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RECEIVED

7-13-65

10-

Hillcrest

ad

BZA 9-28-65 depu 30 day
readvertise for variance of lot area
requirement from 18,000 sq ft down
to 15,000 sq ft

Rescheduled for 12-28-65
12-28-65 Denied

January 14, 1966

Mr. and Mrs. Harold D. Mercer
23 Lynnwood Boulevard
Wichita, Kansas

Dear Mr. and Mrs. Mercer:

Re: Case No. BZA 36-65

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 December 28, 1965, and which resolution has been signed by the Chairman and Secretary.

As indicated in our letter of January 5, 1966, we are now enclosing a copy of this Resolution for your information. A copy has also been provided the Central Inspection Division for their files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: James R. Vosburgh, 440 North Yale
Jean Oliver Moore, 416 Bitting Building
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 3 6 - 6 5

WHEREAS, Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, have, pursuant to Section 2.12.590.2, Code of the City of Wichita, requested a variance for a reduction of therear yard setback from 20 feet to 10 feet, and a reduction of the required lot area for three duplexes from 18,000 square feet to 15,000 square feet, on property zoned "A" Two Family Residential and legally described as:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas.
Generally located on the west side of Hillcrest in an area just north of Lincoln.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals was given for a public hearing on this application on November 22, 1965; and

WHEREAS, on November 22, 1965, a quorum of the members of the Board of Zoning Appeals could not be present, and the Secretary declared that all cases legally advertised for hearing on this date would be continued until the regularly scheduled meeting on December 28, 1965; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting, consider said application on December 28, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variances under provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variances requested do not arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and the condition has been created by an action or actions of the property owner or the applicant, in that the two existing duplexes on subject property have adequate area for off-street parking as well as adequate area for light and view, and to permit another duplex would result in overbuilding of the property, the result not being compatible with other property in the same zoning district where required setbacks and area per dwelling unit has been followed as required by Ordinance; and

WHEREAS, the matter of uniqueness (one of the five conditions which must be found to exist before a variance can be approved), has been found not to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the variances requested be denied, as related to the following described property:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas.
Generally located on the west side of Hillcrest in an area just north of Lincoln.

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

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

January 5, 1966

Mr. and Mrs. Harold D. Mercer
23 Lynnwood Boulevard
Wichita, Kansas

Dear Mr. and Mrs. Mercer:

Re: Case No. BEA 36-65

This is to advise you that at its regular meeting of December 28, 1965, the Board of Zoning Appeals of the City of Wichita considered your variance request for a reduction of the rear yard setback from 20 feet to 10 feet, and the variance request for reduction of the required lot area for three duplexes from 18,000 square feet to 15,000 square feet, on property zoned A¹ Two Family Residential and located generally on the west side of Hillcrest in an area north of Lincoln.

It was the action of the Board to deny your request inasmuch as it was determined by the Board that the variance requested does not arise from a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; further, the situation is one created by action of the property owner or applicant concerned.

A resolution setting forth the action of the Board will be mailed to you as soon as it is prepared and signatures of the Secretary and Chairman of the Board of Zoning Appeals can be obtained. If you have any questions concerning this matter, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:HW:ber
cc: James H. Veeburgh, 440 North Yale
Jean Oliver Moore, 416 Bitting Building
Glen Lytle, Superintendent of Central Inspection
Ralph Shery, City Clerk

36

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

21+15

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

On or about November 2, 1965, we advised you that an application had been filed by Mr. and Mrs. Harold D. Mercer requesting a variance of the required rear yard of 20 feet down to 10 feet, and a variance of lot area requirements from 18,000 square feet to 15,000 square feet, to permit the construction of a third duplex on property zoned "A" Two Family, and legally described as:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillcrest in an area just north of Lincoln.

In the abovementioned Notice to Adjoining Property Owners, we advised that this application would be heard by the Board of Zoning Appeals on November 23, 1965; HOWEVER, THAT MEETING WAS NOT HELD INASMUCH AS A QUORUM OF THE BOARD MEMBERS COULD NOT ATTEND; THEREFORE, ITEMS SCHEDULED FOR THAT MEETING HAVE BEEN RESCHEDULED TO BE HEARD ON TUESDAY, DECEMBER 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

22 Notices mailed December 2, 1965, plus 7 to Planning Commissioners

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

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

On or about November 2, 1965, we advised you that an application had been filed by Mr. and Mrs. Harold D. Mercer requesting a variance of the required rear yard of 20 feet down to 10 feet, and a variance of lot area requirements from 18,000 square feet to 15,000 square feet, to permit the construction of a third duplex on property zoned "A" Two Family, and legally described as:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillcrest in an area just north of Lincoln.

In the abovementioned Notice to Adjoining Property Owners, we advised that this application would be heard by the Board of Zoning Appeals on November 23, 1965; HOWEVER, THAT MEETING WAS NOT HELD INASMUCH AS A QUORUM OF THE BOARD MEMBERS COULD NOT ATTEND. THEREFORE, ITEMS SCHEDULED FOR THAT MEETING HAVE BEEN RESCHEDULED TO BE HEARD ON TUESDAY, DECEMBER 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

November 30, 1965

Mr. and Mrs. Harold D. Mercer
23 Lynwood Boulevard
Wichita, Kansas

Dear Mr. and Mrs. Mercer:

Re: Case No. BZA 36-65

Your application for a variance of the rear yard setback from 20 feet to 10 feet, and variance of lot area requirements from 18,000 square feet to 15,000 square feet, to permit construction of a third duplex on property generally located on the west side of Hillcrest in an area north of Lincoln, was not heard by the Board of Zoning Appeals on November 23, 1965, as had been scheduled, inasmuch as a quorum of the Board members could not be present at that time.

Therefore, your application, and others scheduled for November 23, 1965, will be considered by the Board of Zoning Appeals at its meeting on December 28, 1965, at 2 p.m. in Room 401 City Building Annex.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: James R. Vosburgh
440 North Yale
Wichita, Kansas

Jean Oliver Moore
416 Bitting Building
Wichita, Kansas

SECRETARY'S REPORT

CASE NO. BZA 36-65

15

APPLICANT: Mr. and Mrs. Harold D. Mercer, 23 Lynwood Boulevard,
Wichita, Kansas

AGENT: James R. Vosburgh, 440 North Yale, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2 of the Code of
the City of Wichita to reduce the rear yard setback require-
ment from 20 feet down to ten feet and a variance to reduce
the required lot area requirement for three duplexes from
18,000 square feet down to 15,000 square feet.

LOCATION: Generally located on the west side of Hillcrest in
an area north of Lincoln.

LAND USE: Existing - 2 duplexes; north - duplex; east - shopping
shops; south - fourplex; and west - single family.

ZONING: - "A" Two Family; north - "A" Two Family; east -
"A" Light Commercial; north - "A" Two Family; and west - "AA"
Single Family.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the
variance requests under the provisions outlined under Section
2.12.590.2 of the Code of the City of Wichita. The Board may
grant the variance requests if it can be determined that all five
of the following conditions can be 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 prop-
erty 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-

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perity or general welfare.

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 originally filed a request for a variance to allow a third duplex to be constructed on his property which could only be accomplished if the rear yard requirement was reduced from 20 feet down to 10 feet. (There are presently two duplexes located on the property.) At the time the Secretary reviewed the applicant's original request, it was also found that the property in question lacked 3,000 square feet of meeting the minimum lot area requirement for three duplexes. 6,000 square feet of lot area is required for each duplex which means that the applicant is required to have 18,000 square feet of lot area. Since the applicant's property contains only 15,000 square feet, he is now requesting a variance to reduce the minimum lot area requirement from 18,000 to 15,000 square feet.

The two variance requests of the applicant are now as follows:

1. Variance to reduce the rear yard setback from 20 feet down to 10 feet; and
2. Variance to reduce the minimum lot area requirement from 18,000 square feet down to 15,000 square feet.

UNIQUENESS

The applicant is contending that the variance requests are unique and are caused simply by the requirements, regulations and ordinances of the City of Wichita, Kansas, with which these applicants have complied, in the erection of two other duplexes on said lot.

It is the opinion of the Secretary that the applicant is exactly right when he states that the variance requests are caused by the requirements contained in the Zoning Ordinance. However, this is no justification for uniqueness because everyone within the same zoning district is required to comply with the same setback and lot area requirements. In this instance, the applicant is simply wanting to build his lot by constructing an additional duplex. The two duplexes now located on the property have

adequate area for off-street parking as well as adequate area for light and view. If the applicant is granted the variance requests and is allowed to construct another duplex, it would seriously hamper the intent of requiring minimum setbacks and lot area requirements which essentially is to provide for adequate air, light, view, yard area, as well as for adequate area for parking. It is also the opinion of the Secretary this situation was created by an action of the property owner inasmuch as there is sufficient lot area for two duplexes; however, the applicant's desire for a third duplex was created by his own action which has resulted in the request for two variances.

ADJACENT PROPERTY

It is the opinion of the Secretary that any time a piece of property is over-developed, there is a good possibility that the rights of adjacent property owners can be adversely affected, especially if additional congestion and parking problems are a direct result of the over-development.

HARDSHIP

The applicant has pointed out in the statement of justification that he will sustain a severe financial hardship if the variance requests are not granted. The Secretary has pointed out on several occasions that a financial loss has not generally been accepted by the courts as sufficient justification for hardship. The applicant can and has already utilized his property for the purpose for which it is zoned by constructing two duplexes thereon. If the two variances are granted, the applicant would only be granted a privilege that is not enjoyed by other property owners in this same zoning district.

If variances are granted for the purpose of allowing property to be over-developed, then there would appear to be no need for having minimum standards such as setbacks and lot area requirements set out in the Zoning Ordinance.

PURPOSE AND INTENT

The Secretary is of the opinion that the two variance requests are opposed to the general spirit and intent of the Zoning Ordinance since the setback and lot area requirements set out in the Ordinance not only provide for adequate light, air, yard area, etc., but also help to guard against the over-development of property.

RECOMMENDATION - The applicant requests the variance requests

Since it is very doubtful if any of the five conditions necessary to the granting of variance can be found to exist, it is the recommendation of the Secretary that this application not be approved.

The Secretary is of the opinion that any time a right of property is overdeveloped, there is a real possibility that the rights of adjacent owners can be adversely affected, especially in additional congested and parking problems are a result of the overdevelopment.

ADJACENT OWNERS

The Secretary is of the opinion that any time a right of property is overdeveloped, there is a real possibility that the rights of adjacent owners can be adversely affected, especially in additional congested and parking problems are a result of the overdevelopment.

EXHIBITS

The applicant has referred in the statement of justification that he will sustain a severe financial hardship if the variance requests are not granted. The applicant has submitted on several occasions that a financial loss has not generally been accepted by the courts as sufficient justification for hardship. The applicant did not have a ready and legal way of support for the purpose for which it is now being submitted, the duplicate of the same. If the two variances are granted, the applicant would only be granted a privilege that is not enjoyed by other property owners in this same zoning district.

If variances are granted for the purpose of allowing property to be overdeveloped, then there would appear to be no need for having minimum standards such as setbacks and lot area requirements set out in the zoning ordinance.

ADJACENT OWNERS

The Secretary is of the opinion that the two variance requests are opposed by the general public and the Hearing Ordinance since the applicant has not demonstrated that the Ordinance not only provides for adequate light, air, view, area, etc., but also tends to preserve the overdevelopment of the property.

SECRETARY'S REPORT

CASE NO. BZB 36-65

APPLICANT: Mr. and Mrs. Harold D. Mercer, 23 Lynwood Boulevard,
Wichita, Kansas

AGENT: James R. Vosburgh, 440 North Yale, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2 of the Code of
the City of Wichita to reduce the rear yard setback require-
ment from 20 feet down to ten feet and a variance to reduce
the required lot area requirement for three duplexes from
18,000 square feet down to 15,000 square feet.

LOCATION: Generally located on the west side of Hillcrest in
an area north of Lincoln.

LAND USE: Existing - 2 duplexes; north - duplex; east - shopping
center - small shops; south - fourplex; and west - single family.

ZONING: Existing - "A" Two Family; north - "A" Two Family; east -
"LC" Light Commercial; south - "A" Two Family; and west - "AA"
Single Family.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the
variance requests under the provisions outlined under Section
2.12.590.2 of the Code of the City of Wichita. The Board may
grant the variance requests if it can be determined that all five
of the following conditions can be 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 prop-
erty 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.

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 originally filed a request for a variance to allow a third duplex to be constructed on his property which could only be accomplished if the rear yard requirement was reduced from 20 feet down to 10 feet. (There are presently two duplexes located on the property.) At the time the Secretary reviewed the applicant's original request, it was also found that the property in question lacked 3,000 square feet of meeting the minimum lot area requirement for three duplexes. 6,000 square feet of lot area is required for each duplex which means that the applicant is required to have 18,000 square feet of lot area. Since the applicant's property contains only 15,000 square feet, he is now requesting a variance to reduce the minimum lot area requirement from 18,000 to 15,000 square feet.

The two variance requests of the applicant are now as follows:

1. Variance to reduce the rear yard setback from 20 feet down to 10 feet; and
2. Variance to reduce the minimum lot area requirement from 18,000 square feet down to 15,000 square feet.

UNIQUENESS

The applicant is contending that the variance requests are unique and are "caused simply by the requirements, regulations and ordinances of the City of Wichita, Kansas, with which these applicants have complied, in the erection of two other duplexes on said lot."

It is the opinion of the Secretary that the applicant is exactly right when he states that the variance requests are caused by the requirements contained in the Zoning Ordinance. However, this is no justification for uniqueness because everyone within the same zoning district are required to comply with the same setback and lot area requirements. In this instance, the applicant is simply wanting to overbuild his lot by constructing an additional duplex. The two duplexes now located on the property have

adequate area for off-street parking as well as adequate area for light and view. If the applicant is granted the variance requests and is allowed to construct another duplex, it would seriously hamper the intent of requiring minimum setbacks and lot area requirements which essentially is to provide for adequate air, light, view, yard area, as well as for adequate area for parking. It is also the opinion of the Secretary this situation was created by an action of the property owner inasmuch as there is sufficient lot area for two duplexes; however, the applicant's desire for a third duplex was created by his own action which has resulted in the request for two variances.

ADJACENT PROPERTY

It is the opinion of the Secretary that any time a piece of property is over-developed, there is a good possibility that the rights of adjacent property owners can be adversely affected, especially if additional congestion and parking problems are a result of the over-development.

HARDSHIP

The applicant has pointed out in the statement of justification that he will sustain a severe financial hardship if the variance requests are not granted. The Secretary has pointed out on several occasions that a financial loss has not generally been accepted by the courts as sufficient justification for hardship. The applicant can and has already utilized his property for the purpose for which it is zoned by constructing two duplexes thereon. If the two variances are granted, the applicant would only be granted a privilege that is not enjoyed by other property owners in this same zoning district.

If variances are granted for the purpose of allowing property to be over-developed, then there would appear to be no need for having minimum standards such as setbacks and lot area requirements set out in the Zoning Ordinance.

PURPOSE AND INTENT

The Secretary is of the opinion that the two variance requests are opposed to the general spirit and intent of the Zoning Ordinance since the setback and lot area requirements set out in the Ordinance not only provide for adequate light, air, yard area, etc., but also help to guard against the over-development of property.

Page 4 - Secretary's Report
Case No. BZA 36-65

RECOMMENDATION

Since it is very doubtful if any of the five conditions necessary to the granting of variance can be found to exist, it is the recommendation of the Secretary that this application not be approved.

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

35

November 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, Agent, 440 North Yale, Wichita, Kansas, requesting a Variance of the required rear yard of 20 feet to allow a third party duplex to be placed on property zoned "A" Two Family, as provided in Section 28.04.070, Code of the City of Wichita, and as authorized in Section 2.12.590, Code of the City of Wichita, said property being legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillcrest in an area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, and will be RECONSIDERED by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 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

*22 notices mailed 11-2-65
+ 8 to Planning Commissioners*

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

November 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, Agent, 440 North Yale, Wichita, Kansas, requesting a Variance of the required rear yard of 20 feet to allow a third party duplex to be placed on property zoned "A" Two Family, as provided in Section 28.04.070, Code of the City of Wichita, and as authorized in Section 2.12.590, Code of the City of Wichita, said property being legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Hillcrest in an area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, and will be RECONSIDERED by the Board of Zoning Appeals at its meeting on Tuesday, November 23, 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

JEG:ber

October 28, 1965

Mr. and Mrs. Harold D. Mercer
23 Lynnwood Boulevard
Wichita, Kansas

Dear Mr. and Mrs. Mercer:

Re: BZA 36-65 - Request for Variance

At the regular meeting of the Board of Zoning Appeals held on October 26, 1965, your request for a variance to reduce the rear yard setback requirement from 20 feet down to 10 feet, and to reduce the required lot area requirement for three duplexes from 18,000 square feet to 15,000 square feet was considered.

Inasmuch as there were three members of the Board present (which is a legal majority) and one of those members disqualified himself from discussion and voting because of a possible conflict of interest (thus leaving only two members of the Board, which is not a legal majority), this application was continued until the meeting of November 23, 1965.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: James R. Vosburgh
440 North Yale

Jean Oliver Moore
416 Bitting Building

Glen Lytle, Superintendent
of Central Inspection

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

35

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, Agent, 440 North Yale, Wichita, Kansas, requesting a variance of the required rear yard of 20 feet, and a variance of lot area requirements from 18,000 square feet to 15,000 square feet, as provided in Section 28.04.050, Code of the City of Wichita, to permit the construction of a third duplex on property zoned "A" Two Family, and legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition to
Wichita, Sedgwick County, Kansas.

Generally located on the west side of Hillcrest in an
area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 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

21 mailed 10-1-65
+ PC

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

October 1, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, Agent, 440 North Yale, Wichita, Kansas, requesting a variance of the required rear yard of 20 feet, and a variance of lot area requirements from 18,000 square feet to 15,000 square feet, as provided in Section 28.04.050, Code of the City of Wichita, to permit the construction of a third duplex on property zoned "A" Two Family, and legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition to
Wichita, Sedgwick County, Kansas.

Generally located on the west side of Hillcrest in an
area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 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

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

September 22, 1965

NOTICE OF CANCELLATION

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

The orig

The hearing of the application of Mr. and Mrs. Harold D. Mercer for a variance of the required rear yard on property generally located on the west side of Hillcrest in an area just north of Lincoln, which was originally scheduled for hearing before the Board of Zoning Appeals on September 28, 1965, has been deferred from that meeting at the request of the applicant.

At such time as this application is rescheduled for consideration by the Board of Zoning Appeals, you will be notified.

Jack H. Galbraith
Secretary

*21 notices mailed
9-22-65*

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

September 22, 1965

NOTICE OF CANCELLATION

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

The hearing of the application of Mr. and Mrs. Harold D. Mercer for a variance of the required rear yard on property generally located on the west side of Hillcrest in an area just north of Lincoln, which was originally scheduled for hearing before the Board of Zoning Appeals on September 28, 1965, has been deferred from that meeting at the request of the applicant.

At such time as this application is rescheduled for consideration by the Board of Zoning Appeals, you will be notified.

Jack H. Galbraith
Secretary

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

25

September 3, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, agent, 440 North Yale, Wichita, Kansas, requesting a Variance of the required rear yard of 20 feet, to allow a third party duplex to be placed on property zoned "R" ^{A 2 families} Multiple Family, as provided in Section 28.04.070, Code of the City of Wichita, and as authorized in Section 2.12.590, Code of the City of Wichita, said property being legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition to Wichita, Sedgwick County, Kansas.

generally located on the west side of Hillcrest in an area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, 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

21 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 36-65

An application has been filed by Mr. and Mrs. Harold D. Mercer, 23 Lynnwood Boulevard, Wichita, Kansas, by James R. Vosburgh, agent, 440 North Yale, Wichita, Kansas, requesting a Variance of the required rear yard of 20 feet, to allow a third party duplex to be placed on property zoned "A" Two Family, as provided in Section 28.04.070, Code of the City of Wichita, and as authorized in Section 2.12.590, Code of the City of Wichita, said property being legally described as follows:

Lots 27 and 28, Block F, A. J. Christman Addition
to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Hillcrest in
an area just north of Lincoln.

This application has been assigned Case No. BZA 36-65, 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

APPLICATION FOR VARIANCE

I. Name of Applicant Mr. and Mrs. Harold D. Mercer
Mailing Address 23 Lynnwood Boulevard Phone MU 44486
Name of Authorized Agent James R. Vosburgh Jean Oliver Moore 476 Biting Bldg
Mailing Address 440 North Yale Phone AM 48103
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is to allow a third party duplex to be placed on the
west side of Lots 27 and 28, in Block 5, A. J. Christman's 2nd Addition to
Wichita, Sedgwick County, Kansas, by waiving 20' set-back requirement.
for property located 847-849 South Hillcrest, in Wichita, Kansas,
west side of Hillcrest in an area just north of Lincoln
and legally described as: Lots 27 and 28, A. J. Christman 2nd Addition
to Sedgwick County, Kansas
in the City of Wichita; and which is presently zoned Multi Family.
(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Mr. + Mrs. Harold D. Mercer
Applicant
J. R. Vosburgh
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
2:30 (a.m. - (p.m.)), 7-2-, 1965, together with
appropriate fee of \$50.00.

Mrs. Arrington
Signed

OFFICE
JEAN OLIVER MOORE
ATTORNEY AND COUNSELOR AT LAW
SUITE 416 SITTING BUILDING
WICHITA 2, KANSAS
AMHERST 2-2479

BEFORE THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS

It is the intention of the applicants to erect and construct a duplex to be situated at the extreme western boundry of Lots 27 and 28, in A. J. Christman 2nd Addition, to the City of Wichita, Sedgwick County, Kansas; applicants submit herewith, a certified statement of record ownership, and mailing addresses, of the owners of all property within a distance and radius of (200) Two Hundred Feet of the captioned premises involved in this application.

Applicants respectfully submit unto Your Honorable Bodies, that the variance desired consists of the following: That the existing ordinances and regulations of the City of Wichita, Kansas, requiring that the rear of the proposed duplex to be erected and constructed on the captioned premises, sit back 20 feet from the property line, be waived, and redacted and changed, so that the rear of the proposed duplex to be erected and constructed on said premises, may sit back only 10 feet from the said property line.

Applicants further respectfully submit unto Your Honorable Bodies, that the variance desired is necessitated from some condition which is not ordinarily found in the same zoning district, and is caused simply by the requirements, regulations and ordinances of the City of Wichita, Kansas, with which these applicants have complied, in the erection of two other duplexes on said lot, in that applicants have been required to leave a 14 foot space between the existing duplexes, and the boundaries of the proposed duplex; and is further necessitated by the unusual boundaries of the lot, in that the same are not rectangular, but semi-rectangular.

Applicants further respectfully submit unto Your Honorable Bodies, that the granting of permit for variance in this instance will not adversely effect the rights of adjacent property owners or residence, in that the same will not protrude upon any existing easements, facilities, or improvements of other property owners in the area, nor constitute a hazard, eyesore, or other obstruction to the orderly development of this, or other property concerned. That the sole intent of the request for variance by these applicants, is to enable applicants as owners of the captioned property to erect and construct a proposed duplex which will have a value of \$24,500.00 minimum, and which will constitute an improvement of the existing captioned premises.

Applicants further respectfully submit unto Your Honorable Bodies, that strict application of the enforcement provisions of this present zoning ordinance would constitute unnecessary hardship upon said applicants, in that unless the requested variance is granted, applicants will not be able to erect, construct and build said proposed duplex contemplated and designed by them; and will suffer and sustain great financial loss and hardship by reason thereby; that no reason, rule or law exists which prohibit the erection and construction of said proposed duplex, save the 20 foot set-back requirement, of the City of Wichita, Kansas.

Applicants further respectfully submit unto Your Honorable Bodies, that the variance desired is not against the public interest in that this property previously has been designated and zoned by Your Honorable Bodies as a Multi-family area and that in compliance and obedience to said zoning designation,

OFFICES
JEAN OLIVER MOORE
ATTORNEY AND COUNSELOR AT LAW
SUITE 416 BUTTIG BUILDING
WICHITA 2, KANSAS
AMHERST 2-2479

Page 2

applicants have purchased, acquired and developed said property with a view in mind to erecting and constructing Multi-family residential units of the luxury class. That the proposed erection, construction and building of said proposed duplex on the captioned premises, will constitute an improvement to the neighborhood in general, and to the captioned premises in particular, and will increase the tax base for the neighborhood in general and the captioned premises in particular, and will contribute to the available housing facilities in the area and to the City of Wichita, Kansas, and will, in all respects, constitute an improvement, betterment and amelioration of the existing premises.

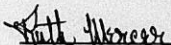
Applicants further respectfully submit unto Your Honorable Bodies that the desired variance does not meet with the objection or disapproval of any of the adjacent property owners within a 200 foot radius of the captioned premises.

Applicants further respectfully submit unto Your Honorable Bodies, that if the variance requested is granted, said proposed duplex to be erected, built, constructed on said captioned premises will be occupied by these applicants, as residence thereof, and as their home and homestead.

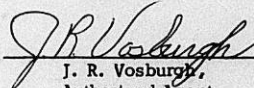
Respectfully submitted,



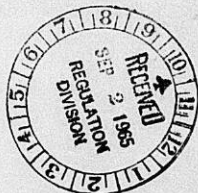
Harold Mercer

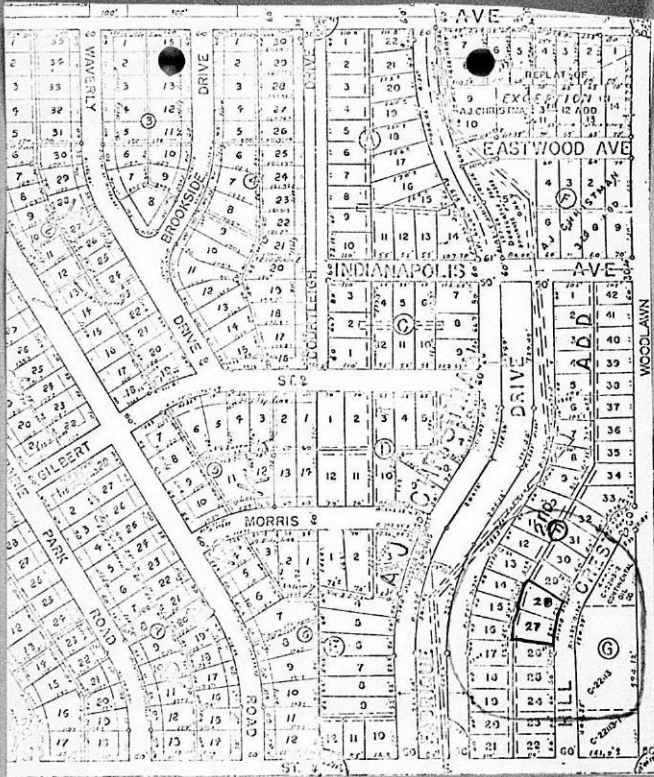


Ruth Mercer



J. R. Vosburgh,
Authorized Agent






STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
SEDGWICK COUNTY)

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:

Property lying within a radius of 200 ft
of: Lots 27 & 28, Block F, A. J. Christman Addition
to Wichita, Kansas.


Fidelity
Title
Company,
inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

- Lot 10, Blk F, A. J. Christman 2nd Addition.
 ✓ Victor & Eleanor Schumacher, ux
 806 Fabrique
- Lot 11, Blk F, A. J. Christman 2nd Addition.
 ✓ Frederick C., Jr. & Elnora R. Franke,
 ux
 810 Fabrique
- Lot 12, Blk F, A. J. Christman 2nd Addition.
 ✓ Paul W. & Esther H. Miltenberger, ux
 814 Fabrique
- Lot 13, Blk F, A. J. Christman 2nd Addition.
 ✓ Leo E. & Patricia B. Lorg, ux
 828 Fabrique
- Lot 14, Blk F, A. J. Christman 2nd Addition.
 ✓ William J. & Cleta L. White, ux
 840 Fabrique

Lot 15, Blk F, A. J. Christman 2nd Addition.

✓ Dorothy M. Reynolds, sgle
650 Fabrique

Lot 16, Blk F, A. J. Christman 2nd Addition.

✓ Charles Edward & Florene M. Harris, ux
860 Fabrique

Lot 17, Blk F, A. J. Christman 2nd Addition.

✓ Raymond L., Jr. & Anna Mae Konold, ux
866 Fabrique

Lot 18, Blk F, A. J. Christman 2nd Addition.

✓ Lloyd Leslie, Jr. & Betty J. Hull, ux
872 Fabrique

Lot 19, Blk F, A. J. Christman 2nd Addition.

✓ Tully A., Jr. & Evelyn R. Straight, ux
878 Fabrique

Lot 20, Blk F, A. J. Christman 2nd Addition.

Robert E. & Zelma Chambers, ux
No Address Available

*no
address
found.*

Lot 23, Blk F, A. J. Christman 2nd Addition.

✓ E. J. & Charleen B. Zongker, ux
Wichita Plaza Bldg.

Lot 24, Blk F, A. J. Christman 2nd Addition.

✓ Cecilia Brecher 4217, Westfield
No Address Available

Lot 25, Blk F, A. J. Christman 2nd Addition.

⊗ Cecilia Brecher

Lot 26, Blk F, A. J. Christman 2nd Addition.

⊗ Cecilia Brecher

Lots 27 & 28, Blk F, A. J. Christman 2nd Addition.

⊗ Harold D. & Ruth E. Mercer, ux
23 Lynnwood Blvd.

Lot 29, Blk F, A. J. Christman 2nd Addition.

✓ Garnett E. & Joyce A. Tate, ux
839 S. Hillcrest

Lot 30, Blk F, A. J. Christman 2nd Addition.

⊗ Garnett E. & Joyce A. Tate, ux
639 S. Hillcrest

Lot 31, Blk F, A. J. Christman 2nd Addition.

✓ A. M. & Minnie Stump, ux
1401 Stratford

Lot 31, Blk F, A. J. Christman 2nd Addition.

✓ Stephen B. & Ella K. Spender, ux
811 S. Hillcrest

Blk G, exc N 200 ft & exc S 250 ft.,
A. J. Christman 2nd Addition.

✓ John A. Brentari, sgle.
2442 Hyacinth

North 200 ft of Blk G, A. J. Christman 2nd Add.

✓ Alice Catherine Tiemeyer
6619 E. Kellogg

North 125 ft of South 250 ft of Blk G,
A. J. Christman 2nd Addition.

✓ C. F. & V. M. Filson, ux
305 Stratford

South 125 ft of Blk G, A. J. Christman 2nd Add.

✓ W. H. Rex
Eldorado, Kansas.

Dated at Wichita, Kansas this 29th day
of July, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Echie M Farrell
Sec. OEM

Tracer # 69805

Form 223-021

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
<i>App. Insurances</i>	<i>50.00</i>

Name *Wichita Builders Supply*

Address *P.O. Box 4131*

Type *R-712* Due Date

Comments:

Date *9-2-65* By *M. A. Armstrong*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1