, Kansas 67218

Re: Case No. BZA 31-79
Request for Variance

Dear Mr. Hartnett:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 24, 1979, in connection with your request for a variance to reduce the required front yard setback from 20 feet to 2 feet 10 inches on property zoned "B" Multiple Family and generally located on the southwest corner of 3rd Street and Hillside.

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

If you have questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:bbc

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

RESOLUTION NO. BZA 31-79

WHEREAS, S. T. Hartnett, 4100 East English, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 2 feet 10 inches, on property zoned the "B" Multiple Family District and legally described as follows:

Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside).

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 24, 1979, 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 enclosure of the porch could have been accomplished prior to the condemnation of 20 feet of street right-of-way for Hillside without a variance; 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 buildings to the north and south are closer to the front property line than the addition proposed by the applicant; 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 owners represented in the application inasmuch as the applicant is in need of a reception area and the existing porch serves no practical purpose for the intended use of the property; 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 the enclosure of the porch should in no way create a sight hazard or in any other way interfere with the general public interest; 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 uniformity within the area is created by the existing structures being at the reduced setback line.

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.

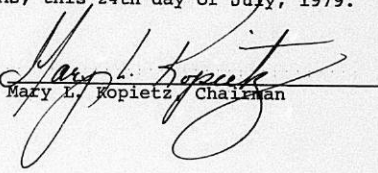
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 20 feet to 2 feet 10 inches on property zoned the "B" Multiple Family District and legally described as:

Lot 31, and the north 23 feet of Lot 33,
except for the east 20 feet condemned for
street, on Hillside Avenue, Maple Grove
Addition, Wichita, Kansas. Generally
located at the southwest corner of Hillside
and 3rd Street (357 North Hillside)

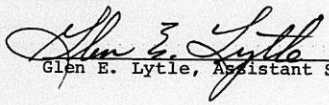
be approved subject to the following condition:

1. The variance shall apply only to the enclosure of the existing porch as a reception area.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1979.


Mary L. Kopietz, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 25, 1979

S. T. Hartnett
4100 E. English
Wichita, Kansas 67218

Re: Case No. BZA 31-79
Request for Variance

Dear Mr. Hartnett:

At the regular meeting of the Board of Zoning Appeals on July 24, 1979, your request for a variance to reduce the required front yard setback from 20 feet to 2 feet 10 inches on property zoned "B" Multiple Family and generally located on the southwest corner of 3rd Street and Hillside was considered.

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

1. The variance shall apply only to the enclosure of the existing porch as a reception area.

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.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bbc

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

SECRETARY'S REPORT
CASE NO. BZA 31-79

APPLICANT: S. T. Hartnett, 4100 East English, Wichita
Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
front yard setback from 20 feet to 2 feet 10
inches.

GENERAL LOCATION: Southwest corner of 3rd Street and Hillside.

ZONING: Subject property is zoned "B" Multiple Family
as is that to the north. Property to the
south and east is zoned "RD" Four Family.
West is zoned "A" Two Family.

LAND USE: Subject property is occupied by an office;
north is four family; south and east is two
family; west is single family.

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 of the required front yard setback, adjacent to Hillside, from 20 feet to 2 feet 10

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Case No. BZA 31-79
BZA AGENDA
7-24-79

inches for the purpose of enclosing an existing front porch to provide a reception area for a physical therapy treatment facility located on the premises.

In his statement of justification, the applicant points out that the variance request arises due to the east 20 feet of the property being condemned by the City to widen Hillside and prior to the condemnation the porch could have been enclosed and the required 20 foot front yard setback maintained.

In viewing the area in the field, it was seen that the building to the north sits approximately 18 inches from the property line on Hillside. It was also noted that the building to the south maintains what appears to be a 5 foot setback, however, the front porch has been enclosed with a rock facing to within approximately 18 inches of the porch roof line and, therefore, is located closer to the front property line than the applicant's building.

UNIQUENESS:

It is the opinion of the Secretary that the variance requested arises from a unique situation inasmuch as enclosure of the porch could have been accomplished prior to the condemnation of 20 feet of street right-of-way for Hillside without a variance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the buildings to the north and south sit closer to the front property line than the addition proposed by the applicant.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship inasmuch as the applicant is in need of a reception area and the existing porch serves no practical purpose for the intended use of the property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as the enclosure of the porch should in no way create a sight hazard or in any other way interfere with the general public interest.

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Case No. BZA 31-79
BZA AGENDA
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SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance as uniformity within the area is created by the existing structures being at the reduced setback line.

RECOMMENDATION:

If the Board finds the five conditions necessary to the granting of a variance to exist, it is recommended that the variance be granted subject to the following condition:

1. The variance shall apply only to the enclosure of the existing porch as a reception area.

BZA CASE NO. 31-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 7-6-79

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-79

An application has been filed by S. T. Hartnett, 4100 East English, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita requesting a variance to reduce the required front yard setback from 20 feet to 2 feet 10 inches, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside).

This application has been assigned case No. BZA 31-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 24, 1979, 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 E. Galbraith
Secretary

This request is for variance from City code to permit the enclosure of an existing porch located @ 357 North Hillside. The porch sits 34" from the City property line.

An inspection of the west side of the 300 block of North Hillside will show that the sidewalk curves in a northwesterly direction at the south property line for 357 North Hillside. At that point Hillside widens leaving the 357 North Hillside location with only 34" between the existing front porch and the City property line.

North Hillside Nos. 353-355 is faced with a porch enclosed to within 15" of the porch roof line and the front of this porch sits on the City property line.

The first property in the 400 block of North Hillside sits 16" from the sidewalk.

In comparison of 357 North Hillside with the adjacent properties, you will note that allowance of this variance request is in keeping with the adjacent structures. However, permission to enclose the existing porch at 357 N. Hillside will be a lesser variance from City code than the variance of the two adjacent structures:

353-355 sits 34" farther east than the front of the porch at 357 North Hillside; and

the first property in the 400 block of North Hillside sits 8' 4" farther east than 357 North Hillside.

JOHN DEKKER
City Attorney
EUGENE L. PIR TLE
First Assistant City Attorney
600 City Building Annex
Wichita, Kansas 67202
262-0611 Ext. 283

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

CITY OF WICHITA, KANSAS,
a Municipal Corporation,

Plaintiff,

vs.

C. T. HINSHAW, et al.,

Defendants.

Hillside Avenue

Case No. C-30469

Division No. 8

REPORT OF APPRAISERS

We, the undersigned appraisers, appointed to view and appraise the value of certain lands and/or interests and/or rights therein described in the petition of the plaintiff, the City of Wichita, Kansas, a municipal corporation, in the captioned matter and to determine the damages to the interested parties resulting from the takings, after being duly sworn and in accordance with the written instructions given by the Court, now report as follows:

On May 30, 1974, we published notice of our Public Hearing to commence June 24, 1974, to all interested parties by notice published in The Daily Record, a newspaper of general circulation in Sedgwick County, Kansas, the proof of which said published notice has been filed in this action. On the 3rd day of June, 1974, we mailed copies of said published notice of our Public Hearing to the plaintiff and all defendant parties named in the petition whose addresses were known to us or could with reasonable diligence be ascertained, the proof of which mailing has been filed in this action.

On and after our appointment and qualifying herein, we began our appraisal and assessment of damages by actual view of the lands to be taken and of the tracts of which they are a part. On June 24, 1974, at 9:00 o'clock A. M.

a public hearing was held in Division 8 of the Sedgwick County District Court in Wichita, Kansas, at the time and place stated in the published and mailed notices, at which time we heard oral and/or written testimony concerning our appraisal and assessment of damages from the plaintiff and such of the defendants as were present and desired to be heard.

After our view of the lands involved, after consideration of the testimony received at the hearing and according to the instructions given us by The Honorable Nicholas W. Klein, we have appraised the lands and/or interests and/or rights therein sought by the plaintiff and described in the petition. The damages to the interested parties resulting from the takings are as follows:

Tract No. 2

THE EAST TWENTY (20) FEET OF LOT 31 AND THE EAST TWENTY (20) FEET OF
THE NORTH TWENTY-THREE (23) FEET OF LOT 33 ON HILLSIDE AVENUE ALL IN
MAPLE GROVE ADDITION TO WICHITA, KANSAS.

OWNER: C. T. Hinshaw

ADDRESS: 357 N. Hillside, Wichita, Kansas 67214

(a)	Value of entire property or interest before taking.	<u>\$ 52,020.00</u>
(b)	Value of that portion of the property or interest remaining after taking.	<u>\$ 41,520.00</u>
	VALUE OF EASEMENT TAKEN AND DAMAGES RESULTING THEREFROM	<u>\$ 10,500.00</u>

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 31-79
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant S. T. Hartnett ✓
Mailing Address 4100 East English, Wichita, KS Phone 681-3197/682-2886
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 change front yard set back from 13 feet
^{reduce the required} to 2 feet 10 inches. ^{20'}

for property located 357 North Hillside, Wichita, Kansas
on the South west corner of Third and Hillside (357 N. Hillside)

and legally described as: Lot 31, except the east 20 ft. condemned
for street, and the north 23 ft. of Lot 33 on Hillside Avenue, Maple
Grove Addition, Wichita, Kansas.

in the City of Wichita; and which is presently zoned B.

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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

S. T. Hartnett
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:25 (a.m. (p.m.)), June 25 19 79
together with appropriate fee of \$50.00.

G. Lynn Shirkley
Signed

The request for variance arises due to the east twenty feet of the property being condemned to widen Hillside street.

The granting of the permit will enhance the rights and values of the adjacent property owners by preserving the original appearance of the building and correlating in design with property adjacent to it. The adjacent property south has a porch that extends to the front property line except for fifteen to eighteen inches at the top of the wall which is enclosed with stone.

The strict application of Title 28 will not allow utilization of the front porch for reception area as it would have before Hillside was widened.

The variance request will facilitate enhancement of public health, safety, order, convenience, and general welfare by serving as a reception area for a physical therapy treatment facility for handicapped and disabled individuals.

The variance desired is not opposed to general spirit of Title 28, in that it is an improvement of an existing property and will preserve the original appearance, be more functional, and better serve the community with special provisions for the handicapped.

S. T. Hartnett, R.P.T.



STH:TS

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
 SEDGWICK COUNTY) SS

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:

Lot 31, EXCEPT the East 20 Feet
 Condemned for Street and the
 North 23 Feet of Lot 33, on
 Hillside Avenue, MAPLE GROVE
 ADDITION, Wichita, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
Caption	MAPLE GROVE	S. T. Berneitta Hartnett 4100 E. English Street Wichita, Kansas 67218
South 2 Feet of Lot 33, all of Lots 35 and 37, on hillside Avenue	MAPLE GROVE	Almeda Day Fasnacht 355 N. Hillside Wichita, Kansas 67214 and LaVonne Hawley 353 N. Hillside Avenue Wichita, Kansas 67214
1, 2, 40 & 42 on Lorraine Avenue	BRUCE MEEKER BRUCE MEEKER 2ND MAPLE GROVE	Bruce P. II & JoAnne Meeker 345 N. Hillside Wichita, Kansas 67214
36 & 38 on Lorraine Avenue	MAPLE GROVE	Dora D. Ewing and Mary Ewing Carr Address unknown
32 and 34 on Lorraine Avenue	MAPLE GROVE	S. R. & Berneitta I. Hartnett 4100 E. English Street Wichita, Kansas 67218



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
That Part of Reserve A on Lorraine Avenue described as follows: Beginning at a point on West line of said Reserve A, & 60 Feet North of the Southwest Corner of said Reserve A, thence East parallel with the South line of said Reserve A, 30.68 Feet thence to a point 12.04 Feet West of Northeast Corner of Reserve A.	MAPLE GROVE	Lichteig - Pearce, Inc. 8220 Peach Tree Wichita, Kansas 67207
That part of Reserve A & Reserve E as described in Condemnation Case 74743 and Ordinance No. 10-987	MAPLE GROVE	City of Wichita 455 N. Main Wichita, Kansas 67202
That part of Reserve A on Lorraine Avenue described as; Beginning at the Southeast Corner of Reserve A, thence West 100 Feet, thence North 25.8 Feet thence Northeasterly to a point on the East line 97.3 Feet North of the Southeast Corner of Reserve A thence South to Beginning.	MAPLE GROVE	Laverne R. & Norma J. Smith 3602 E. 10th Street Wichita, Kansas 67208
That part of Reserve E on Hillside Avenue described as; Beginning at a point on the East line of said Reserve 40 Feet South of the Northeast Corner of said Reserve, thence West on a line parallel with the North line of said Reserve, a distance of 132 Feet, thence southwesterly to a point on the West line of said Reserve 97.3 Feet North of the Southwest Corner of said Reserve thence South 97.3 Feet to the Southwest Corner of said Reserve, thence 150 Feet to the Southeast Corner of said Reserve, thence on East line of said Reserve to point of Beginning.	MAPLE GROVE	Floyd L. Thomas 2722 E. Douglas Wichita, Kansas 67214
5 and 7 on Hillside Avenue and Lot 1	FLORAL SECOND FLORAL	National Investment Company 3860. Witney Avenue Hamden, Connecticut
3 on Hillside Avenue	FLORAL	Jeckl Investment Company Address Unknown



<u>LOTS</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
5 on Hillside Avenue	FLORAL	✓ Fred W. Hurd 344 N. Hillside Wichita, Kansas 67214
7, 9, and 11 on Hillside Avenue and South 5 Feet of 8, all of 10 and 12 on Holyoke Avenue	FLORAL	✓ Melba A. DeWitt 340 N. Hillside Avenue Wichita, Kansas 67214
8 on Holyoke Avenue EXCEPT South 5 Feet	FLORAL	<i>RM</i> ✓ Ray M. Hammon Address Unknown
6 on Holyoke	FLORAL	✓ Olin A & Ruth McConnell 345 N. Holyoke Wichita, Kansas 67214
4 on Holyoke	FLORAL	✓ Helen M. Smith--Taxes Sent to: Mrs. John Watson 321 N. Lorraine Wichita, Kansas 67214
2 on Holyoke	FLORAL	<i>D</i> National Investment Trust 3860 Witney Avenue Hamden, Connecticut
1	ORTHOPEDIC SPECIALTIES	✓ Charles E & Susan Henning 1401 Pagant Wichita, Kansas 67206



Dated at Wichita, Kansas this 21st day of June, 1979; 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Patricia M. Grier*
Vice-President

Tracer No. 46604

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-79

An application has been filed by S. T. Hartnett, 4100 East English, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita requesting a variance to reduce the required front yard setback from 20 feet to 2 feet 10 inches, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside).

This application has been assigned case No. BZA 31-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 24, 1979, 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, 263-4516.

Jack E. Galbraith
Secretary

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-79

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Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside).

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Jack E. Galbraith
Secretary

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

July 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 31-79

An application has been filed by S. T. Hartnett, 4100 East English, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita requesting a variance to reduce the required front yard setback from 20 feet to 7 feet 10 inches, on property zoned the "B" Multiple Family Dwelling District, and legally described as follows:

Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside).

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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, 263-4516.

Jack E. Galbraith
Secretary

611

~~VARIANCE~~

RESOLUTION NO. BZA 31-79

WHEREAS, S. T. Hartnett, 4100 East English, Wichita Kansas

requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20 feet to 2 feet 10 inches

on property zoned the "B" Multiple Family District and legally described as follows:

Lot 31, and the north 23 feet of Lot 33, except for the east 20 feet condemned for street, on Hillside Avenue, Maple Grove Addition, Wichita, Kansas. Generally located at the southwest corner of Hillside and 3rd Street (357 North Hillside). *AAA*

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 24, 1979, 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 enclosure of the porch could have been accomplished prior to the condemnation of 20 feet of street right-of-way for Hillside without a variance; and

Variance Resolution
Page Two

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 ~~owners~~ ~~inasmuch as~~ the buildings to the north and south ~~are~~ closer to the front property line than the addition proposed by the applicant; 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 _____ the applicant is in need of a _____ reception area and the existing porch serves no practical purpose for the intended use of the property; 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 the enclosure of the porch should in no way create a sight hazard or in any other way interfere with the general public interest; 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 _____ uniformity within the area _____ is created by the existing structures being at the reduced setback line.

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 front yard setback from 20 feet to 2 feet 10 inches.

Variance Resolution
Page Three

on property zoned the "B" Multiple Family District
and legally described as:

Lot 31, and the north 23 feet of Lot 33,
except for the east 20 feet condemned for
street, on Hillside Avenue, Maple Grove
Addition, Wichita, Kansas. Generally
located at the southwest corner of Hillside
and 3rd Street (357 North Hillside).

~~Adopted~~

be (approved ~~or denied~~) subject to the following conditions: *

ADOPTED AT WICHITA, KANSAS, this 24th day of
July 1979.

Mary Kopietz, Chairman

ATTEST:

Glen Lytle ~~Secretary~~
Assistant Secretary

- * 1. The variance shall apply only to the enclosure of the existing porch as a reception area.

MICROFILMED
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FOR 9-021

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
NAME _____	
ADDRESS _____	
FUND _____	DUE DATE _____
COMMENTS _____	
DATE _____	BY _____

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2