

Case No. BZA 47-84 - Marian D. Ray -  
requests a variance to reduce the  
required front yard setback adjacent  
to 19th Street from 25' to not less  
than 8' on property zoned the "AA"  
One-family Dwelling District and

POSTED 6-28-84

36490

**ACTION**

BZA. 47-84 **APPROVED**

7-24-84  
DATE

POSTED 4 Sec. 9-13-84

SAR 214

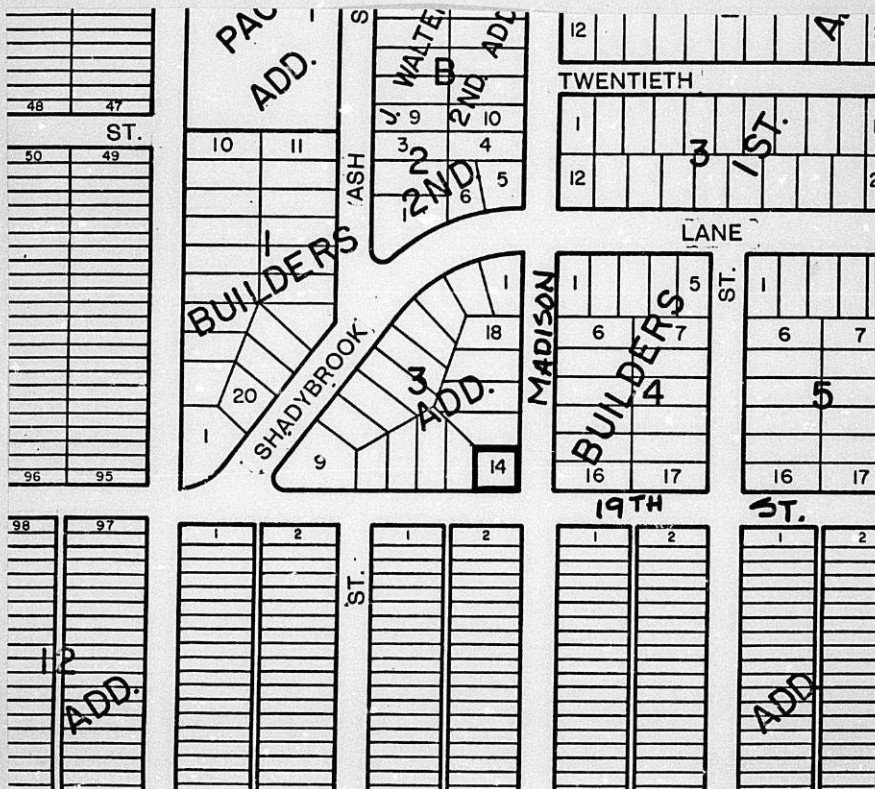
Reviewed ✓

Map No. 5649 D

BZA 47-84  
Filed \_\_\_\_\_

AREA DATA:

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



LOS ANGELES CHICAGO LOS AN CH  
MADISON, TN, U.S.A.

**Standard**  
No. 2153C

July 27, 1984

Marian D. Ray  
2001 North Madison  
Wichita, Ks. 67214

Re: BZA 47-84 - Request for Variance

Dear Mr. Ray:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 24, 1984.

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: Hayes-Crenshaw's Inc. Homes, 420 W. 4th, Belle Plaine, Ks. 67013  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 47-84

WHEREAS, Marian D. Ray, 2001 North Madison, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback adjacent to 19th Street from 25 feet to 8 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 14, Block 3, Builder's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the north-west corner of 19th Street & Madison (2001 N. Madison).

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 July 24, 1984, 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 yards adjacent to 19th Street on the majority of the properties in the general area do not exceed a 6 foot requirement, however, due to the reversal of frontage on this lot, it is the only house facing a north-south street with a 25 foot yard adjacent to 19th Street; 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 distance from the proposed addition to the front of the adjacent house will exceed 30 feet; 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 construct a two-car garage on the property in conformance with the required setbacks; 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 addition will not interfere with any right-of-way or easements; 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 general area has a number of lessor setbacks than is requested by this applicant that are permitted by the ordinance; 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.

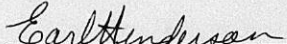
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback adjacent to 19th Street from 25 foot to 8 feet on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 14, Block 3, Builder's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the north-west corner of 19th Street & Madison (2001 N. Madison).

be approved subject to the following conditions:

1. The reduction of the front yard setback shall permit an addition to the existing house to within 8 feet of the 19th Street right-of-way line.
2. No projections such as an open porch, stoop or similar projection shall be permitted; provided however, the normal roof overhang (eaves) may project into this 8 foot yard area as permitted by ordinance.
3. No part of the proposed addition shall be constructed closer than 20 feet from the west property line.
4. The garage entrance shall be oriented to a driveway from Madison Street.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE July 23, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Cindy Entriiken, Administrative Aide III

SUBJECT BZA 47-84 Generally located on  
the northwest corner of 19th  
Street and Madison (2001 North  
Madison)

On Thursday, July 19 CPO Council "J" considered the above captioned case.

The Council voted 8-0 to recommend approval of the variance, subject to the conditions outlined by the Secretary's Report.

Neither the applicant nor the agent were present to address the Council. There were no area residents present either.

Please provide the Council's recommendation to the BZA when it meets to consider the case.

*Cindy Entriiken*  
Cindy Entriiken  
Administrative Aide III

CE:sm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

SECRETARY'S REPORT  
CASE NO. BZA 47-84

APPLICANT: Marian D. Ray, 2001 North Madison, Wichita, Kansas.

AGENT: Hayes-Crenshaw's Inc. Homes, 420 W. 4th, Belle Plaine, Ks.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25' to 8' adjacent to 19th Street.

GENERAL LOCATION: On the northwest corner of 19th Street and Madison (2001 North Madison).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a one-family dwelling as are all adjacent properties.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback from 25' to 8' in order to construct an attached double car garage addition to the south. This addition would encroach into the required 25' setback a distance of 17 feet.

It should be noted that when this property was platted in 1948, the plat did not include setbacks, therefore the requirements of the zoning ordinance determines the front yard setbacks. On this corner lot, the provision or reversal of lot frontage would apply requiring a 25 foot front yard on both 19th Street and Madison.

In most instances on new residential plats, corner lots are platted with a 25 foot front yard setback on one street and a 15 foot side yard setback on the other street. This request is to reduce the front yard setback adjacent to 19th Street to 8 feet, which is 7 feet less than that normally approved on new plats.

It is difficult to justify any uniqueness to the property except for the fact that under the present policy a reduction of one of the yards could be platted at 15 feet. This would not accommodate the proposed addition. The property to the west of the application area appears to be in line with the applicant's home approximately 30 feet from the right-of-way line of 19th Street. It would be difficult to determine what affect the reduction of the front yard for this addition would have on the adjacent property to the west.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the 25 foot setback is more than would be required to be platted on a corner lot, however, it is difficult to justify uniqueness to the extent to permit construction within eight feet of the south property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the construction of the addition 22 feet closer to 19th Street than the adjacent property owner would appear to be objectionable; however, to permit a variance to within 15 feet of the south property line should not adversely affect the adjacent property to the west.

HARDSHIP:

It is the opinion of the Secretary 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 construct closer to 19th Street than 25 feet, however, this hardship could be alleviated by a variance to permit construction within 15 feet of 19th Street.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the yard as requested would not interfere with any right-of-way or utility easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance applying to other similar properties prohibit construction closer than 25 feet to the right-of-way of each street; however, should the Board determine that the present policy for residential plats is appropriate, then it would appear that a reduction to 15 feet would be appropriate in this case.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of the variance requested have not been found to exist; however, should the Board determine that the five conditions have been found to exist, then it is recommended that the variance be granted only in part, subject to the following conditions:

1. The reduction of the front yard setback shall permit an addition to the existing house to within 15 feet of the 19th Street right-of-way line.
  2. No projections such as an open porch, stoop or similar projection shall be permitted; provided however, the normal roof overhang (eaves) may project into this 15 foot yard area as permitted by ordinance.
  3. No part of the proposed addition shall be constructed closer than 20 feet from the west property line.
-

BZA CASE NO. 47-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>26</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>29</u>	TOTAL NOTICES SENT <u>7-5-84</u>

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

July 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 47-84

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 Marian D. Ray, 2001 North Madison, Wichita, Kansas, 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 adjacent to 19th Street from 25 feet to not less than 8 feet on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 14, Block 3, Builder's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 19th Street & Madison (2001 N. Madison).

This application has been assigned Case BZA 47-84. It will be considered by the Board of Zoning Appeals on July 24, 1984, 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 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.

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. 47-84

CITY OF WICHITA, KANSAS

FILED 6-22-84

APPLICATION FOR VARIANCE

I. Name of Applicant Marian D. Ray

Mailing Address 2001 N. Madison Phone 262-0044

Name of Authorized Agent Wayne Crenshaw's Sign Power

Mailing Address 420 W. 4th, Belle Plaine Phone 488-3469

Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard setback  
from 25' to 8' adjacent to the 19th Street frontage  
on additional 16' on  
19th Street frontage. *(initials)*

*use legal address info*

for property located 2001 N. Madison

and legally described as: Lot 14 - Block 3 Builders Second  
to Wichita, Sedg. Co., KS.

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

III. The applicant herein, or his authorized agent, acknowledges:

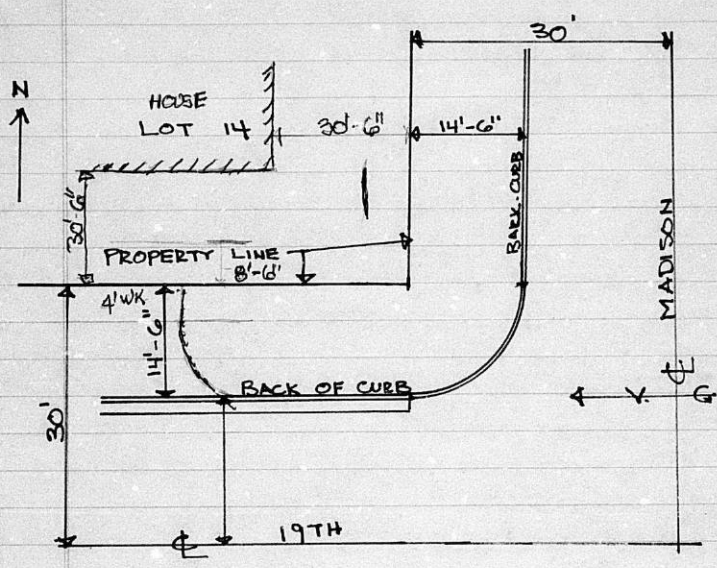
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That 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 Marian D. Ray

Authorized Agent Wayne Crenshaw

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 (a.m.p.m.), JUNE 22, 1984, together with appropriate fee of 25.00.

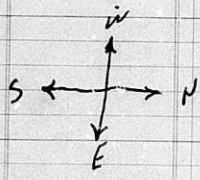
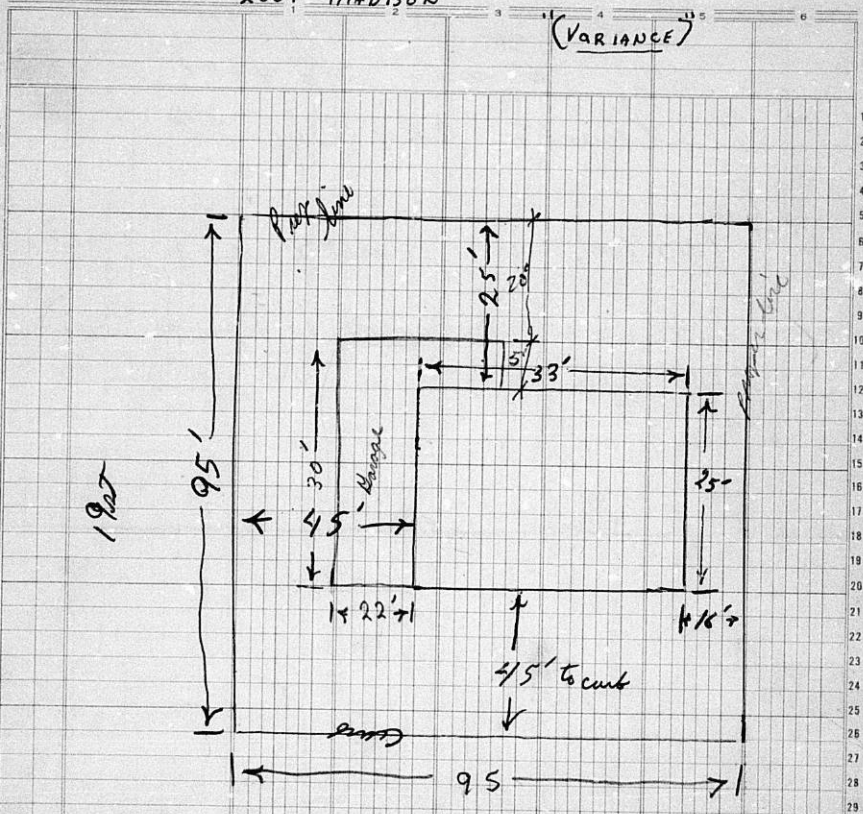
Signed [Signature]



Lot H 3 BUILDERS 2<sup>ND</sup>

2001 MADISON

(VARIANCE)



MADISON

7<sup>th</sup> FLOOR SEE BILL  
DOUBLE FRONT

Security Deposit 247-8731

Building Inspection 268-4481

Lindbeck City Bldg, 7<sup>th</sup>

Par

(30 foot wide - back to curb)

(Centered on red. set of way + road  
wide the panel is back of curb to  
curb to c.)

radius  
or  
square

June 12, 1984

TO: Office of the Secretary, Board of Zoning Appeals  
FROM: Marian D. Ray, Property Owner  
RE: Application For Variance

My husband and I would like a (22' X 30') double car garage with a workshop on the 19th Street frontage. This variance will give us an additional 16 feet, and the frontage we need for the double car garage.

The variance will change the double frontage off Madison and 19th Street to a single frontage off Madison.

The variance requested arises from such conditions which is unique to the property in question, that is not ordinarily found in the same zone district.

Sincerely,

*Marian and Kohlene Ray*  
Marian and Kohlene Ray

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

<u>Property Description</u>	<u>Property Owner</u>
Lot 3, Block 3, Builders Second Addition	✓ Betty Washington 1712 N. Spruce 67214
	Ruby Nolan M. D. Nolan <del>address unknown</del>
Lot 4, Block 3, Builders Second Addition	Hubert W. Hutcherson Bernice Beatrice Hutcherson ✓ 2135 Shadybrook Dr. 67214
Lot 5, Block 3, Builders Second Addition	Rubin Morgan ✓ Mary Morgan 2131 Shadybrook Dr. 67214
Lot 6, Block 3, Builders Second Addition	Clarence Wesley Daniels Rose M. Daniels ✓ 2125 Shadybrook Dr. 67214
Lot 7, Block 3, Builders Second Addition	Willie B. Profit aka W. B. Profit ✓ E. Profit aka Ernestine Profit 2121 Shadybrook Dr. 67214
Lot 8, Block 3, Builders Second Addition	Woodrow Wilson Curtis ✓ Marie Curtis 2117 Shadybrook Dr. 67214
Lot 10, Block 3, Builders Second Addition	Adaniel Johnson ✓ 2114 E. 19th 67214
Lot 11, Block 3, Builders Second Addition	Christabel A. Brown 2118 E. 19th ✓ 67214
Lot 12, Block 3, Builders Second Addition	Calvin P. Burrough Etta M. Burrough ✓ 2124 E. 19th 67214
Lot 13, Block 3, Builders Second Addition	Willard E. Woods ✓ Verdell J. Woods 2130 E. 19th 67214
Lot 14, Block 3, Builders Second Addition	✓ Marian D. Carnes 2001 N. Madison 67214

<u>Property Description</u>	<u>Property Owner</u>
Lot 15, Block 3, Builders Second Addition	✓ Carl R. Grayson Erma Grayson 4909 Looman St. 67220
Lot 16, Block 3, Builders Second Addition	✓ Clifford I. Ware Doris J. Ware 2017 N. Madison 67214
Lot 17, Block 3, Builders Second Addition	✓ Administrator of Veterans Affairs 901 George Washington Blvd. 67211
Lot 18, Block 3, Builders Second Addition	✓ Iona Jones 2027 N. Madison 67214
Lot 6, Block 4, Builders First Addition	✓ Administrator of Veterans Affairs 901 George Washington Blvd. 67211
Lot 8, Block 4, Builders First Addition	✓ Lonnie Rolfe Claresa Rolfe 1319 N. Madison 67214
Lot 10, Block 4, Builders First Addition	✓ Willie Mae Jenkins 2018 N. Madison 67214
Lot 12, Block 4, Builders First Addition	✓ Sylvester Morris Geraldine Morris 2012 N. Madison 67214
Lot 14, Block 4, Builders First Addition	✓ Zeffie Mae Normore 2008 N. Madison 67214
Lot 16, Block 4, Builders First Addition	✓ Curtis V. Watson Faith L. Watson 2002 N. Madison 67214
Lots 1 & 3, Ash, Stouts Addition	✓ Willard E. Woods Verdell J. Woods 2130 E. 19th 67214
Lots 5 & 7, Ash, Stouts Addition	✓ Macedonia Church of God in Christ 2167 N. Grove 67214

<u>Property Description</u>	<u>Property Owner</u>
Lots 9 & 11, Ash, Stouts Addition	Strangers Rest Baptist Church 2521 N. Grove 67214
Lots 2, 4, 6 & 8, Madison, Stouts Addition	William W. Burney Anita F. Burney 1955 N. Madison 67214
Lots 10 & 12, Madison, Stouts Addition	Phillip Eugene Owens Diane S. Owens 1945 N. Madison 67214
Lots 1 & 3, Madison, Stouts Addition	Henry W. Lyons Lucille H. Lyons 1956 N. Madison 67214
Lots 5 & 7, Madison, Stouts Addition	Rufus Draper Louella G. Draper 1950 N. Madison 67214

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

Lot 14, Block 3, Builders Second  
Addition to Wichita, Kansas, Sedgwick  
County, Kansas

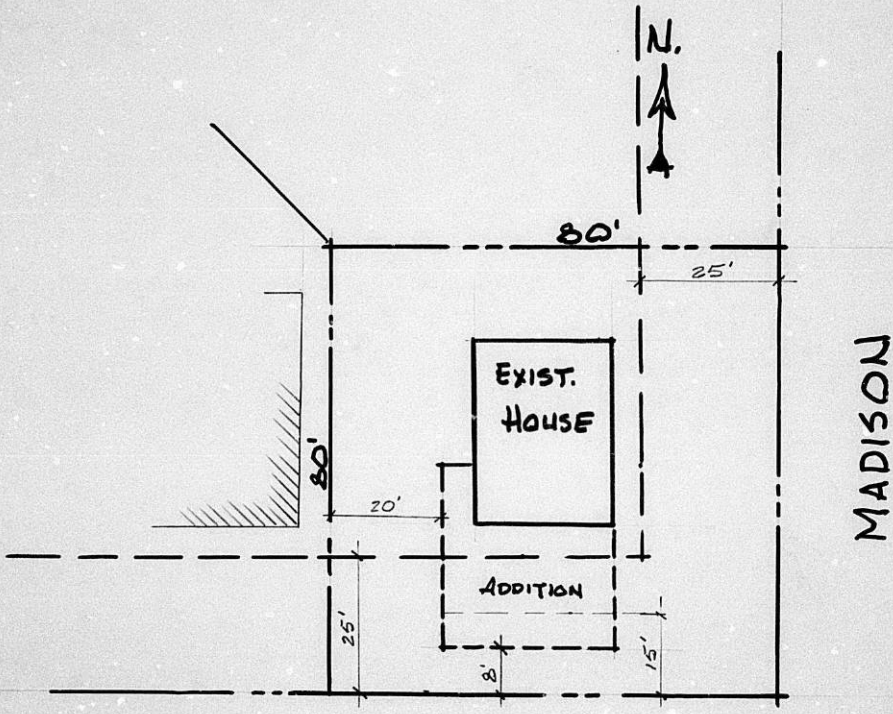
as shown by the last deed of record on file in the Office of  
the Register of Deeds of Sedgwick County, Kansas, on this  
21st day of June, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*  
Sr. Vice President

Order No: 335565  
cf



19TH ST.

BZA 47-84



**MICROFILMED**  
FROM THE BEST  
AVAILABLE COPY

FORM 25-021

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hoe 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 B7A VAO 25.00

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY