

BZA 45-64 - Russell W. Hare requests
exception to permit house trailer on
E side of Market bet. Funston and
Skinner

POSTED
10-9-64

H-2

DATE

10-27-64

ACTION

By a committee

App. no appeal filed

M.A.P.C.

B.C.C./B. G.S. C.

November 9, 1964

Mrs. Russell W. Hare
1828 South Market
Wichita, Kansas

Dear Mrs. Hare:

Re: Case No. BEA 45-64

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 generally located on the east side of Market in an area between Funston and Skinner.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before 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: Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 45-64

WHEREAS, Russell W. and Marian Hare, 1828 South Market, Wichita, Kansas, request 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:

Lots 117 and 119, on Market, English 7th Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located on the east side of Market in an area between Funston and Skinner; 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 of the applicant, requires the constant attention and care of other members of the family because of her failing health.

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:

Lots 117 and 119, on Market, English 7th Addition in the City of Wichita, Sedgwick County, Kansas,

generally located on the east side of Market in an area between Funston and Skinner, subject to the following:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mr. Russell Hare. When she 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 all of the lot area, height, and setback requirements of the "A" Two Family Dwelling District.

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

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 9, 1964

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

Case No. BZA 45-64

**Attached is a copy of Resolution No. BZA 45-64,
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 45-64

APPLICANT: Russell W. Hare, 1828 South Market

REQUEST: Exception pursuant to Section 28.04.180.3, Code of the City of Wichita, to allow a mobile home to be placed on a lot at 1828 South Market

ZONING: Property in question - "A" Two family
North - "A" Two family
East - "LC" Light commercial
South - "A" Two family
West - "A" Two family

LAND USE: Property in question - Single family
North - Single family
East - Auto repair and single family
South - Single family
West - Single family

GENERAL LOCATION: East side of Market between Funston and Skinner

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this case under the provisions as set out under Section 28.04.182.3 of the Code of the City of Wichita.

STATEMENT OF JUSTIFICATION

The applicant has submitted a statement of justification which is as follows:

"We are asking for this zoning due to the fact that Mr. Russell W. Hare's father passed away the 10th of July, leaving Russell's mother alone. She has very poor health due to asthma and needs to be where she can get help when needed. A statement of her condition may be verified by Dr. James L. Beaver, 959 North Emporia. This trailer will not be rented and when she is no longer in need of it, it will be removed from the lot."

COMMENTS BY THE SECRETARY

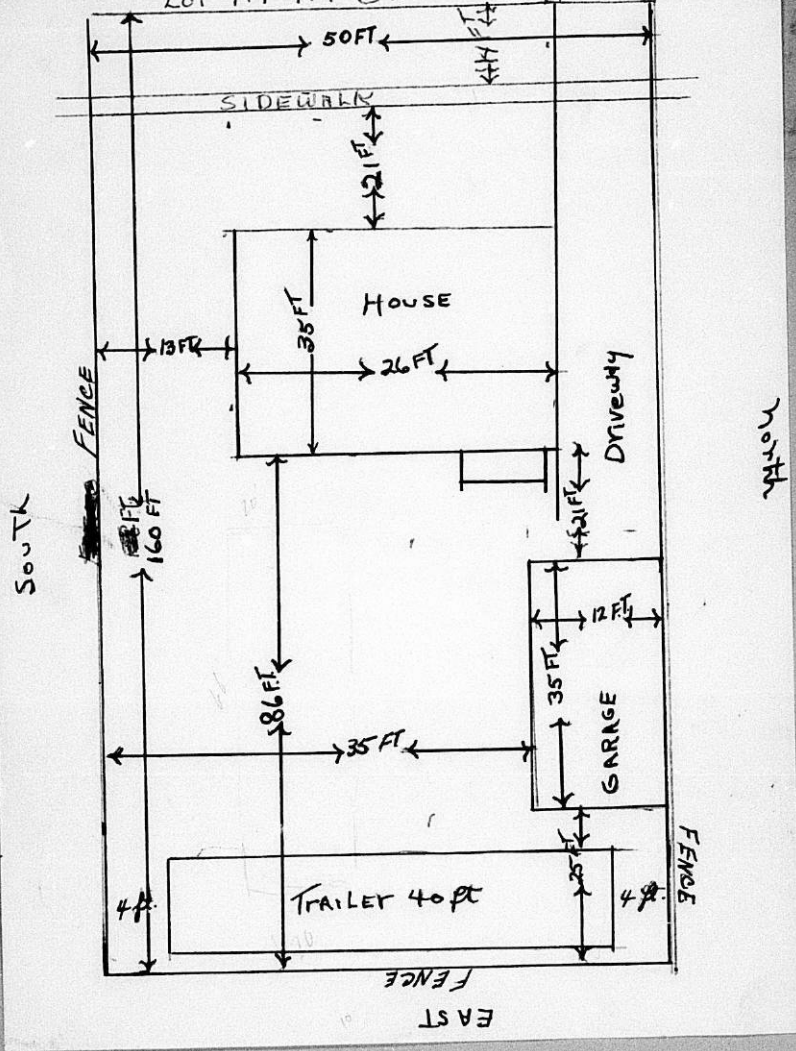
The Board can grant the request of the applicant if it is determined that a hardship exists. However, if the request is granted, it can be granted for only a temporary period of time.

The applicant originally filed an application for "G" Mobile Home zoning. However, after the staff reviewed the application, it seemed much more appropriate that the applicant apply to the Board of Zoning Appeals for an exception, since it was apparent that the applicant was burdened with a hardship, and since he only wanted the mobile home to remain on the property for a temporary period of time. Consequently, the staff readvertised the case for an exception at no cost to the applicant.

It is the opinion of the Secretary that a hardship can be found to exist in this instance because of the reasons submitted by the applicant. Consequently, it is recommended that the variance be granted subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mr. Russell Hare. When she 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 all of the lot area, height, and setback requirements of the "A" Two family dwelling district.

WEST MARKET STREET
LOT 117-119 ENGLISH 7th ADDITION



October 30, 1964

Mrs. Russell W. Hare
1828 South Market
Wichita, Kansas

Dear Mrs. Hare:

Re: Case No. BZA 45-64

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 generally located on the east side of Market in an area between Funston and Skinner.

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

1. The mobile home may remain on the property as long as it is occupied by the mother of Mr. Russell Hare. When she 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 all of the lot area, height, and setback requirements of the "A" Two Family dwelling 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 to

Page 2 - Mrs. Russell W. Hare
October 30, 1964

issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

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COMMENTS BY THE SECRETARY

The Board can grant the request of the applicant if it is determined that a hardship exists. However, if the request is granted, it can be granted for only a temporary period of time.

The applicant originally filed an application for "G" Mobile Home zoning. However, after the staff reviewed the application, it seemed much more appropriate that the applicant apply to the Board of Zoning Appeals for an exception, since it was apparent that the applicant was burdened with a hardship, and since he only wanted the mobile home to remain on the property for a temporary period of time. Consequently, the staff readvertised the case for an exception at no cost to the applicant.

It is the opinion of the Secretary that a hardship can be found to exist in this instance because of the reasons submitted by the applicant. Consequently, it is recommended that the variance be granted subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mr. Russell Hare. When she no longer occupies the mobile home, it shall be removed from the lot.
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Page 2 - Secretary's Report
Case No. BZA 45-64

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CASE NO. BZA 45-64

26 NOTICES MAILED OCTOBER 8, 1964 FOR MEETING OCTOBER 27, 1964

Russell W. and Marian Hare
1828 South Market

Ida M. Deese
1807 South Market

Cassius C. and Mary N. Case
1811 South Mrket

Bertha H. Wray
1902 South Market

Edward L. and Harriett A. Corrons
142 North Evergreen

Dorothy E. Knight
2413 Hood Avenue

Eula G. Wright
1833 South Market

Lewis B. Worford
1837 South Market

William S. and Betty L. Parmele
1804 South Market

Clifford W. and Ruth O. Bolinger
1806½ South Market

Cleo W. and Ellen B. Welty
4124 South Broadway

John W. and Velma O. Stanley
915 South Holyoke

Adolph Moska
338 Ida

J. G. and Ada C. Knaak
1832 South Market

Rella M. Kelly
1840 South Market

Claude O. and May J. Harris
1844 South Market

Fay L. Stewart, 422 South Green

Helen Irene & Eldon Johnston
Miriam F. Weneke
1852 South Market

Alfred & Tressie C. Schillinger
3046 Hiram

Guy H. & mabel L. Kidwell
1811 South Broadway

T. E. and Luetta E. Gibson
4153 North Edgemoor

Howard R. & Amanda M. Darge
1823 South Broadway

Frank J. & Alma M. Lies
111 Pattie

J. H. & Claudia Christian
241 North Holyoke

Elmer E. Hatfield and Mary M. Hatfield
1835 South Broadway

Almond C. and Bertha B. DeLano
1841 South Market

*Ret
resent to
425 M. Case
10-21-64*

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 45-64

An application has been filed by Russell W. and Marian Hare, 1828 South 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 new mobile home on property zoned "A" and legally described as follows:

Lots 117 and 119, English 7th Addition, in the City of Wichita, Sedgwick County, Kansas.
Generally located on the east side of Market in an area between Funston and Skinner.

This application has been assigned Case No. BZA 45-64, 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 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

30

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

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Generally located on the east side of Market in an area between Funston and Skinner.

This application has been assigned Case No. BZA 45-64, 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 desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

Statement justifying Exemption applied for:

We are asking for this zoning, due to the fact that Mrs. Russell Ware's father passed away the 10th of July, leaving Russell's mother alone. She has very poor health due to asthma & needs to be where she can get help when needed. A ~~short~~ statement of her condition may be verified by Mr. James L. Beaver, 959 W. Emporia. This trailer will not be rented, & when she is no longer in need of it, it will be sold & moved.

Mrs. Russell W. Ware
1828 S. Market
Wichita, Kansas.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Ex 45-64
FILED 10-5-64

APPLICATION FOR EXCEPTION

I. Name of Applicant RUSSELL W. HARE
Mailing Address 1828 S. MARKET Phone AM 76769
Name of Authorized Agent RUSSELL W. HARE ^{of Marion Hare}
Mailing Address 1828 S. MARKET Phone AM 76769
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.182.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of HOUSE TRAILER 40 FT NEW
_____ on property zoned
A, located 1828 S. MARKET
_____ and legally described as:
LOTS 117-119 ENGLISH 7th Addition
_____, 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 Russell W. Hare

Authorized Agent Marion Hare

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:15 (a.m. p.m.), 10-5, 1964, together with appropriate fee of ~~50.00~~ no fee required

Signed Jack Halbraith

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Russell W. Hare
Mailing Address 1838 S. Market Phone A.M. 9-6769
Name of Authorized Agent Russell W. Hare or Marion Hare
Mailing Address 1838 S. Market Phone A.M. 9-6769
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.182.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of House Trailer New - 40 ft.
_____ on property zoned
A, located 1838 S. Market
_____ and legally described as:
Lots - 117-119 English 7th addition
_____, 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 Russell W. Hare

Authorized Agent Marion Hare

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

Signed _____

OWNERSHIP LIST

LOT	STREET	ADDITION	PROPERTY OWNER
102	Market	English's 7th	✓ Ida M. Desse 1807 S. Market
104	"	"	Same
106	"	"	✓ Cassius C. Case and Mary N. Case 1311 S. Market
108 (N 16 1/2')	"	"	Same
108 (S 1/3)	"	"	✓ Bertha H. Gray 1902 S. Market
110	"	"	Same
112 (N 8')	"	"	Same
112 (S 17')	"	"	✓ Edward L. Corrans Jr. Harriett A. Corrans 112 N. Evergreen
114	"	"	Same
116	"	"	✓ Dorothy E. Knight <i>1412 Wood Hill</i>
118	"	"	Same
120	"	"	Same
122	"	"	✓ Eula G. Wright 1833 S. Market
124	"	"	Same
126	"	"	✓ Lewis B. Worford 1337 S. Market
101	"	"	✓ William S. Parmela and Patty L. Parmela 1304 S. Market
103	"	"	Same
105	"	"	✓ Clifford W. Bolinger Ruth O. Bolinger 1306 S. Market
107	"	"	Same
109	"	"	✓ Cleo W. Wally and Ellen B. Wally 1124 S. Broadway
111	"	"	Same

LOT	STREET	ADDITION	PROPERTY OWNER
113	Market	English's 7th	John W. Stanley and Velma O. Stanley 915 S. Holyoke ✓
115	"	"	Same
117	"	"	Russell W. Hare Marion D. Hare 1322 S. Market Dolph W. Hare 353 136 ✓
119	"	"	Same
121	"	"	J. C. Knack and Ada C. Knack 1832 S. Market ✓
123	"	"	Same
125	"	"	Rella M. Kelly ✓ 1940 S. Market
127	"	"	Claude C. Harris and Mer J. Harris ✓ 1844 S. Market
129	"	"	Same
131	"	"	Wey L. Stewart ✓ Wey L. Stewart
133	"	"	Same
135	"	"	Helen Irene Johnston and Eldon Johnston ✓ Marion F. Wernicke 1352 S. Market
102	Broadway	"	Alfred Schilling and Tressie C. Schilling ✓ 5046 Birch
104	"	"	Same
106	"	"	Cuy H. Kidwell and Mabel L. Kidwell ✓ 1811 S. Broadway
108	"	"	Same
110	"	"	W. V. Gibson and Luette R. Gibson ✓ W. V. Gibson
114	"	"	Thomas M. Gibson and Luette W. Gibson ✓
116	"	"	Same
118	"	"	Howard R. Darga and Amanda M. Darga ✓ 1823 S. Broadway
120	"	"	Same

LOT	STREET	ADDITION	PROPERTY OWNER
122	Market	English's 7th	✓ Frank J. Lies and Alma M. Lies 1155 N. Oliver ✓
124	"	"	1111 Hatfield Same
126	"	"	Same
128	"	"	✓ J. H. Christian and Claudie Christian ✓ 241 N. Salisbury
130	"	"	Same
132	"	"	✓ Elmer T. Hatfield and Mary M. Hatfield ✓ 1835 S. Broadway
128	"	Walter & Wright's	✓ Lewis B. Worford 1837 S. Market
130	"	"	✓ Almond C. Delano and Bertha B. Delano ✓ 1841 S. Market
132	"	"	Same
134	"	"	✓ Ade M. Welch and Clarice C. Wheeler no address found
136	"	"	Same

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of LOTS 117 and 119 on Market Street, in English's Seventh Addition to the City of Wichita, Kansas, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, this 14th day of September A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Vice President.

Order No. 117734
(APB)

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS
ZIP CODE 67202



TURN
TO
WRITER

*Return to sender
not at this
address
45-64*

455 N. Doty

- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown



Dorothy E. Knight
2413 Heed Avenue
Wichita, Kansas

- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

no no no no no no
*This is second
time letter has
been here*