

Case No. BZA 36-77 - Wm. P. Alcorn requests exception to permit the establishment of fencing around existing buildings and the placement of a mobile home for a 30 month period on property gen-

*For 10/17  
5/14/77  
M.A.P.C.  
v.e.i.  
8-23-77*

**ACTION**

BZA 36-77 COMMITTEE *Approved* DATE *8-23-77*

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5144  
Sec. 2  
Twp. 28  
Range 1W

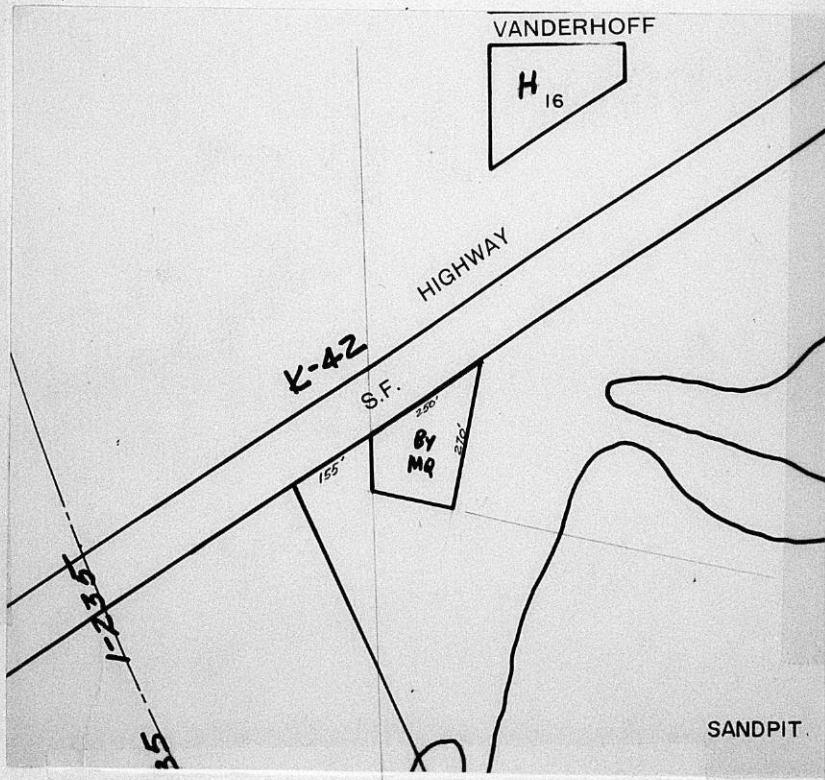
BZA- 36-77  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

REA DATA:

- Acres: 0.83 ( 181 ft. by 200 ft.)
- Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
- Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
West \_\_\_\_\_ North \_\_\_\_\_
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: Equipment and Building Material Storage
- Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



HASTINGS, INC. LOS ANGELES  
LOGAN, OH. - McREGOR, TX. U. S. A.

**S**  
Shind  
No. 2153C

RESOLUTION NO. BZA 36-77

WHEREAS, William P. Alcorn, 2625 S. West Street, Wichita, Kansas, requests an exception as provided in Section 2.12.590. C, Code of the City of Wichita, to permit the placement of a mobile home on property zoned "E" Light Industrial District, and legally described as follows:

A tract in the NE quarter of Section 2-18-1W, Sedgwick County, Kansas; beginning at a point 155 feet northeasterly of the intersection of the easterly right-of-way on Highway I-235 and the southerly line of the Atchison, Topeka, and Santa Fe Railroad and on the southerly line of the right-of-way of said Railroad; thence northeasterly 250 feet along the southerly line of the right-of-way of said railroad; thence southerly 270 feet along a deflection angle to the right of 136 degrees; thence westerly 150 feet along a deflection angle to the right of 90 degrees; thence northerly 93.22 feet along a deflection angle to the right of 75 degrees 17 minutes 38 seconds to the point of beginning. Generally located on the south side of K-42 Highway in an area east of I-235 Highway.

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 23, 1977, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals, after public hearing of this application, determined that a hardship does exist inasmuch as subject property is isolated by distance and sight obstruction and therefore susceptible to vandalism and theft which could best be curtailed by a resident watchman; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned "E" Light Industrial, subject to conditions outlined in Title 26, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for installation of a mobile home, on property zoned "E" Light Industrial and legally described as follows:

A tract in the NE quarter of Section 2-18-1W, Sedgwick County, Kansas; beginning at a point 155 feet northeasterly of the intersection of the easterly right-of-way on Highway I-235 and the southerly line of the Atchison, Topeka, and Santa Fe Railroad and on the southerly line of the right-of-way of said Railroad; thence northeasterly 250 feet along the southerly line of the right-of-way of said railroad; thence southerly 270 feet along a deflection angle to the right of 136 degrees; thence westerly 150 feet along a deflection angle to the right of 90 degrees; thence northerly 93.22 feet along a deflection angle to the right of 75 degrees 17 minutes 38 seconds to the point of beginning. Generally located on the south side of K-42 Highway in an area east of I-235 Highway.

subject to the following conditions:

RESOLUTION NO. BZA 36-77

Page 2

1. The mobile home may remain on the property through February 23, 1980, at which time it shall be permanently removed from the property.
2. An annual mobile home permit shall be required from the Office of Central Inspection.
3. The location of the mobile home shall conform to all height and setback requirements of the "E" Light Industrial District and the off-street parking requirements of the zoning ordinance. The area allotted for the mobile home shall conform to the provisions of Section 26.04.090(a) of the City Code.
4. A site plan approved by the Office of Central Inspection shall be furnished to the Secretary of the Board prior to the issuance of this permit.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1977.

  
James Richardson, Vice Chairman

ATTEST:

  
Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

City Hall, Tenth Floor  
455 North Main Street

August 29, 1977

Mr. Monty Alcorn  
2625 South West Street  
Lot 310  
Wichita, Kansas 67217

Re: Case No. BZA 36-77  
Request for Exception

Dear Mr. Alcorn:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on Tuesday, August 23, 1977, in connection with your request for an exception to permit the placement of a mobile home on property zoned the "E" Light Industrial District and generally located on the south side of K-42 Highway in an area east of I-235 Highway.

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 any questions concerning this matter, please call our office.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: William P. Alcorn, 2625 S. West, 67217  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE August 17, 1977



TO Larry Dobson, Secretariat of the BZA  
FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 36-77 (South Side of K-42, East of I-235)

At the meeting of August 16, 1977, CPO Council Area "B" discussed the captioned subject.

The Council took no action on this item.

Please relay this information to the Board of Zoning Appeals on this item when this case is being considered.

Handwritten signature of Bill Morris in cursive.

Bill Morris  
CPO Administrative Aide

BM:sm

Noted:

Handwritten signature of David Furnas in cursive.

David Furnas  
Citizen Participation Coordinator

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main Street

August 23, 1977

Mr. Monty Alcorn  
2625 South West Street  
Lot 310  
Wichita, Kansas 67217

Re: Case No. BZA 36-77  
Request for Exception

Dear Mr. Alcorn:

At the regular meeting of the Board of Zoning Appeals on Tuesday, August 23, 1977, your request for an exception to permit the placement of a mobile home on property zoned the "E" Light Industrial District, and generally located on the south side of K-42 Highway in an area east of I-235 Highway was considered.

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

1. The mobile home may remain on the property through February 23, 1980, at which time it shall be permanently removed from the property.
2. An annual mobile home permit shall be required from the Office of Central Inspection.
3. The location of the mobile home shall conform to all height and setback requirements of the "E" Light Industrial District and the off-street parking requirements of the zoning ordinance. The area allotted for the mobile home shall conform to the provisions of Section 26.04.090(a) of the City Code.
4. A site plan approved by the Office of Central Inspection shall be furnished to the Secretary of the Board prior to the issuance of this permit.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

Mr. Monty Alcorn

August 23, 1977

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

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: William P. Alcorn, 2625 S. West, 67217  
Don Ginick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

SECRETARY'S REPORT  
CASE NO. BZA 36-77

APPLICANT: William P. Alcorn, 2625 S. West Street, Wichita, Kansas.

AGENT: Monty Alcorn, Lot 310, Lakeside Mobile Home Park, 2625 S. West Street, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the placement of a mobile home on property zoned "E" Light Industrial.

GENERAL LOCATION: South side of K-42 Highway in an area east of I-235 Highway.

LAND USE: Subject property contains two maintenance or equipment storage buildings. East is a lake and mobile home park. South is undeveloped. West is undeveloped and I-235 right-of-way. North is railroad right-of-way and K-42 right-of-way.

ZONING: Subject property and all surrounding properties are zoned the "E" Light Industrial District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 23.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The Board of Zoning Appeals has the authority to permit, as an exception, the placement of a mobile home on any property in any district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this hardship cannot be reasonably alleviated without the granting of this permit.

Subject property, is part of larger total development owned by the applicant, which includes a mobile home park and lake. The application site contains two buildings which have been used as a working area and storage area for tools, equipment and materials in connection with the operation and maintenance of the mobile home park. The applicant reports that these buildings and their contents have been the subject of extensive theft and vandalism. The applicant desires to locate a mobile home near these buildings for the purpose of housing a combination night watchman and caretaker. An expansion of the existing mobile home park is being proposed and it is in connection with this expansion that the applicant is requesting the placement of the mobile home for a 30 month period while the expansion work is being done. The applicant states

that the mobile home would be removed at the conclusion of construction.

A site plan submitted with the application shows the placement of the mobile home between the two existing buildings. The Office of Central Inspection did not approve the plan because the Mobile Home Code requires a 20 foot separation between a mobile home and any other structure. However, adequate space is available to position the mobile home to comply with this requirement. The site plan also indicates the erection of a five foot high chain link fence around the subject property.

It is the opinion of the Secretary that if the applicants' arguments of a hardship are valid, then there would be numerous situations throughout the City that could claim the same hardship. It would seem that protection from burglary and vandalism could reasonably be alleviated by other means, such as proper lighting, security fencing, burglar alarms, watch dogs, etc., without granting this exception to permit a mobile home as a watchman's residence.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to find that a hardship exists that cannot reasonably be alleviated without the granting of this permit. However, should the Board determine that a hardship does exist, then the exception should be granted subject to the following conditions:

1. The mobile home may remain on the property through February 23, 1980, at which time it shall be permanently removed from the property.
  2. An annual mobile home permit shall be required from the Office of Central Inspection.
  3. The location of the mobile home shall conform to all height and setback requirements of the "E" Light Industrial District and the off-street parking requirements of the zoning ordinance. The area allotted for the mobile home shall conform to the provisions of Section 26.04.090(a) of the City Code.
  4. A site plan approved by the Office of Central Inspection shall be furnished to the Secretary of the Board prior to the issuance of this permit.
-

3 notices sent to applicant and/or agent and adjoining property owner

10 notices sent to MAPC members

1 notice sent to CPO

14 total notices sent on BZA 36-77, 8-1-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main Street, Wichita, Kansas 67202

August 2, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 36-77

An application has been filed by William P. Alcorn, 2625 South West Street, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the placement of a mobile home on property zoned "E" Light Industrial District and legally described as follows:

A tract in the NE quarter of Section 2-18-1W, Sedgwick County, Kansas; beginning at a point 155 feet northeasterly of the intersection of the easterly right-of-way on Highway I-235 and the southerly line of the Atchison, Topeka, and Santa Fe Railroad and on the southerly line of the right-of-way of said Railroad; thence northeasterly 250 feet along the southerly line of the right-of-way of said railroad; thence southerly 270 feet along a deflection angle to the right of 136 degrees; thence westerly 150 feet along a deflection angle to the right of 90 degrees; thence northerly 93.22 feet along a deflection angle to the right of 75 degrees 17 minutes 33 seconds to the point of beginning. Generally located on the south side of K-42 Highway in an area east of I-235 Highway.

This application has been assigned Case No. BZA 36-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 23, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Larry Dobson  
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant William P. Alcorn

Mailing Address 2625 South West Street Phone 943-4401  
Wichita, Kansas 67217

Name of Authorized Agent Monty Alcorn

Mailing Address Lot 310, Lakeside Mobile Home Park Phone 942-8998  
2625 South West  
Wichita, Kansas 67217

Relationship of applicant to property is that of Asst. Mobile Home Park  
(Owner, Tenant, Lessee, Other). Manager (Son)

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

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of fencing around existing buildings and the

placing of a mobile home for a 30 month period on property zoned

E, located 4605 Southwest Boulevard, Wichita, Kansas, 67215,

and legally described as: See attached

description

\_\_\_\_\_, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. 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.

Applicant William P. Alcorn

Authorized Agent Monty Alcorn

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 3:50 (a.m. (p.m.)), 7-25, 19 77, together with appropriate fee of \$50.00

5144

Signed Larry Johnson

Subj. to C.I.D.'s Health approval

South side of K-42 Hwy  
in area east of I-235

CAMPBELL & CASTLE, P.A.  
ENGINEERS  
PHONE (316) 942-8144 • 4801 WEST IRVING  
P. O. BOX 1835  
WICHITA, KANSAS 67201

July 25, 1977

Board of Zoning Appeals  
City of Wichita  
455 North Main  
Wichita, Kansas 67202

Attn: Larry Dobson

Re: Zoning Appeal  
Mobile Home Site  
Wichita, Kansas  
File No. 7653

Gentlemen:

At the request of Mr. Monty Alcorn we are enclosing the following documents:

One copy of the executed application form for the zoning exception

One copy of the hardship statement

One copy of the abstractor's certificate listing property owners within a 200 feet radius of the tract of land

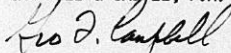
Check No. 3427 dated July 20, 1977, from Lakeside Mobile Home Park in the amount of \$50.00 for the filing fee

We presume the Board of Zoning Appeals will hear this case on August 23, 1977.

If we may be of any service in answering questions and/or furnishing other data that would assist the applicant please give us a call.

Very truly yours,

CAMPBELL & CASTLE, P.A.



Geo. F. Campbell, P.E.

C/i  
Enclosures

cc: Monty Alcorn

DESCRIPTION OF EXCEPTION TRACT

A tract of land in the Northeast Quarter of Section 2, Township 28 South, Range 1 West of the Sixth Principal Meridian described as follows:

Beginning at a point 155 feet Northeasterly of the intersection of the Easterly line of the right-of-way of Highway I-235 and the Southerly line of the Atchison, Topeka and Santa Fe Railroad and on the Southerly line of the right-of-way of said Railroad; thence Northeasterly 250 feet along the Southerly line of the right-of-way of said Railroad; thence Southerly 270 feet along a deflection angle to the right of 136 degrees; thence Westerly 150 feet along a deflection angle to the right of 90 degrees; thence Northerly 93.22 feet along a deflection angle to the right of 75 degrees, 17 minutes, 38 seconds to the point of beginning.

HARDSHIP STATEMENT  
ZONING SITE APPEAL  
LAKESIDE MOBILE HOME PARK AREA

In the very near future it is planned to expand the existing mobile home park known as Lakeside Mobile Home Park, 2625 South West Street, Wichita, Kansas, 67217, which was originally constructed in late 1968. The status of this expansion has progressed to the point that a change to "G" zoning to permit such expansion was recommended by the Metropolitan Area Planning Commission on July 8, 1976, per Case No. Z-1824 and was forwarded to the Wichita City Commission for consideration on July 27, 1976. The time allotted for platting in connection with the expansion of this park has recently been extended.

The proposed site where the zoning appeal land is located originally housed the buildings of Southwest Sand, Inc. who developed the lake in the course of their operations. This operation of Southwest Sand, Inc. in pumping sand, etc. was discontinued when the Lakeside Mobile Home Park became operative. Since that time the existing office and shop have been used as a working and storage area for tools, equipment and materials in connection with the operation and maintenance of the mobile home park.

During this period of comparative inactivity at the shop and office, these buildings have been subjected to theft and vandalism. Tools and supplies have been stolen, a truck parked in the shop was completely stripped and vandals have broken out most of the windows in the office.

In accordance with Section 28.04.182 of Title 28 of the Code of the City of Wichita, Kansas, it is requested that permission be granted to move a 12 x 65 mobile home to the zoning appeal site to house a combination night

watchman and caretaker during a 30 month period while the work in connection with the proposed park expansion is being done in the shop and office. Mr. Monty Alcorn and his family will occupy the mobile home and Mr. Alcorn will act as the night watchman.

The hardship that exists in this case is the difficulty of stopping the theft and vandalism. A new shop could be built at the existing park site but the size of the existing shop and the lack of truck traffic in bringing in material is in the best interest of both the operators and the mobile home park residents. The advantages that accrue to the public by keeping the general park area clean and unsightly are obvious.

Gas, water, electricity, sewage disposal and telephone services are immediately available at the zoning appeal site to service the mobile home. No difficulties have been experienced in the past with the septic tank field. A minimum expenditure of money would be involved to utilize these utilities.

The mobile home code embodied in Ordinance No. 30-782 can be implemented as shown in the attached Campbell & Castle Dwg. No. 7653-B-10,126, however a variance in the clearance of the building and the mobile home to best avail the connection to the utilities.

At the conclusion of the construction of the proposed mobile home park expansion the mobile home would be removed and the site restored to its original condition. The existing office and shop building would probably be removed as they could not be used in connection with the mobile home park as the vandalism and thefts would begin again.

Respectfully submitted,

*Monty Alcorn*  
Monty Alcorn  
Assistant Manager  
Lakeside Mobile Home Park



434 NORTH MAIN  
WICHITA, KANSAS 67202  
267-8371

OWNERSHIP LIST

Tract

Property Owner

The NE $\frac{1}{4}$  of Section 2-28-1W lying South of the row of the Kansas City Mexico & Orient Railway (now the Atchison Topeka & Santa Fe Railway) excluding the row of the Missouri Pacific Railway, except the following tract: Beg. with the intersection of the East line of Section 2 with the South boundary line of the row of A.T. & S.F. Railway, thence South on said Section line 1200.7 feet, thence West 1814 feet to the said South boundary line of said A.T. & S.F. Railway, thence in a NELY direction along the South boundary line of said Railway to the place of beginning, and except that portion platted as Western Control 2nd Addition and except that portion of said NE $\frac{1}{4}$  lying SELY of the SELY row of the Missouri Pacific Railroad, except that portion platted as Lakeside Mobile Home Park Addition and except tract condemned in Case A-76777 for Highway I-235

D William P. Alcorn & Ruth E.  
2625 S. West Street  
67217

✓ Golda Slagle  
310 Cheryl 67209

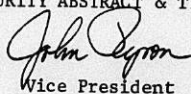
We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: A tract in the NE $\frac{1}{4}$  of Section 2-28-1W, described as: Beg. at a point 155 feet NELY of the intersection of the Easterly row of Highway I-235 and the Southerly line of the Atchison, Topeka and Santa Fe Railroad and on the Southerly line of the row of said Railroad; thence NELY 250 feet along the Southerly line of the row of said Railroad; thence Southerly 270 feet along a deflection angle to the right of 136°; thence Westerly 150 feet along a deflection angle to the right of 90°; thence Northerly 93.22 feet along a deflection angle to the right of 75°17'38" to the point of beginning

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 21st day of July, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

  
Wice President

Order No. 253408  
wh

Form 21-21

PAYMENT NOTICE

City of Wichita <sup>2nd</sup>

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  |
|---------------|---------|
| BZA Exception | \$50.00 |

Name William P Alcorn

Address 2625 S West St

Type AA 40703 Due Date

Comments:

Date 7-25 77 By ed



K-42 HI-WAY

SCALE 1" = 50'

AT & SF RAILROAD

Existing Entrance

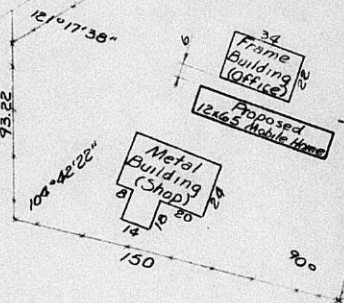
SCA

K-42

ZONING APPEAL SITE

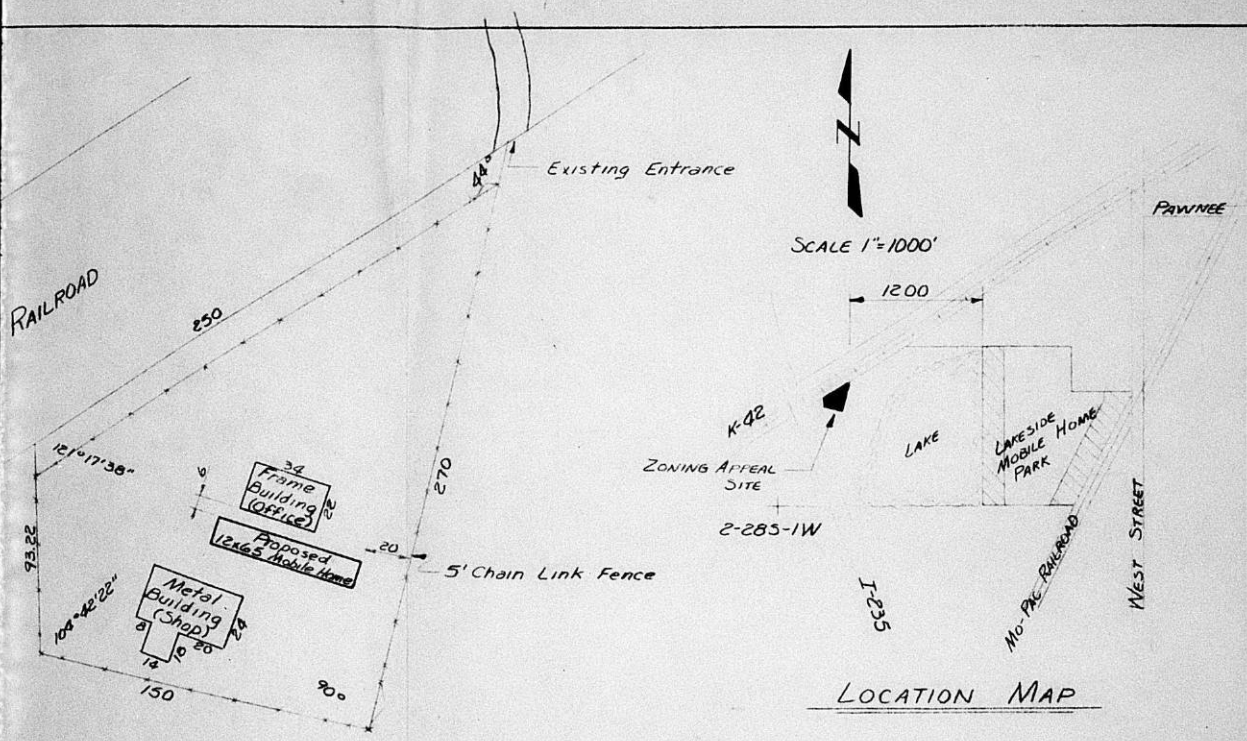
2-285-1W

I-235



SITE PLAN

|   |                        |                     |
|---|------------------------|---------------------|
| MONTY ALCORN                                      |                        |                     |
| CAMPBELL & CASTLE<br>ENGINEERS<br>WICHITA, KANSAS | DSG<br>DR<br>CH<br>APP | ZONING<br>LAKESTIDE |
| DATE  | JULY                   | 1977                |



SITE PLAN

|   |           |  |                              |
|---|-----------|--|------------------------------|
| MONTY ALCORN                                      |           | WICHITA, KANSAS                                  |                              |
| CAMPBELL & CASTLE<br>ENGINEERS<br>WICHITA, KANSAS |           | ZONING APPEAL SITE<br>LAKE SIDE MOBILE HOME PARK | DWG FILE NO<br>7653-B-10,126 |
| DATE  | JULY 1977 |  | SHEET NO 1 OF 1              |
|   |           | DSG<br>DR<br>CH<br>APP                           |                              |