

73

ACTION

Bya COMMITTEE	DATE
Rescheduled 10-26-65	
MAPC.	Rescheduled to meeting 11-22-65
	Rescheduled approx 12-28-65
B.C.C. <del>REG</del>	

LA 39-55 - ...  
 variance of 3' rear yard ...  
 side yard setbacks on N side of ...  
 in area west of Lispenett Avenue

January 14, 1966

Mr. and Mrs. Dean L. Rhodes  
1618 West 13th Street  
Wichita, Kansas

Dear Mr. and Mrs. Rhodes:

Re: Case No. BZA 37-65

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: 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 7 - 6 5

WHEREAS, Mr. and Mrs. Dean L. Rhodes, 1618 West 13th Street, Wichita, Kansas, have, pursuant to Section 2.12.590.2, Code of the City of Wichita, requested a variance of the rear yard setback from 5 feet to 1.85 feet, and a variance of the side yard setback from 3 feet to 6 inches, on property zoned "A" Two Family Residential and legally described as follows:

The South 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of Lieunett Avenue; and

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 October 26, 1965; and

WHEREAS, on October 26, 1965, the Board of Zoning Appeals deferred a decision on this application until the meeting of 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 scheduled for hearing at this time 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 arise from such condition which is unique to the property in question and not ordinarily found in the same zone or district; and is not created by an action or actions of owner or the applicants in view of the commercial traffic and traffic generated from North High School, which is in close proximity to subject property, and the fact that the garage was moved straight back from its original location by a contractor who did not have the premises surveyed prior to relocating the garage; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents in that none have indicated any opposition; and

WHEREAS, the Board of Zoning Appeals has found 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 application in that it would require the applicants to move the garage, which is now firmly established with a concrete reinforced floor and would represent a monetary loss to the applicants; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but, on the contrary, would be beneficial to the public interest in that the applicant would be able to drive forward into 13th Street traffic rather than having to back into the traffic flow; and


WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance); and

WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

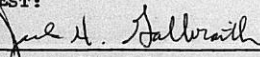
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the variances requested be approved to allow the garage as presently located on subject property to remain within 1.85 feet of the rear yard property line, and within 6 inches of the side yard property line, on property legally described as follows:

The south 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of Lieunett Avenue.

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

  
\_\_\_\_\_  
Harold Bauer, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

January 5, 1966

Mr. and Mrs. Dean L. Rhodes  
1618 West 13th Street  
Wichita, Kansas

Dear Mr. and Mrs. Rhodes:

Re: Case No. BEA 37-65

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 request for variance of the rear yard and variance of the side yard setback requirements on property zoned "A" Two Family, and generally located on the north side of 13th Street in an area west of Lieunett Avenue.

It was the action of the Board to approve this application, and a resolution setting forth the official action of the Board is being prepared for the signatures of the Chairman and Secretary and a copy thereof will be mailed to you soon.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:HW:ber  
cc: Glen Lytle, Superintendent of Central Inspection  
Ralph Eberly, City Clerk

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

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December 2, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 37-65

On or about November 2, 1965, we advised you that an application for a variance of the 5-foot rear yard setback requirement down to 1.85 feet and variance of the 3-foot side yard setback requirement down to 6 inches, had been filed by Dean L. and Grace H. Rhodes, as related to property generally located on the north side of 13th Street in an area west of Lieunett Avenue, and legally described as follows:

The south 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas.

In the above mentioned 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

26 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 37-65

On or about November 2, 1965, we advised you that an application for a variance of the 5-foot rear yard setback requirement down to 1.85 feet and variance of the 3-foot side yard setback requirement down to 6 inches, had been filed by Dean L. and Grace H. Rhodes, as related to property generally located on the north side of 13th Street in an area west of Lieunett Avenue, and legally described as follows:

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In theabovementioned 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. Dean L. Rhodes  
1618 West 13th Street  
Wichita, Kansas

Dear Mr. and Mrs. Rhodes:

Re: Case No. BZA 37-65

Your application for a variance to allow a garage to remain to within 6 inches of the side property line and 1.85 feet of the rear property line, on property generally located on the north side of 13th Street in an area west of Lisunett Avenue, 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

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SECRETARY'S REPORT

CASE NO. BZA 37-65

APPLICANT: Dean L. and Grace H. Rhodes, 1618 West 13th Street.

LOCATION: Generally located on the north side of 13th Street in an area west of Lieunett Avenue.

REQUEST: Variance pursuant to Section 2.12.590.2 of the Code of the City of Wichita to allow a garage to remain to within 6 inches of the side property line and 1.85 feet of the rear property line. The normal side yard setback is 3 feet and the normal rear yard setback is 5 feet.

ZONING: The property in question is zoned "A" Two family as is the property to the east, south and west. The property to the north is zoned "AA" Single Family.

LAND USE: The property in question and all surrounding property is developed for single family use.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the variance request under the provisions outlined under Section 2.12.590.2 of the Code of the City of Wichita. The Board may grant the Variance request when all five of the following conditions can be found to exist:

- a) 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 owner or the applicant;
- b) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c) 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 application;
- d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
- e)

- e) That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance);

COMMENTS BY THE SECRETARY

According to the Central Inspection Office and as indicated on the building permit which was obtained by the applicants, the applicants took out a permit to remodel and move a garage which was located on their property. At the time the permit was obtained, the applicant signed a statement to the effect that the garage would be located 3 feet from the side property line and 5 feet from the rear property line. However, when the garage was remodeled and moved it was moved to within .6 feet of the side property line and to within 1.85 feet of the rear property line. This was not only in violation of the building permit which was obtained but was also in violation of the Zoning Ordinance. The applicant indicates in his statement of justification that he was advised by the Central Inspection Office that the garage would be moved straight back from its original location and still be in compliance with the ordinance; the fact still remains that he signed a building permit on which a plat plan was drawn showing where the garage should be located.

UNIQUENESS

It is rather evident in this instance that the request for the two variances was created by the property owner's own action. A building permit was obtained which was signed by the applicant, showing very clearly where the garage had to be located in order to be in compliance with the Ordinance.

ADJACENT PROPERTY

Due to the location of the structures on the applicant's property in relation to the property to the east, it appears that the granting of the variance would not adversely affect the rights of the adjacent property owner.

HARDSHIP

Although the applicant would be burdened with a hardship if he is required to move his garage, the fact still remains that whatever hardship exists, was created by the applicant's own action

PUBLIC INTEREST

**PUBLIC INTEREST**

The granting of the variance should in no way adversely affect the public interest.

**SPIRIT AND INTENT**

The granting of the variance would be in direct conflict with the spirit and intent of the building permit which was obtained and signed by the applicant, showing where the garage should be located in order to comply with the Ordinance.

**RECOMMENDATION**

Due to the fact that the variance desired is not unique and is in direct violation of the spirit and intent of the Zoning Ordinance, it is the recommendation of the Secretary that the variance of the rear and sideyard setbacks be denied.

Attachment #1 - Statement of Justification submitted by the Applicant

Attachment #2 - Plot Plan

Attachment #3 - Copy of the issued Building Permit

It is further evident in this instance that the request for the two variances was initiated by the property owner's own action. A building permit was obtained and signed by the applicant, showing very clearly where the garage had to be located in order to be in compliance with the Ordinance.

**ADJACENT PROPERTY**

Due to the location of the structures on the applicant's property in relation to the property to the east, it is noted that the granting of the variance would not adversely affect the rights of the adjacent property owner.

**CONCLUSION**

Although the applicant would be burdened with a hardship if he is required to move his garage, the fact still remains that whatever hardship exists, was caused by the applicant's own action.

SECRETARY'S REPORT

CASE NO. BZA 37-65

APPLICANT: Dean L. and Grace H. Rhodes, 1618 West 13th Street.

LOCATION: Generally located on the north side of 13th Street in an area west of Lieunett Avenue.

REQUEST: Variance pursuant to Section 2.12.590.2 of the Code of the City of Wichita to allow a garage to remain to within 6 inches of the side property line and 1.65 feet of the rear property line. The normal side yard setback is 3 feet and the normal rear yard setback is 5 feet.

ZONING: The property in question is zoned "A" Two family as is the property to the east, south and west. The property to the north is zoned "AA" Single Family.

LAND USE: The property in question and all surrounding property is developed for single family use.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider the variance request under the provisions outlined under Section 2.12.590.2 of the Code of the City of Wichita. The Board may grant the Variance request when all five of the following conditions can be found to exist:

- a) 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 owner or the applicant;
- b) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c) 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 application;
- d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

- e) That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

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RECOMMENDATION

Due to the fact that the variance desired is not unique and is in direct violation of the spirit and intent of the Zoning Ordinance, it is the recommendation of the Secretary that the variance of the rear and sideyard setbacks be denied.

Attachment #1 - Statement of Justification  
submitted by the Applicant

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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 37-65

An application has been filed by Dean L. and Grace H. Rhodes, 1618 West 13th Street, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a variance of the 5-foot rear yard setback requirement down to 1.85 feet and variance of the 3-foot side yard setback requirement down to 6 inches, on property zoned "A" Two Family, and legally described as follows:

The south 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area west of Linnert Avenue.

This application has been assigned Case No. BZA 37-65 and will be re-  
considered 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.

JHG:ber

Jack H. Galbraith  
Secretary



*Mr Jack H. Galbraith*

*Dear: We have made plans to go our our daughter's family out of the state and are leaving soon for Sandsping. Mr Rhodes bought his house under F. H. G. Loan. I don't believe they will approve this deal as I is against the building code. Prof Allen T. Dackshire - 2327 N. Old Mansy, City.*

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

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November 2, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

██████████  
Case No. BZA 37-65

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JHG:ber

Jack H. Galbraith  
Secretary

26 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 37-65

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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.

JHG:ber

Jack H. Galbraith  
Secretary

October 28, 1965

Mr. and Mrs. Dean L. Rhodes  
1618 West 13th Street  
Wichita, Kansas

Dear Mr. and Mrs. Rhodes:

Re: BEA 37-65 - Request for Variance

This is to advise you that at its regular meeting on October 26, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the side yard setback from 3 feet down to 6 inches, and variance of the required rear yard from 5 feet to 1.85 feet, on property zoned "A" Two Family, and generally located on the north side of 13th Street in an area west of Lieunett Avenue.

At the meeting on October 26, 1965, there was not a majority vote of three Board members which is required to either approve or deny your application and, therefore, it has been continued until the meeting of November 23, 1965, at which time it is expected more members of the Board will be present.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:JWH:ber

cc: Glen F. Darbyshire  
232 North Old Manor Road

David S. Steele  
1415 Lieunett

Glen Lytle, Superintendent  
of Central Inspection

PERMIT NUMBER

376669

INSPECTION DEPARTMENT  
CITY OF WICHITA, KANSAS  
APPLICATION FOR RESIDENTIAL BUILDING PERMIT  
AND CERTIFICATE OF OCCUPANCY

APPLICATION

No. T 2918

(Groups M. L. 1-1 and 1-2)

Wichita, Kansas, 4 3, 196

Application is hereby made for a permit to Remodel a structure at  
(Erect-Repair-Remodel-Wreck-Add To)

No. 1618 W 13<sup>th</sup> Street  
in accordance with the following description and in conformity with the provisions of all laws and ordi-  
nances pertaining thereto.

Use or Occupancy: 1-Family Dwelling  Garage Detached  Number of Rooms \_\_\_\_\_  
2-Family Dwelling  Garage Attached  in Dwelling \_\_\_\_\_  
Multi-Family  Garage or Shed Only

If Multi-Family: Total Number of Family Units \_\_\_\_\_ Number of Baths \_\_\_\_\_ Number of Other Rooms \_\_\_\_\_

Extreme Dimensions: Frontage on Street 21' Depth 21' Stories \_\_\_\_\_

Size of Basement: Foundation Walls Concrete  Concrete Blocks  Size of First Floor Concrete  
Concrete  Ceiling \_\_\_\_\_

Exterior Wall: Frame  Concrete Block  Wood Shingles   
Brick Veneer  Brick  Roof Material: Composition   
Stone Veneer  Tile

Heat: Blower Furnace  Floor  Closet  Coal  Wood  Wood or Coal  
Gravity Pipe  Attic  Stoves  Gas  Oil  Fireplace

Brick Flues: Number \_\_\_\_\_ Potentiled Pipe Flues: Number \_\_\_\_\_ Walls: Plaster   
Size \_\_\_\_\_ Size \_\_\_\_\_ Dry Wall

New Plumbing: \_\_\_\_\_ New Electrical Work: \_\_\_\_\_ New Gas Fitting: \_\_\_\_\_

Area of Dwelling Space: \_\_\_\_\_ sq. ft. \_\_\_\_\_ sq. ft. If Wrecking, Give  
Garage, Bmnt. etc.: \_\_\_\_\_ sq. ft. \_\_\_\_\_ sq. ft. Square Feet of  
Building: Accessory Street: \_\_\_\_\_ sq. ft. \_\_\_\_\_ sq. ft. Floor Area: \_\_\_\_\_  
Total Adj.: \_\_\_\_\_ sq. ft.

If repairing, remodeling, wrecking or adding to, state what improvements are to be made. None  
Sub. frame back on new part of lot. No  
concrete garage. No. 1618 W 13<sup>th</sup>  
sub standard contract of

Estimate of Value: \$ 250.00

Is work being done under a contract? \_\_\_\_\_ Structure has been occupied as \_\_\_\_\_

Owner: Beard Rhodes Address: Same

Builder: Raymond Address: \_\_\_\_\_

Designer: \_\_\_\_\_ Address: \_\_\_\_\_

(Sign Below)

(Licensed Contractor)

(Owner)

By \_\_\_\_\_ (Authorized Representative) By \_\_\_\_\_ (Agent)

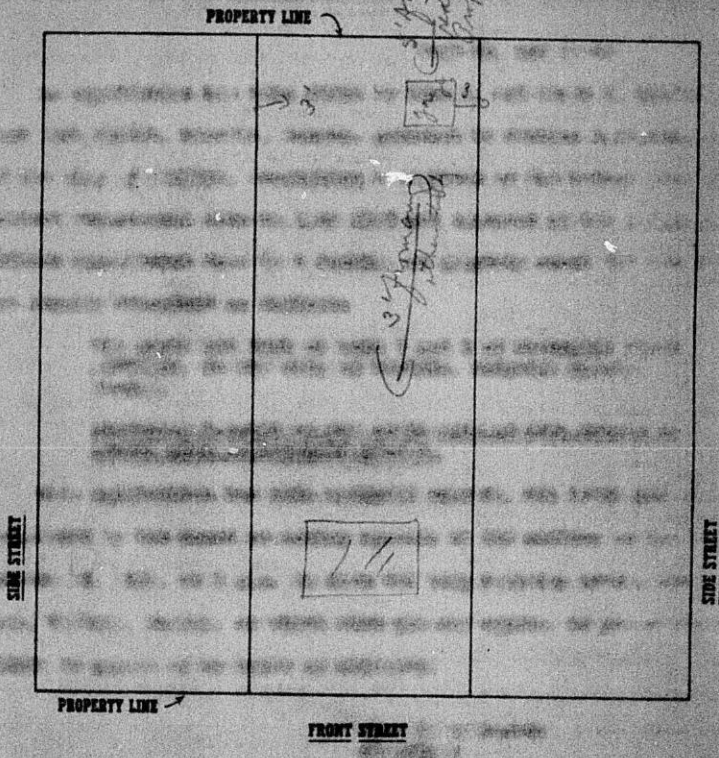
INSPECTION DEPARTMENT RECORD

Zoning Dist. AA A RB B BB LC Permit Refused Because \_\_\_\_\_

C D E F Permit Held Up for \_\_\_\_\_

Fire Zone 1 2 3 4 Application Taken by \_\_\_\_\_

# PLOT PLAN



SIZE OF LOT 50 x 140

The undersigned hereby certifies:

1. That the structure covered by this application will be placed no closer to the lot lines than the dimension as indicated on the above plot plan and that the undersigned has full knowledge of these setbacks.
2. It is further certified that the undersigned has examined the recorded plats and other records of the land upon which this building is to be located and that it will not encroach upon any easement or be built over any public sewer or utility.
3. The undersigned also certifies that he has been apprized of the housing code of the city of Wichita and that the work included on this application will conform with the provisions hereof.

\_\_\_\_\_  
Applicant

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**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 37-65

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The south 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the north side of 13th Street in an area west of Liguett Avenue.

This application has been assigned Case No. BZA 37-65 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

26 mailed 10-1-65  
+ PC

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

October 1, 1965

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The south 140 feet of Lots 7 and 8 of Riverside Place Addition, in the City of Wichita, Sedgwick County, Kansas.

generally located on the north side of 13th Street in area west of Liousett Avenue.

This application has been assigned Case No. BEA 37-65 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

Wichita, Kansas  
September 21, 1965

City of Wichita, Kansas  
Board of Zoning Appeals  
Planning Commission  
Wichita, Kansas



Gentlemen:

Detached garage at 1618 West 13th Street, Wichita, Kansas.

Letter of September 18, 1965, filed September 20, 1965, together with other required documents and payment of \$50.00 fee, by reference is hereby made a part of this letter of variance request.

- a) 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 property owner or the applicant.

From October 1961 until Spring of 1965 we backed into traffic on 13th Street. A traffic light was installed at 13th and Lieunett after which we were unable to back out (this was always a hazard and against good driving practice and in case of accident believe against the law) because the cars would "pile up" waiting for the light to change. This is particularly bad when going to and from work (same as many other drivers) and also during the school term, the students from North High with their cars. It was believed the best solution would be to move the garage straight back and thereby have room to turn around and head out onto 13th street. This requires 3 to 4 turns of the car on the concrete behind the house and in front of the garage as now located. This condition was not created by action on part of applicants

- b) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Before the garage was moved straight back, permission was asked and given by our neighbor to the East for it to be moved this way, also at this time it was necessary to cut a tree limb, for which they gave permission. Our neighbor to the East still does not mind the garage being close to the property line. No other neighbors could or would be affected by the present position of the garage.

- c) 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 application.

As stated in our September 18th letter we believed it would be better to head out onto 13th Street and thereby avoid damage to both individuals and cars; backing onto 13th was dangerous. It would also present a financial hardship.

- d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The moving of the garage does not affect public health, morals, order, prosperity, or general welfare. It does make for more safety in driving (driving into traffic lane); more convenience to applicants in peace of mind (not worried about hitting or being hit by traffic flow). General welfare of all drivers using this garage and using 13th street would be improved by driving security, less chance of wrecks.

- e) That the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

No other property would be affected. There is an improvement to the house and to the neighborhood.

It is also our understanding as of this date it was disclosed by Clyde M. Baughman, Surveyors, that the present position of the garage is not on any utility easement, and that a corrected survey will be furnished the Board of Zoning Appeals.

Sincerely yours,



Dean L. Rhodes  
Grace H. Rhodes

1618 West 13th Street  
Wichita, Kansas

JOHN T. (JACK) REEVES

OFFICE OF  
**BAUGHMAN CO.**  
Surveyors  
2522 EAST KELLOGG  
WICHITA, KANSAS 67211  
MURRAY 3-7431



FRED J. DOANE

State of Kansas )  
                  ) SS  
County of Sedgwick)

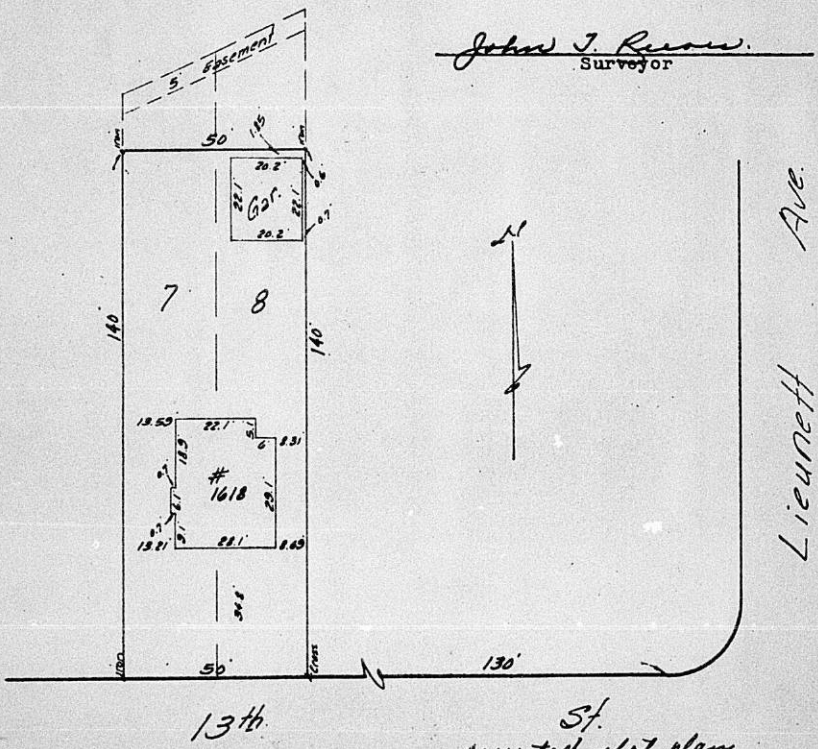
September 2, 1965

I, John T. Reeves, Surveyor in aforesaid county and state do hereby certify that I did on this 2nd day of September, 1965 survey the south 140 feet of Lots 7 and 8, Block L, Riverside Place an Addition to Wichita, Kansas.

On said lot is house No. 1618 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.

*John T. Reeves*  
Surveyor



St.  
corrected plat plan

Wichita, Kansas  
September 18, 1965

City of Wichita, Kansas  
Board of Zoning Appeals  
Planning Commission  
Wichita, Kansas

Gentlemen:

Detached garage at 1618 West 13th Street, Wichita, Kansas.

From October 1961 until Spring of 1965 we backed into traffic on 13th Street. Garage as shown on original survey. A traffic light was installed at 13th and Lieunett after which we were unable to back out (this was always a hazard and against good driving practice and in case of accident believe against the law) because the cars would "pile up" waiting for the light to change. This is particularly bad when going to and from work (same as many other drivers) and also during the school term, the students from North High with their cars, it was real rough.

It was believed the best solution would be to move the garage straight back and thereby have room to turn around and head out onto 13th Street. This requires 3 to 4 turns of the car on the concrete behind the house and in front of the garage as now located.

Mr. Dean L. Rhodes on June 3, 1965, secured a Permit for this work and was advised by a lady at the desk, that so long as he only moved it straight back and not one inch East or West it would be in compliance with regulations, providing the garage was in the clear of the back fence. At this time there was no mention of a utility easement, and we knew nothing about it until the second survey in September, 1965. The lady did say there would never be an alley there. We were not advised that under new, up-to-date building codes our garage had to be 3 feet in the clear of an adjoining property line, had this been known we would have specified same to contractor. Before the garage was moved straight back, permission was asked and given by our neighbor to the East for it to be moved this way, also at this time it was necessary to cut a tree limb, for which their permission was received (this was done by a professional tree surgeon). Our neighbor to the East still does not mind the garage being close to the property line.

On the strength of instructions to stay clear of the fence we assumed the fence on the North was the property line, result, garage was placed from the fence.

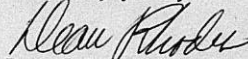
When taking out the permit in order to comply with city regulations it was assumed that after taking out the Permit a Building Inspector would be out within a day or two. We knew this financial outlay of nearly \$1,000 had to be right. This is a double car garage, which after it was moved, was completely sheetrocked on two sides, with pegboard on the third side, also a ceiling was put in, six windows (2 each on 3 sides) were put in, it was professionally painted, new underground conduit and new breaker box (for safety) were installed, 12 cubi yards of concrete were poured, under specifications, it was raised for better draining and it was bolted down.

It was discouraging and disheartening on the last day after all the work was completed to be advised by the Building Inspector everything was wrong, for we had secured a permit, spent much money for the beautification of the property which is in the older section of our City, known as the Riverside Area. We were thinking what we could do in the preserving of human life by the backing into traffic and giving our City a little boost in its beautification program.

Whereby we make appeal to the Board of Zoning Appeals to permit the garage to remain as moved.

Gas Service Company, Arkla Gas Company, Southwestern Bell Telephone and Kansas Gas and Electric Company have been contacted relative to the position of the garage. They have said they have no objection to the garage being where it is located. Also, Clyde M. Baughman, Surveyors, have advised the garage does not come close to the sewer line.

Sincerely yours,



Dean L. Rhodes  
Grace H. Rhodes

1618 West 13th Street  
Wichita, Kansas

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

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

**APPLICATION FOR VARIANCE**

I. Name of Applicant Dean L. & Grace N. Rhodes ✓  
Mailing Address 1618 West 13th St. Phone AM-26865  
Name of Authorized Agent "  
Mailing Address " Phone "  
Relationship of applicant to property is that of OWNER  
(owner, tenant, lessee, other)

II. The variance requested is 2.12.590.2 - variance  
of <sup>5 foot</sup> rear yard setback down to 1.85 feet and  
variance of 3 foot side yard setback down to 6"  
for property located 1618 West 13th Street

and legally described as: S 140' of lots 7 and 8  
of Riverside Place Addition  
in the City of Wichita; and which is presently zoned "A"  
(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.

Grace N. Rhodes  
Applicant

"  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,  
10:10 (a.m.) - p.m.), 9-20, 1965, together with  
appropriate fee of \$50.00.

Jim Howe  
Signed

OWNERSHIP LIST

Lot	Block	Addition	Owner and Address
1	"B", Parker	Riverside Place	✓ Edwin L. Trask Margaret L. Trask 1402 Woodrow Ave.
2	" "	" " "	✓ R. B. Holmes 1630 W. 13th
3	" "	" " "	✓ M. Beverly Cox <i>4654 Krueger?</i> (address unknown)
4	" "	" " "	M. Beverly Cox (address unknown)
S 140' of Lot 5	" "	" " "	✓ Robert G. Mason Eileen P. Mason 1622 W. 13th
S 140' of Lot 6	" "	" " "	Ⓟ Robert G. Mason Eileen P. Mason 1622 W. 13th
S 140' of Lot 7	" "	" " "	Ⓟ Dean L. Rhodes Grace H. Rhodes 1618 W. 13th
S 140' of Lot 8	" "	" " "	Ⓟ Dean L. Rhodes Grace H. Rhodes 1618 W. 13th
S 140' of Lot 9	" "	" " "	✓ Glen F. Darbyshire 232 N. Old Manor Road
S 140' of Lot 10	" "	" " "	Ⓟ Glen F. Darbyshire 232 N. Old Manor Road
2	"B", Woodrow	" " "	✓ Thomas C. Scott Hazel Mae Scott 1406 Woodrow Ave.
4	" "	" " "	<i>no add.</i> Harold M. DeHon Mattie Reverra DeHon (address unknown)
6	" "	" " "	<i>no add.</i> Harold M. DeHon Mattie Reverra DeHon (address unknown)
8	" "	" " "	✓ Leman T. Cowles Gussie Cowles 1426 Woodrow Ave.
W 140' of Lot 10	" "	" " "	Ⓟ Leman T. Cowles Gussie Cowles 1426 Woodrow Ave.

Ownership list--page 2

Lot	Block	Addition				Owner and Address
12	"B",	Woodrow	Riverside	Place	Harold H. Newby Rubene L. Newby 1428 Woodrow Ave.	
14	"	"	"	"	Harold H. Newby Rubene L. Newby 1428 Woodrow Ave.	
W 140' of Lot 16	"	"	"	"	Martha Cunningham 1432 Woodrow Ave.	
W 140' of Lot 18	"	"	"	"	Martha Cunningham 1432 Woodrow Ave.	
W 140' of Lot 20	"	"	"	"	Leslie H. Gaines, Jr. Betty S. Gaines 1436 Woodrow Ave.	
W 140' of Lot 22	"	"	"	"	Leslie H. Gaines, Jr. Betty S. Gaines 1436 Woodrow Ave.	
268	Woodrow Ave.	Riverside Addition				Milton H. Woolman Bertha A. Woolman 1332 Woodrow
270 exc. E 55'	"	"	"	"	Philip B. Ray Margaret E. Ray 1626 Womer Drive	
272 exc. E 55'	"	"	"	"	Philip B. Ray Margaret E. Ray 1626 Womer Drive	
274 exc. E 55'	"	"	"	"	Philip B. Ray Margaret E. Ray 1626 Womer Drive	
E 55' of Lot 270	"	"	"	"	Richard B. Zortman Nancy Sue Zortman 1631 W. 13th	
E 55' of Lot 272	"	"	"	"	Richard B. Zortman Nancy Sue Zortman 1631 W. 13th	
E 55' of Lot 274	"	"	"	"	Richard B. Zortman Nancy Sue Zortman 1631 W. 13th	

Ownership list--page 3

Lot	Block	Addition	Owner and Address
W 60' of Lot 1		Innes Addition	<i>no addr.</i> S. K. McLanahan Myrtle E. McLanahan (address unknown)
Lot 1 exc W 60'		" " "	✓ Sherburne Macleod 1345 N. River Blvd.
2		" " "	✓ Grover C. Dotzour Jennie May Dotzour 1341 N. River Blvd.
3		" " "	✓ Arthur E. Aufderhar Mary Aufderhar 1333 N. River Blvd.
4		" " "	✓ Paul M. Miner LaVanche Miner 1615 W. 13th
5		" " "	✓ George O. Heinig Ida L. Heinig 1625 W. 13th
6		" " "	✓ Mary B. McLean 1629 W. 13th
24, on Woodrow		Supplemental Plat to Woodrow Place Add.	✓ Vyra E. Spangler <i>1442 Wood- row Ave</i> (address unknown)
26, on Woodrow		" " " " "	✓ Vyra E. Spangler (address unknown)
Reserve "A"		Woodrow Court	✓ David S. Steele Flora E. Steele 1415 Lieunett
11	"A", Parker	" "	✓ Edward R. Toles Donna V. Toles 1610 W. 13th
12	" "	" "	✓ Edward R. Toles Donna V. Toles 1610 W. 13th
13	" "	" "	✓ E. R. Masters 1600 W. 13th
14	" "	" "	✓ E. R. Masters 1600 W. 13th
23	"A", Lieunett	" "	✓ Joel N. McClallen Winnie E. McClallen 1421 Lieunett
25	" "	" "	✓ Joel N. McClallen Winnie E. McClallen 1421 Lieunett
27	" "	" "	✓ Laberta Lacey Powell 1427 Lieunett
21	" "	" "	✓ David S. Steele Flora E. Steele 1415 Lieunett

Owner and Address

A 10' strip: Beginning at SE cor of Lot 21, on Lieunett Ave., Blk. "A", Woodrow Court Add., th W 100' to SW cor of Lot 21, S 10', th E 100', th N 10' to pob, EXC Beg at NE cor of Lot 8, Woodrow Ave., Block "B", Riverside Place Add. th NEly 25' to point in S line of Lot 12, Woodrow Ave., Riverside Place Add. said point being 140' SE of W line of Lot 12, th SEly direction along S line of Lot 12 to SE cor of original platting of said Lot 12, th in SWly direction to pob.

David S. Steele  
Flora E. Steele  
1415 Lieunett

Beg at NE cor of Lot 8, Woodrow Ave., Block "B", Riverside Place Add. th NEly 25', to point in S line of Lot 12, Woodrow Ave., Riverside Place Add. said point being 140' SE of W line of Lot 12, th SEly direction along S line of Lot 12 to SE cor of original platting of said Lot 12, th in SWly direction to pob

*no add.* Charles H. Armstrong  
(address unknown)

We, The Security Abstract & Title Company, Inc.

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

Lots 7 and 8, in Block "B", Riverside Place Addition to Wichita, Sedgwick County, Kansas,

as shown by the deeds on file in the Office of the Register of Deeds in and for Sedgwick County, Kansas, on this 1st day of September, 1965 at 7:00 a.m.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By:

*J. R. ...*  
Vice President

Form 223-021

**PAYMENT NOTICE**

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION

AMOUNT

*Municipal Appl.* *50.00*

Name

*Grace Chiodo*

Address

*1614 West 13th St*

Type

*R-712*

Due Date

Comments:

Date

*9-10-65*

By

*Mica*

*Assn. Mgr.*

\*

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