

POSTED
9-6-81
[Signature]

ACTION

BZA 34-81
9-25-81
COMMITTEE *APPROVED* DATE *8-25-81*
M.A.P.C. _____
R.C.C./B. CO. C. _____

Case No. BZA 34-81 - W. J. Wolf & Richard E. Schmidt - request a variance to reduce the common side yard between two properties involved from 6' to 0' to construct a common garage addition on property zoned "RB" Four-family

200' Sec 310-81
10-11-81
Checked 9-27-81
9-27-81
Boarded 9-27-81

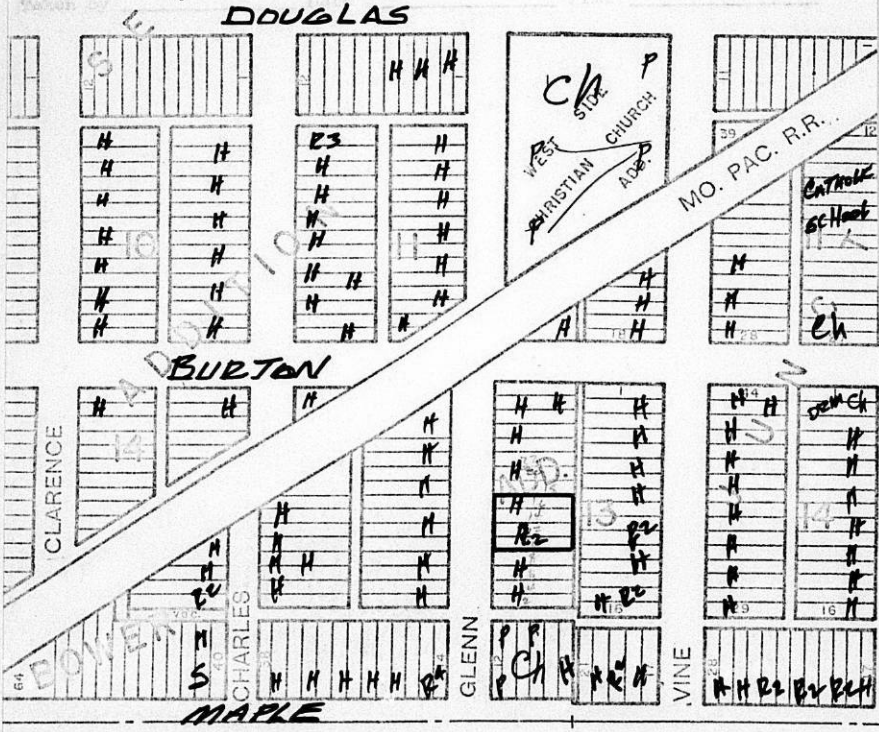
Map No. 5347
 Sec. _____
 Twp. _____
 Range _____

BZA- 34-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.3 (100 ft. by 150 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East TWO FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: TWO FAM
6. Area (is) (is not) platted.

PHOTO DATA:



MADE IN U.S.A.
 HASTINGS, MN
 No. 2153C
 S. H. H. Co.
 REGISTERED TRADEMARK IN U.S.A.

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

August 27, 1981

W. J. Wolf
210 South Glenn
Wichita, Kansas 67213

Re: Case No. EZA 34-81
Request for Variance

Dear Mr. Wolf:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1981.

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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Richard E. Schmidt, 212 South Glenn, Wichita 67213
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 34-81

WHEREAS, W. J. Wolf & Richard E. Schmidt, 210 & 212 South Glenn, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the common side yard between the two properties involved from 6' to 0' to construct a common garage addition on property zoned the "RB" Four-family dwelling District and legally described as follows:

Lots 10, 12, 14 & 16 on Glenn Avenue, Bower Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Glenn and north of Maple (210 & 212 South Glenn).

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 August 25, 1981, 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 garage is existing and was placed on the properties prior to any regulation preventing same; 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 addition will be shared by the two property owners; 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 location of the addition is the most logical solution to the two property owners; 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 addition will not interfere with any easements or public right-of-way; 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 ordinance now provides for reasonable expansion of nonconforming uses; 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.

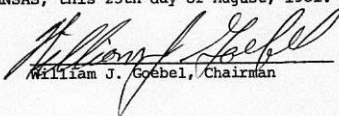
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the common side yard from 6' to 0' for an addition to a common garage on property zoned the "RB" Four-family Dwelling District and legally described as:

Lots 10, 12, 14 & 16 on Glenn Avenue, Bower Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Glenn and north of Maple (210 & 212 South Glenn).

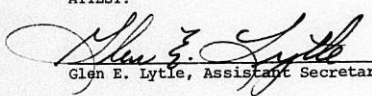
be approved subject to the following conditions:

1. The variance to reduce the side yard from 6' to 0' shall be granted only for the construction of an addition to a common garage.
2. Any addition shall not increase the total square feet to more than 1000'.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 21, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 34-81 (East side of Glenn and
north of Maple - 210 and 212 South
Glenn)

CPO Council "O" considered the captioned case at their August 20th meeting and voted 5-0 to recommend approval of the variance request to reduce the common side yard between two properties involved from 6 feet to 0 feet to construct a common garage addition on property zoned "RB", Four-Family Dwelling District, at the captioned location.

The applicants were present to speak in support of the case. No one was present to speak in opposition.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the August 25th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:ml

SECRETARY'S REPORT
CASE NO. DEA 34-81

APPLICANT: W. J. Wolf, 210 South Glenn, Wichita, Kansas and
Richard E. Schmidt, 212 South Glenn, Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to reduce the common side
yard between two properties involved from 6' to
0' to construct a common garage addition.

GENERAL LOCATION: On the east side of Glenn & north of Maple
(210 & 212 South Glenn).

ZONING: Subject property is zoned "RB" Four-family
Dwelling District as are all adjacent properties.

LAND USE: Subject property is residential. All other
adjacent properties are residential.

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 and 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 applicants are requesting a variance of the required 6' side yard to 0' so that an addition may be made to an existing common garage. The owners of the properties involved have jointly filed the application.

The property is located in an area of older residences that were built prior to the adoption of zoning and in many cases common garages and drives were placed between two properties. This addition should not affect any adjacent property, easement or public right-of-way.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the garage is existing and was placed on the properties prior to any regulation preventing same.

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 addition will be shared by the two adjoining property owners.

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 location of the addition is the most logical solution to the two property owners.

PUBLIC INTEREST:

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

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 ordinance now provides for reasonable expansion of non-conforming uses.

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 variance to reduce the side yard from 6' to 0' shall be granted only for the construction of an addition to a common garage.
2. Any addition shall not increase the total square feet to more than 1000.

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

AUGUST 5, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 34-81

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 W. J. Wolf & Richard E. Schmidt, 210 and 212 South Glenn, 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 common side yard between two properties involved from 6' to 0' to construct a common garage addition on property zoned "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 10, 12, 14 and 16 on Glenn Avenue, Bower Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Glenn and north of Maple (210 & 212 South Glenn).

This application has been assigned Case No. BZA 34-81. It will be considered by the Board of Zoning Appeals on August 25, 1981, 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

BZA CASE NO. 34-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

25 NOTICES SENT TO ADJOINING PROPERTY OWNERS

38 TOTAL NOTICES SENT 8-5-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 34-81
FILED 7-27-81

APPLICATION FOR VARIANCE

I. Name of Applicant W. J. Wolf & Richard E. Schmidt
Mailing Address 210 212 So. Glenn Phone 262-2269
Name of Authorized Agent 67213
Mailing Address _____ Phone _____

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

II. The variance requested is to reduce the common sideyard
between two properties involved from 6 feet to zero feet
of Garage
to construct a common garage addition.
for property located on the east side of Glenn and north of Maple
(210 & 212 So. Glenn)

and legally described as: 2 car Garage
Lots 10, 12, 14 and 16 on Glenn ~~Street~~ ^{Avenue} Bower Addition
to Wichita, Sedgwick County, Kansas

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

- 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 2.12.530 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 Richard E. Schmidt

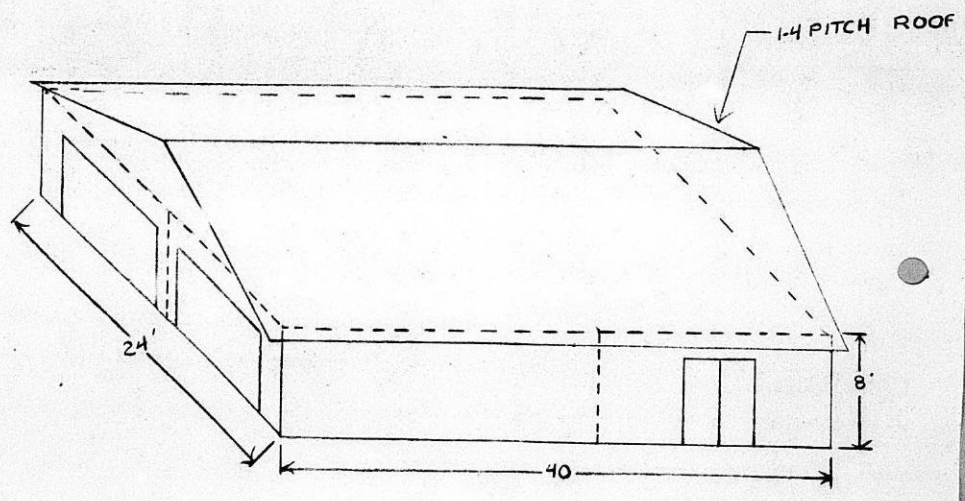
Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:00 (a.m.-p.m.), July 27, 1981, together with appropriate fee of 75.00.

Signed [Signature]

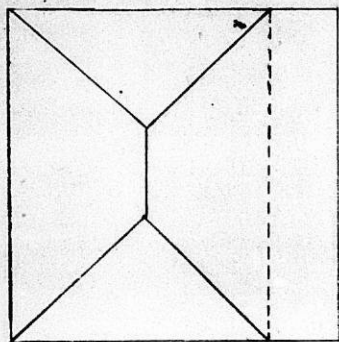
Full view with new addition

$\frac{1}{8}$ inch to 1 foot



Building the way it is

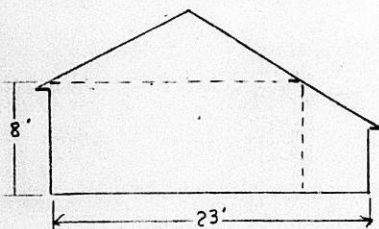
Top view



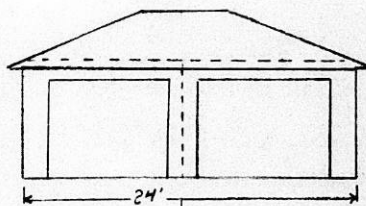
Front

$\frac{1}{8}$ inch to a foot

Side view



Front view

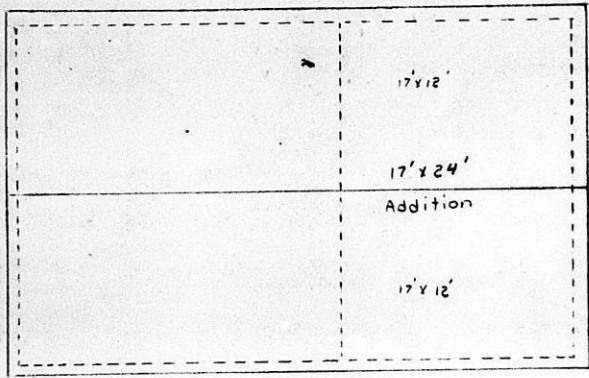


210 So. Glenn

212

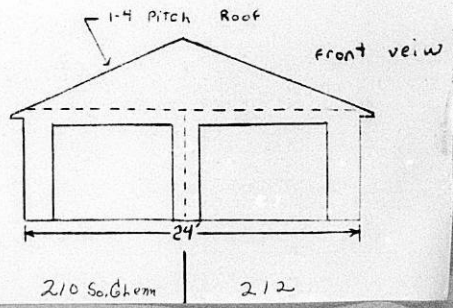
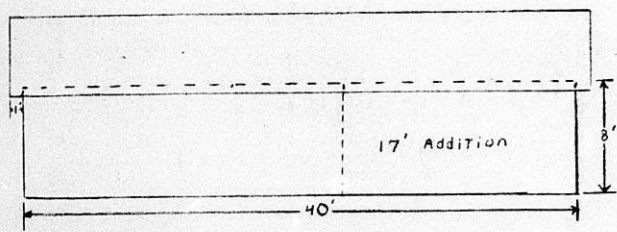
addition wanted

Top view



1/2 inch To a foot

side view



OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
1 & 3	Glenn	Bower Addition	✓ Angelo Cardinale & Helen Cardinale, 225 S. Glenn, 67213
5 & 7	Glenn	"	✓ Phillip J. Dressen & Barbara S. Dressen, 221 S. Glenn, 67213
9 & 11	Glenn	"	✗ Frank J. Kalvoda & Flossie A. Kalvoda, <u>Address Unknown</u>
13 & 15	Glenn	"	✓ Norma J. Carnahan, 209 S. Glenn, 67213
17 & 19	Glenn	"	✓ Monica Donnelly, 207 S. Glenn, 67213
21 & 23	Glenn	"	✓ R. Milford Riddle & Maude E. Riddle, 205 S. Glenn, 67213
25	Glenn	"	✓ Dennis L. Nestelroad & Karolyn Nestelroad, 201 S. Glenn, 67213
2 & 4	Glenn	"	✓ Elizabeth R. Cope, 216 S. Glenn, 67213
6 & 8	Glenn	"	✓ Margaret E. Kampling, 214 S. Glenn, 67213
10 & 12	Glenn	"	<i>Dub.</i> ✓ Richard E. Schmidt & Alberta M. Schmidt, 212 S. Glenn, 67213
14 & 16	Glenn	"	<i>Dub.</i> ✓ W.J. Wolf & Rosella Wolf, 210 S. Glenn, 67213
18, 20, & the south 5 ft. of 22	Glenn	"	✓ Robert H. Heagler & Katherine J. Heagler, 208 S. Glenn, 67213
North 20 ft. of 22, all of 24 & 26	Glenn	"	✗ Virginia L. Mills, <u>Address Unknown</u>
28, 30 & the south 14.52 ft. of 32	Glenn	"	✓ Martin F. Flanigan, 204 S. Glenn, 67213
North 10.58 ft. of 32	Glenn	"	<i>back slip</i> ✓ City of Wichita, 455 N. Main, 67202

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Even lots 2 thru 12 inclusive, together with the west 8½ ft. of vacated alley adjacent on east of lot 2	Maple	Bower Addition	✓ Temple Baptist Church, 1826 Maple, 67213
14, 16 & 18	Maple	"	✓ Vera Bonnelle Bennett, 251 S. Glenn, 67213
20	Maple	"	✓ Robert George Jaros & Regina I. Jaros, 1912 Maple, 67213

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1 & 2	13	Junction Town Company Addition	✓ Steve Feuerborn & Clara Feuerborn, 201 S. Vine, 67213
3 & 4	13	"	✓ Brent Curtis Hartman & Diana Lee Hartman, 207 S. Vine, 67213
5 & 6	13	"	✓ Lena Irsik, 211 S. Vine, 67213
7 & 8	13	"	Minnie Stuhlsatz (Deceased) ✓ Elizabeth Stuhlsatz, 215 S. Vine, 67213
9 & 10	13	"	Raul B. Zandler (Deceased) ✓ Catherine Zandler, Address Unknown
11 & 12	13	"	✓ Raymond Hubert Schoenecker, Herbert Nicklaus Schoenecker, John Patrick Schoenecker, Mary Madeline Weninger, Addresses Unknown; Mary A. Schoenecker (Deceased); and Theresa Clara Blasi, 11209 W. Highway 54, 67209
13 & 14	13	"	✓ Raymond C. Miller & Agnes K. Miller, 231 S. Vine, 67213
15 & 16	13	"	✓ Johnny Sutton, 801 Faulkner, 67203

445
Centleigh
St. 67209
Returned 8-7-81
sent to Maple St.
Redden

page 3

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
17 & the east 22 ft. of 18	13	Junction Town Company Addition	- Dorothy F. Tucker, 7210 Maple, 67209
West 6 ft. of 18, all of 19, & the east 11 ft. of 20	13	"	- Bill G. McGuire & Ann J. McGuire, 1806 Maple, 67213
West 17 ft. of 20, & all of 21	13	"	- William Robert Larkin & Bettie M. Larkin, 1818 Maple, 67213

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

Lots 10, 12, 14 and 16, on Glenn Avenue, in
Bower Addition to the City of Wichita,
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register
of Deeds of Sedgwick County, Kansas, on the 22 day of July, 1981, at
7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No. 301138
GE

MICROFILMED
FROM THE BEST
AVAILABLE COPY

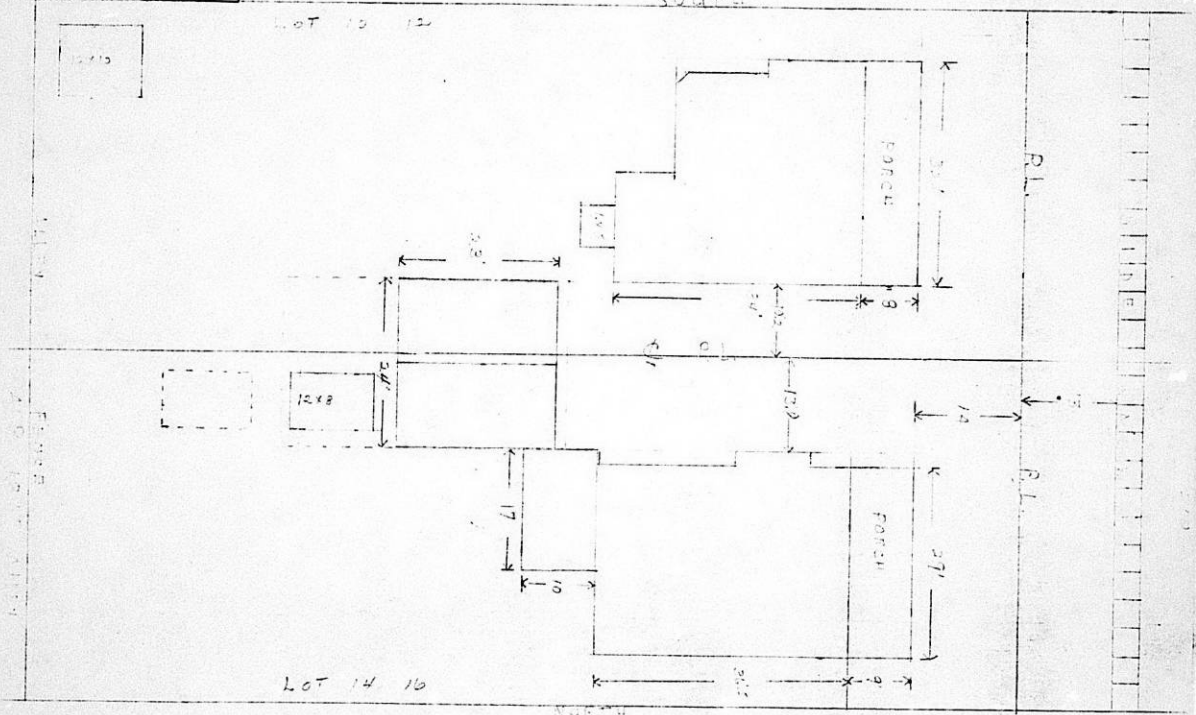
1/6 = 11'

SOUTH

LOT 10 12'



12x10



LOT 14 16'

11.174'
11.174'
11.174'

R.L.

R.L.

FORSH

FORSH

20'

20'

12x8

20'

17'

10'

20'

11'

12'

12'

12'

12'

12'

12'

12'

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12'

12'

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12'

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12'

12'

12'

12'

12'

July 27-81

Sir:
Richard Schmitt & W. J. Wolf would like to get Permit to extend the present double Garage building so we can use it for storage, also repair work, on items such as furniture & etc. during warmer weather.

During winter we can use it to get two cars in garage.

We have plenty room between present building and alley to add back of building.

Building located on line between lot 12 & 14 in Bower addition 2nd. Block South Glenn ave. Wichita Kans.

W J Wolf

July 27-81

Sir:

Richard Schmitt & W. J. Wolf would like to get Permit to extend the present double garage building so we can use it for storage, also repair work, on items such as furniture & etc. during warmer weather.

During winter we can use it to get two cars in garage.

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Building located on line between lot 12 & 14 in Bower addition 2nd. Block South Glenn ave. Wichita Kans.

W J Wolf

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021 PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
<i>Planning</i>	<i>75.00</i>

NAME: *W.P. Schoenecker*

ADDRESS: *445 Courtleigh*

FUND: *34-81* DUE DATE: *8/18/81*

COMMENTS:

DATE: *8/18/81* BY: *J.P. Schoenecker*

WICHITA - SEDGWICK COUNTY
W.S.C.
BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



34-81
ns Maple St. G
John Patrick Schoenecker
445 Courtleigh
Wichita, Kansas 67218 *Address Error*