

Case No. BZA 32-83 - Wilburn J. Ammons,
8002 Dresden Lane, requests a variance
to reduce the front yard setback from
20' to 11.75' on property zoned the
"R" Two-family Dwelling District and
generally located on the south side of

POSTED
6-8-83
SEL

ACTION

BZA. 32-83 APPROVED 6-28-83
DATE

5450A

200'4 Sec 7-18-83

Checked 7-19-83

Slot 8-2-83

Recorded 8-4-83

Map No. 5450 A
 Sec. _____
 Twp. _____
 Range _____

BZA- 32-83
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

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

PHOTO DATA:

Taken by _____ Date _____ Time _____



SHILLARD & COMPANY
 No. 2153C
 LOS ANGELES, CALIF. 90015
 MEMPHIS, TENN. 38103
 WASHINGTON, D.C. 20004
 U.S.A.

July 1, 1983

Wilburn J. Ammons
8002 Dresden Lane
Wichita, Kansas 67207

Re: BZA 31-83 & BZA 32-83
Request for Variances

Dear Mr. Ammons:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on June 28, 1983.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosures

cc: Lowell D. High, 1542 South St. Francis, Wichita, Ks.
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

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

June 8, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Wilburn J. Ammons, 8002 Dresden Lane, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the front yard setback from 20' to 11.75' on property zoned "A" Two-family Dwelling District (approved for "RB" Four-family Dwelling District subject to a lot split approval). A legal description of the applicant's property is as follows:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the east 80.76' thereof, McTaggart's Addition to Wichita, Kansas. Generally located on the south side of 26th Street North and west of Jackson Street.

This application has been assigned Case BZA 32-83. It will be considered by the Board of Zoning Appeals on June 28, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 32-83

WHEREAS, Wilburn J. Ammons, 8002 Dresden Lane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20' to 11.75' on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the east 80.76' thereof, McTaggart's Addition to Wichita, Kansas. Generally located on the south side of 26th Street North and west of Jackson Street.

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 June 28, 1983, 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 location of the structure will not change, but the applicant will be able to construct an additional dwelling at the same 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 the property to the west is Light Commercial and this should have no affect; 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 would be unable to secure a lot split approval which is necessary to the obtaining the zoning to construct the second dwelling; 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 variance will not interfere with any street right-of-way or easements; 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 existing dwelling is at the requested setback, and any addition at the same line should not be contrary to the general appearance of the area; 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.

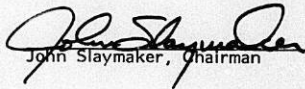
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 20' to 11.75' on property zoned the "RB" Four-family Dwelling District and legally described as:

Lots 49, 51 and 53 on Jackson Avenue, EXCEPT the east 80.76' thereof, McTaggart's Addition to Wichita, Kansas. Generally located on the south side of 26th Street North and west of Jackson Street.

be approved subject to the following conditions:

1. The reduction of the front yard from 20' to 11.75' shall only apply to the existing dwelling and one additional dwelling to be attached. Should a garage be constructed facing 26th Street North, it shall maintain a 20' setback.
2. Any unenclosed porch shall not project more than 4' into the new setback.
3. This resolution shall become null and void at any time the existing structures are removed.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1983


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE June 20, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT BZA 32-83 Southside of 26th Street
North and West of Jackson Street.

On Thursday, June 16th, CPO Council Area "J" considered a request for a variance to reduce the front yard setback from 20' to 11.75' on property zoned "A" Two-Family Dwelling District (approved for "RB" Four-Family Dwelling District subject to a lot split approval) at the captioned location. The Council voted 6-0 to recommend approval of the variance as recommended by the Secretary.

Deborah and David Ammons, 505 W. 26th Street North, were present representing the applicant. No area residents were present. Council members were provided a copy of the notice to adjoining property owners and MAPD staff comments.

Please provide the Council's recommendations to the Board of Zoning Appeals when it considers BZA 32-83 on June 28th.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP.

SECRETARY'S REPORT
CASE NO. BZA 32-83

APPLICANT: Wilburn J. Ammons, 8002 Dresden Lane, Wichita, Kansas.

AGENT: Lowell D. High, 1542 South St. Francis, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard from 20' to 11.75'.

GENERAL LOCATION: On the south side of 26th Street North and west of Jackson Street.

ZONING: Subject property is zoned "A" Two-family but approved for "RB" Four-family. Property to the west is "LC" Light Commercial and to the north, south and east is "A" Two-family.

LAND USE: Property is presently a one-family dwelling as are the properties to the north, east and south. To the west is commercial.

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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the front yard setback from 20' to 11.75' which is necessary to be granted prior to the approval for a lot split that has been filed. This is an application that is a part of the applicant's property included in the previous variance request. The lot split for this portion of the property requires a front yard setback of 20' adjacent to 26th Street North. The existing structure is located only 11.75' from the property line of 26th Street.

In order to add an additional dwelling to the rear structure, the applicant has requested a zoning change to "RB" which will permit the applicant a two-family dwelling based on the lot area. This change of zoning was approved subject to the obtaining of a lot split.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the structures are existing and were in place prior to regulations being applicable to the property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the location of the structure will not change but the applicant will be able to construct an additional dwelling at the same setback.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to secure a lot split approval which must be obtained prior to the zoning being effective. The zoning is required for the applicant to be able to add the additional dwelling to the structure.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the construction of the additional dwelling will not interfere with any street right-of-way or utility easements.

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 inasmuch as the existing dwelling is at the requested setback, and any addition at the same time should not be contrary to the general appearance of the area.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of the front yard from 20' to 11.75' shall only apply to the existing dwelling and one additional dwelling to be attached. Should a garage be constructed facing 26th Street North, it shall maintain a 20' setback.
2. Any unenclosed porch shall not project more than 4' into the new setback.
3. This resolution shall become null and void at any time the existing structures are removed.

BZA CASE NO. 32-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

20 NOTICES SENT TO ADJOINING PROPERTY OWNERS

32 TOTAL NOTICES SENT 6-8-83

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

June 8, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-83

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This application has been assigned Case BZA 32-83. It will be considered by the Board of Zoning Appeals on June 28, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 32-83

CITY OF WICHITA, KANSAS

FILED 5-27-83

APPLICATION FOR VARIANCE

- ✓ I. Name of Applicant Wilburn J. Ammons
Mailing Address 8002 Dresden Lane Phone 682-9560
Name of Authorized Agent Lowell D. High
✓ Mailing Address 1542 S. St. Francis Phone 264-0341
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

- II. The variance requested is to reduce the required front yard setback from 20 feet to 11.75 feet on the south side of 26th St. No and west of Jackson
to allow an addition onto existing building

for property located on the south side of 26th St. No and west of Jackson
(50' W. 26th St. North)

and legally described as: Lots 49, 51, and 53 on
Jackson Avenue, EXCEPT the east 80.76 feet thereof,
McTaggart's Addition to Wichita, Kansas.

- in the City of Wichita; and which is presently zoned "A" and approved for "RB" subject to a lot split approval.
- 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. 36-596); 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.

Applicant _____

Authorized Agent Lowell D. High

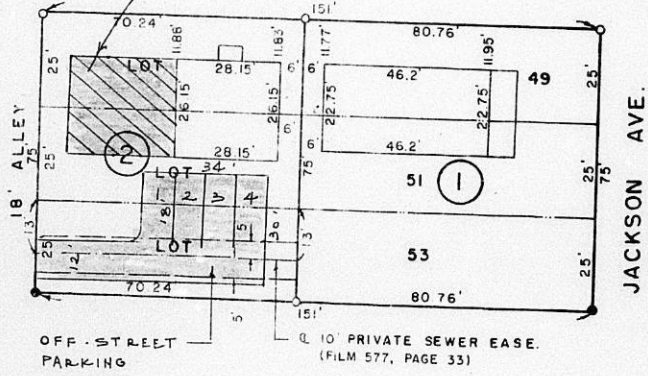
OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3.00 (per m.-p.m.), MAY 27, 1983, together with appropriate fee of 75.00.

Signed G. Lytle



- = 30'
- = EXISTING IRON
- = IRON SET

FUTURE
BUILDING
EXPANSION
26TH ST.



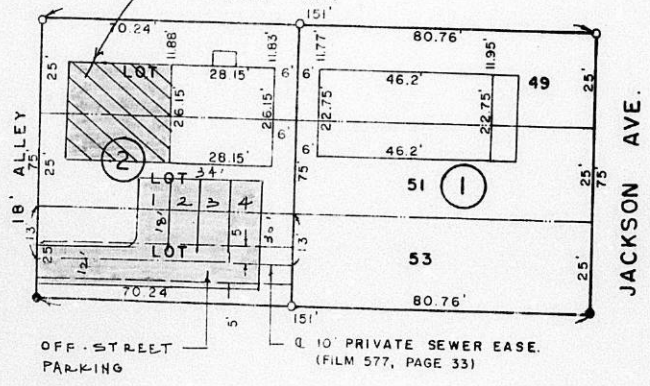
OFF-STREET
PARKING

10' PRIVATE SEWER EASE.
(FILM 577, PAGE 33)

JACKSON AVE.



○ 30'
● EXISTING IRON
○ IRON SET
FUTURE BUILDING EXPANSION
26TH ST.



OFF-STREET PARKING
10' PRIVATE SEWER EASE.
(FILM 577, PAGE 33)

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 37 Lot 39	Jackson	McTaggart's Addition	✓ Edward J. Riordan Opal B. Riordan 2709 Jackson 67204
Lot 41 Lot 43	"	"	✓ Clifford Edgar Morton Catherine C. Morton 2707 Jackson 67204
Lot 45 Lot 47	"	"	✓ Vickie M. Dicks 2701 N. Jackson 67204
Lot 49 Lot 51 Lot 53	"	"	D Wilburn J. Ammons Ada Naomi Ammons 8002 Dresden 67207
Lot 55 Lot 57	"	"	D Gary W. Harris 2639 Jackson 67204
Lot 59 Lot 61 Lot 63	"	"	✓ Gary Wayne Harris Betty June Harris 2639 Jackson 67204
Lot 65 Lot 67	"	"	✓ Shelby W. Hilton, Sr. Betty Ruth Hilton 2631 Jackson 67204
Lot 69 Lot 71	"	"	Same as above
Lot 38 Lot 40	"	"	✓ Larry L. Dixon Patricia A. Dixon 2722 Jackson 67204
The West half of Lots 42, 44 46 and 48	"	"	Same as above

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
The East 75 feet of Lots 42, 44, 46 and 48	Jackson	McTaggart's Addition	✓ Marvin N. Flater 2728 S. Everett 67217
Lot 50 Lot 52	"	"	✓ Mitchell W. Cox Betty N. Cox 2658 Jackson 67204
Lot 54 Lot 56	"	"	✗ A & A Oilfield Supply Co. Inc. <u>Address Unknown</u>
Lot 58 Lot 60	"	"	✓ Donald R. Brewer Casmira L. Brewer 2650 Jackson 67204
Lot 62 Lot 64	"	"	✓ Oren W. Knotts 2646 Jackson 67204
Lot 66 Lot 68	"	"	✓ Mark A. McNaught Ana M. McNaught 2642 Jackson 67204
Lot 70 Lot 72	"	"	✓ Roberto N. Reyes Cecilia M. Reyes 2638 Arkansas 67204
Lot 38 Lot 40	Arkansas	"	✓ Larry D. Duvaul 2710 Arkansas 67204
Lot 42 Lot 44 Lot 46 Lot 48	"	"	✓ L. S. Mast Alice A. Mast 2708 Arkansas 67204
Lot 70	"	"	✓ J. C. Seavey 2652 Arkansas 67204 ✓ Lois A. Smith 5803 E. 2nd St. 67208

Page 3

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
The South 25 feet of the North half of Lot 1	Ramsey's Replat of Part of McTaggart's Addition	✓ John E. Breising Betty G. Breising 804 West 32nd St. North 67204
The South half of Lot 1	"	Same as above
North half of Lot 1, except the South 25 feet	"	✓ Paul Underwood Inez M Underwood 1023 Ellis Avenue 67211

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 49, 51, 53, on Jackson Ave.
McTaggart's Addition to
Wichita, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 2nd day of May, 1982 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Table
Vice-President

Order No: 319339
ap

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM: 4-021

PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY