

BZA Case No. 37-73 - Howard C. Bartlett requests variance to reduce the required front yard setback from 25' to 16'. At the SW corner of Jackson Av. & 18th St. N.

POSTED  
11-13-73  
C.I. V.  
map  
C.I.

ACTION

BZA COMMITTEE Approved DATE 11.27.73

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

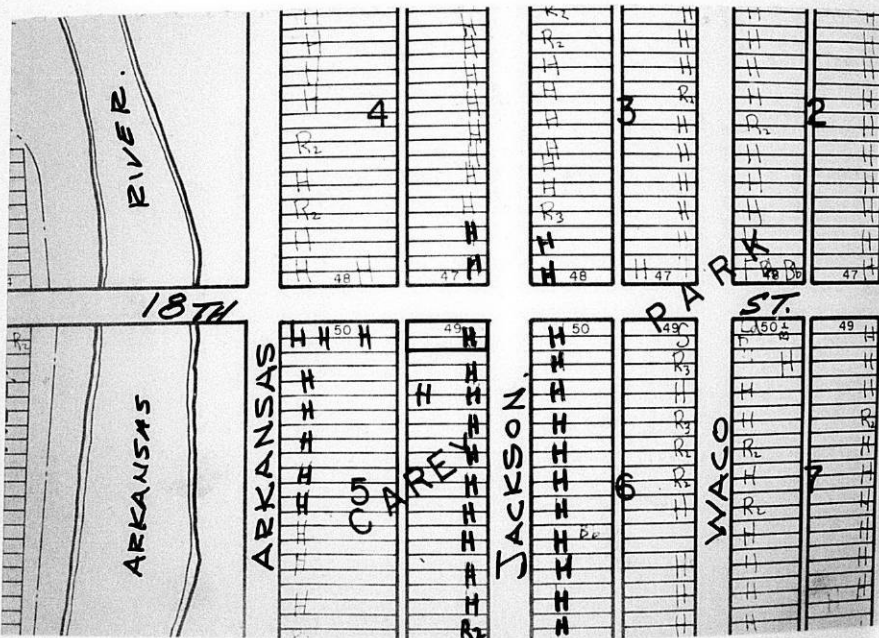
B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5449  
 Sec. B  
 Twp. 27  
 Range 1E

BZA- 37-73  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.16 ( 50 ft. by 140 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE FARM South SINGLE FARM  
 West SINGLE FARM North SINGLE FARM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: TWO FARM  
 6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_





January 18, 1974

Mr. Richard W. Holmes  
Attorney at Law  
Brown Building  
Wichita, Kansas 67202

RE: Case No. 37-73  
Request for Variance

Dear Mr. Holmes:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1973, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 16 feet, on property zoned the "A" Two Family Dwelling District, and generally located at the Southwest corner of Jackson Avenue and 18th Street North.

This Resolution reflects the official action of the Board 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,

Jack H. Galbraith  
Secretary

JHG:rw

Enclosure

cc: Howard C. Bartlett, 1859 North Jackson, Wichita, 67203  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

WILLIAM L. KORBER

BZA 37-73

OFFICE OF  
**BAUGHMAN CO.**  
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG  
WICHITA, KANSAS 67211  
MURRAY 3-7431

State of Kansas }  
County of Sedgwick }

SS

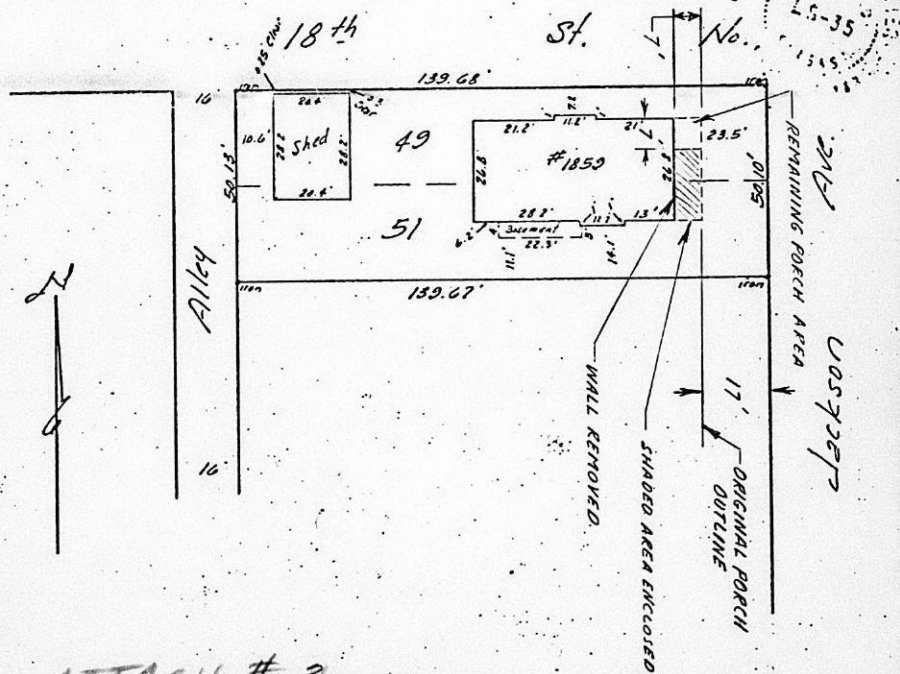
September 30, 1970

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 30th day of September, 1970, survey Lots 49 and 51, Block 5, Carey Park Addition to Wichita, Kansas.

On said lots is house No. 1859 and a shed which are in the clear of all boundary lines. There are no encroachments on said lots by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

*William L. Korber*  
Surveyor



ATTACH # 3

RESOLUTION NO. BZA 37-73

WHEREAS, Howard C. Bartlett, 1859 North Jackson, Wichita, Kansas, 67203, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 49 and 51, Block 5, in Carey Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southwest corner of Jackson Avenue and 18th Street North.

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 November 27, 1973, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the house was constructed prior to the existence of setback requirements, with the overhead living space extending over the porch, projecting an additional 7 feet into the front yard; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents since the overhead living space already extends the same distance into the setback; and although this is a corner house, the porch is not completely enclosed, and adequate sight distance remains; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application since the building contractor's work was inspected and approved in the early stages of construction prior to such major work as removing the living room wall, and would now have to be completely removed; and the applicants are already without heat as a result of the work stoppage, and the removal of the improvement during the winter months would result in considerable discomfort and inconvenience; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as an adequate sight distance at the street corner is maintained with respect to traffic safety; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the house is located in an older area where setbacks are not uniform, and adequate front yard setback would remain; and

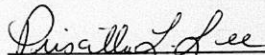
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist,

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25 feet to 16 feet, on property zoned the "A" Two Family Dwelling District, and legally described as:

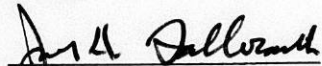
Lots 49 and 51, Block 5, in Carey Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southwest corner of Jackson Avenue and 18th Street North.

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1973.

  
Priscilla L. Lee, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

November 30, 1973

Mr. Richard W. Holmes  
Attorney at Law  
Brown Building  
Wichita, Kansas 67202

RE: Case No. 37-73  
Request for Variance

Dear Mr. Holmes:

At the regular meeting of the Board of Zoning Appeals on November 27, 1973, your request for a variance to reduce the required front yard setback from 25 feet to 16 feet, on property zoned the "A" Two Family Dwelling District, and generally located at the Southwest corner of Jackson Avenue and 18th Street North, was considered.

It was the action of the Board to approve this request as requested.

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.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Chief Planner

JHG:rw

cc: Howard C. Bartlett, 1859 North Jackson, Wichita, 67203  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 37-73

APPLICANT: Howard C. Bartlett, 1859 North Jackson, Wichita, Kansas, 67203

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 16 feet.

GENERAL LOCATION: At the Southwest corner of Jackson Avenue and 18th Street North.

ZONING: Subject property is zoned the "A" Two Family Dwelling District, as are all surrounding properties.

LAND USE: Subject property contains a single family dwelling, as do those properties to the north, south, and east. The property to the west appears to contain three single family homes.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

Secretary's Report  
BZA Case No. 37-73  
Page 2

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback from 25 feet to 16 feet to allow the enclosure of a porch. The house was constructed prior to the establishment of setback requirements, and the survey submitted with the application shows the existing front yard setback to be 23.5 feet. The porch, which is not shown on the original survey, extends an additional 7 feet into the front yard setback.

In his statement of justification (attached), the applicant points out that the house was built with overhead living space with dormer windows extending over the porch, and that the house has a continuous roof (no break) extending over the front porch.

When the applicant applied for a building permit, he used the plat supplied by his surveyor as a plot plan to indicate the location of the house on the lots and the setbacks. The applicant states that he was unaware the front porch was not included in the survey. On March 22, 1973, Building Permit No. C67557 was issued to allow the front porch to be enclosed. On July 25, 1973, a building inspector inspected and approved the replacement footing. On July 26, 1973, a building inspector inspected and approved the foundation replacement. On October 30, 1973, the framing was inspected, and on October 31, 1973, the applicant was notified to stop work and file for a variance because the enclosure violated the front yard setback.

At this point, the construction was approximately 85% complete, electrical work had been completed, and heating and air conditioning work has to be discontinued pending the outcome of the hearing before the Board. It should be noted that the Board has received letters from a number of the property owners within the notification area stating that they have no objections to the applicant's enclosing the porch, and several expressed the opinion that it was an improvement to the property.

Uniqueness:

In the opinion of the Secretary, this is somewhat of a unique situation inasmuch as the house was constructed prior to the existence of setback requirements, with the overhead living

Secretary's Report  
BZA Case No. 37-73  
Page 3

space extending over the porch, projecting an additional 7 feet into the front yard.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance will not adversely affect the rights of the adjacent property owners or residents since the overhead living space already extends the same distance into the setback; and although this is a corner house, the porch is not completely enclosed, and adequate sight distance remains.

Hardship:

The Secretary is of the opinion that the strict application of the provisions of Title 28 will constitute unnecessary hardship upon the property owner since the building contractor's work was inspected and approved in the early stages of construction prior to such major work as removing the living room wall, and would now have to be completely removed; and the applicants are already without heat as a result of the work stoppage, and the removal of the improvement during the winter months would result in considerable discomfort and inconvenience.

Public Welfare:

It is the opinion of the Secretary that approval of the permit for variance will not adversely affect the public welfare inasmuch as an adequate sight distance at the street corner is maintained with respect to traffic safety.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the house is located in an older area where setbacks are not uniform, and adequate front yard setback would remain.

RECOMMENDATION:

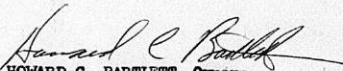
It is the recommendation of the Secretary that the variance to reduce the required front yard setback from 25 feet to 16 feet be approved.

APPLICANT'S STATEMENT

1. The variance requested arises per the following:
  - a. This house was built some time prior to the requirement for 25' set-back from the front property line.
  - b. The house has a continuous roof (no break) extending over the original front porch.
  - c. The house was built with overhead unfinished living space within 17' of the front property line. Note: This is the same distance from the front property line as the new front wall.
  - d. The house has always had overhead living space 17' from the front property line.
  - e. Since this upstairs area has dormer windows on the North, East and South sides, I have utilized this space on occasion for additional sleeping quarters when guests resulted in overcrowded conditions.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents since it in no way infringes on neighbors' property lines or their personal rights.
3. The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the undersigned property owner because only after the Building Permit was obtained did I have installed a Central Heating and Air Conditioning system. I had made the decision to either remodel and improve the property or dispose of it.

The furnace is not connected due to need for completion of this enclosure and installation of flue. The building contractor's work on this enclosure is approximately 85% complete. This includes a new 36" Front Door, a large picture window with companion side windows and new window on the new South wall. Electrical work has been completed by licensed electrical contractor. The original front living room wall has already been removed and would have to be re-built, etc., if this variance is not authorized. The remodeling as of October 31, 1973, including furnace and central air conditioning, constitutes an expense of about \$4,000.00. Further, with the winter weather, the lack of adequate heat is becoming a health problem.
4. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare since it is strictly a 7-foot extension of an older residence. It is being done with professional help and guidance for the purpose of upgrading the living space and the addition of closet space, thereby upgrading the overall dwelling and the adjacent properties.
5. Granting of the variance desired will not be opposed to the general spirit and intent of Title 28 because the same adequate front-yard space remains.
6. For the purpose of clarification the following summary of events is offered:
  - 22 March 1973 - Building Permit No. C67557 obtained.
  - 25 July 1973 - Building Inspector's inspection of Replacement Footing.

26 July 1973 - Building Inspector's inspection of Foundation Replacement.  
30 October 1973 - Building Inspector's inspection of Framing.  
31 October 1973 - Notified to stop work and file appeal.

  
HOWARD C. BARTLETT, Owner  
1859 Jackson  
Wichita, Kansas, 67203

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ATTACHMENT #2

November 13, 1973

Board of Zoning Appeals  
Chicago, Kansas

Case No. BZA 37-73

Dear Sirs:  
We feel Mr & Mrs Bartlett  
should be allowed to complete  
the improvements on their  
home and have no objection to  
the reduction of the front  
yard setback from 25' to  
16' at their property at  
1839 Jackson.

Very truly,  
Sincerely,

Charles Defferson

1839 Jackson

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

An application has been filed by Howard C. Bartlett, 1959 North Jackson, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 49 and 51, Block 5, in Carey Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southwest corner of Jackson Avenue and 18th Street North.

This application has been assigned Case No. EZA 37-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*Change is fine with me*

*Mrs. Vernon Hanis  
1906 Jackson  
Wichita, Kans  
67203*

1906 Jackson  
67203



Board of Zoning Appeals  
Room 402 City Bldg Annex  
104 So. Main Street  
Wichita Kansas  
67202

2656029

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

An application has been filed by Howard C. Bartlett, 1359 North Jackson, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 49 and 51, Block 5, in Carey Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the Southwest corner of Jackson Avenue and 18th Street North.

This application has been assigned Case No. BZA 37-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

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Jack H. Galbraith  
Secretary

*I am in favor of changing the set  
back from 25' to 16'.*

*G. E. Harris  
1902 Jackson  
Phone 262 8812*

2115 Park Place  
Wichita Kans  
67203



Board of Zoning Appeals  
Room 402 City Bldg Annex  
104 South Main Street  
Wichita Kansas 67202

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

An application has been filed by Howard C. Bartlett, 1859 North Jackson, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

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If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*We have no objection to Mr. Bartlett building - the 16 foot setback doesn't hurt anyone. We consider it an improvement.*

*Mrs. Farris Brown  
Wichita, Ks.  
Mr. Farris Brown*

*1840 Jackson*

Mr. & Mrs. Farris Z. Brown  
1840 Jackson  
Wichita, Kansas 67203



*Board of zoning appeals  
City Building annex  
104 S. Main St.  
Wichita,  
Ks. 77202*

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

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If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

11/15/73 -  
I have no objections to Howard Bartlett's request to reduce the required front yard setback from 25 feet to 16 feet.

Meriel M. Scroggins  
2255 N. Wynne  
Wichita, Kansas 67219

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

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If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*We do not object.*

*Susie M. Slack  
Shelma M. Brandon*

*1911 Jackson Ave.*

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202



November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

An application has been filed by Howard C. Bartlett, 1859 North Jackson, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

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If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*I approve of the application of Howard C. Bartlett  
of 1859 North Jackson Wichita Kansas.  
I think quite an improvement to this location.*

*Mildred Spiker*

*1843 Jackson Wichita Kansas 67203.*

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

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Jack H. Galbraith  
Secretary

*We have no objection*

*Arthur Hazen & M. C. Smith  
1837 Jordan  
Wichita Kansas 67203*



Wichita Kansas  
1844 Jackson  
Nov 10-73

Board of Zoning Appeals  
Room 204 City Bldg Annex  
Wichita Kansas 67202  
Dear Sir

In  
referring to case # BZA 37-73  
I personally think its a great  
improvement on their property  
and have no objection to the  
added addition on Lot 49 and 51  
in Carey park addition to Wichita

Sincerely  
Mildred Dalton  
Charles R + Dorothy Dalton



Nov. 12, 1973

Board of zoning Appeals  
Mr. Jack H. Halbraith  
Secretary,

In reference to letter received, concerning  
Application filed by Howard C. Bartlett,  
1859 No. Jackson, Wichita, Kansas.

I am in favor of reducing front  
yard set back from 25 feet to 16 feet  
to accomodate improvement made on  
Mr. Bartlett's property.



Mrs. Samuel P. Lowe  
1236 So. Market apt #5  
Wichita, Ks.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

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If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*I am in favor of Howard Bartlett being allowed to continue work on his house as it will not be any closer to the sidewalk than before, if you were against it why grant a permit in the first place*

*J. Poland*

1901 Jackson 67203





Nov 12 73  
527 W 15th St.

Board of Zoning Appeals  
Wecheta Kan.

Dear Sir:

In regards to your letter  
of Nov 7. on Case # OBA 37-73  
of Howard Bartlett's request for  
variance to reduce the required front  
yard set back, why not grant him  
the request, since there's nothing  
except the steps that will be  
changed or be any closer to the street.

With all the talk to have  
people keep up their property we  
would think that when such  
fine people as the Bartlett's spend  
so much money trying to improve  
their property, this in turn improves  
the neighborhood's look.  
We think it should be granted  
in his favor. It's not very encouraging  
to property owners to try to improve  
their property when they have  
things like this happen.

Thank you  
Wanda E. M. M. W. E. P. P.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

November 7, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 37-73

An application has been filed by Howard C. Bartlett, 1859 North Jackson, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 16 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 49 and 51, Block 5, in Carey Park Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Jackson Avenue and 18th Street North.

This application has been assigned Case No. EZA 37-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 27, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call The Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith  
Secretary

*25 Notices sent to Property Owners 11.8.73*

WILLIAM L. KORBER

OFFICE OF  
**BAUGHMAN CO.**  
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG  
WICHITA, KANSAS 67211  
MURRAY 3-7421

State of Kansas }  
County of Sedgwick }

SS

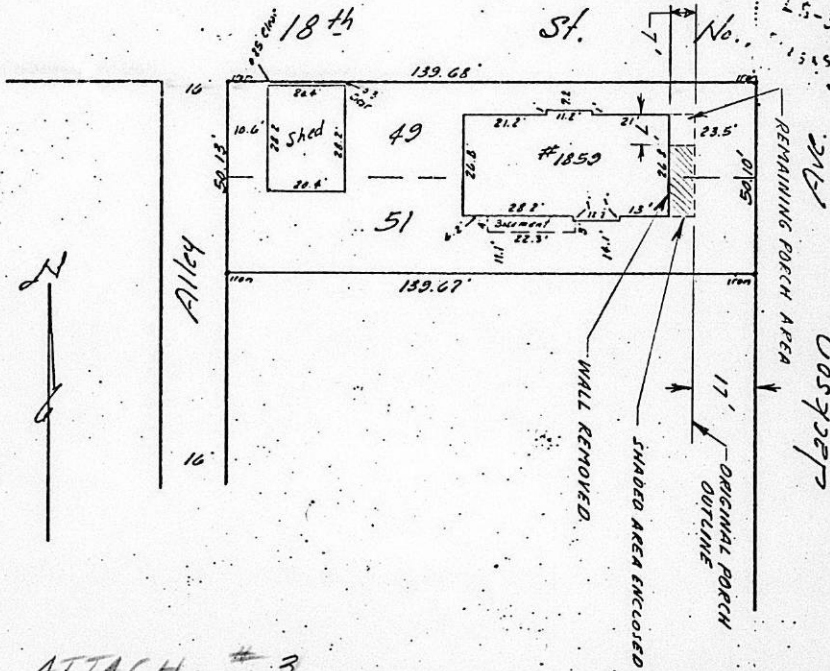
September 30, 1970

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 30th day of September, 1970, survey Lots 49 and 51, Block 5, Carey Park Addition to Wichita, Kansas.

On said lots is house No. 1859 and a shed which are in the clear of all boundary lines. There are no encroachments on said lots by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey.

*William L. Korber*  
Surveyor



ATTACH. # 3

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCEI. Name of Applicant ✓ HOWARD C. BARTLETTMailing Address 1859 N. Jackson, Wichita, Ks. 67203 Phone 265-0029Name of Authorized Agent Not ApplicableMailing Address Not Applicable Phone N/ARelationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

- II. The variance requested is to complete work on the enclosure of a portion of previously open porch area resulting in approximately seven (7) feet extension of downstairs living space. Accordingly, the front wall will be approximately seventeen (17) feet from front property line.

for property located 1859 N. Jackson, Wichita, Kansas 67203and legally described as: Lots 49 and 51, Block 5, in Carey ParkAddition to Wichita, Sedgwick County, Kansasin the City of Wichita; and which is presently zoned "A".

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Howard C. Bartlett  
Applicant HOWARD C. BARTLETT, Owner

Not Applicable  
Authorized Agent

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

APPLICANT'S STATEMENT

1. The variance requested arises per the following:
  - a. This house was built some time prior to the requirement for 25' set-back from the front property line.
  - b. The house has a continuous roof (no break) extending over the original front porch.
  - c. The house was built with overhead unfinished living space within 17' of the front property line. Note: This is the same distance from the front property line as the new front wall.
  - d. The house has always had overhead living space 17' from the front property line.
  - e. Since this upstairs area has dormer windows on the North, East and South sides, I have utilized this space on occasion for additional sleeping quarters when guests resulted in overcrowded conditions.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents since it in no way infringes on neighbors' property lines or their personal rights.

3. The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the undersigned property owner because only after the Building Permit was obtained did I have installed a Central Heating and Air Conditioning system. I had made the decision to either remodel and improve the property or dispose of it.

The furnace is not connected due to need for completion of this enclosure and installation of flue. The building contractor's work on this enclosure is approximately 85% complete. This includes a new 36" Front Door, a large picture window with companion side windows and new window on the new South wall. Electrical work has been completed by licensed electrical contractor. The original front living room wall has already been removed and would have to be re-built, etc., if this variance is not authorized. The remodeling as of October 31, 1973, including furnace and central air conditioning, constitutes an expense of about \$4,000.00. Further, with the winter weather, the lack of adequate heat is becoming a health problem.

4. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare since it is strictly a 7-foot extension of an older residence. It is being done with professional help and guidance for the purpose of upgrading the living space and the addition of closet space, thereby upgrading the overall dwelling and the adjacent properties.

5. Granting of the variance desired will not be opposed to the general spirit and intent of Title 28 because the same adequate front-yard space remains.

6. For the purpose of clarification the following summary of events is offered:

- 22 March 1973 - Building Permit No. C67557 obtained.
- 25 July 1973 - Building Inspector's inspection of Replacement Footing.

26 July 1973 - Building Inspector's inspection of Foundation Replacement.  
30 October 1973 - Building Inspector's inspection of Framing.  
31 October 1973 - Notified to stop work and file appeal.



HOWARD C. BARTLETT, Owner  
1859 Jackson  
Wichita, Kansas, 67203

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
38	3	Carey Park Addition	✓ Reserve Savings & Loan 425 N. Broadway Wichita, Kansas 67202
40	3	Same	✓ Neil R. Moser and Ruth G. Moser 2833 N. Athenian Wichita, Kansas 67204
42 exc S 12½'	3	Same	Same
42	3	Same	✓ Vernon D. Harris and Edna A. Harris 1906 Jackson Wichita, Kansas 67203
44	3	Same	Same
46	3	Same	✓ C. E. Harris and Mary Jane Harris 2115 Park Place Wichita, Ks. 67203
48	3	Same	Same
37	4	Same	✓ Susie M. Slack Thelma M. Brandon 1911 Jackson Wichita, Kansas 67203
			✓ Mamie M. Scroggins 2655 N. Minnesota Wichita, Kansas 67219
39	4	Same	Same
41	4	Same	✓ Vorline L. Sykes Earl F. Sykes Address Unknown
N 7½' 43	4	Same	Same
S 17½' 43	4	Same	✓ Lester Maurice Ashby Ruth Ashby Address Unknown
N 15' 45	4	Same	Same

Lot	Block	Addition	Property Owner
S 10' 45	4	Carey Park Addition	✓ J. A. Poland & Alta M. 1901 Jackson Wichita, Kansas 67203
47	4	Same	Same
38	4	Same	✓ Gene Calvin Hancock Sr. Gladys Hancock 3039 South Broadway Wichita, Kansas 67216
40	4	Same	Same
W 140' 42	4	Same	✓ Alice Mary Sommerhauser 1906 Arkansas Wichita, Kansas 67203
W 140' lot 44	4	Same	✓ Francis Martin Mitchell 7000 Kellogg East Wichita, Ks. 67207
			<del>Earl George Mitchell Alma Margaret Wilson Kathleen Irene Maynard Elizabeth Virginia Hardy Address Unknown</del>
			✓ Laurette Kathryn Borst 3825 Arkansas Wichita, Kansas 67204
E 67' 42	4	Same	✓ Burnie M. Pilant Velma Y. Pilant 530 West 18th Wichita, Ks. 67203
E 67' 44	4	Same	Same
E 67' 46	4	Same	Same
E 67' 48	4	Same	Same
W140' 46	4	Same	<del>Juanita Ruth Morse Address Unknown</del>
W140' 48	4	Same	Same

Lot	Block	Addition	Property Owner
49	5	Carey Park Addition	D Howard C. Bartlett Marjorie O. Bartlett 1859 Jackson Wichita, Kansas 67203
51	5	Same	<del>Same</del>
53	5	Same	✓ Mildred Spiker 1843 Jackson Wichita, Kansas 67203  <del>Louise M. Hatcher Address Unknown</del>
55	5	Same	<del>Same</del>
57	5	Same	✓ Leonard A. Yates and Bertie P. Yates 1841 Jackson Wichita, Kansas 67203
59	5	Same	<del>Same</del>
61	5	Same	✓ Charles W. De Haven 1839 Jackson Wichita, Kansas 67203
63	5	Same	<del>Same</del>
65	5	Same	✓ Arthur Hazen and M. Edith Hazen 1837 Jackson Wichita, Kansas 67203
67	5	Same	<del>Same</del>
50,52,54 & 56 exc E 104' & exc W 51.6' Blk. 5		Same	✓ William E. Begley and Helen R. Begley 527 West 18th Wichita, Kansas 67203
W 51.6' lots 50, 52, 54 and 56 Blk 5		Same	✓ Devillo Piersol and Wilma Piersol 2526 Wilson Wichita, Kansas 67204
W 52' E 104' lots 50,52, 54 & 56,Blk 5		Same	<del>Milton E. Seipel Address Unknown</del>
E 52' lots 50, 52, 54 & 56 Blk 5		Same	D William E. Begley and Helen R. Begley 527 West 18th Wichita, Kansas 67203
58	5	Same	✓ Margaret E. Blaylock 1842 Arkansas Wichita, Kansas 67203

Lot	Block	Addition	Property Owner
60	5	Carey Park Addition	D Margaret E. Blaylock 1842 Arkansas Wichita, Kansas 67203
62	5	Same	Same
64	5	Same	Same
66	5	Same	✓ Margaret Lindsay 1945 Porter Wichita, Kansas 67203
N 15' 68	5	Same	Same
S10' 68	5	Same	✓ Jack L. Matthews and Eva Fay Matthews Address Unknown
50	6	Same	✓ Samuel P. Lowe and Minnie Mae Lowe 1236 South Market-Apt. 5 Wichita, Ks. 67211
52	6	Same	Same
54	6	Same	✓ Charles R. Dalton Jr. Dorothy Dalton & Mildred 1844 Jackson Wichita, Ks. 67203
56	6	Same	Same
58	6	Same	✓ Farris Z. Brown and Vernetta V. Brown 1840 Jackson Wichita, Kansas 67203
60	6	Same	Same
62	6	Same	✓ Laurette Ethier Address Unknown
64	6	Same	Same
66	6	Same	✓ Elizabeth F. Wallace 1455 North Charles Wichita, Kansas 67203
68	6	Same	Same

The Security Abstract and Title Company, Inc.,  
hereby certifies the foregoing to be a true and correct list of  
property owners of:

A 200 foot radius of: Lots 49 and 51,  
Block 5, Carey Park, Sedgwick County, Kansas

as shown by the records on file in the Office of the County Recorder  
of Sedgwick County, Kansas, on this 31st day of October, 1973  
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*John Pyron*  
Vice President

Order No. 208279  
wh

FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

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

DESCRIPTION AMOUNT

\_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ By \_\_\_\_\_