

Noted
9-28-64

B-4

ACTION

DATE

Bya COMMITTEE App 10-27-64

M.A.P.C. _____

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

BZA 43-64 - Jack Prideaux requests exception to permit mobile home on the W side of Salina bet. Woodland and Hood

November 9, 1964

Mr. Phillip Leon, Attorney
2144 North Market
Wichita, KANSAS

Dear Mr. Leon:

Re: Case No. BZA 43-64

On October 30, 1964, we advised you that the Board of Zoning Appeals had approved the above application for an Exception to permit the installation of a mobile home on property zoned "A" and generally located on the west side of Salina in an area between 31st Street and 33rd Street North.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before Friday, November 6, 1964. The City Clerk has advised that no appeal was filed on or before that date and the decision of the Board of Zoning Appeals is, therefore, final.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Jack Prideaux
3333 Salina

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 4 3 - 6 4

HEREAS, Jack Prideaux, 3333 Salina, Wichita, Kansas, BY Phillip Leon, Attorney, 2144 North Market, Wichita, Kansas, requests an Exception, as provided in Section 28.04.180, Code of the City of Wichita, Kansas, to allow a mobile home to be located on property legally described as follows:

South half of Lot 43, Salina Avenue, Timmermeyer Gardens Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Salina in an area between 31st Street North and 33rd Street North; 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, in regular meeting, consider said application on the 27th day of October, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the property is zoned "A" Two Family District; and

WHEREAS, Section 28.04.180, Code of the City of Wichita, authorizes the Board of Zoning Appeals to permit a mobile home on any property in any district, except the "AA" One Family Dwelling District, subject to such use being on a temporary basis and that hardship exists which cannot be alleviated without the granting of this exception, providing the location of the mobile home shall conform to all lot area, height and setback requirements of the district in which located and shall comply with all off-street parking requirements; and

WHEREAS, the Board considered the reasons submitted by the applicant in support of the finding of hardship, and found that a hardship does exist in that the mother-in-law of the applicant, Mrs. Beulah Taylor, requires the constant attention of other members of the family because of her failing health and limited income.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Superintendent of Central Inspection be authorized and directed to issue a permit for a mobile home on property legally described as:

South half of Lot 43, Salina Avenue, Timmermeyer Gardens Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the west side of Salina in an area between 31st Street North and 33rd Street North, subject to the following:

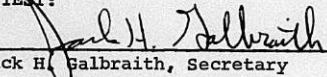
1. The mobile home may remain on the property as long as it is occupied by Mrs. Beulah Taylor. When Mrs. Taylor no longer occupies the mobile home, it shall be removed from the lot.
2. The location of the mobile home on the lot shall conform to lot area, height and setback requirements of the "A" Two Family zoning district.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 5, 1964

Robert G. Finch, City Clerk
Jack H. Galbraith, Secretary

Case No. BZA 43-64

Attached is a copy of Resolution No. BZA 43-64, covering action taken by the Board of Zoning Appeals in connection with the above-numbered case, which case was heard by the Board on October 27, 1964. An appeal may be filed in your office on or before November 6, 1964. If an appeal is filed, please advise.

JHG:JWH:ber

Attachment

SECRETARY'S REPORT

CASE NO. BZA 43-64

APPLICANT: Jack Prideaux, 3333 Salina

AGENT: Phillip Leon, Attorney, 2144 North Market

REQUEST: Exception pursuant to Section 28.04.180.3 of the Code of the City of Wichita, to allow a mobile home to remain on a lot at 3333 North Salina.

ZONING: Property in question - "A" Two family
North - "AA" Single family
East - "AA" Single family
South - "AA" Single family
West - "AA" Single family

GENERAL LOCATION: West side of Salina between Woodland and Hood

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this request under the provisions outlined in Section 28.04.180.3. Code of the City of Wichita. The Board may grant the request provided that hardship can be found to exist. It is also provided that if the request is granted, it may be granted for only a temporary period of time.

STATEMENT OF JUSTIFICATION

The statement of justification as provided by the applicant is as follows:

"That my mother-in-law, Mrs. Beulah Taylor, is living in a trailer house which is placed in the yard at the above address. That a hardship exists in her life in that she is a widow and has a monthly income of only \$50.00. She had a heart seizure in February, 1963, and has been under our constant attention since that time. She has no experience of any kind in any gainful employment, no training to qualify her for any position, and is unable to work because of her health. She is in need of our constant love, attention, medical assistance and comfort, and a place where she can have a certain amount of privacy. She has been living with us for approximately two and one-half years, since the death of her husband. The trailer in which she lives is a 1953 model, which was purchased in Sept., 1963.

We have only a three bedroom home, and have two boys and two girls of our own, so we have no room in our home for her to have any privacy."

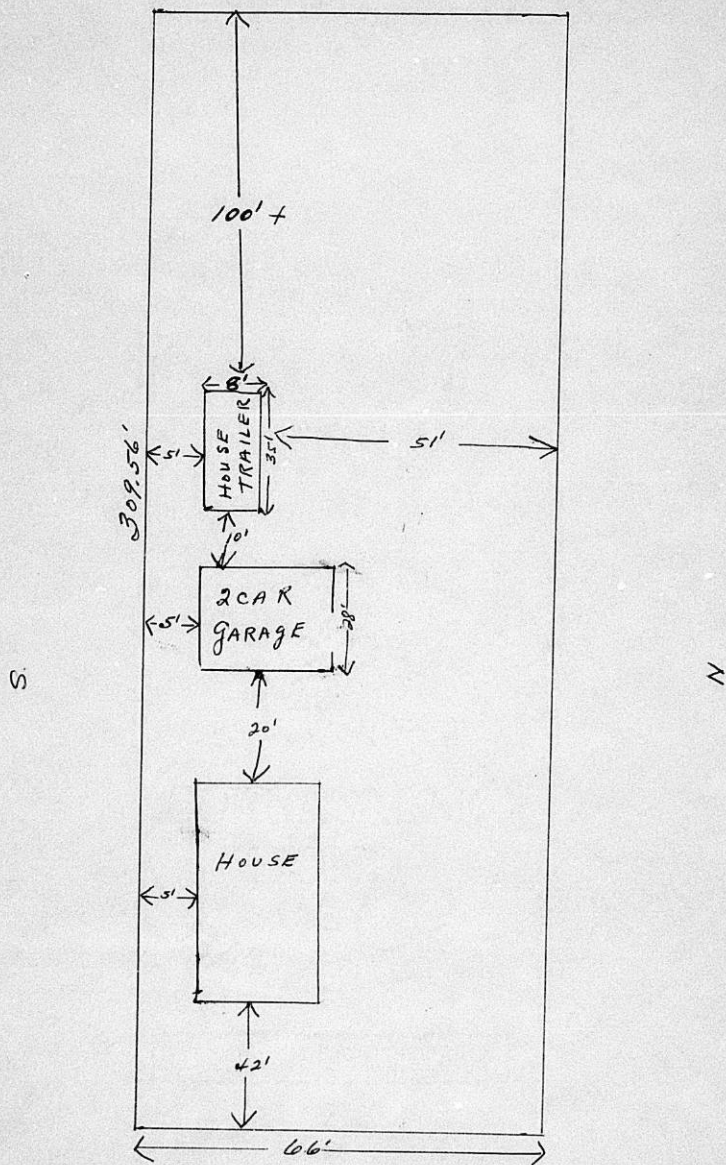
COMMENTS BY THE SECRETARY

This property was just recently rezoned from an "AA" Single family classification to an "A" Two family classification, so that the applicant could apply to the Board for an exception to allow the mobile home which is presently located on the property to remain on the property.

It is the opinion of the Secretary that, from reviewing the statement of justification submitted by the applicant, a hardship can be found to exist in this instance. Therefore, it is recommended that the exception be granted subject to the following conditions and requirements:

1. The mobile home may remain on the property as long as it is occupied by Mrs. Beulah Taylor. When Mrs. Taylor no longer occupies the mobile home, it shall be removed from the lot.
2. The location of the mobile home on the lot shall conform to lot area, height and setback requirements of the "A" Two family zoning district.

W.



3333 SALINA
WICHITA, KANSAS

JACK PRIDEAUX

October 30, 1964

Mr. Phillip Leon, Attorney
2144 North Market
Wichita, Kansas

Dear Mr. Leon:

Re: Case No. BEA 43-64

This is to advise you that at its regular meeting of October 27, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for an Exception to permit the installation of a mobile home on property zoned "A" and generally located on the west side of Salina in an area between 31st Street and 33rd Street North.

It was the decision of the Board of Zoning Appeals to approve this request, subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by Mrs. Beulah Taylor. When Mrs. Taylor no longer occupies the mobile home it shall be removed from the lot.
2. The location of the mobile home on the lot shall conform to lot area, height and setback requirements of the "A" Two Family zoning district.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before November 6, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before November 6, 1964, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position

Page 2 - Mr. Phillip Leon
October 30, 1964

to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JMG:JWH:bx

cc: Jack Prideaux
3333 Salina

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BEA 43-64

APPLICANT: Jack Prideaux, 3333 Salina

AGENT: Phillip Leon, Attorney, 2144 North Market

REQUEST: Exception pursuant to Section 28.04.180.3 of the Code of the City of Wichita, to allow a mobile home to remain on a lot at 3333 North Salina.

ZONING: Property in question - "A" Two family
North - "AA" Single family
East - "AA" Single family
South - "AA" Single family
West - "AA" Single family

GENERAL LOCATION: West side of Salina between Woodland and Hood

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this request under the provisions outlined in Section 28.04.180.3, Code of the City of Wichita. The Board may grant the request provided that hardship can be found to exist. It is also provided that if the request is granted, it may be granted for only a temporary period of time.

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The statement of justification as provided by the applicant is as follows:

"That my mother-in-law, Mrs. Beulah Taylor, is living in a trailer house which is placed in the yard at the above address. That a hardship exists in her life in that she is a widow and has a monthly income of only \$50.00. She had a heart seizure in February, 1963, and has been under our constant attention since that time. She has no experience of any kind in any gainful employment, no training to qualify her for any position, and is unable to work because of her health. She is in need of our constant love, attention, medical assistance and comfort, and a place where she can have a certain amount of privacy. She has been living with us for approximately two and one-half years, since the death of her husband. The trailer in which she lives is a 1953 model, which was purchased in Sept., 1963.

We have only a three bedroom home, and have two boys and two girls of our own, so we have no room in our home for her to have any privacy."

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SECRETARY'S REPORT

CASE NO. BZA 43-64

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AGENT: Phillip Leon, Attorney, 2144 North Market

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West - "AA" Single family

GENERAL LOCATION: West side of Salina between Woodland and Hood

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this request under the provisions outlined in Section 28.04.180.3, Code of the City of Wichita. ~~The Board may grant this request provided that hardship can be found to exist.~~ It is also provided that if the request is granted, it may be granted for only a temporary period of time.

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Page 2 - Secretary's Report
Case No. BZA 43-64

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2. The location of the mobile home on the lot shall conform to lot area, height and setback requirements of the "A" Two family zoning district.

CASE NO. BZA 43-64

14 NOTICES MAILED OCTOBER 8, 1964 for MEETING OCTOBER 27, 1964

Jack Prideaux
3333 Salina

Phillip Leon, Attorney
2144 North Market

H. F. & Flora L. Friend
3328 Salina

Elza T. & Mildred L. Harris
3336 Salina

Paul V. & Grace V. Lirley
3324 Salina

Eugene C. & Gladys L. Romine
3318 Salina

Raumond A. & Ave Louise Ashpole
3302 Salina

C. V. & Vena Humbarger
3305 Salina

Orval Swain
3315 Salina

A. O. Swain
3315 Salina

J. W. & Merle E. Roberts
3337 Salina

William & Ruby Ellen Murrell
3345 Salina

Jewell R. & Bertha Mae Wheeler
3330 Hood

Estelee J. Follmer
3326 Hood

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 43-64

An application has been filed by Jack Prideaur, 3333 Salina, Wichita, Kansas, by Phillip Leon, Attorney, 2144 North Market, Wichita, Kansas, requesting an EXCEPTION, pursuant to Section 28.04.180, Code of the City of Wichita, Kansas, to permit the installation of a mobile home on property zoned "A" and legally described as follows:

South half of Lot 43, Salina Avenue, Timmermeyer Gardens Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Salina in an area between 31st Street North and 33rd Street North.

This application has been assigned Case No. BZA 43-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, 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

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

20

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 43-64

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bga 43-64
FILED 9-21-64

APPLICATION FOR EXCEPTION

I. Name of Applicant Jack Prideaux
Mailing Address 3333 Salina, Wichita, Kansas Phone TE 8-3500
Name of Authorized Agent Phillip Leon, attorney
Mailing Address 2144 No. Market, Wichita, Kansas Phone FO 3-7373
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.180.A.16 & 17, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Mobile Home
_____ on property zoned
A, located 3333 Salina, Wichita, Kansas
_____ and legally described as:
S. 1/2 of Lot 43, Salina, Avenue, Timmermeyer Gardens Addn.
_____, in the City of Wichita.
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Jack Prideaux

Authorized Agent Phillip Leon

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 4:35 (a.m. / p.m.), 9-21, 1964, together with appropriate fee of \$50.00.

Signed Howe - Rathke

A F F I D A V I T

STATE OF KANSAS:
 : SS
SEDGWICK COUNTY:

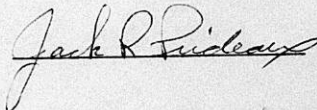
Jack Prideaux, of lawful age, being duly sworn, upon his oath deposes and states:

That he is the owner of the property located at, and known as 3333 Salina, Wichita, Kansas.

That my mother-in-law, Mrs. Beulah Taylor, is living in a trailer house which is placed in the yard at the above address. That a hardship exists in her life, in that she is a widow and has a monthly income of only \$50.00. She had a heart seizure in February, 1963, and has been under our constant attention since that time. She has no experience of any kind in any gainful employment, no training to qualify her for any position, and is unable to work because of her health. She is in need of our constant love, attention, medical assistance and comfort, and a place where she can have a certain amount of privacy. She has been living with us for approximately two and one-half years, since the death of her husband. The trailer in which she lives is a 1953 Model, which was purchased in Sept., 1963.

We have only a three bedroom home, and have two boys and two girls of our own, so we have no room in our home for her to have any privacy.

Under Ordinance 2804 1&D and 17, we believe that the Board of Zoning Appeals has jurisdiction of this matter.



Subscribed and sworn to before me this 21st day of September, 1964.


Notary Public

My commission expires 10-6-66


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: The S $\frac{1}{2}$ of Lot 43, Saline Avenue, in Timmermeyer Gardens.


 Fidelity
 Title
 Company,
 inc.

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

Lot	Addition	Owner
17	Timmermeyer Gardens	X E. A. Gregg <i>no address</i> No Address Available <i>found</i>
18 (S $\frac{1}{2}$)	" "	✓ H. R. & Florence S. Friend, ux 3328 Saline Ave.
18 (N $\frac{1}{2}$)	" "	✓ Eliza T. & Mildred L. Harris, ux ✓ 3336 Saline Ave.
19 (N $\frac{1}{2}$)	" "	✓ Paul V. & Grace V. Binley, ux ✓ 3324 Saline Ave.
19 (S $\frac{1}{2}$)	" "	✓ Eugene C. & Gladys L. Romine, ux ✓ No Address Available ✓ <i>2010 Salina</i>
20	" "	✓ Raymond A. & Ave Louise Aspinale, ux ✓ 3302 Saline Ave.
41 (S $\frac{1}{2}$ of B 153.331)	" "	✓ G. V. & Vera Stueberger, ux ✓ 3305 Salina Ave.

Lot	Addition	Owner
41 (exc 8.67.5' of E 193.33')	Timmermeyer Gardens	Orval Swain ✓ 3315 Salina Ave.
42	" "	O. A. Swain ✓ 3315 Salina Ave.
43 (N $\frac{1}{2}$)	" "	J. W. & Merle E. Roberts, ux ✓ 3337 Salina Ave.
43 (S $\frac{1}{2}$)	" "	Jack R. & Margheta K. Fritchoux, ux ✓ 3333 Salina Ave. <i>B</i>
44	" "	William & Ruby Ellen Murrell ✓ 3345 Salina Ave.
45	" "	William & Ruby Ellen Murrell, ux <i>B</i>
47	" "	William & Ruby Ellen Murrell, ux <i>B</i>
48	" "	Jewell R. & Bertha Mae Wheeler, ux ✓ 3330 Hood Ave.
49 (N $\frac{1}{2}$)	" "	Jewell R. & Bertha Mae Wheeler, ux <i>B</i>
49 (S $\frac{1}{2}$)	" "	Estelle J. Pollner ✓ 3326 Hood Ave.
50 (S $\frac{1}{2}$)	" "	Thurl Stanton <i>no address found</i> No address Available
50 (S $\frac{1}{2}$)	" "	Jewell R. & Bertha Mae Wheeler, ux ✓ 3330 Hood Ave. <i>B</i>

Dated at Wichita, Kansas this 7th day
of January, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By _____
Sec. OEN

Tracer # 58050

FORM 223-021

PAYMENT NOTICE
City of Wichita

PUBLIC WORKS DEPARTMENT - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Handwritten description</i>	<i>Handwritten amount</i>

Name *Handwritten name*

Address *Handwritten address*

Type *Handwritten type* Due Date *Handwritten date*

Comments: *Handwritten comments*

Date *Handwritten date* By *Handwritten signature*