

BZA 37-63 - Lena Fields requests exception to permit expansion of residential use in "E" for SE corner of Wichita and 9th Street.

ACTION

DATE 12/7/13

By COMMITTEE App

M.A.P.C. _____

B.C.C./B. CO. C. _____

December 30, 1963

Mrs. Lena Fields
934 North Wichita
Wichita, Kansas

Dear Mrs. Fields:

Re: BZA 37-63 - Request for Exception

On December 24, 1963, we advised you that the Board of Zoning Appeals had approved subject application for an exception to permit the construction of a utility room up to 20% of the floor area of the main building, on property legally described as:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, generally located on the southeast corner of Wichita and Ninth Street.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before December 30, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:ber
Attachment

cc: Glen Lytle, Superintendent
Central Inspection

Bill Simonsen
2141 Gold

December 30, 1963

Mrs. Lena Fields
934 North Wichita
Wichita, Kansas

Dear Mrs. Fields:

Re: BZA 37-63 - Request for Exception

On December 24, 1963, we advised you that the Board of Zoning Appeals had approved subject application for an exception to permit the construction of a utility room up to 20% of the floor area of the main building, on property legally described as:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, generally located on the southeast corner of Wichita and Ninth Street.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before December 30, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:ber
Attachment
cc: Glen Lytle, Superintendent
Central Inspection

Bill Simonsen
2141 Gold

R E S O L U T I O N N O . B Z A 3 7 - 6 3

WHEREAS, Mrs. Lena Fields, 934 North Wichita, Wichita, Kansas, by Bill Simonsen, 2141 Gold, Wichita, Kansas, agent, has filed an application for an Exception to permit the construction of a utility room, 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:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas,

generally located on the southeast corner of Wichita and Ninth Street; 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

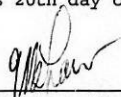
WHEREAS, the property is zoned "E" Heavy Industrial; and

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 the occupants of the premises need the utility room to provide washing and storage space facilities.


NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that an Exception be granted to allow expansion of the dwelling house to a maximum of 20%, or 120 square feet, of the floor area of the main structure.

ADOPTED AT WICHITA, KANSAS, this 20th day of December, 1963.



E. B. Law, Chairman

ATTEST:


Robert A. Lakin, Secretary

Board of Zoning Appeals

December 27, 1963

Robert G. Finch, City Clerk

Robert A. Lakin, Secretary

BZA 37-63

Attached is a copy of BZA Resolution No. 37-63,
covering action taken by the Board of Zoning Appeals
on the above case.

This case was heard December 20, 1963, and an appeal
may be filed in your office on or before December 30,
1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

December 24, 1963

Mrs. Lena Fields
934 North Wichita
Wichita, Kansas

Dear Mrs. Fields:

Re: BZA 37-63 - Request for Exception

This is to advise you that at its special meeting of December 20, 1963, the Board of Zoning Appeals of the City of Wichita considered your request for an Exception to permit the construction of a utility room up to 20% of the floor area of the main building, on property legally described as:

Lot 156 on Wichita Street in Munger's Original
Town, now City of Wichita,

and generally located on the southeast corner of Wichita and Ninth Street.

It was the action of the Board of Zoning Appeals to approve this application, subject to the addition being limited to 120 square feet, or 20% of the floor area of the main structure.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before December 30, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before December 30, 1963, the decision of the Board will

Page 2 - Mrs. Lena Fields
December 24, 1963

be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber

cc: Robert G. Finch
City Clerk

Glen Lytle, Superintendent
of Central Inspection

Bill Simonsen
2141 Gold

SECRETARY'S REPORT

CASE NO. BZA 37-63

GENERAL LOCATION

The property represented in this application is generally located at the southeast corner of Wichita and 9th Street.

EXISTING LAND USE

The property in question is occupied by a single family house. The existing land use to the north is single family; east is single family and a duplex; south is single family; and west

EXISTING ZONING

The property in question and all the property in the surrounding area is zoned "E" Light Industrial.

REQUEST

The request is for an exception as provided in the newly enacted Section 2B.04.170.A.3 of the Code of the City of Wichita, which allows expansion of a nonconforming single family house in the "E" Light Industrial zoning district.

The exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that "hardship" can be found to exist. The applicant has submitted a statement of justification and plot plan which are shown as attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

In discussions with the applicant, it was determined that the utility room which the applicants are asking permission to build, has

Page 2 - Secretary's Report
Case No. BZA 37-63

already been constructed; however, the applicants neglected to apply for a permit for the addition until after the addition was constructed. When construction was completed the applicants then attempted to obtain a permit for the expansion but were turned down by the Central Inspection Division since they were not authorized to issue permits for expansion of residential uses except by Board of Zoning Appeals' approval.

The applicant is of the opinion that hardship exists in view of the fact that the home is quite small, consisting of five rooms which are housing four members of the family. The applicant has also stated that the real hardship results out of the fact that without the utility room there is no place to do the laundry. It is also pointed out that the utility room will also be used for a pantry to store canned fruit, etc.

The utility room as shown on the plot plan contains 120 square feet, or 20% of the floor area of the existing house. The Secretary is of the opinion that in view of the reasons submitted by the applicant, that hardship can be found to exist.

No reasons have been given by the applicant as to why an attempt was not made to obtain a building permit prior to the time the utility room was constructed. In any event, it appears that the utility room is needed and therefore, it is the recommendation of the Secretary that the application be approved, subject to being limited to the addition already constructed (20% or 120 square feet) and that the Superintendent of Central Inspection be instructed to issue the necessary permit.

Attachments - #1 - Statement of Justification
 #2 - Plot plan

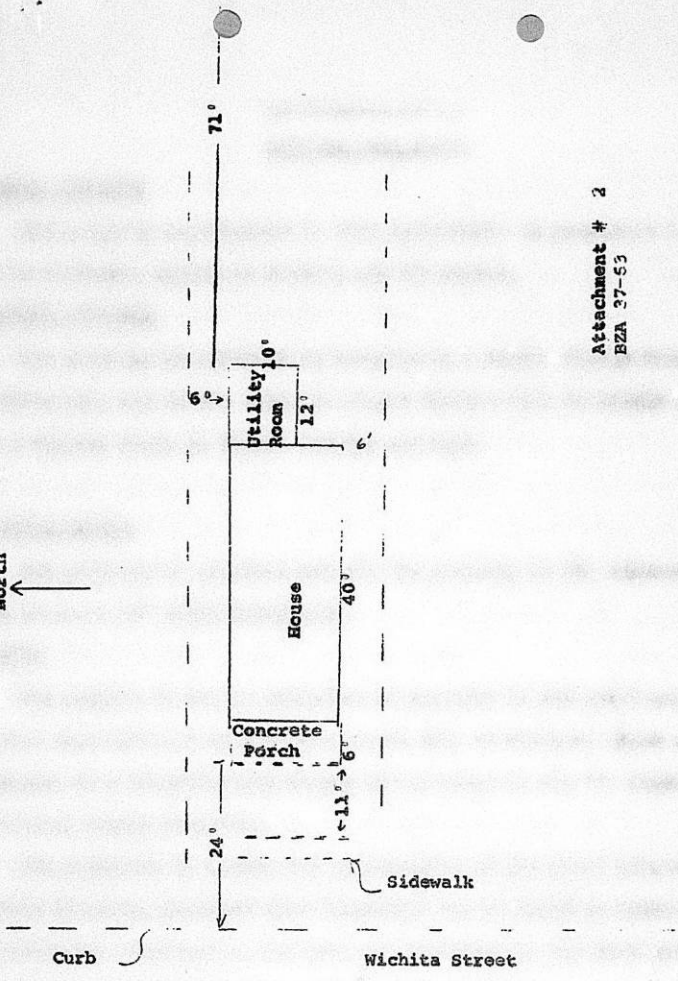
This residence is quite small consisting of five rooms and is housing Mrs. Fields, her mother, her brother and a niece, totaling four members in the family.

There was absolutely no space for laundry. She had her washing machine for about 2 years, but had not been able to use same, until this room was added.

This will also be used as a storage pantry, providing shelves for canned fruit, etc., which had previously been stored in boxes under beds.

Attachment #1
BZA 37-63

North
↑



Attachment # 2
BZA 37-53

SECRETARY'S REPORT**CASE NO. BZA 37-63****GENERAL LOCATION**

The property represented in this application is generally located at the southeast corner of Wichita and 9th Street.

EXISTING LAND USE

The property in question is occupied by a single family house. The existing land use to the north is single family; east is single family and a duplex; south is single family; and west

EXISTING ZONING

The property in question and all the property in the surrounding area is zoned "E" Light Industrial.

REQUEST

The request is for an exception as provided in the newly enacted Section 28.04.170.A.3 of the Code of the City of Wichita, which allows expansion of a nonconforming single family house in the "E" Light Industrial zoning district.

The exception is within the jurisdiction of the Board of Zoning Appeals to grant, provided that "hardship" can be found to exist. The applicant has submitted a statement of justification and plot plan which are shown as attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

In discussions with the applicant, it was determined that the utility room which the applicants are asking permission to build, has

Page 2 - Secretary's Report
Case No. BZA 37-63

already been constructed; however, the applicants neglected to apply for a permit for the addition until after the addition was constructed. When construction was completed the applicants then attempted to obtain a permit for the expansion but were turned down by the Central Inspection Division since they were not authorized to issue permits for expansion of residential uses except by Board of Zoning Appeals' approval.

The applicant is of the opinion that hardship exists in view of the fact that the home is quite small, consisting of five rooms which are housing four members of the family. The applicant has also stated that the real hardship results out of the fact that without the utility room there is no place to do the laundry. It is also pointed out that the utility room will also be used for a pantry to store canned fruit, etc.

The utility room as shown on the plot plan contains 120 square feet, or 20% of the floor area of the existing house. The Secretary is of the opinion that in view of the reasons submitted by the applicant, that hardship can be found to exist.

No reasons have been given by the applicant as to why an attempt was not made to obtain a building permit prior to the time the utility room was constructed. In any event, it appears that the utility room is needed and therefore, it is the recommendation of the Secretary that the application be approved, subject to being limited to the addition already constructed (20% or 120 square feet) and that the Superintendent of Central Inspection be instructed to issue the necessary permit.

Attachments - #1 - Statement of Justification
#2 - Plot plan

This residence is quite small consisting of five rooms and is housing Mrs. Fields, her mother, her brother and a niece, totaling four members in the family.

There was absolutely no space for laundry. She had her washing machine for about 2 years, but had not been able to use same, until this room was added.

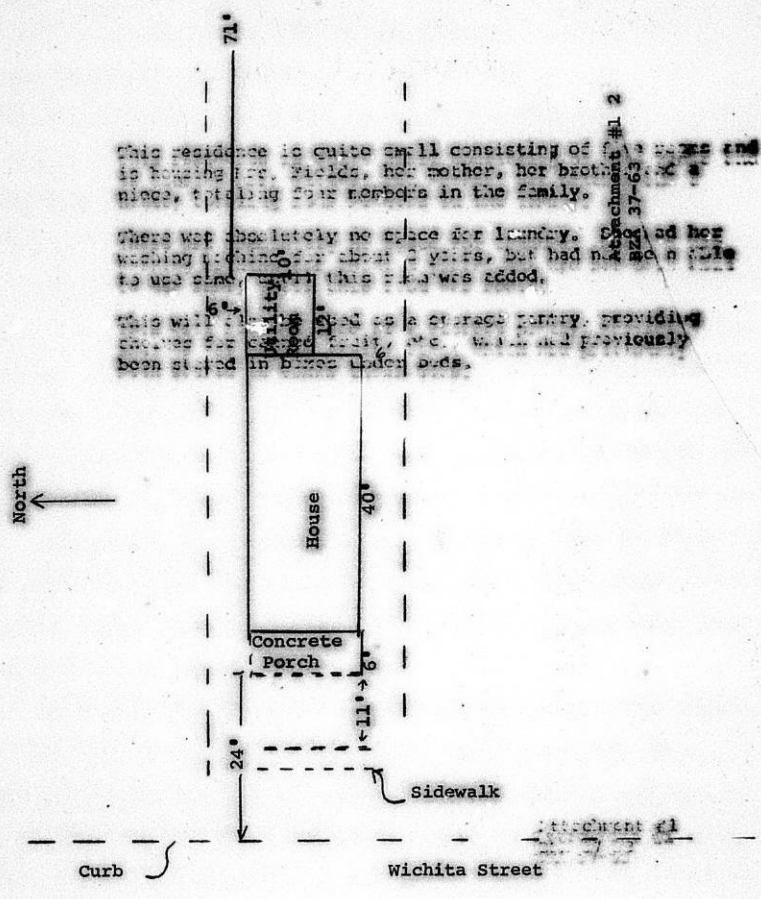
This will also be used as a storage pantry, providing shelves for canned fruit, etc., which had previously been stored in boxes under beds.

Attachment #1
BZA 37-63

This residence is quite small consisting of [unclear] and [unclear] is housing Mrs. Fields, her mother, her brother and niece, totaling four members in the family.

There was absolutely no space for laundry. [unclear] had her washing machine for about 20 years, but had no room to use same. [unclear] this machine was added.

This will be [unclear] as a storage porch, providing shelves for [unclear] and previously been stored in boxes under beds.



CASE NO. BZA 37-63

REVISED NOTICES MAILED DECEMBER 4, 1963, FOR MEETING
OF DECEMBER 20, 1963, TO THOSE WHO RECEIVED ORIGINAL
NOTICES MAILED DECEMBER 2, 1963.

REVISED NOTICE

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

December 4, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 37-63

An application has been filed by Lena Fields, 934 North Wichita, Wichita, Kansas, by Bill Simonsen, 2141 Gold, Wichita, Kansas, requesting an Exception pursuant to Section 28.04.170.A.3, Code of the City of Wichita, Kansas, to permit the expansion of a utility room up to a maximum of 40% of the floor area of the existing building, on property zoned "E" Light Industrial and legally described as:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Wichita and 9th.

This application has been assigned Case No. BZA 37-63, and will be considered by the Board of Zoning Appeals on Friday, December 20, 1963, 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.

Robert A. Lakin
Secretary

REVISED NOTICE

REVISED NOTICE

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

December 4, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 37-63

An application has been filed by Lona Fields, 934 North
Wichita, Wichita, Kansas, by Bill Simonsen, 2141 Gold, Wichita,
Kansas, requesting an Exception pursuant to Section 28.04.170.A.3,
Code of the City of Wichita, Kansas, to permit the expansion of a
utility room up to a maximum of 40% of the floor area of the existing
building, on property zoned "E" Light Industrial and legally described
as:

Lot 156 on Wichita Street in Munger's Original
Town, now City of Wichita, Sedgwick County, Kansas.
Generally located on the southeast corner of Wichita
and 9th.

This application has been assigned Case No. BZA 37-63, and will
be considered by the Board of Zoning Appeals on Friday, December 20,
1963, 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.

Robert A. Lakin
Secretary

REVISED NOTICE

CASE NO. BZA 37-63

NOTICES MAILED DECEMBER 2, 1963 for meeting on December 17, 1963

Lena Fields
934 North Wichita

Bill Simonsen
2141 Gold

William Coleman
Minnie Coleman
923 North Wichita

Ford Davis
2017 North Spruce

William Ray
929 North Wichita

Clara Walker
4940 ~~Arkansas~~

Clara Walker
2223 Fairview

C. L. Adams
L. E. Adams
1421 North Madison

Sandy Eslinger
926 North Wichita

Edna Carnefix
1129 Bitting

Tom Turner
Mattie Turner
932 North Wichita

Floyd J. Riley
932½ North Wichita

Lelia McKee Coffee
302 North Old Manor

Richard Cook
Helen C. Cook
909½ North Water

Daisy Grinsted
929 North Water

Alice Carter
1337 North Cleveland

Edgar C. Stewart
Oscar H. Stewart
1041 North Water

17

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

25

December 2, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 37-63

An application has been filed by Lena Fields, 934 North Wichita, Wichita, Kansas, by Bill Simonsen, 2141 Gold, Wichita, Kansas, requesting an Exception pursuant to Section 28.04.170.A.3, Code of the City of Wichita, Kansas, to permit the expansion of a utility room up to a maximum of 40% of the floor area of the existing building, on property zoned "E" Light Industrial and legally described as:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Wichita and 9th.

This application has been assigned Case No. BZA 37-63, and will be considered by the Board of Zoning Appeals on Tuesday, December 17, 1963, 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.

Robert A. Lakin
Secretary

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

December 2, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

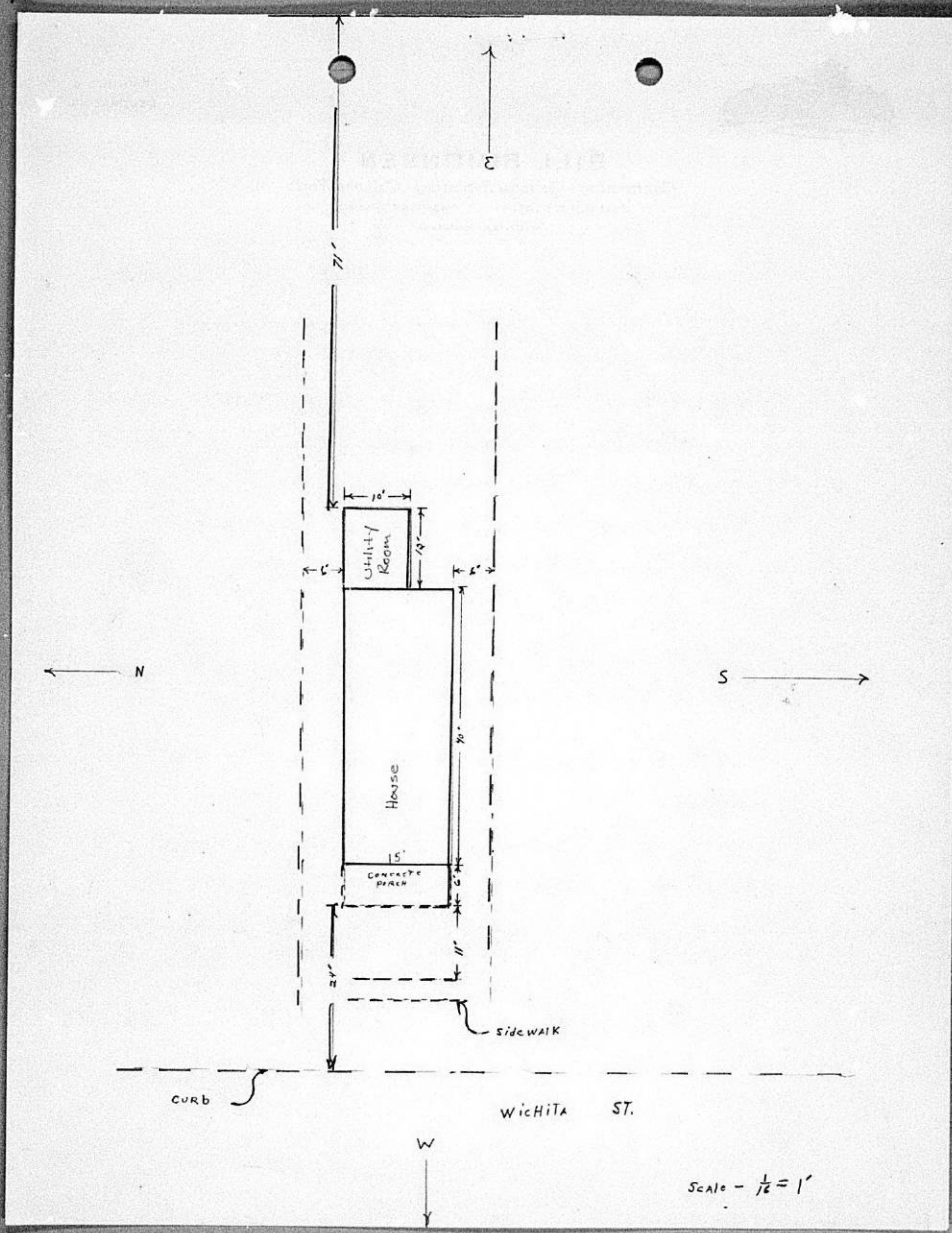
Case No. BZA 37-63

An application has been filed by Lena Fields, 934 North Wichita, Wichita, Kansas, by Bill Simonsen, 2141 Gold, Wichita, Kansas, requesting an Exception pursuant to Section 28.04.170.A.3, Code of the City of Wichita, Kansas, to permit the expansion of a utility room up to a maximum of 40% of the floor area of the existing building, on property zoned "E" Light Industrial and legally described as:

Lot 156 on Wichita Street in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Wichita and 9th.

This application has been assigned Case No. BZA 37-63, and will be considered by the Board of Zoning Appeals on Tuesday, December 17, 1963, 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.

Robert A. Lakin
Secretary



BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED: _____

APPLICATION FOR EXCEPTION

1. Name of Applicant Lena Fields
Mailing Address 934 No. Wichita Phone am 48668
Name of Authorized Agent Bill Simonsen Contractor
Mailing Address 2141 Gald Phone am 77690
Relationship of applicant to property is that of _____
(owner, tenant, lessee, other).

11. Application is made for an exception as provided in Section
28.04.170. A.3, Code of the City of Wichita, Kansas (Zoning
Ordinance); to permit the installation or construction of _____
utility room on property zoned "E", located at
934 No. WICHITA and legally described as:
LOT 156, ON WICHITA STREET, IN MUNGER'S ORIGINAL TOWN,
NEW CITY OF WICHITA, SEDGWICK in the City of Wichita.
COUNTY KANSAS
(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.

Mrs. Lena Fields
Applicant

By Bill Simonsen
Authorized Agent

FOR OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:25 PM (a.m. - p.m.) 11-29-63, 19____, together with appropriate fee of \$50.00

James W. Howe (P.I.)
Signed

This residence is quite small consisting of five rooms and is housing Mrs. Fields, her mother, her brother and a niece, totaling four members in the family.

There was absolutely no space for laundry . She had her washing machine for about 2 years, but had not been able to use same, until this room was added.

This will also be used as a storage pantry, providing shelves, for canned fruit, etc., which had previously been stored in boxed under beds.

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
141	Wichita	Munger's Original town of Wichita	William Coleman Minnie Coleman 923 N. Wichita
143	"	"	"
145	"	"	"
147	"	"	Ford Davis ^{2017 N. Spruce} X Marvin Lee Davis ^{no address} Address unknown
149	"	"	"
151	"	"	William Ray 929 N. Wichita
153	"	"	A. & A. Investment Co., Inc. Address unknown
155	"	"	"
W $\frac{1}{2}$ of 157	"	"	"
W $\frac{1}{2}$ of 159	"	"	"
E $\frac{1}{2}$ of 157	"	"	Clara Walker ^{2223 Fairview} Address unknown ^{4940 Arkansas}
E $\frac{1}{2}$ of 159	"	"	"
161	"	"	Soloman Lipshutz Address unknown ^{no add}
140	"	"	C. L. Adams L. E. Adams 1421 N. Madison
142	"	"	"
144	"	"	Sandy Eslinger 926 N. Wichita
146	"	"	Lesley Anderson Address unknown ^{no add}
148	"	"	Edna Carnefix 1129 Bitting
150	"	"	Tom Turner Mattie Turner 932 N. Wichita
152	"	"	Floyd J. Wiley 932 $\frac{1}{2}$ N. Wichita
154	"	"	"
156	"	"	Lena Fields 934 N. Wichita.
158	"	"	Lelia McKee Coffey 302 N. Old Manor

Continued page 2

Lot	Street	Addition	Property Owner
160	Wichita	Munger's Original Town of Wichita	Cassie Sherrills Address unknown <i>no add</i>
162	"	"	Kansas- Colorado & Pacific Railway Co. Address unknown <i>no add</i>
164	"	"	"
121	Water	"	Richard Cook Helen C. Cook 909½ N. Water
123	"	"	"
125	"	"	Winnie Landrum Address unknown <i>no add</i>
127	"	"	"
129	"	"	Daisy Grinsted 929 N. Water
131	"	"	"
133	"	"	L. C. McCullough Address unknown <i>no add</i>
135	"	"	"
137	"	"	Alice Carter 1337 N. Cleveland
139	"	"	"
141	"	"	Ruth Dunston Address unknown <i>no add</i>
143	"	"	Edgar C. Stewart Oscar H. Stewart 1041 N. Water

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:

Lot 156, on Wichita Street, in Munger's Original Town, now City of Wichita, Sedgwick County, Kansas.
as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 29th day of November, 1963 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. R. M. M. M.
Vice-President

Order No. 109225



434 N. MAIN
AM 7-8371

ABSTRACTING ORDER AND INVOICE

N^o 109225

Billing Date 11-29-63

TODAY 5 P.M.

Order Date 11-29-63

Wanted RUSH RUSH

CHARGE TO Bill Simonsen

DESCRIPTION

200' radius:
934 N. Wichita Street
Lot 156 on Wichita St. Mungers O. T.

Papers Left

Extend. Spec. Cif. Cif. Ownership XXX Plot Cif. of Title Pay Taxes

New Abst. Supl. Hold/Rel.

Comply with Req.

Remarks:

Deliver to Call AM-77690 will pick up

Abstracting Charges

Entries

Certification

Dist. Court Proceedings

Prob. Court Proceedings

Plat.

Cif. of Title

Judg't Search

Contract

REG. OF

Ownership

19 00

TOTAL

19 00

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Spec. Gradient</i>	<i>20.00</i>
<i>R 712</i>	

Name *John Dickel*

Address *934 N. Wichita St.*

Type _____ Due Date *11-29-63*

Comments _____

Date *11-29-63* By *John Dickel*