

Case No. 46-87 - James & Joan Schneidler
request a variance to reduce the rear
yard setback from 20' to 10' on property
zoned "AA" One-family Dwelling & gener-
ally located on the southwest corner of

2-27-88

ACTION

B.Z.A. 46-87 *Approved* 5-0 11/24/87
DATE

554AA

200'4 Sec. 12-15-87
Shot 1-27-88
Record ✓

DATA SHEET

MAP NO.: 5544A

CASE NO. BZA 46-87
(CPO 3A, 11/18/87)

REQUEST: Variance to reduce the rear yard setback from 20 feet to 10 feet.

EXISTING ZONING: "AA" One-family Dwelling District.

GENERAL LOCATION: On the southwest corner of Ellis and Marion (2601 S. Ellis).

APPLICANT: James & Joan Schmeidler
ADDRESS: 2601 S. Ellis, Wichita, KS 67216

PHONE: 522-7184

AGENT: Thomas Schmeidler
ADDRESS: 11712 E. Clark, Wichita, KS 67207

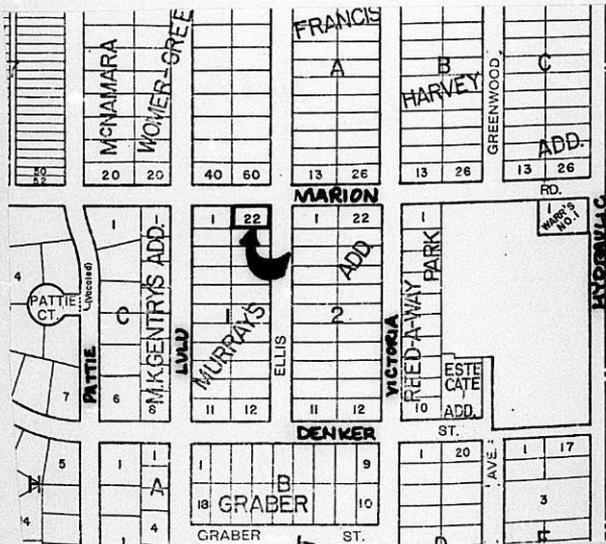
PHONE: 687-5809

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	A	_____
South	AA	_____
East	AA	_____
West	AA	_____



Shirley
No. 2153C
HASTINGS, MN
LOS ANGELES, CHICAGO, LOS ANGELES, OH
MEMPHIS, TX, LUCAS, OH, GA
USA.

November 25, 1987

Thomas Schmeidler
11712 East Clark
Wichita, Kansas 67207

FILE COPY

Re: BZA 46-87 - Variance to reduce the rear yard setback from 20 feet to 10 feet. On the southwest corner of Ellis and Marion (2601 S. Ellis)

Dear Mr. Schmeidler:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 24, 1987. This Resolution reflects the official action of the Board to grant 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,

Louise Olivarez
Assistant Secretary

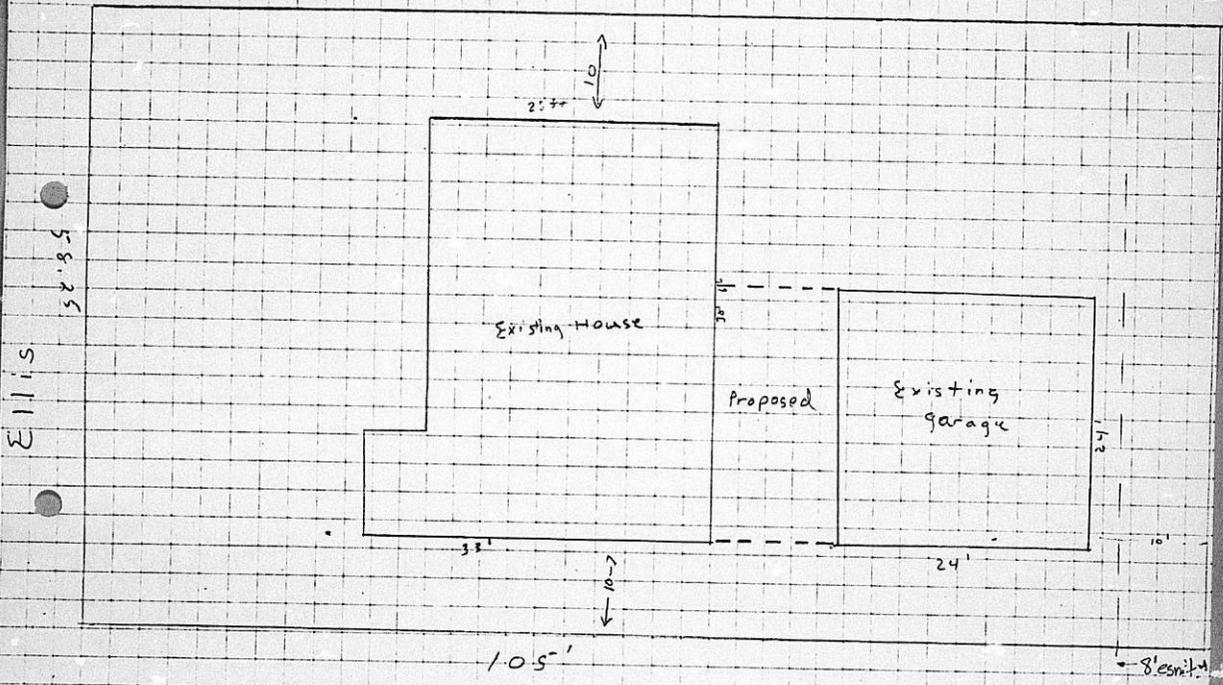
LO/lw

Enclosure

cc: James & Joan Schmeidler, 2601 S. Ellis, Wichita, KS 67216
Monty Robson, Superintendent of Central Inspection (2 w/site plan)
Dale Rea, Deputy City Clerk

BZA 46-87

$\frac{3}{32}$ Scale
NORTH



SILLI
58.25

MARION

10.5'

RESOLUTION NO. BZA 46-87

WHEREAS, James and Joan Schmeidler, 2601 S. Ellis, Wichita, Kansas 67216, pursuant to Section 2.12.590.B, Code of the City of Wichita, request 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 Marior. (2601 S. Ellis).

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 November 24, 1987, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; 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 lot is a corner lot with the garage facing the side street and if the yard adjacent to the west side of the garage could be considered a side rather than a rear yard, only a six-foot setback would be required; 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 inasmuch as the garage and house already exist and the proposed connection between the two structures would not be closer to any adjacent properties than the existing structures nor would the addition affect the light and air on any adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be unable to provide the needed ground floor utility room and enclosed garage connection if the structure is required to maintain a 20-foot rear yard; 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 due to the fact that the garage already exists and does not encroach any needed right-of-way or utility easements nor will the proposed connection between the garage and house encroach any right-of-way or easement; 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) inasmuch as the the intent of the ordinance is to maintain a reasonable separation between structures on adjacent lots and the proposed structural addition on this application lot will not be nearer to any property line than are existing structures; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, 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 of the City of Wichita that this request for 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 Marior (2601 S. Ellis).

be approved subject to the following condition:

1. The rear yard reduction to ten feet shall apply to only that area where the garage is currently located.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1987.

Danny E. Jenkins

Danny E. Jenkins, President

ATTEST:

Jack H. Galbraith

Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE November 19, 1987

TO Louise Olivarez, Principal Planner

FROM Shirley Mast, Administrative Aide III *sm*

SUBJECT BZA 46-87: Southwest corner of
Ellis and Marion - 2601 S. Ellis

On Wednesday, November 18, Mid-South CPO Council 3A considered the captioned case, a request for a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the One Family Dwelling District. Council members were provided the Notice of Public Hearing and the MAPD staff comments. After discussion, the Council voted 9-0 to recommend approval of the requested variance.

Tom Schmeidler, the applicant's son, was present to describe the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 46-87 is considered at the November 24 meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 46-87

OWNER/APPLICANT/AGENT: James & Joan Schmeidler (applicant)
Thomas Schmeidler (agent)

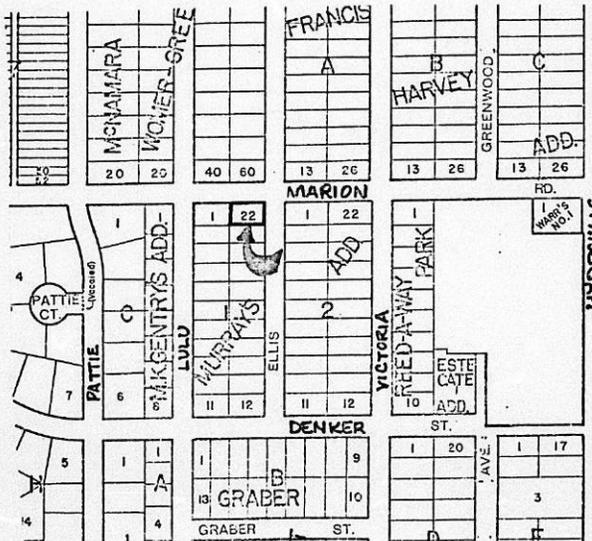
REQUEST: Variance to reduce the rear yard setback from 20 feet to 10 feet.

CURRENT ZONING: "AA" One-family Dwelling District.

SITE SIZE: 58.25 feet by 105 feet

LOCATION: On the southwest corner of Ellis and Marion (2601 S. Ellis).

PROPOSED USE: Attachment between existing house and garage.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

BZA 46-87 SR

BACKGROUND: The applicant is requesting a variance to reduce the rear yard setback from 20 feet to 10 feet on a 6,116 square-foot platted lot located at the southwest corner of Marion and Ellis. A house and detached garage now occupy the site. The garage observes a 10-foot rear yard setback whereas only 5 feet is required for accessory structures. However, if the garage is attached to the house, it becomes part of the main structure which has a 20-foot rear yard setback requirement. The agent has stated that there was a fire in the house recently which necessitates substantial reconstruction. The owners desire to connect the garage to the house by means of a breezeway/utility room at the same time the other reconstruction is taking place. This addition would provide protection from the weather when getting to and from the garage as well as provide a ground level utility room and bath, all of which would be beneficial for the owners who are elderly and not in good health.

It is difficult to find any uniqueness to the property other than it being a corner lot with garage access from the side street. If the west side of the lot, adjacent to the side of the garage, could be considered a side yard rather than a rear yard, a six-foot setback is all that would be required.

ADJACENT ZONING AND LAND USE:

NORTH	A	Residence
SOUTH	AA	Residence
EAST	AA	Residence
WEST	AA	Residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lot is a corner lot with the garage facing the side street and if the yard adjacent to the west side of the garage could be considered a side rather than a rear yard, only a six-foot setback would be required.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the garage and house already exist and the proposed connection between the two structures would not be closer to any adjacent properties than the existing structures nor would the addition affect the light and air on any adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to provide the needed ground floor utility room and enclosed garage connection if the structure is required to maintain a 20-foot rear yard.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the garage already exists and does not encroach any needed right-of-way or utility easements nor will the proposed connection between the garage and house encroach any right-of-way or easement.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to maintain a reasonable separation between structures on adjacent lots and the proposed

structural addition on this application lot will not be nearer to any property line than are existing structures.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The rear yard reduction to ten feet shall apply to only that area where the garage is currently located.

BZA CASE NO. 46-87

<u>2</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>31</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>41</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 46-87

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 James and Joan Schmeidler requesting a variance.

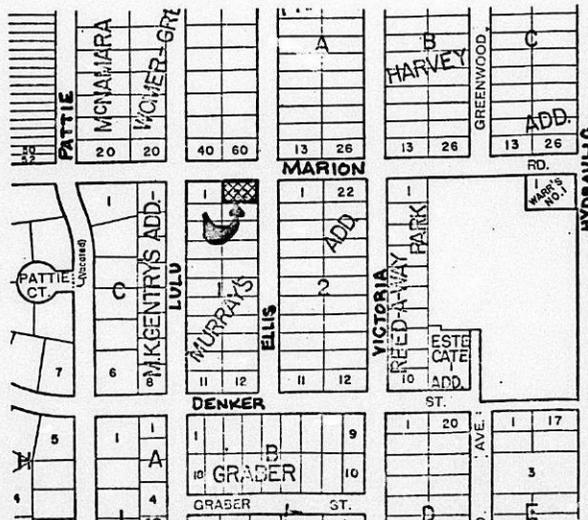
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

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).

This application has been assigned Case No. BZA 46-87. 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 Mid-South Neighborhood Council "3A" will consider this case at their meeting to be held on Wednesday, November 18, 1987, at 7 p.m., in the Linwood Community Center, 1901 South Kansas. 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

In point 1 of the criteria for variances. I feel the property is unique to the district because it is a corner lot with access from to city streets and there is already a garage on the property and all we are attempting to do is attach the garage to the house structure so that it creates less hardship to the elderly property owners in weather conditions.

In point 2 of the criteria: As you see by the Plot Plan the garage is already there in the many years there it hasn't drawn any complaints from neighbors. In fact it has often been said to improve the look of both the lot and the neighborhood it also in no way does effect the access or security to adjacent property owners.

In point 3 I feel this is very important there is two main reasons for the change: 1) The owners of the house are becoming older in age and having to walk outside to get to the garage is becoming more and more hazardous in weather conditions for James. In 1981 he had a complete replacement knee operation and walking on ice and water is very tricking for all of us especially for someone who is trying to do it on one good leg. 2) The home right now is about 900 square feet and there is not enough room for a laundry room on the ground level of the home. Joan had a major heart-attack 2 years ago and the doctor says it is not good for her to be climbing stairs where the laundry room is now the Breezeway proposed would provide access to a laundry room and a half bath on the ground floor

In point 4 no way would the variance effect Public Health and Safety or convenience, The lot in question is a corner lot and has access from both Ellis and Marion. The easement on the rear lot also leaves access for utility and emergency vehicles and in no way hinders the adjacent lots.

In point 5 it also very important ^{to know} the Property owners adjacent to the property ~~not only~~ don't oppose the variance but they feel the variance would be a good idea because it would improve the appearance of the area.

Thank you for your cooperation in this matter we feel for the well being of all this variance should be approved.

BCA 46-87

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 46-87
FILED 10-23-87
MAP 5544A
PIA 11-24-87

APPLICATION FOR VARIANCE

I. Name of Applicant James and/or Joan Schmeidler
Mailing Address 2601 S Ellis Wichita Ks 67216 Phone 522-7184
Name of Authorized Agent Thomas Schmeidler
Mailing Address 2712 E Clark Wichita Ks 67207 Phone 687-5809
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is To reduce the rear yard
Setback Lot from 20 ft to 10 ft

for property located 2601 S Ellis Wichita Ks 67216
Southwest corner of Ellis and Marion
and legally described as: Murray's addition Block 1 Lot 22

in the City of Wichita; and which is presently zoned Single-family
Residential "AA"

- 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 Sedgwick 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 Joan L Schmeidler
Authorized Agent Thomas A Schmeidler

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
10-23-87 (a.m./p.m.), 12⁰⁰, 1987, together with appropriate
fee of \$200.

Signed Barbara Harris, Sr. Planner

Zoning: N A S AA E AA W AA CPO 3A
11-18-87

OWNERSHIP LIST

Property Description			Property Owner
Lot 22	Block 1	Murray's Addition	James Henry Schmeidler Louise Schmeidler 2601 Ellis Wichita, KS 67216
Lot 1	"	"	Pamela R. Bailey 2602 Lulu Wichita, KS 67216
Lot 2	"	"	Rosa Werth Francis P. Werth 2608 Lulu Wichita, KS 67216
Lot 3	"	"	Paul Schwartz Evelyn J. Schwartz 2614 Lulu Wichita, KS 67216 Lewis Schwartz Address Unknown
Lot 4	"	"	Clifford R. Ballard (Dec'd) Doris R. Ballard 1551 Valleyview Dr. Lincoln, NE 68505
Lot 5	"	"	Ottilia L. Collard 2626 Lulu Wichita, KS 67216
Lot 18	"	"	Elmer L. Friedman Eileen G. Friedman 2623 Ellis Wichita, KS 67216
Lot 19	"	"	Michael J. Sterling Diana J. Sterling 6828 Sheriac Cr. Wichita, KS 67209
Lot 20	"	"	B. N. Carney Rita Carney 2611 Ellis Wichita, KS 67216
Lot 21	"	"	John V. Shade Arlys V. Shade (Dec'd) 2607 Ellis Wichita, KS 67216
Lot 1 and the North 4 feet of Lot 2	Block 2	"	Erwin A. Huenergardt Lida I. Huenergardt 2600 Ellis Wichita, KS 67216

Property Description			Property Owner
The South 50 feet of Lot 2	Block 2	Murray's Addition	✓ Omer E. Palmer Edna M. Palmer 2608 Ellis Wichita, KS 67216
Lot 3	"	"	✓ Ethel L. Greider Larry J. Greider 2614 Ellis Wichita, KS 67216
Lot 4	"	"	✓ Burton L. Mook Bonnie F. Mook 2620 Ellis Wichita, KS 67216
Lot 5	"	"	✓ Constance K. Shumate 2626 Ellis Wichita, KS 67216
Lot 20	"	"	✓ Stanley R. Gilley Anne L. Gilley 2611 Victoria Wichita, KS 67216
Lot 21	"	"	✓ William R. Stratton Mary V. Stratton 2227 S. Volutsia Wichita, KS 67211
Lot 22	"	"	✓ Sharon S. West 950 N. Tyler Wichita, KS 67212
			✓ Rex E. Custer 125 S. Westfield Wichita, KS 67209
Lot 1		M. K. Gentry's Addition	✓ Mary Alice Jurado 2605 Lulu Wichita, KS 67216
Lot 2		"	✓ Daniel J. Kraft Mildred E. Kraft 2613 Lulu Wichita, KS 67216
Lot 3		"	✓ Doyle Raymond Patchett Georgie June Patchett 2621 Lulu Wichita, KS 67216
Lot 11	Block A	Francis Harvey Addition	✓ A. Clair Crandall Dorothy J. Crandall 5913 E. 17th Wichita, KS 67208
Lot 12	"	"	✓ Lenoda M. Woolery 2558 Ellis Wichita, KS 67216

<u>Property Description</u>			<u>Property Owner</u>
Lot 13	Block A	Francis Harvey Addition	✓ Anna M. Bennett 2562 Ellis Wichita, KS 67216
Lot 26	"	"	✓ T. H. Hall Bessie V. Hall 1257 S. Hydraulic Wichita, KS 67211
Lot 20		Womer-Greers 3rd Addition	✓ Marion B. Rhodes Thelma I. Rhodes 2555 Lulu Wichita, KS 67216
Lot 38		"	✓ Roy D. Flock (Dec'd) Nancy J. Flock 8002 E. Indianapolis Wichita, KS 67207
Lot 39		"	✓ Ivan W. Pettay (Dec'd) Clara M. Pettay 2550 Lulu Wichita, KS 67216
Lot 40		"	✓ Raymond Leon Compton Mary Lou Compton 2532 Lulu Wichita, KS 67216
Lot 58		"	✓ Coy L. Morgan Jr. 1238 Waddington Wichita, KS 67212
Lot 59		"	✓ Carlos E. Giliberto Patricia L. Giliberto 1102 Gidley Wichita, KS 67216
Lot 60		"	SAME AS ABOVE

Page 4

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 22, Block 1, Murray's Addition to 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, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

BY: Allen B. Edwards
Vice-President

Order No: 387371
cd

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-055 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	See 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

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____