

BZA 33-65 - Glen Russell requests exception to permit extension of porch on W side of Ohio (Orchard) between Russell Street and 35th St. North

October 27, 1965

Mr. Glen A. Russell
3505 North Ohio
Wichita, Kansas

Dear Mr. Russell:

Re: BZA 33-65 - Request for Exception

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above-numbered case, which was heard by the Board on September 28, 1965, which Resolution has been signed by the Chairman and Secretary.

As indicated in our letter of October 4, 1965, we are enclosing a copy of this Resolution for your information and files. A copy has also been provided the Central Inspection Division, and you may now obtain the appropriate permit from that Division with respect to expansion of your home.

If you have any questions concerning this case, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

R E S O L U T I O N N O . B Z A 33-65

WHEREAS, Glen A. Russell, 3505 North Ohio, Wichita, Kansas, has filed an application for an exception to permit the construction of an addition to a residence, as provided in Section 28.04.170.A.3, Code of the City of Wichita, which allows expansion of a nonconforming single family home in the "E" Light Industrial District, to a maximum of 40% of the floor area of the existing structure; and

WHEREAS, this application relates to property legally described as follows:

Lots 37, 39 and the north 15 feet of Lot 41,
Block 11, in Allerton, Sedgwick County, Kansas,

generally located on the west side of Ohio between
Russell Street and 35th Street North; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the property is zoned "E" Light Industrial; and

WHEREAS, the Board of Zoning Appeals has authority to permit expansion of a nonconforming single family home in the "E" Light Industrial District, provided such expansion does not exceed a maximum of 40% of the floor area of the existing structure; and

WHEREAS, the Board has determined that a hardship exists in that there are eight persons living in this residence and additional bedrooms are needed, as well as space for a dining room.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that an exception be granted to allow expansion of the residence located on the following described property:

Lots 37, 39 and the north 15 feet of Lot 41,
Block 11, in Allerton, Sedgwick County, Kansas,
generally located on the west side of Ohio between
Russell Street and 35th Street North,

as follows:

The applicant shall be allowed to expand his existing dwelling up to a maximum of 40% of the floor area of the existing dwelling according to the plot plan on file with the Secretary of the Board of Zoning Appeals, which would allow expansion of an additional 322 square feet.

ADOPTED AT WICHITA, KANSAS, this 28th day of September,
1965.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

October 4, 1965

Mr. Glen A. Russell
3505 North Ohio
Wichita, Kansas

Dear Mr. Russell:

Re: BZA 33-65 - Request for Exception

This is to advise you that at its regular meeting of September 28, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the Zoning Ordinance to allow a single family home in the "G" Light Industrial district to be expanded up to 40% of the floor area, said property being located generally on the west side of Ohio between Russell Street and 35th Street North.

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

1. The applicant shall be allowed to expand his existing dwelling up to a maximum of 40% of the floor area of the existing dwelling. According to the plot plan on file with the Secretary of the Board of Zoning Appeals, this would allow expansion of an additional 322 square feet.

A resolution effecting the action of the Board will be mailed to you as soon as it can be prepared and signed by the Secretary and Chairman of the Board of Zoning Appeals.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber
cc: Glen Lytle, Superintendent
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 33-65

APPLICANT: Glen A. Russell, 3505 North Ohio

LOCATION: West side of Ohio between Russell Street and 35th Street North

REQUEST: Exception pursuant to Section 28.04.170, Code of the City of Wichita, to allow a single family home in the "E" Light Industrial District to be expanded up to 40% of the floor area of the existing structure.

LAND USE: Existing use on subject property is single family. To the north, east, south and west is single family.

ZONING: The property in question and all surrounding property is zoned "E" Heavy Industrial.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.170, Code of the City of Wichita. The Board may grant the exception to allow the applicant to expand his existing dwelling up to a maximum of 40% of the floor area of the existing building, when the Board can determine from the statements submitted that the applicant is burdened with an undue hardship.

COMMENTS BY THE SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report.

He has pointed out in his statement of justification that at the present time there are eight members of his family living in this small two-bedroom home. The applicant desires approval of the exception which would enable him to construct an additional bedroom on to the home, along with additional dining room space and additional space for a deepfreezer.

If the Board can determine that a hardship exists, the exception may be granted to enable the applicant to expand up to 40% of the floor area of the existing house. According to the applicant, his home contains 779 square feet, which would allow expansion of an additional 322 square feet. The applicant has requested expansion of 412 additional feet, which is 90 feet over the 40% limitation.

Page 2 - Secretary's Report
Case No. BZA 33-65

It should be pointed out that the Board's authority to vary conditions of an exception has been prohibited by the adoption of the new Kansas legislation affecting the Board of Zoning Appeals. Consequently, it is the Secretary's opinion that the applicant cannot be allowed to expand his existing dwelling by more than 322 square feet.

Recommendation

It is the opinion of the Secretary that a hardship can be found to exist and, therefore, it is the recommendation of the Secretary that the exception request be approved, subject to the following condition:

1. The applicant shall be allowed to expand his existing dwelling up to a maximum of 40% of the floor area of the existing dwelling. According to the plot plan on file with the Secretary of the Board of Zoning Appeals, this would allow expansion of an additional 322 square feet.

Attachment #1 - Statement of Justification

SECRETARY'S REPORT

CASE NO. BZA 33-65

APPLICANT: Glen A. Russell, 3505 North Ohio

LOCATION: West side of Ohio between Russell Street and 35th Street North

REQUEST: Exception pursuant to Section 28.04.170, Code of the City of Wichita, to allow a single family home in the "E" Light Industrial District to be expanded up to 40% of the floor area of the existing structure.

LAND USE: Existing use on subject property is single family. To the north, east, south and west is single family.

ZONING: The property in question and all surrounding property is zoned "F" Heavy Industrial.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 28.04.170, Code of the City of Wichita. The Board may grant the exception to allow the applicant to expand his existing dwelling up to a maximum of 40% of the floor area of the existing building, when the Board can determine from the statements submitted that the applicant is burdened with an undue hardship.

COMMENTS BY THE SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report.

He has pointed out in his statement of justification that at the present time there are eight members of his family living in this small two-bedroom home. The applicant desires approval of the exception which would enable him to construct an additional bedroom on to the home, along with additional dining room space and additional space for a deepfreeze.

If the Board can determine that a hardship exists, the exception may be granted to enable the applicant to expand up to 40% of the floor area of the existing house. According to the applicant, his home contains 779 square feet, which would allow expansion of an additional 322 square feet. The applicant has requested expansion of 412 additional feet, which is 90 feet over the 40% limitation.

Page 2 - Secretary's Report
Case No. BZA 33-65

It should be pointed out that the Board's authority to vary conditions of an exception has been prohibited by the adoption of the new Kansas legislation affecting the Board of Zoning Appeals. Consequently, it is the Secretary's opinion that the applicant cannot be allowed to expand his existing dwelling by more than 322 square feet.

Recommendation

It is the opinion of the Secretary that a hardship can be found to exist and, therefore, it is the recommendation of the Secretary that the exception request be approved, subject to the following condition:

1. The applicant shall be allowed to expand his existing dwelling up to a maximum of 40% of the floor area of the existing dwelling. According to the plot plan on file with the Secretary of the Board of Zoning Appeals, this would allow expansion of an additional 322 square feet.

Attachment #1 - Statement of Justification

Dear Sirs.:

There are many reasons why we need more space in our family house. Here are a few of the main ones. We have lived at this house for eight and one-half years and have a family of eight persons, six children ages three to eighteen. We live in a small two bedroom house of 779 sq. ft. Two bedrooms are not enough to sleep eight people. Second, we do not have enough dinning space to accomodate our family. Third, with a family this large we need a deep-freeze but do not have enough space to put one.

Sincerely yours,

Her A. Russell

B3A 33-65

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

20

September 3, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 33-65

An application has been filed by Glen A. Russell, 3505 North Ohio, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception, as provided in Section 28.04.170, Code of the City of Wichita, to permit the expansion of residential property located on property zoned "F" Heavy Industrial, and legally described as follows:

Lots 37, 39 and the North 15 feet of Lot 41, Block 11, in Allerton, Sedgwick County, Kansas.

Generally located on the west side of Ohio between Russell Street and 35th Street North.

This application has been assigned Case No. BZA 33-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 28, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JH"G
JH"G
JHG:ber

15 notices mailed 9-3-65

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

September 3, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 33-65

An application has been filed by Glen A. Russell, 3505 North Ohio, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception, as provided in Section 28.04.170, Code of the City of Wichita, to permit the expansion of residential property located on property zoned "F" Heavy Industrial, and legally described as follows:

Lots 37, 39 and the North 15 feet of Lot 41, Block 11, in Allerton, Sedgwick County, Kansas.

Generally located on the west side of Ohio between Russell Street and 35th Street North.

This application has been assigned Case No. BZA 33-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 28, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

JHG:ber

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

 RETURNED TO WRITER
REASON ENCLOSED
Unclaimed _____ Returned
Unknown _____
Insufficient postage _____
Moved, Left no address _____
No such post office in state _____
Do not re-mail in this envelope



Clifford Harold and Martha Jayne Craft

Box 60 *3530 Ohio*

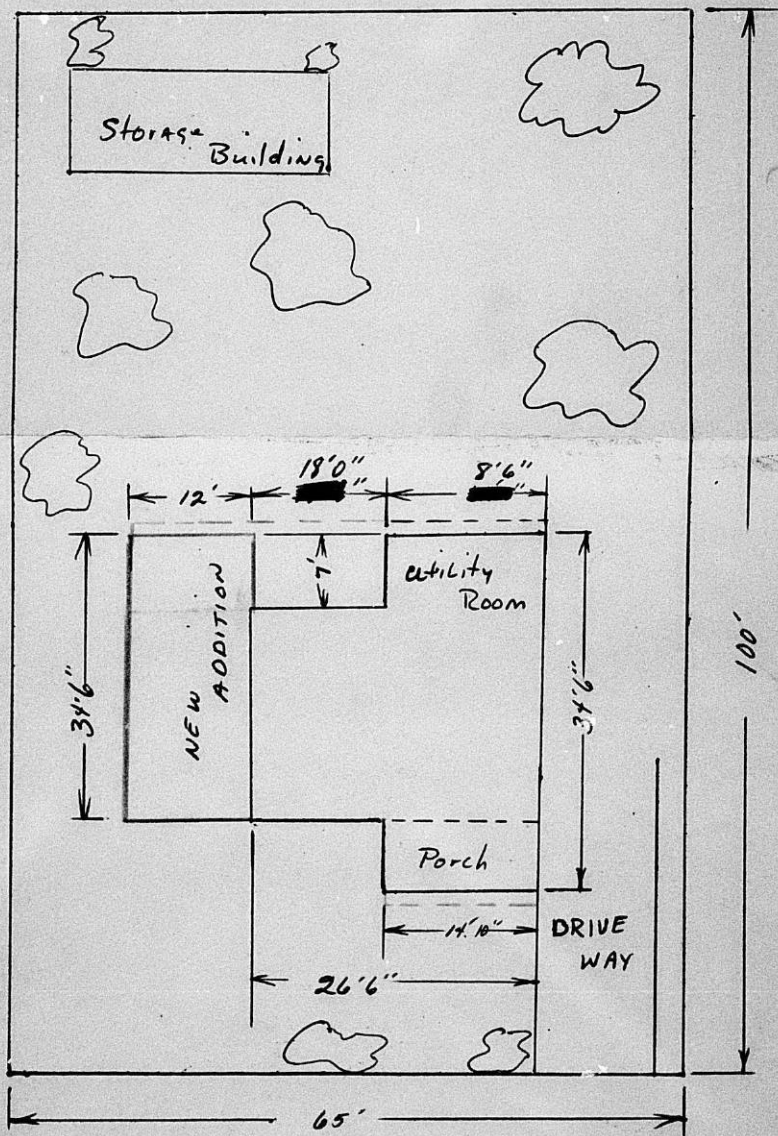
Beverly, Kansas

Handwritten signature and address:
Harold
Harper KS 67543

33-65

Remarks:

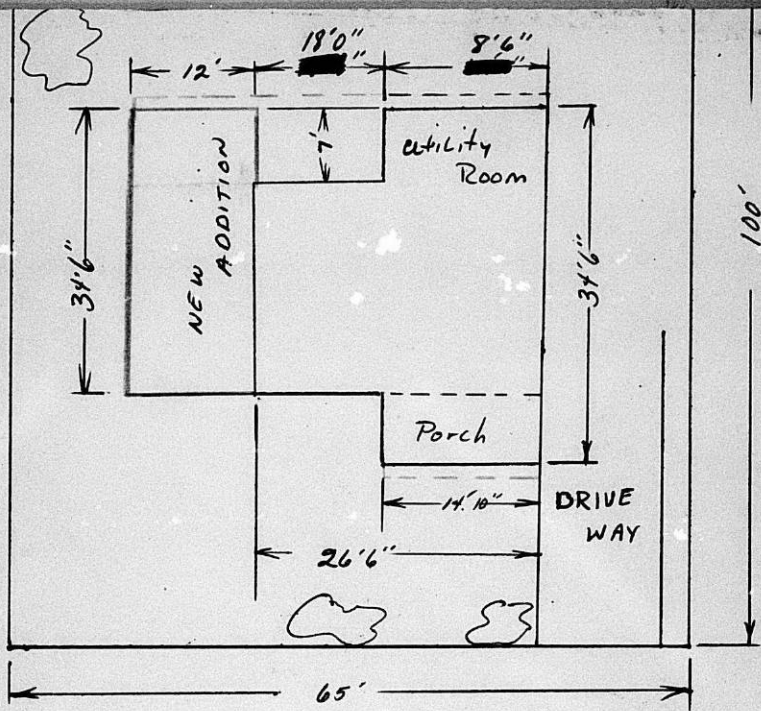
Red indicates what will be added. there will be a 2' extension added to front porch as shown. Also a roof will be placed over the space between the new addition and the Utility Room as shown with red dotted line. A basement will be placed under the 12' x 34'6" new addition.



LOT: 100' x 65'

59. ft of presently
779 sq ft.

sq ft after addition added



LOT: 100' x 65'

sq. ft of presently

779 sq. ft.

sq. ft after addition added

1,191 sq. ft

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Glen A. Russell

Mailing Address 3505 N. Ohio Phone TE- 88290

Name of Authorized Agent N. A.

Mailing Address N. A. Phone N.A.

Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section

2804170, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction

of Addition of two bedrooms with basement beneath. (12'x34'6")

A two ft. extention on porch roof and roof on property zoned

extended over section between new addition and utility porch.

Heavy industrial, located 3505 N. Ohio on W side of Ohio
(Richard) lot, Russell & 35th and legally described as: Lots 37 and

39 and the north 15 ft. of lot #1. In block 11 in allerton,

Wichita, Kansas., in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

A. Acknowledges receipt of an instruction sheet relating to this application for an exception.

B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;

C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Glen A. Russell

Authorized Agent N.A.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 3:00 (a.m. - P.M.), August 17, 1965, together with appropriate fee of \$50.00.

Signed Jack Hallraith

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
22	10	Allerton, Sedgwick County, Kansas	✓ Clifford Harold Craft Martha Jayne Craft Box. 68, Beverly, Kansas
24	"	"	" Resent 9-9-65 to 3530 Ohio
26	"	"	"
28	"	"	"
30	"	"	"
32	"	"	✓ Clarence K. Baird Luella K. Baird 3514 N. Ohio
34	"	"	"
36	"	"	"
38	"	"	"
40	"	"	"
42	"	"	Lud W. Rash <i>no address</i> Georgia Gene Rash <i>found</i> Address unknown
44	"	"	"
46	"	"	"
48	"	"	"
33	"	"	✓ Clarence M. Baird Luella K. Baird Address unknown 3514 Ohio
35	"	"	"
37	"	"	✓ Leona Fells Clouson 297 Davisville Ave. Toronto, 7 Ontario, Canada
39	"	"	"
41	"	"	✓ Joe Luper Hazel Lee Luper 3432 Ohio
43	"	"	"
21	11	"	✓ E. Biggs Caldwell 3533 Ohio
23	"	"	"

Continued page 2

Lot	Block	Addition	Property Owner
25	11	Allerton, Sedgwick County, Kansas	✓ W. R. Clevenger Dora Clevenger 3525 Ohio
27	"	"	"
29	"	"	"
31	"	"	"
33	"	"	"
37	"	"	✓ Gertrude Hett Hillsboro, Kansas
39	"	"	"
N 15' of 41	"	"	"
S 10' of 41	"	"	✓ C. E. Van Gundy Violet Van Gundy 302 N. Main St., Valley Center Kansas
43	"	"	"
45	"	"	"
47	"	"	"
22	"	"	G. A. Flaming <i>no address</i> Address unknown <i>found</i>
24	"	"	"
26	"	"	✓ Continental Mortgage Investment Co, 218 A East Washington Ave. Iowa City, Iowa
28	"	"	"
30	"	"	"
32	"	"	"
34	"	"	"
36	"	"	"
38	"	"	"
40	"	"	"
42	"	"	"
44	"	"	"
46	"	"	"
48	"	"	"

Continued page 3

Lot	Block	Addition	Property Owner
38	12	Allerton, Sedgwick County, Kansas	✓ Wichita Federal Savings and Loan Association 340 S. Broadway
35	"	"	"
37	"	"	"
39	"	"	"
41	"	"	"
43	"	"	"
1	14	"	✓ W. L. Craig Mary S. Craig 3455 Ohio
3	"	"	"
5	"	"	✓ Myrta S. Lee 637 N. Topeka
2	"	"	"
4	"	"	"
6	"	"	"
2	15	"	✓ Collis Sellers Merle Sellers 3450 Ohio
4	"	"	"
6	"	"	"

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 37, 39 and the North 15 feet of lot 41, Block 11, in Allerton, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 13th day of August, 1965 @ 7 a. m.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. W. W. W. W.
Vice-President

Order No. 127769

FORM 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Septics</i>	<i>150.00</i>

Name *Wm A Russell*

Address *3505 Olive*

Type *R-712* Due Date

Comments:

Date *8-17-65* By *John M...*