

BZA 39-67 - A. C. Williams requests
Variance for reduction of sideyard
setback on the east side of Hillside
between English and Waterman

POSTED
10/17/67

ACTION

COM
By COMMITTEE Approved 10-24-67

M.A.P.C. _____

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

5747

November 14, 1967

Mr. A. C. Williams
218 South Hillside
Wichita, Kansas

Dear Mr. Williams:

Re: Case BZA 39-67 - Request for
Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 24, 1967, in connection with your request for a variance of the north side yard setback from 6 feet to 2.8 feet on property zoned "A" Two-Family Residential and generally located on the east side of Hillside in an area between English and Waterman.

This Resolution reflects the official action of the Board and indicates the reasons for approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Wayne Williams, 553 North Oliver
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 9 - 6 7

WHEREAS, A. C. Williams, 218 South Hillside, Wichita, Kansas, by Wayne Williams, 553 North Oliver, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requests a variance of the required north side yard setback from 6 feet to 2.8 feet on property zoned "A" Two-Family Residential and generally located on the east side of Hillside in an area between English and Waterman and legally described as follows:

Lots 21 and 23 on Hillside, in Hillside Subdivision of Lot 1, Part of College Hill Addition, in the City of Wichita, Sedgwick County, Kansas; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did consider said application on October 24, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "A" Two-Family Residential; 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 existing structure was built prior to the 6-foot side yard setback requirement and the applicant desires only to reduce the requirement so as to become a conforming use; 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; 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 denial of a permit to construct the proposed addition to the existing structure would curtail the liveability of the home; 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

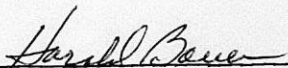
WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the request for a variance of the required north side yard setback from 6 feet to 2.8 feet, on property zoned "A" Two-Family Residential and legally described as follows:

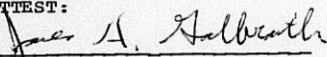
Lots 21 and 23 on Hillside, in Hillside Subdivision of Lot 1, Part of College Hill Addition, in the City of Wichita, Sedgwick County, Kansas (generally located on the east side of Hillside in an area between English and Waterman),

be approved.

ADOPTED AT WICHITA, KANSAS, this 24th day of October, 1967.


Harold Bauer, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

October 26, 1967

Mr. A. C. Williams
218 South Hillside
Wichita, Kansas

Dear Mr. Williams:

Re: Case BZA 39-67 - Request for
Variance

At the regular meeting of the Board of Zoning Appeals on October 24, 1967, your request for a variance of the required north side yard setback from 6 feet to 2.8 feet on property zoned "A" Two Family Residential and generally located on the east side of Hillside in an area between English and Waterman, was considered.

It was the action of the Board to approve the variance as requested.

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

If you have any questions, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Wayne Williams
553 North Oliver

Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 39-67

APPLICANT: A. C. Williams, 218 South Hillside, Wichita, Kansas.

AGENT: Wayne Williams, 553 North Oliver, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the required north side yard setback from 6 feet to 2.3 feet.

GENERAL LOCATION: East side of Hillside in an area between English and Waterman.

ZONING: Subject property, as well as that to the north, south and west is zoned "A" Two Family Residential. Property to the east is zoned "AA" Single Family Residential.

LAND USE: Subject property is occupied by a duplex with single family residences to the north, south, east and west.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, 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
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 required side yard setback from 6 feet to 2 feet 8 inches on the north side of subject property in order to construct an addition to the existing structure, a portion of which presently extends to within 2 feet 8 inches of the property line. It was pointed out in the applicant's statement of justification that the house was built prior to the requiring of a 6 foot side yard setbacks and that he, the applicant, did not create the existing violation.

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique inasmuch as the existing structure was built prior to the 6 foot side yard setback requirement and that the applicant desires only to reduce the requirement so as to become a conforming use.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect any adjacent property.

HARDSHIP

It is the opinion of the Secretary that applicant will be burdened with an unnecessary hardship if the variance is not granted inasmuch as the denial of a permit to construct the proposed addition to the existing structure would curtail the liveability of the home.

PUBLIC INTEREST

It is the opinion of the Secretary that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance would not be opposed to the spirit and intent of Title 28.

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 recommended that the variance be granted to reduce the setback from 6 feet to 2 feet 8 inches.

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

October 10, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. 39-67

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Lots 21 and 23 on Hillside, in Hillside Subdivision of Lot 1, Part of College Hill Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area between English and Waterman.

This application has been assigned Case No. BZA 39-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 24, 1967, at 1:30 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

*34 notices
mailed
10-10-67*

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Jack H. Galbraith
Secretary

APPLICATION FOR VARIANCE

1. Name of Applicant A.C. Williams
Mailing Address 218 S. Hillside Phone 4479746
Name of Authorized Agent Wayne Williams
Mailing Address 553 N. Oliver Phone 4451113

Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is for a reduction of the required yard setback for a building permit
to be issued to build a small room addition -
5 ft x 8 1/2 ft to existing property. This will come to 10 1/2 ft
from 15 ft back set
for property located 218 S. Hillside
Wichita, Kansas (on the E side of Hillside in
area bet English & Waterman)
and legally described as: Lots 21 & 23 - On
Hillside Sub In College Hill Addition
(Lots 21 & 23 on Hillside, in Hillside Sub of Lot 1, Part of
College Hill Add.) and which is presently zoned A.

(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.

A.C. Williams
Applicant
Wayne Williams
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
2:50 (a.m. - p.m.), Sept. 26, 19 67, together with
appropriate fee of \$50.00

Jack H. Albreith
Signed Senior Planner
By JA

Re: Application for Variance---218 S. Hillside
Wichita, Kansas
A. C. Williams---Owner

1. This variance for a building permit arises inasmuch as the present property is of such age that the 6ft from property line building ^{1.2ft} rules did not exist at the time the home was built. The room addition is unique in that the completed part will only ~~be 6ft from~~ from the 6 ft hold back. The present owner did not cause this problem.
2. The granting of this room addition (8ft by 5 $\frac{1}{2}$ ft) will not adversely affect the rights of adjacent property owners or residents. The owners directly to the north of this addition (the ones closest) have verbally indicated that they do not or will not object since the room addition as completed will still be farther away from the line than part of the existing structure now. Part of this home is closer to the line than the proposed addition will be.
3. Strict application of the provision of Title 28 will block the room addition wanted. This will cause unnecessary hardship on the present owner as the addition of the room and bathroom facilities will greatly curtail the livability of the home.
4. The addition of this room as requested will ^{not} adversely affect the public health, safety, morals, order, convenience or general welfare of other people, since the room is small and in on the back side of the house.
5. The granting of the variance desired will not be opposed to the general spirit and intent of Title 28. This room is only 5ft by 5 $\frac{1}{2}$ ft and will not protrude as close to the property line as part of the existing home now. It is requested that building permit be issued to improve this property---not go against the intent of Title 28.

A. C. Williams
By
Wayne Williams - Agent



STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Lots 21 & 23, on Hillside Avenue, in Hillside Sub-
 division of College Hill Addition, Wichita, Kansas.


Fidelity
Title
Company.
 inc.

34 notices mailed 10-10-67

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

LOT	STREET	ADDITION	OWNER
<u>HILLSIDE SUBDIVISION</u>			
5 & 7	Hillside		Harry M., Jr. & Virginia L. Bryant, ux 248 S. Hillside 11
9 & 11	"		Herbert W. & Leona K. McClelland, ux 244 N. Old Manor 08
13 & 15	"		X Nelson C. & Alice E. Rust, ux <u>No Address Available</u>
17 & 19	"		James C. & Ellen J. Menas, ux 230 S. Hillside 11
21 & 23	"		Arthur C. & Mayme M. Williams, ux 127 W. Locust, Aurora, Mo. 63603
6 & 8	Holyoke		Anna West, wdo. Dora Ann Hoyer, jt. 210 S. Volutsia 11
10 & 12	"		J. S. Wright 247 S. Holyoke 18



Bya 59-67

LOT	STREET	ADDITION	OWNER
<u>HILLSIDE SUBDIVISION</u>			
14 & 16	Holyoke		Ida L. Hout, wdo Betty Marie Hout, sgle jt. 241 S. Holyoke 18
18 & 20	"		Floyd M. & Nonie M. Tatro, ux 239 S. Holyoke 18
22 & 24	"		Murry D. & Betty J. Taylor, ux 237 S. Holyoke 18
6 & 8	Hillside	<u>MUELLER'S SUB.</u>	Lewis M. & Mary L. Houser, ux 207 S. Hillside 11
10 & 12	"		Charles W. Shaffer, Russell, Kansas. 67665
14 & 16	"		John S. & Elizabeth F. Flautt, ux 223 S. Hillside 11
18 & 20	"		William H. & Dorothy M. Welsh, ux 225 S. Hillside 11
22 & 24	"		Pearl L'Heuresu 227 S. Hillside 11
26 & 28	"		Sylvia Eda Young, wdo. 231 S. Hillside 11
30 & 32	"		Vere Mitchell Huston 203 Laura 11
34 & 36	"		Howard F. & Coral Ruth Freeman, ux Harold A. & Annzo V. Kingsley, ux 1739 Fabrique 18
38 & 40	"		James A. & Bertha M. Medley, ux 247 S. Hillside 11
42 & 44	"		Percy L & Katherine J. Clark, ux 402 N. Spruce 14
3	Holyoke	<u>B. D. ALLEN'S</u>	Clara A. Johnson 226 S. Holyoke 18
5	"		Matt J. & Mary Lou Snider, ux 230 S. Holyoke 18
7	"		Rose Kavanagh 238 S. Holyoke 18
9	"		Charles E. & Mae E. Kelley, ux 240 S. Holyoke 18
11 (N 40')	"		Administrator of Veterans Affairs 5500 E. Kellogg 18
5 & 6	"	<u>NEVLING'S</u>	Olive K. Sullivan 211 S. Holyoke 18
S 50' Lots 1, 2, 3, 4, 5 & S 50' of W 15' of Lot 6,		<u>NEVLING & DICKIE'S</u>	Donald W. & Dorothy R. Canfield, No Address Available ux 207 S. Brookside Drive 18

West 140 ft of North $5\frac{1}{2}$ 7/8 ft of S $\frac{1}{2}$ Lot 3, College Hill Add. Louis F. & Dorothy R. Behannon, ux
206 S. Hillside 11

North 48 ft of South 96 ft of W 140 ft of S $\frac{1}{2}$ Lot 3, College Hill Add. Kenneth L. Cranor
208 S. Hillside 11

Beg at SW cor Lot 3, College Hill Add. Frederick W. Smith
th N 48 ft; th E 140 ft; S 48 ft; W 140 ft to pt of beg. 214 S. Hillside 11

Beg 140 ft E of NW cor S $\frac{1}{2}$ Lot 3, College Hill Add; E 140 ft; S 50 7/8 ft; W 140 ft; N 50 7/8 ft to beg. Bill R. & Jan J. Painton, ux
221 S. Holyoke 18

S 50 ft of N 100 7/8 ft of E $\frac{1}{2}$ S $\frac{1}{2}$ Lot 3, College Hill Add. Michael H. & Barbara J. Danford, ux
633 N. Richmond 03

S 50 ft of E 140 ft of S $\frac{1}{2}$ Lot 3, College Hill Addition. William B. & Floy Brown, ux
235 S. Holyoke 18

Dated at Wichita, Kansas this 29th day of
September, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By *W. Randall* OEM
V. P.

Tracer # 84698

is on street

OK

SECRETARY'S REPORT
CASE NO. BZA 39-67

APPLICANT: A. C. Williams, 218 South Hillside, Wichita, Kansas

AGENT: Wayne Williams, 553 North Oliver, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590. 2, Code of the City of Wichita, to reduce the required north side yard setback from 6 feet to 2.8 feet,

GENERAL LOCATION: East side of Hillside in an area between English and Waterman

ZONING: Subject property *as well as that to the north, south and west to the east is zoned "AA" Single Family Residential.* is zoned "R" Two Family Residential.

LAND USE: Subject property is occupied by a duplex with single family residences *to the north, south, east and west*

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590. 2, 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 of 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 required side yard setback from 6 feet to 2 feet 8 inches on the north side of subject property in order to construct an addition to the existing structure, a portion of which presently extends to within 2 feet 8 inches of the property line. It was pointed out in the applicant's statement of justification that the house was built prior to the requiring of ^a 6-foot side yard setbacks and that he, the applicant, did not ^{create} ~~cause~~ the existing violation.

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique inasmuch as the existing structure was built prior to the 6-foot side yard setback requirement and that the applicant desires only to reduce the requirement so as to become a conforming use.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect any adjacent property.

HARDSHIP

It is the opinion of the Secretary that applicant will be burdened with an unnecessary hardship if the variance is not granted inasmuch as the denial of a permit to construct the proposed addition to the existing structure would curtail the liveability of the home.

PUBLIC INTEREST

It is the opinion of the Secretary that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

BOARD OF ZONING APPEALS

AGENDA

September 26, 1967

The regular meeting of the Board of Zoning Appeals will be held on Tuesday, September 26, 1967, 1:30 p.m., in Room 401 of the City Building Annex. The following items will be considered:

1. Case No. BZA 25-67

Request: Variance

Reason: To reduce the required side yard setbacks from 25 feet to 6.5 feet for an existing dwelling which is to be utilized for a Youth and Activity Center in conjunction with the adjacent Church

Existing Zoning: "A" Two Family Residential

Location: East side of Meridian in an area between 1st and 2nd Streets

2. Case No. BZA 29-67

Request: Variance

Reason: To reduce the number of required off-street parking spaces from 101 to 15

Existing Zoning: "A" Two Family Residential

Location: East side of Meridian in an area north of 1st Street

3. Case No. BZA 28-67

Request: Exception

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance would not be opposed to the spirit and intent of Title 28.

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 recommended that the variance be granted to reduce the setback from 6 feet to 2 feet 8 inches.

September 26, 1967

Reason: To permit the installation of an off-street parking lot

Existing Zoning: "A" Two Family Residential

Location: East side of Lorraine in an area north of 17th Street

4. Case No. BZA 30-67

Request: Exception

Reason: To permit the installation or construction of an off-street parking lot

Existing Zoning: "A" Two Family Residential

Location: West side of Yale between Zimmerly and Grail

5. Case No. BZA 31-67

Request: Exception

Reason: To permit the construction or installation of an automatic car wash

Existing Zoning: "LC" Light Commercial

Location: Southeast corner of 13th Street and St. Paul

6. Other matters.

Jack H. Galbraith
Secretary

Form 13-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

\$50.00

DESCRIPTION AMOUNT

BZA Application

A. C. Williams

218 S. Hillside

R-71-e Date Due 9-26-67

Name (In)

Date 9-26-67 Signature

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

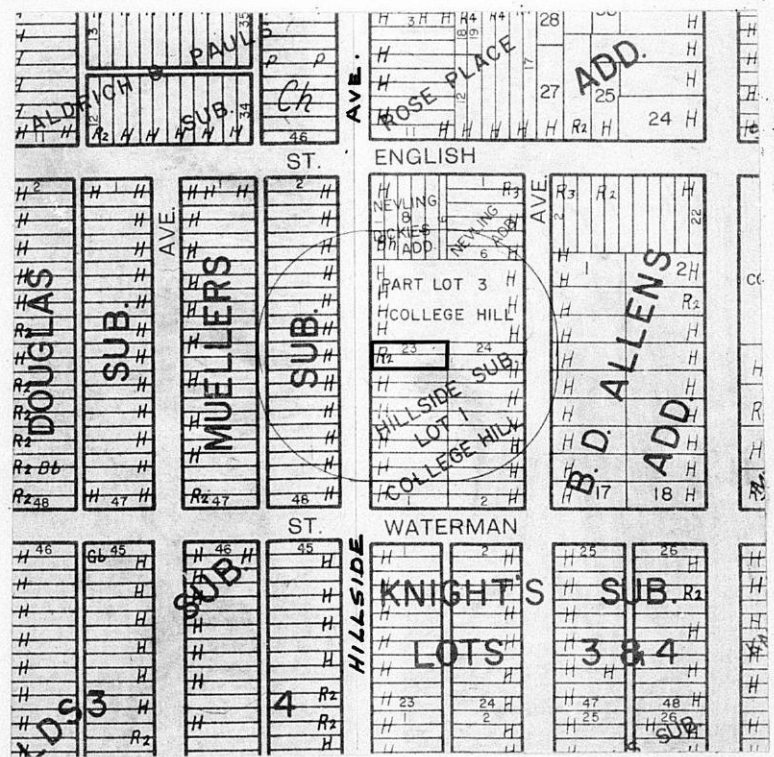
BZA 39-67
 SCZ-
 CU-
 Filed

AREA DATA:

1. Acres: 0.16 (50 ft. by 140 ft.)
2. Adjoining Zoning: E AA S A W A N A
3. Land Use: East SINGLE FAM. South SINGLE FAM.
 West SINGLE FAM. North SINGLE FAM.
4. Sketch Plan Land Use is for: RESIDENTIAL
5. Present Land Use is for: MULTI-FAM.
6. Area (is) (~~is~~) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



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