

BZA 38-68 - Raymond Finkenbinder re-
quests a variance of the rear yard
setback from 20 ft. to 6 ft. on
property zoned "A" on east side of
Pershing in an area north of 3rd St.

*POSTED
1-3-69*

ACTION

BZA COMMITTEE Approved DATE 1-28-69

M.A.P.C. _____

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

*C.I. ✓
MAY ✓
12-15-69*

5747

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

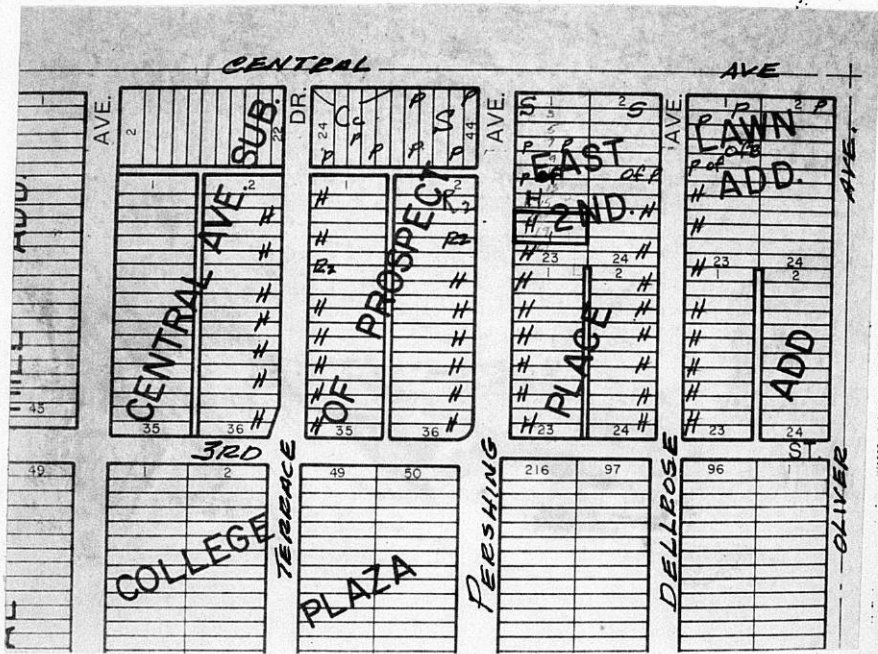
BZA 38-68
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: .16 (54 ft. by 130 ft.)
2. Adjoining Zoning: E AA S AA W A N AA
3. Land Use: East SINGLE FAM South SINGLE FAM
 West ~~SINGLE FAM~~ Two family North ~~DELICE~~ Single family
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: _____
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



No Subdivision

RESOLUTION NO. BZA 38-68

WHEREAS, Raymond Finkenbinder, 436 North Pershing, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 ft. to 6 ft. on property zoned "AA" Single Family District, and legally described as follows:

The south 15.7 feet of Lot 17, all of Lot 19 and the north 14.3 feet of Lot 21, on Pershing Avenue, in East Lawn 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing in an area north of Third Street.

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 January 28, 1969, 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 location of the main structure and the narrowness of the driveway limits the area in which housing for two cars can be constructed without providing difficult turning movements; 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 inasmuch as the proposed structure will be located on the rear half of the lots and adequate sideyard area will remain for light, air and aesthetic purposes; 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 inasmuch as the applicant would be deprived of protection for his automobiles, and also convenience of turning movements which could not be had if the facility was detached from the main structure and oriented toward the west; 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; 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); 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, have been found to exist.

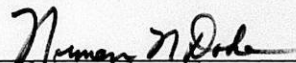
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the rear yard setback from twenty feet to six feet for an unenclosed carport on property zoned "AA" Single Family District, and legally described as:

The south 15.7 feet of Lot 17, all of Lot 19 and the north 14.3 feet of Lot 21, on Pershing Avenue, in East Lawn 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing in an area north of Third Street.

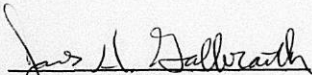
be approved subject to the following conditions:

1. The applicant submitting two revised copies of the plot plan to the Secretary of the Board accurately locating and dimensioning the proposed addition to the existing structure as related to the rear and side lot lines.
2. The variance reducing the rear yard setback from twenty feet to six feet being approved for only that area where the carport is to be constructed and that any enlargement, expansions, or additions shall maintain the required twenty foot rear yard setback.

ADOPTED AT WICHITA, KANSAS, this 28th day of January, 1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

February 6, 1969

Mr. Raymond Finkenbinder
436 North Pershing
Wichita, Kansas 67208

Subject: Case No. BZA 38-68
Request for a Variance

Dear Mr. Finkenbinder:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 28, 1969, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 6 feet on property zoned "AA" Single Family District, and generally located on the east side of Pershing in an area south of Central.

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. We are forwarding a copy of your revised plans showing setbacks and the location of the proposed carport to Mr. Feldner, Supt. of Central Inspection, along with his copy of the Resolution.

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

Sincerely,

Jack H. Galbraith
Secretary

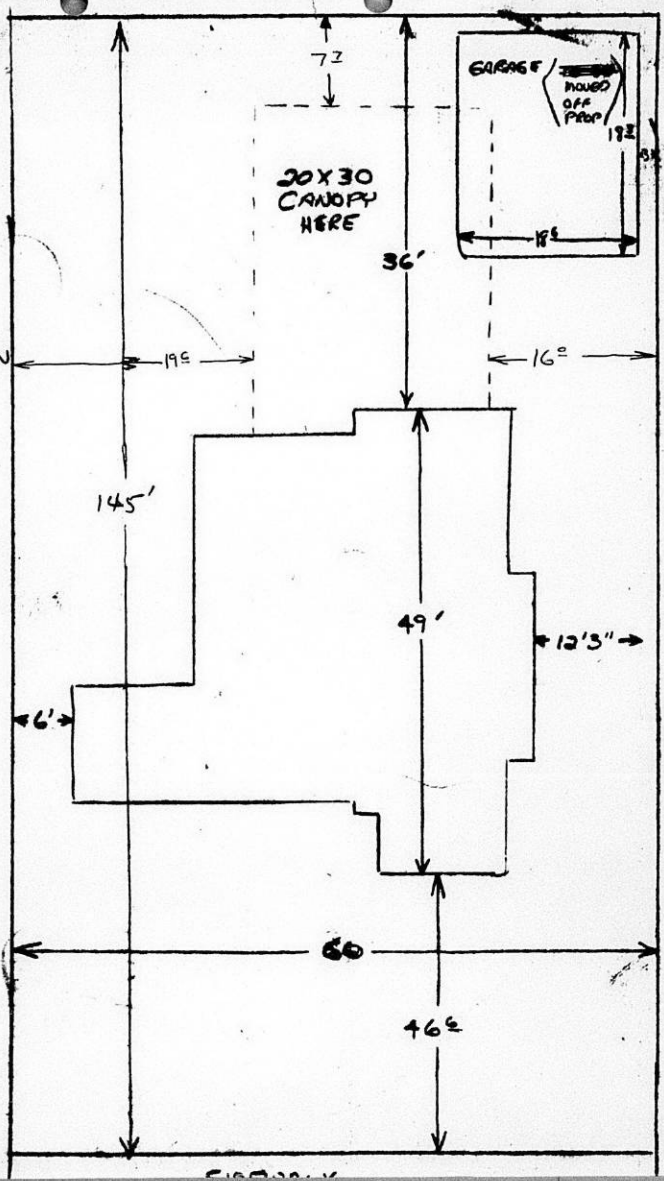
JHG:js

cc: Robert Feldner, Supt. of Central Inspection

Ralph Eberly, City Clerk

FLAT PLAN
R. FINKENBIADER
436 N PESHAWAR

S. 15.7 LOT 17
ALL LOT 19
N. 14.3 LOT 21
PESHAWAR EAST LAWN
2ND ADDITION



January 29, 1969

Mr. Raymond Finkenbinder
436 North Pershing
Wichita, Kansas 67208

Subject: Case No. BZA 38-68
Request for a Variance

Dear Mr. Finkenbinder:

At the regular meeting of the Board of Zoning Appeals on January 28, 1969, your request for a variance to reduce the required rear yard setback from 20 feet to 6 feet on property zoned "AA" Single Family District, and generally located on the east side of Pershing in an area south of Central, was considered.

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

1. The applicant submitting two revised copies of the plot plan to the Secretary of the Board accurately locating and dimensioning the proposed addition to the existing structure as related to the rear and side lot lines.'
2. The variance reducing the rear yard setback from twenty feet to six feet being approved for only that area where the carport is to be constructed and that any enlargement, expansions, or additions shall maintain the required twenty foot rear yard setback.

Prior to the preparation and signing of the Resolution which indicates the approval of the request, it is necessary that you comply with Condition No. 1 as shown above.

Raymond Finkenbinder
January 29, 1969
Page 2

If you have any questions concerning this matter, please contact
our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert Feldner, Supt.
of Central Inspection

Ralph Eberly,
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 38-68

APPLICANT: Raymond Finkenbinder, 436 North Pershing, Wichita, Kans.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 6 feet.

GENERAL LOCATION: East side of Pershing in an area south of Central

ZONING: Subject property is zoned "AA" Single Family as are those properties to the north, south and east with "A" Two-Family zoning to the west.

LAND USE: Subject property is occupied by a single family residence as are the properties to the north, south and east, to the west is a duplex.

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 which 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
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 of the rear yard setback from the required 20 feet to 6 feet. The situation, briefly, is that the applicant desires to construct a carport providing space for two cars in order to protect them from inclement weather conditions.

It should be pointed out that under the zoning ordinance accessory structures may be constructed to within five feet of the rear property line when located on the rear one-half ($\frac{1}{2}$) of the lot. However, the carport proposed to be constructed will be attached to the applicants home thereby becoming a part of the main structure, and the 20 foot rear yard setback is required.

Uniqueness

It is the opinion of the Secretary that this is somewhat of a unique situation in that the location of the main structure and the narrowness of the driveway limits the area on which housing for two cars can be constructed without providing difficult turning movements.

Adjacent Property

It is the opinion of the Secretary that the granting of variance would not adversely affect the adjacent properties in that the proposed structure will be located on the rear half of the lots and adequate sideyard area will remain for light, air and asthetic purposes.

Hardship

It is the opinion of the Secretary that an unnecessary hardship would be placed upon the applicant if the variance were not granted inasmuch as the applicant would be deprived of protection for his automobiles and, also convenience of turning movements which could not be had if the facility was detached from the main structure and oriented toward the west.

Public Interest

It is the opinion of the Secretary that the granting of the variance would not affect the public interest.

Page 3 - Secretary's Report
Case No. BZA 38-68

Spirit and Intent

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance can be found to exist and, therefore, it is the recommendation of the Secretary that the variance for a rear yard setback from 20 feet to 6 feet for an unenclosed carport be approved, subject to the following:

1. The applicant submitting two revised copies of the plot plan to the Secretary of the Board accurately locating and dimensioning the proposed addition to the existing structure as related to the rear and side lot lines.
2. The variance reducing the rear yard setback from 20 feet to 6 feet being approved for only that area where the carport is to be constructed and that any enlargement, expansions, or additions shall maintain the required 20 foot rear yard setback.

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

January 8, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-68

An application has been filed by Raymond Finkenbinder, 436 North Pershing, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required 20 foot rear yard setback to six feet on property zoned "AA" Single Family District, and legally described as follows:

The south 15.7 feet of Lot 17, all of Lot 19, and the north 14.3 feet of Lot 21, on Pershing Avenue, in East Lawn 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing in an area north of Third St.

This application has been assigned Case No. BZA 38-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 28, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary



I do not believe
you have the
right owner of this property
if it located at corner of Pershing + Central
where Phillips station is - We do not
own that property + havnt for many
yrs. I noticed you addressed this to
Albert G. Johnson. He passed away in 1954
and I sold it a few yrs. later.
Mrs. Leona Johnson

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

January 8, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 38-68

An application has been filed by Raymond Finkenbinder, 436 North Pershing, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required 20 foot rear yard setback to six feet on property zoned "AA" Single Family District, and legally described as follows:

The south 15.7 feet of Lot 17, all of Lot 19, and the north 14.3 feet of Lot 21, on Pershing Avenue, in East Lawn 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Pershing in an area north of Third St.

This application has been assigned Case No. BZA 38-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 28, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*34 Property Owner
Notices mailed 1-8-69*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. B39-38-68
FILED 12-27-68

APPLICATION FOR VARIANCE

I. Name of Applicant RAYMOND FINKENBINDER
Mailing Address 436 No PERSHING Phone MX20982
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 Var Intell 20' X 30' canopy
at rear of house and to reduce the
rear yard setback from 20' to 6'
for property located 436 NORTH PERSHING

and legally described as: 2 15.7 ft LOT 17 all LOT 19
and 14.3 ft LOT 21 PERSHING EAST LAWN 2ND ADDITION
in the City of Wichita; and which is presently zoned "F1".

(Give metes and bounds description below if appropriate):

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

Raymond Finkenbinder
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
12-45 (a.m. - p.m.), Dec. 27, 1968, together with
appropriate fee of \$50.00.

Joyce Smith
Signed

December 27, 1968

Gentlemen:

The variance requested is:

To replace old garage, too small to accommodate our two cars, with a 20' x 30' canopy making it more accessible. We have in the past had to park one car behind the other on a now existing narrow driveway.

Along with the coverage from weather conditions and convenience to us, we feel it will also lend beauty and help to update the neighborhood without any adverse effect.

To familiarize you further with the canopy it is custom-made of buff colored aluminum with black wroughtiron trim and supports. It is designed both in color and design to match our buff brick house.

The actual variance is:

Approximately ten feet will be deducted from side entrance and added to the back of house, still making the canopy approximately six feet in from the now existing property line, wherein the old garage was only three feet from property line.

Thank you for your considerations.

Raymond Finckenbinder

OWNERSHIP LIST

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
S. 40 ft. of Lots 34 to 44 even inclusive, on Central Avenue, in Central Avenue Sub. of Prospect Place Add.	X Ben Rog, Inc.
N. 100 ft. of Lots 34 to 44 even inclusive, on Central Avenue, in Central Avenue Subdivision of Prospect Place Add.	✓ Apco Oil Corporation <i>1202 So. Washington "</i>
Lots 2, 4, 6, Pershing Ave., Central Ave. Sub. of Prospect Place Add.	X Ben Rog, Inc.
Lots 8 & 10 " "	✓ Vergil T. Mourning 1 St. James Place 67206
Lots 12 & 14 " "	✓ Eilert A. Schroeder Jeane E. Schroeder 429 N. Pershing 67208
Lots 16 & 18, " "	X Keith L. Johnston Mary C. Johnston
Lots 20, 22, and N. 8.25 ft Lot 24 "	✓ W. Lee Poulsen Carolee J. Poulsen 415 N. Pershing 67208
S. 16.75 ft. of Lot 24, all 26 " "	✓ Denna Broadwater 411 N. Pershing 67208
N. 19.3 ft. Lot 1, "	✓ George C. Pratt Margaret M. Pratt 817 S. Fountain 67208
S. 5.7 ft. Lot 1, all Lot 3 & N. 24.3 ft. Lot 5, " "	X Ella B. Gruger
S. 7/10 ft. Lot 5, all 7, 9, & N. 4.3 ft. Lot 11 " "	✓ Artie M. Sidle 414 N. Pershing 67208

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
S. 20.7 ft. Lot 11, all Lot 13,	Pershing Ave., in Central Ave. Sub. of Prospect Place Add. ✓ William C. Cross Patricia A. Cross 410 N. Pershing 67208
N. 19.3 ft. Lot 2,	Dellrose Ave., in Central Ave. Sub. of Prospect Place Add. ✓ Robert G. Van Huss Mary C. Van Huss 429 N. Dellrose 67208
S. 5.7 ft. Lot 2, all Lot 4 & N. 24.3 ft. Lot 6.	" ✓ Max Semberger Emily Semberger 425 N. Dellrose 67208
S. 7/10 ft. Lot 6, all Lot 8 and 10 & N. 5 ft. Lot 12,	" ✓ V. E. Marshall Dana M. Marshall 421 N. Dellrose 67208
S. 20 ft. Lot 12, all Lot 14,	" ✓ N. B. Terry Eleanor C. Terry 417 N. Dellrose 67208
Lots 1 & 3,	" ✓ Thomas D. O'Connor Cecilia A. O'Connor 432 N. Dellrose 67208
Lots 1, 3, 5, 7, 9, & N. 4.3 ft. Lot 13,	Pershing Ave., in East Lawn 2nd Add. ✓ Beard Oil Company, Inc. 6402 E. Central 67206
S. 20.7 ft. Lot 9, all Lot 11 & N. 4.3 ft. of Lot 13,	" X Sphinx Investment Co. Inc.
S. 20.7 ft. Lot 13, all 15 & N. 9.3 ft. Lot 17.	" ✓ James W. Knowles Lucille M. Knowles 442 N. Pershing 67208
S. 15.7 ft. Lot 17, all Lot 19 & N. 14.3 ft. Lot 21,	" ✓ Raymond Finkenbinder Clarice Finkenbinder 436 N. Pershing 67208

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
S. 10.7 ft. Lot 21, all Lot 23	Pershing Ave., in East Lawn 2nd Add
	✓ George C. Pratt Margaret M. Pratt 817 S. Fountain 67218
W. 18.75 ft. Lots 2, 4, 6, 8, & W. 18.75 ft. of N. 4.3 ft. Lot 10,	Dellrose Ave., in East Lawn 2nd Add.
	✓ Beard Oil Company, Inc. 6402 E. Central 67206
S. 20.7 ft. Lot 10, all Lot 12 & N. 4.3 ft. of Lot 14,	"
	✓ Jacob T. Whallon 445 N. Dellrose 67208
Lots 2, 4, 6, 8, & N. 4.3 ft. Lot 10, exc. W. 18.75 ft. thereof.	"
	✓ Albert G. Johnson Leona Johnson <i>443 So. Brookside Dr. B</i> <i>Property sold</i>
S. 20.7 ft. Lot 14, all Lot 16 & N. 9.3 ft. of Lot 18,	"
	✓ Carl H. Luedeman Alice L. Luedeman 1126 N. Old Manor 67208
S. 15.7 ft. Lot 18, all Lot 20 & N. 14.3 ft. Lot 22,	"
	✓ William G. Couey and Reba M. Couey 202 N. Rutan 67208
S. 10.4 ft. Lot 22, all Lot 24,	"
	✓ Robert G. Van Huss Mary C. Van Huss 429 N. Dellrose 67208
S. 20.7 ft. Lot 9, all Lot 11 & N. 20 ft. of Lot 13, exc. E. 18.75 ft. thereof	"
	✓ Ralph C. Johnson 446 N. Dellrose 67208
S 5 ft. Lot 13, all Lot 15 & 17 & N. 10 ft. Lot 19,	"
	✓ Glenn E. Davis Evelyn Davis <i>1652 So. Screen</i>

Page 4

<u>DESCRIPTION</u>	<u>PROPERTY OWNER</u>
S. 15 ft. Lot 19, all Lots 21 & 23	Dellrose Ave., in East Lawn 2nd Add. ✓ Glenn A. Talley and Dorothie L. Talley 434 N. Dellrose 67208

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of:

(The South 15.7 ft. of Lot 17, all of Lot 19, and the North 14.3 feet of Lot 21, on Pershing Avenue, in East Lawn 2nd Addition to Wichita, in Sedgwick County, Kansas,

as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 23rd day of December A. D. 1968 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Stahl

Asst Secy. Vice President.

Order No. 159554
(KPB)

FORM 27

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		

\$50.00

DESCRIPTION	AMOUNT
-------------	--------

B3a application

Name Mr Raymond Sinkenbinder

Address 436 No. Pershing

Type R71C Due Date

Comments:

Date 12-27-68 By Joyce Smith