

ACTION

B.Z.A. 45-97

~~DATE~~
DATE

Case re-filed as a
VACATION case (V-1512)

Case No. 45-87 - Mr. & Mrs Jeffery Harp
request a variance to reduce the re-
quired front yard setback from 20' to 15'
on property zoned "B" Multiple Family
& generally located on the east side of

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B.Z.A. 45-87

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DATA SHEET

MAP NO.: 5448A

CASE NO. BZA 45-87

(CPO 1A, 11/17/87)

REQUEST: Variance to reduce the required front yard setback from 20 feet to 15 feet.

EXISTING ZONING: "B" Multiple Family Dwelling District

GENERAL LOCATION: On the east side of Main Street in an area south of 11th Street (1142 N. Main).

APPLICANT: Mr. & Mrs. Jeffery Harp
 ADDRESS: 1142 N. Main, Wichita, KS 67203

PHONE: 267-7837

AGENT: Same
 ADDRESS:

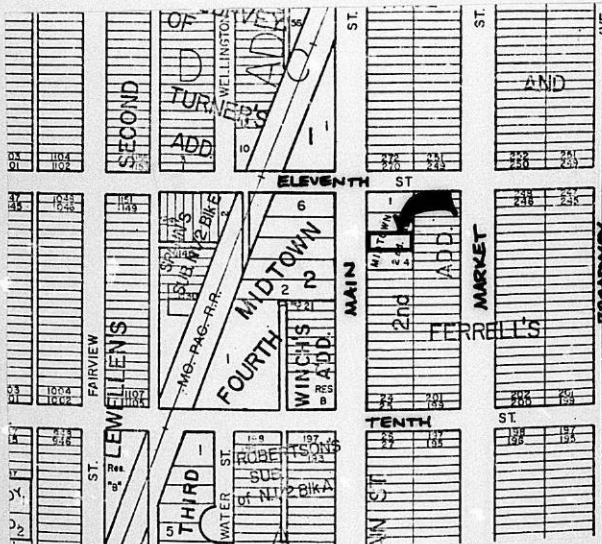
PHONE:

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	B	_____
South	B	_____
East	B	_____
West	B	_____



PL1-0066

Shirley
 No. 2-53C
 HASTING, MN
 LOS ANGELES-CHICAGO-LOGAN, OH
 MCNEEGON, TX-LODGE GROVE, GA
 U.S.A.

METROPOLITAN AREA PLANNING DEPARTMENT
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

November 16, 1987

TO WHOM IT MAY CONCERN:

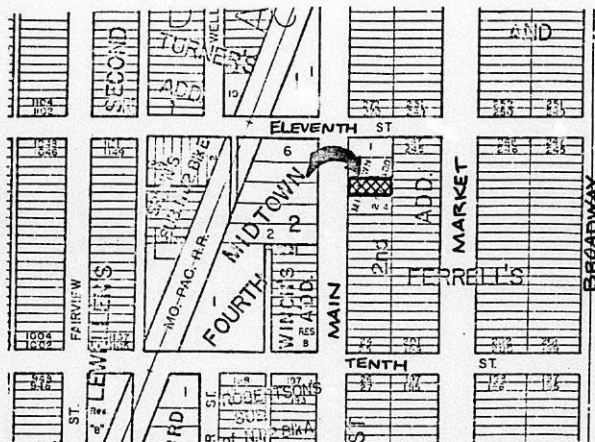
CASE NO. BZA 45-87 and
CASE NO. V-1512

On October 30, 1987, we mailed to you a notice of public hearing on property legally described as follows:

Lot 3, Midtown 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area south of 11th Street (1142 N. Main).

The hearing was to have been conducted by the Board of Zoning Appeals on November 24, 1987 to review a request for variance of the front yard setback as required by the zoning ordinance. We have just recently determined that the setback requirement in this Midtown 2nd Addition is specified on the subdivision plat and, therefore, any deviation from the setback must be reviewed by the Subdivision Committee of the Metropolitan Area Planning Commission and not the Board of Zoning Appeals. Accordingly, the Board of Zoning Appeals will NOT consider this matter as previously announced. The Subdivision Committee will instead review an application to vacate (reduce) a portion of the platted 20-foot front yard setback at their meeting on Thursday, December 3, 1987, beginning at 1:00 p.m. in the Board Room, First Floor, City Hall, 455 North Main.

If you have any questions about this matter, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.



*copy sent to
applicant and
23 property owners
and CPO 11-16-87
addressing
reversing
vacation cost*

BZA CASE NO. 45-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO BZA
<u>2</u>	NOTICES SENT TO CITY MANAGER AND CITY COUNCIL REPRESENTATIVE TO DISTRICT
<u>23</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>32</u>	TOTAL NOTICES SENT <u>10-30-87</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

October 30, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 45-87

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Mr. & Mrs. Jeffery Harp requesting a variance.

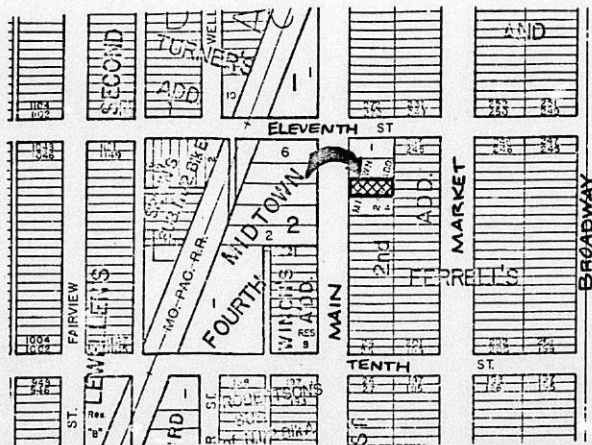
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 20 feet to 15 feet on property zoned the "B" Multiple Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 3, Midtown 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area south of 11th Street (1142 N. Main).

This application has been assigned Case No. BZA 45-87. It will be considered by the Board of Zoning Appeals on Tuesday, November 24, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest in or objections to the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO North Central Neighborhood Council "1A" will consider this case at their meeting to be held on Tuesday, November 17, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



() Published in The Daily Record, October 30, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 24th day of November, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 44-87 - Frazier Construction Company, P. O. Box 17164, Wichita, KS 67217, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).

2. Case No. BZA 45-87 - Mr. & Mrs. Jeffery Harp, 1142 N. Main, Wichita, Kansas ~~67203~~, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 20 feet to 15 feet on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lot 3, Midtown 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area south of 11th Street (1142 N. Main).

3. Case No. BZA 46-87 - James and Joan Schmeidler, 2601 S. Ellis, Wichita, Kansas 67216, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 1, Murray's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ellis and Marion (2601 S. Ellis).

4. Case No. BZA 47-87 - Bishop Carroll High School, 8101 W. Central, Wichita, Kansas 67212, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

5. Case No. BZA 48-87 - Ray Ellis, 4725 Nall Road, Dallas Texas, 75234, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a self-service car wash on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lot 2, Pawnee Sub Addition and Lots 10, 12 and 14 on Topeka Avenue in Hilbish and Hettinger's Addition, Wichita, Kansas (being replatted as Lot 1, Block A, Kenyon's Korner, an Addition to Wichita, Sedgwick County, Kansas). Generally located on the northeast corner of Topeka and Pawnee.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand this 29th day of October, 1987.

Jack H. Galbraith, Secretary

Instructions on item Three of Application for Variance
Following enforcement provision 28.0+.070-1.1

We believe that this application will meet the requirements of section 2.12.590.B, code of the City of Wichita.

Part 3-1.

The variance requested arises from such conditions which are unique to the property in question. The conditions are as follows:

My wife and I purchased our home last year using City Bond money at Eleven Forty Two North Main. Our home was "moved" from Thirteenth and Waco which is now Dillons. The home sat empty until it was then once again moved to our present address. Please keep this in mind. After living in our home just over a year we found problems from purchasing a "moved" home. Our front porch is a problem area. It is across most of the front (shown in sketch). The entire porch is totally open to sun and heat, snow and mostly rainwater. The porch after reconstruction has just enough slope on the floor for rain to run towards the house and the front door.

The openness and slope have caused much of the floor to rot and all of the floor to warp and be unlevel. The first glance appearance of Mother Nature, has left the porch to appear unclear and unattractive.

The second unique problem has to do with security and vandalism which has been a problem in our neighborhood. Because the porch is open and accessible we are unable to leave porch furniture of any value there.

Our third condition which is unique is this. My wife and I discussed possibilities to correct these problems. We discussed with City in good faith our intent to enclose the front porch and were issued a permit. We began construction and have spent in excess of four thousand dollars in materials and Labor. After framing was completed we called for inspection and then first learned of code violation.

We feel our actions did not create these conditions which have arose and we feel are unique to the property.

Part 2.

The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents. Our adjacent property owners and neighbors have all commented positively as to the aesthetics of the porch and within our homes.

Part 3.

The strict application of the provision of Title 28 of which variance is requested will constitute unnecessary hardship upon us because we would not be able to correct the water problems and security problems and also recapture our construction and labor expenses.

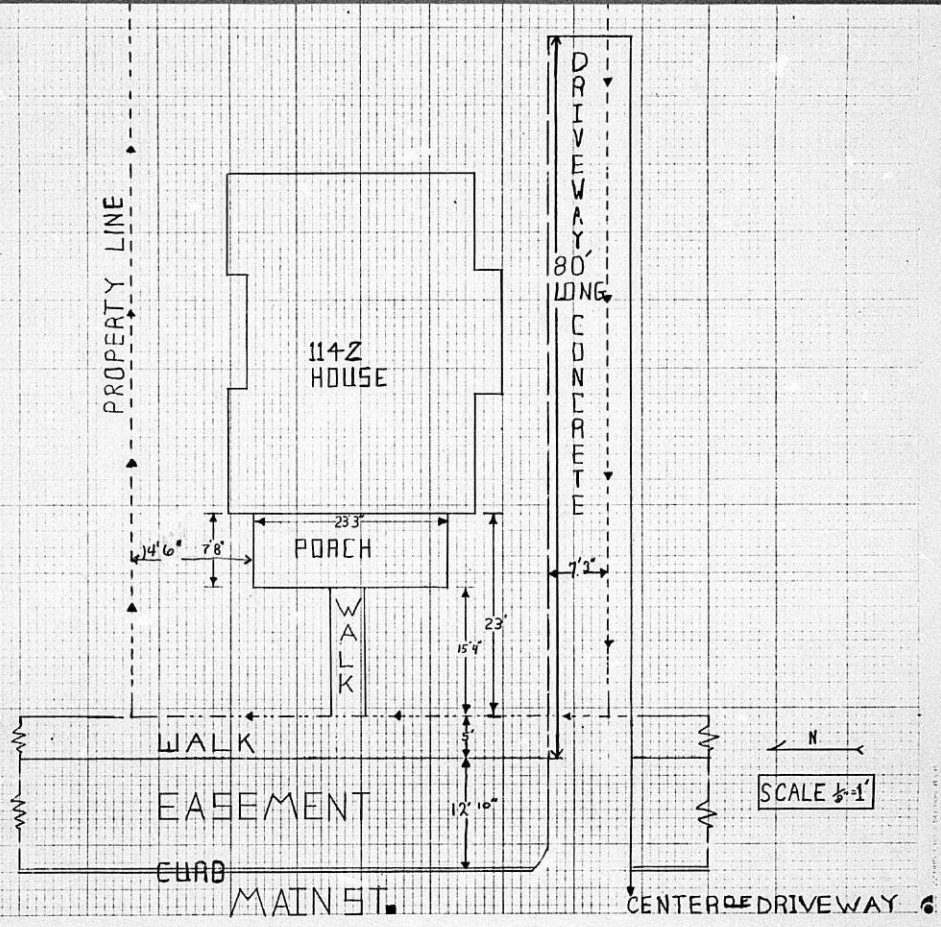
Part 4 & 5.

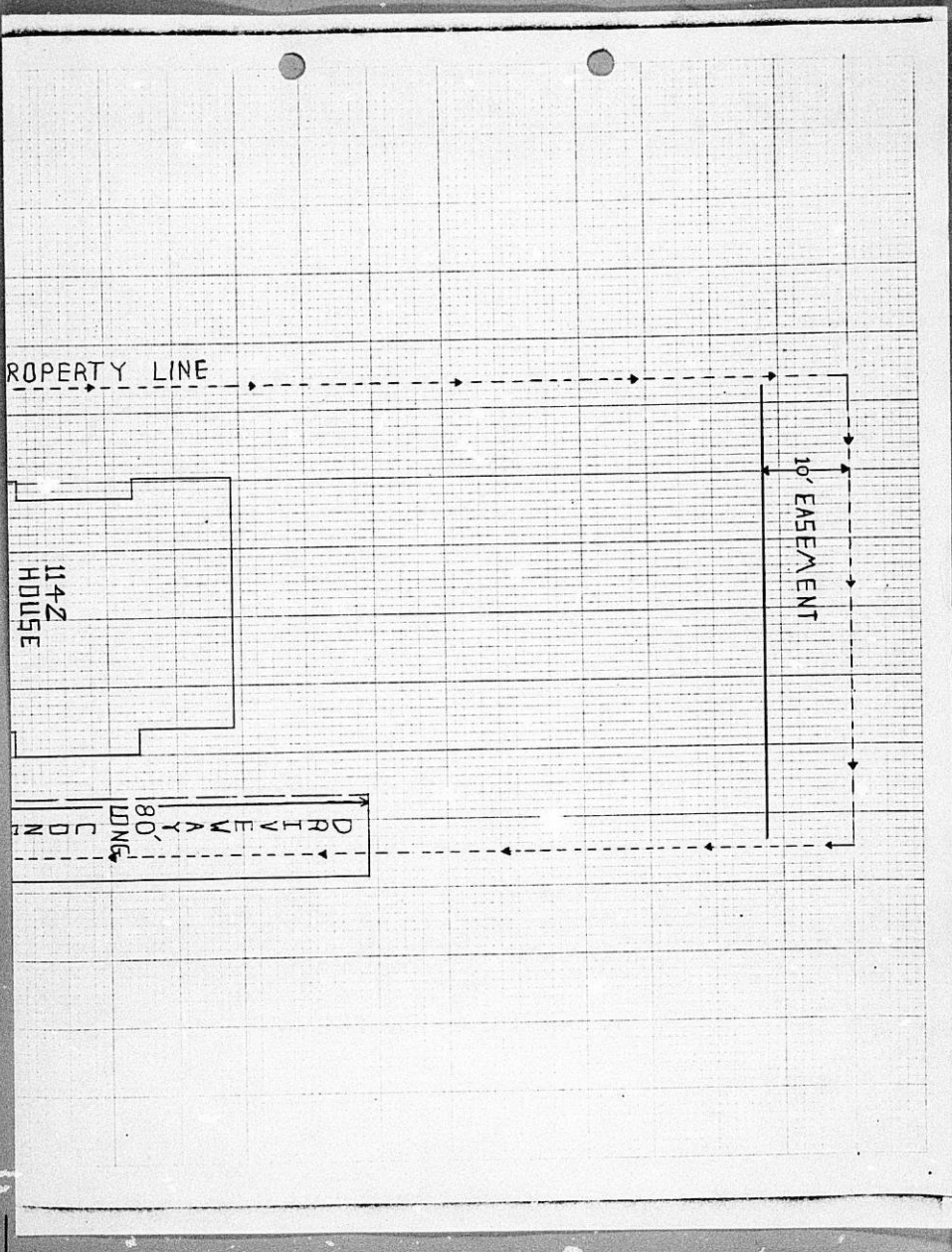
We cannot perceive any adverse affects on the public health, safety, morals, order, convenience, prosperity, or general welfare and that granting the variance desired will not oppose the general spirit and intent of Title 28 (zoning ordinance).

In closing we did not alter the existing porch foundation nor alter the dimensions which would have ~~them~~ made the porch foundation closer to the front property line. Three wall consist of sixty percent screened windows and forty percent new siding which matches existing house.

Thank You for your consideration

Mr. and Mrs. Jeffrey L. Harp.





PROPERTY LINE

1142
HOUSE

DRIVEWAY
80'
LONG

10' EASEMENT

for 11-24-87 mtg

APPLICATION FOR VARIANCE

I. Name of Applicant Mr and Mrs. Jeffery Harp
 Mailing Address 1142 N. Main Phone 2677837
 Name of Authorized Agent _____
 Mailing Address 1142 N. Main Phone 2677837
 Relationship of applicant to property is that of Owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is a reduction of required front
yard setback from twenty feet to
fifteen feet.
on the east side of Main Street in an area south of 11th Street
 for property located, 1142 N. Main
 and legally described as: Lot 3 of Midtown 2nd Addition

 in the City of Wichita; and which is presently zoned B.

- 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. 36-596); 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 Sedgewick 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.

Applicant Jeffery L. Harp
 Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
 fee of 200.00 at 1:30 (a.m. (p.m.)), 10-21, 1987, together with appropriate

Signed Louise Olvera

Harp 5448 A (N) B (S) B (E) B (W) B

OWNERSHIP LIST

Property Discription	Property Owner
Lot 3 Midtown 2nd Addition	✓ Jeffery L. Harp Nancy J. Harp 1142 N. Main Wichita, KS 67203
Lot 1 "	✓ Timothy J. Piatkowski Arlene J. Piatkowski 1154 N. Main Wichita, KS 67203
Lot 2 "	✓ Gregory S. Gibbs Shelia L. Gibbs 1148 N. Main Wichita, KS 67203
Lot 4 "	✓ Michael David Lank Donna Faye Lank 1138 N. Main Wichita, KS 67203
Lot 10 and 11 North Main Street 2nd Addition, on Main Street	✓ Joseph Emery Catudal(Dec'd) Rose Amelia Catudal Mary Jeannatte Catudall 1136 N. Main Wichita, KS 67203
Lots 12 and 13 "	✓ James M. Guy Cindy Sundell-Guy 1116 Bitting Wichita, KS 67203
Lots 14 and 15 "	✓ Miles H. Mattley Mary Mattley 194 Tanglewood Derby, KS 67037
Lot 219 and 221 Hyde and Ferrell's Addition, on Market	Notice of Interest Henry G. Krupke Rosetta L. Krupke Address unknown ✓ Chinh Van Bui Chon Thi Nguyen 1125 N. Market Apt 1 Wichita, KS 67203
Lot 223, 225 and 227 "	✓ Jocie Marie Mott Helen Agnes Mott 1131 N. Market Wichita, KS 67203
Lots 229 and 231 "	✓ John B. Shepherd Gladys B. Shepherd 1133 W. 29th <i>South</i> Wichita, KS 67204 17

Property description			Property Owner
Lots 233 and 235		Hyde and Ferrell's Addition, on Market	✓ Roger A. Kenney Barbara K. Kenney 1137 N. Market Wichita, KS 67203
Lots 237 and 239		"	✓ C. Charles Mills Mary I. Mills 1141 N. Market Wichita, KS 67203
Lots 241 and 243		"	✓ Brad A. Noakes Winifred H. Noakes 1145 N. Market Wichita, KS 67203
Lots 245 and 247		"	✓ Mary L. Guillroy 1149 N. Market Wichita, KS 67203
Lots 249 and 251		"	✓ Unified School Dist. #259 428 S. Broadway Wichita, KS 67202
Lots 270 and 272 + 274		Hyde and Ferrell's Addition, on Main	✓ Ida Mae Timbers Address unknown and 2457 Rosenthal Dorothy Louise Cooper 67204 2457 Rosenthal Wichita, KS 67204
Lot 1	Block 1	Midtown 4th Addition	✓ Mid West Historical and Genealogical Society, Inc. P.O. Box 1121 1203 N. Main Wichita, KS 67201-1121
Lot 2	Block 2	"	✓ Anthony M. Hill Ruby L. Hill 125 S. Clarence Wichita, KS 67213
Lot 3	"	"	✓ Kansas Elks Training Center for Handicapped, Inc. 1006 E. Waterman Wichita, KS 67211
Lot 4	"	"	City of Wichita 455 N. Main Wichita, KS 67202
Lot 5	"	"	✓ L. LaMoine Loxley Address unknown and 1145 N. Main 67203 G. Clarice Farmer 823 N. Bookfield Wichita, KS 67206

Page 3

<u>Property Description</u>			<u>Property Owner</u>
Lot 6 except the East 135 feet	Block 2	Midtown 4th Addition	✓ Raymond T. Young Thelma P. Young 1151 N. Main Wichita, KS 67203
The East 135 feet of Lot 6	"	"	Dug City of Wichita 455 N. Main Wichita, KS 67202
Lot 19 and 21		Winch's Addition	✓ Samuel T. Luinstra Helen L. Luinstra, co-trustees of the Samuel T. Luinstra and Helen L. Luinstra Living Trust 1102 N. Cow Wichita, KS 67203

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 3, Midtown 2nd Addition, Wichita, Kansas
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of October, 1927, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

BY: Henry B. Edwards
Vice-President

Order No. 387372
cd

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

PRESORTED

RECEIVED

FIRST-CLASS

NOV 02 1987

METROPOLITAN PLANNING

ROUTE

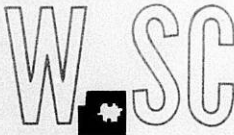
Mid West Historical and
Genealogical Society, Inc.
1203 N. Main
Wichita, KS 67203



MID 03 26310751 FWD TIME EXPD
:MIDWEST HISTORIC
PO BDX 1121
WICHITA KS 67201-1121
RETURN TO SENDER

45-87

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

PRESORTED

RECEIVED

FIRST-CLASS

NOV 02 1987

METROPOLITAN PLANNING

ROUTE

John B. Shepherd
Gladys B. Shepherd
1133 W. 29th *South*
Wichita, KS 67204
17



ATTEMPTED - NOT KNOWN

45-87

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 20-221

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
374 ...	
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY