

Case No. BZA 46-83 - Michael C. and
Linda K. Sabala - requests an exception
to permit the establishment of a mobile
home on a temporary basis as a second
dwelling on property zoned "AA" Single-
family Dwelling District and generally

200 of sec.
Checked 11-29
Shot 12-1
Record 12-6

ACTION
B.Z.A. 46-83 APPROVED 9-27-83
DATE

POSTED
8-19-83
S.E.C.

09A7

200' 1/4 Sec. ✓
Checked 11-29
Shot 12-1
Record 12-6

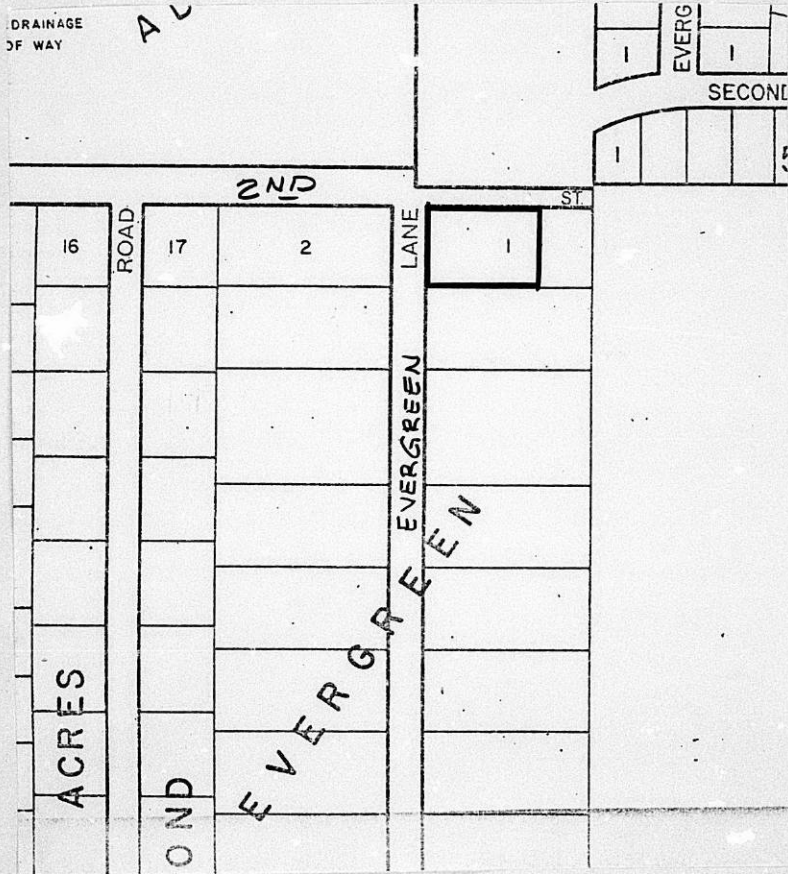
Case No. BZA 46-83 - Michael C. and
Linda K. Sabala - requests an exception
to permit the establishment of a mobile
home on a temporary basis as a second
dwelling on property zoned "M1" Single-
family Dwelling District and generally

Map No. 4947

BZA 46-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East _____ South _____
West _____ North _____
4. Area (is) (is not) platted.



Standard
No. 2-153C
HASTINGS, MN
LOS ANGELES, CHICAGO, LOGAN, OH
MCKINSTRON, TEXAS, JUST GROVE, GA
U.S.A.

September 30, 1983

Mr. & Mrs. Michael Sabala
258 North Evergreen Lane
Wichita, Ks. 67212

Re: BZA-46-83 - Request for Exception

Dear Mr. & Mrs. Sabala:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 27, 1983.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 46-83

WHEREAS, Michael C. and Linda K. Sabala, 258 North Evergreen Lane, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the location of a mobile home as the second dwelling unit on a temporary basis, on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, except the east 100 feet, Evergreen Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Evergreen Lane and south of Second Street (258 North Evergreen Lane).

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 September 27, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the location of a mobile home on a temporary basis on property zoned the "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.182.3, Code of the City of Wichita.

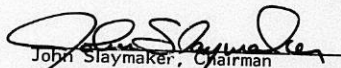
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the location of a mobile home on a temporary basis on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, except the east 100 feet, Evergreen Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Evergreen Lane and south of Second Street (258 North Evergreen Lane).

subject to the following conditions:

1. The mobile home may remain on the property only as long as Ms. Fern Watson resides therein.
2. The applicant shall report annually to Central Inspection to verify condition number 1.
3. The applicant shall secure the necessary permits for location of the mobile home thru the office of Central Inspection.
4. The location of the mobile home shall conform to all setback requirements of the "AA" One-family Dwelling District and also that required by Title 26, the mobile home regulations.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE September 23, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruthof, Administrative Aide III

SUBJECT BZA 46-83, East Side of Evergreen,
South of Second Street

Due to the lack of a quorum, CPO Neighborhood Council Area "A" will be unable to forward a recommendation on the requested exception to permit the establishment of a mobile home on a temporary basis as a second dwelling unit on property zoned "AA" Single-Family.

Linda Sabala, the applicant, attended the meeting and discussed the exception with the members present. No area residents were present concerning the case. Although the members were unable to forward a formal recommendation they unanimously expressed their support for the request.

Please provide the Board of Zoning Appeals with a copy of this memorandum when the case is considered on September 27th.

Dean Kruthof
Dean Kruthof
Administrative Aide III

DK:sm

RECEIVED

SEP 26 1983

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 46-83

APPLICANT: Michael C. and Linda K. Sabala, 258 North Evergreen Lane, Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the location of a mobile home on a temporary basis.

GENERAL LOCATION: On the east side of Evergreen Lane and south of 2nd Street (258 North Evergreen Lane).

ZONING: Subject property is zoned the "AA" One-family Dwelling District.

LAND USE: Subject property is occupied by a One-family Dwelling as are the properties to the west and south. To the east is a K.C. & E. transformer station and to the north is school property.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The applicants are requesting an exception in order to locate a mobile home on the rear of their property in order to care for an aged parent. The applicant's mother is afflicted with a degenerative disease and her life expectancy is relatively short. At the present time, care can be provided by the daughter, and the mother prefers not to be placed in a nursing home, and is desirous of being as independent as possible.

The property is a large lot and has plenty of space to maintain separation from other dwellings in the area and should not create any adverse affects to the neighborhood on a temporary basis.

RECOMMENDATION:

Should the Board determine that a hardship exists that cannot reasonably be alleviated without the granting of this exception, then the exception should be granted subject to the following conditions:

1. The mobile home may remain on the property only as long as Ms. Fern Watson resides therein.
2. The applicant shall report annually to Central Inspection to verify condition number 1.
3. The applicant shall secure the necessary permits for location of the mobile home thru the office of Central Inspection.
4. The location of the mobile home shall conform to all setback requirements of the "AA" One-family Dwelling District and also that required by Title 26, the mobile home regulations.

BZA CASE NO. 46-83

1 NOTICES SENT TO APPLICANT/AGENT

9 ^{Sign Advs.}
~~NOTICES~~ SENT TO MAPC

1 NOTICES SENT TO CPO

11 NOTICES SENT TO ADJOINING PROPERTY OWNERS

22 TOTAL NOTICES SENT 9-7-83

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

September 7, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 46-83

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 Michael C. & Linda K. Sabala, 258 North Evergreen Lane, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a mobile home on a temporary basis as a second dwelling unit on property zoned the "AA" Single-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, except the east 100 feet Evergreen Place Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Evergreen Lane and south of 2nd Street.

This application has been assigned Case BZA 46-83. It will be considered by the Board of Zoning Appeals on September 7, 1983 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 or objections regarding the requested exception, 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO.

46-83

CITY OF WICHITA, KANSAS

FILED

8-19-83

APPLICATION FOR EXCEPTION

I. Name of Applicant Michael C. and Linda K. Sabala
Mailing Address 258 N. Evergreen Lane Phone 722-7358
Name of Authorized Agent N/A
Mailing Address N/A Phone N/A
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of a mobile home on a temporary basis as a second dwelling unit.

on property zoned "AA" Single Family ^{Dwelling District} ~~Residence~~
^{on the east side of Evergreen Lane and south of 2nd St.}
located ~~at~~ 258 N. Evergreen Lane, Wichita, Ks.

and legally described as: Lot 1, except the east 100 ft. Evergreen Place, ^{Wichita} City of Wichita, Sedgwick County Kansas.

_____, in the City of Wichita.

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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Michael Sabala

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:07 (~~am~~-p.m.), August 17, 1983, together with appropriate fee of 25.00.

Signed [Signature]


I wish to file this application for a Hardship Variance to be granted in order that we might position a mobile home for my mother-in-law in our back yard.

My mother-in-law is suffering from Alzheimer's Disease, a degenerative brain disease which affects memory, decision-making and eventually is terminal. She has had to give up her own home because of her inability to function independently. Since she is a widow, she must depend on her children to look after her. However, although she does need to have careful supervision, at this time she is still capable of carrying on a simple daily routine, and she is comforted by being surrounded by her familiar dishes, furniture, pictures, etc. We would like to help my mother-in-law maintain the dignity of caring for herself as long as she is able, and a mobile home would serve as an effective, though temporary, solution. When my mother-in-law is no longer able to care for herself, the mobile home will be removed from our property.

We have spoken with all our neighbors who would be affected by our moving a mobile home into our yard, and they have been very sympathetic and agreeable to this situation. They understand that since my mother-in-law is unable to drive there would be no extra cars or traffic in the neighborhood. She engages in no hobbies or activities that would add noise or clutter to the area. The lots in this neighborhood are large (about one acre each) and a mobile home in our back yard would remain fairly unobtrusive. Our neighbors are able to understand why we would want to care for my mother-in-law ourselves rather than putting her in a retirement center or care home while she still wants and needs to feel productive.

We respectfully ask that this exception be granted so that we will be able to provide a safe, well-supervised home where my mother-in-law can maintain her independence for as long as possible.

Thank you for your consideration,


Michael C. Sabala

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, except the east 100 feet, Evergreen Place	D Michael C. Sabala Linda K. Sabala 258 N. Evergreen Lane 67212
The east 100 feet of lot 1, Evergreen Place	✓ Kansas Gas & Electric Co. 120 E. 1st 67202
Lot 3, Evergreen Place	✓ Fredrick E. Mays Virginia L. Mays 240 N. Evergreen Lane 67212
Lot 5, Evergreen Place	✓ David Michael Wyant Mary Ann Wyant 222 N. Evergreen Lane 67212
Lot 2, Evergreen Place	✓ E. H. Markel Della Markel 259 N. Evergreen Lane 67212
Lot 4, Evergreen Place	✓ Betty M. Ladwig O'Dell Fred Ladwig, Sr. 241 N. Evergreen Lane 67212
Lot 6, Evergreen Place	✓ Ernest E. Dinsmore Mollie J. Dinsmore 221 N. Evergreen Lane 67212
Block 1, Madonna Addition	✓ Unified School District #259, Wichita 428 S. Broadway 67202
Lot 1, Block 5, Whispering Pines Estates	✓ Whispering Pines Joint Venture 229 S. Market 67202
Lot 2, Block 5, Whispering Pines Estates	Same as above
The Southwest Quarter of the Northwest Quarter, except Madonna Addition, Section 21-27-1W	D Unified School District #259 428 S. Broadway 67202

Property Description

Property Owner

Commencing at a point 2145 feet north of the southwest corner of the east half of the Southwest Quarter; thence east 640 feet; thence north 165 feet; thence west 640 feet; thence south 165 feet to beginning, Section 21-27-1W

✓ Kale L. Roberts
Thorene F. Roberts
223 N. Socora Drive
67212

Beginning 2310 feet north of the southwest corner of the east half of the Southwest Quarter of Section 21-27-1W; thence east 640 feet; thence north 165 feet; thence west 640 feet; thence south 165 feet to beginning,

✓ ~~H. Harold Haines (dec.)~~
Doris E. Haines
239 N. Socora Drive
67212

The south half of beginning 2475 feet north of the southwest corner of the east half of the Southwest Quarter of Section 21-27-1W; thence east 640 feet; thence north 165 feet; thence west 640 feet; thence south 165 feet to point of beginning, except the east 330 feet.

✓ Earl C. Tate
Felice L. Tate
259 N. Socora Drive
67212

The north half of beginning 2475 feet north of the southwest corner of the east half of the Southwest Quarter of Section 21-27-1W; thence west 640 feet; thence north 165 feet thence west 640 feet; thence south 165 feet to beginning, except the east 330 feet.

Same as above

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

Lot 1, except the east 100 feet,
Evergreen Place, 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 16th day of August, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice President

Order No: 324064
cf

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

September 7, 1983

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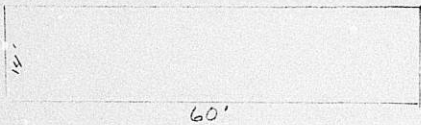
Jack H. Galbraith
Secretary

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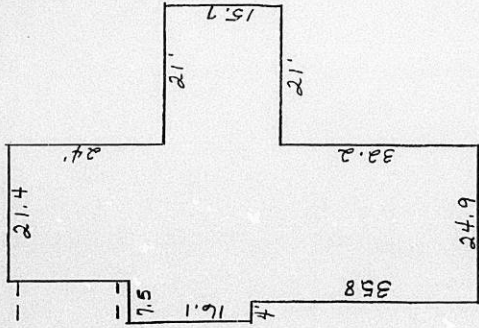


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258 N. EVERGREEN LANE

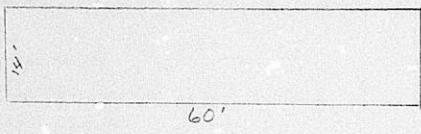
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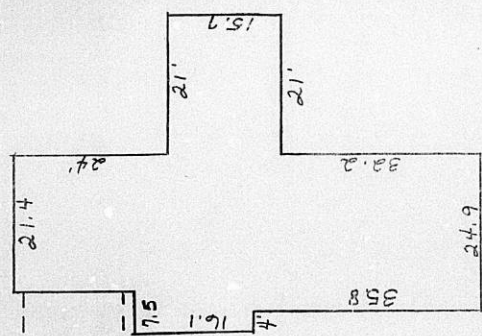
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258 N. EVERGREEN LANE

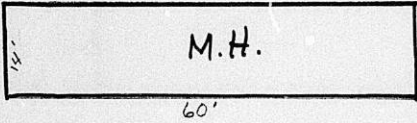
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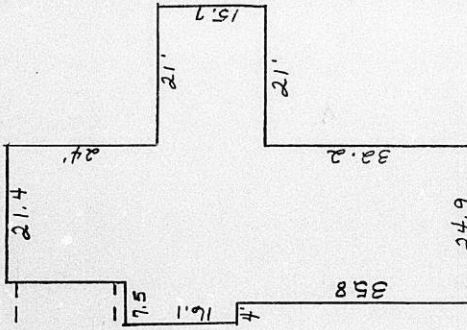
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DRIVEWAY

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258 N. EVERGREEN
LANE

145

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-1

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
CITY WA FUND	\$ 75.00

NAME M.C. JAMES

ADDRESS 217 N. E. ...

FUND 40071-103 DUE DATE _____

COMMENTS _____

DATE 11/11/54 BY J. J. ...