

48-67 Corinne J. Ott, 1526 Salome,
requests variance to reduce
rear yard setback from 20' to
8'7".

POSTED
1-18-68
MAY 1968
6024 HARRIS ✓

ACTION

DATE
1-23-68

BZA COMMITTEE Approved

M.A.P.C. _____

B.C.C./B. CO. C. _____

5544

February 2, 1968

Corinne J. Ott
1526 Salome
Wichita, Kansas 67216

Subject: BZA 48-67 - Request for
Variance.

Dear Mrs. Ott;

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 23, 1968, in connection with your request for a variance to reduce the rear yard setback from 20 feet to 8 feet 1 inch, on property zoned "AA" Single Family Dwelling, and generally located on the Northwest corner of Salome and Greenwood.

This Resolution reflects the official action of the Board of Zoning Appeals and indicates the reasons for approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: Glen Lytle, Superintendent of Central Inspection

Ralph Eberly, City Clerk

RESOLUTION NO. 48-67

WHEREAS, Corinne J. Ott, 1526 Salome, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the required rear yard setback from 20 feet to 8 feet 1 inch, on property zoned "AA" Single Family Residential and legally described as follows:

The East 78 feet of Lot 12, in Block 3, in Schrader Brothers Second Addition.

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 consider said application on January 23, 1968; and

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

WHEREAS, the property is zoned "AA" Single Family Residential; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question in that the applicant's property occupies a corner and had the house faced to the east only a 6 foot side yard would be required adjacent to the north property line; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as requested will not adversely affect the rights of adjacent property owners or residents inasmuch as the house and garage are to remain in their present location and the patio or walkway to be enclosed is a minimum of 29 feet from any property line; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which the variance is requested, will constitute unnecessary hardship inasmuch as the applicant would be deprived of the convenience and protection of an enclosed walkway and family room which for all practical purposes adversely affects no one; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not be opposed to the general spirit and intent of Title 28 (Zoning 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 that the request for a variance of the rear yard setback from the required 20 feet to 8 feet 1 inch on property zoned "AA" Single Family Residential and legally described as follows:

The East 78 feet of Lot 12, in Block 3, in
Schrader Brothers Second Addition.

be approved subject to the following:

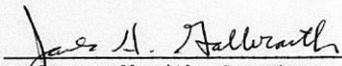
1. The variance reducing the rear yard setback from 20 feet to 8 feet 1 inch is approved for only that area where the garage exists and any enlargement, expansions, or additions shall maintain the required 20 foot rear yard setback.

ADOPTED AT WICHITA, KANSAS, the 23rd day of January, 1968.



H. W. Kratzer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

January 30, 1968

Corinne J. Ott
1526 Salome
Wichita, Kansas 67216

Subject: BZA 48-67 - Request for
Variance.

At the regular meeting of the Board of Zoning Appeals on January 23, 1968, your request for a variance of the 20' required rear yard setback to 8' 1", on property zoned "AA" Single Family Dwelling, and generally located on the Northwest corner of Salome and Greenwood, was considered.

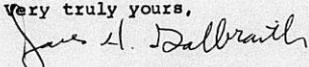
It was the action of the Board to approve the variance as it was requested, subject to the following condition:

1. The variance reducing the rear yard setback from 20 feet to 8 feet 1 inch is approved for only that area where the garage exists and any enlargement, expansions, or additions shall maintain the required 20 foot rear yard setback.

A Resolution setting forth the official action of the Board is being prepared and a copy will be mailed to you as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call.

Very truly yours,


Jack H. Galbraith
Secretary

JHG:skb

cc: Glen Lytle
Superintendent of Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

BZA Case No. 48-67

COMMENTS BY THE SECRETARY

The applicant is requesting a variance of the rear yard setback from the required 20 feet to 8 feet 7 inches. The situation, briefly, is that the applicant originally had a single family dwelling with an attached garage. As the applicants family increased two bedrooms were constructed above the existing garage and a new detached garage constructed on the rear of the lot which was connected to the house by an overhead roof so that he could have a covered walkway to his garage. He now desires to enclose the walkway to provide against inclement weather and also use it as a family room connecting the garage with the house, the garage is no longer a detached structure but is a part of the main structure and the twenty foot rear yard setback is required

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique inasmuch as the applicants property occupies a corner lot and if the house faces to the east only a 6 foot side yard would be required adjacent to the north property line.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent properties inasmuch as the house and garage are to remain where they were originally constructed and the patio or walkway to be enclosed is a minimum of 29 feet from any property line.

HARDSHIP

It is the opinion of the Secretary that an unnecessary hardship would be placed upon the applicant if the variance were not granted inasmuch as the applicant would be deprived of the convenience and protection of an enclosed walkway and family room which for all practical purposes adversely affects no one.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest.

Page 2 - Secretary's Report
BZA Case No. 48-67

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of Title 28 inasmuch as the garage will still maintain the setback as required for detached structures located in the rear half of the lot.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance can be found to exist and therefore it is the recommendation of the Secretary that the variance be approved subject to the following:

1. The variance reducing the rear yard setback from 20 feet to 8 feet 7 inches being approved for only that area where the garage exists and that any enlargement, expansions, or additions shall maintain the required 20 foot rear yard setback.

BOARD OF ZONING APPEALS

Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

January 2, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 48-67

An application has been filed by Corinne J. Ott, 1526 Salome, Wichita, Kansas 67216, pursuant to Section 2.12.590, B, Code of the City of Wichita, requesting a variance to reduce the rear yard setback from 20' to 8' 7", on property zoned "AA" Single Family Dwelling, and legally described as follows:

East 78 ft of Lot 12, in Block 3, in Schrader Brothers Second Addition. Generally located at the NW corner of Salome and Greenwood.

This application has been assigned Case No. BZA 48-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 23, 1968, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas 67202, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

17 PON'S
mailed Jan. 2, 1968

APPLICATION FOR VARIANCE

1. Name of Applicant ✓ Corinne J. Ott
Mailing Address 1526 Salome 67216 Phone ly 14594
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is §8.04.040.3.1
to reduce the rear yard setback from
20' down to 8'-7"
for property located generally located NW corner of Salome
at 1526 Salome, Wichita, Kansas and Greenwood.

and legally described as: east 781 of lot 12, block 3 in Schroder Bros.
second addition to Wichita in Sedg. County
in the City of Wichita; and which is presently zoned "AA".
(Give metes and bounds description below if appropriate):

- 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. 24-606); and that the appropriate fee is here-with tendered;
 - c. That he has been advised of his right to appeal of the deci-sion of the Board to the City Commission within ten (10) days of that decision;
 - d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

NW Cor. Salome &
Greenwood

Corinne J. Ott
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:17 (a.m.) - p.m.), December 26, 1967, together with appropriate fee of \$50.00.

John H. Tipt (Sgt.)
Signed Flanner II

BOARD OF ZONING APPEALS

CASE NO. 48-67

CITY OF WICHITA, KANSAS

FILED 12-26-67

APPLICATION FOR VARIANCE

I. Name of Applicant Corinne J. Ott

Mailing Address 1526 Salome, Wichita, Kansas Phone ly-14594

Name of Authorized Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is _____

_____ NE corner of Salome & Greenwood
for property located at 1526 Salome, Wichita, Kansas

and legally described as: east 78' of lot 12, block 3 in Schroder Eros,

second addition to Wichita in Sedg. County.

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

(Give metes and bounds description below if appropriate):

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. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

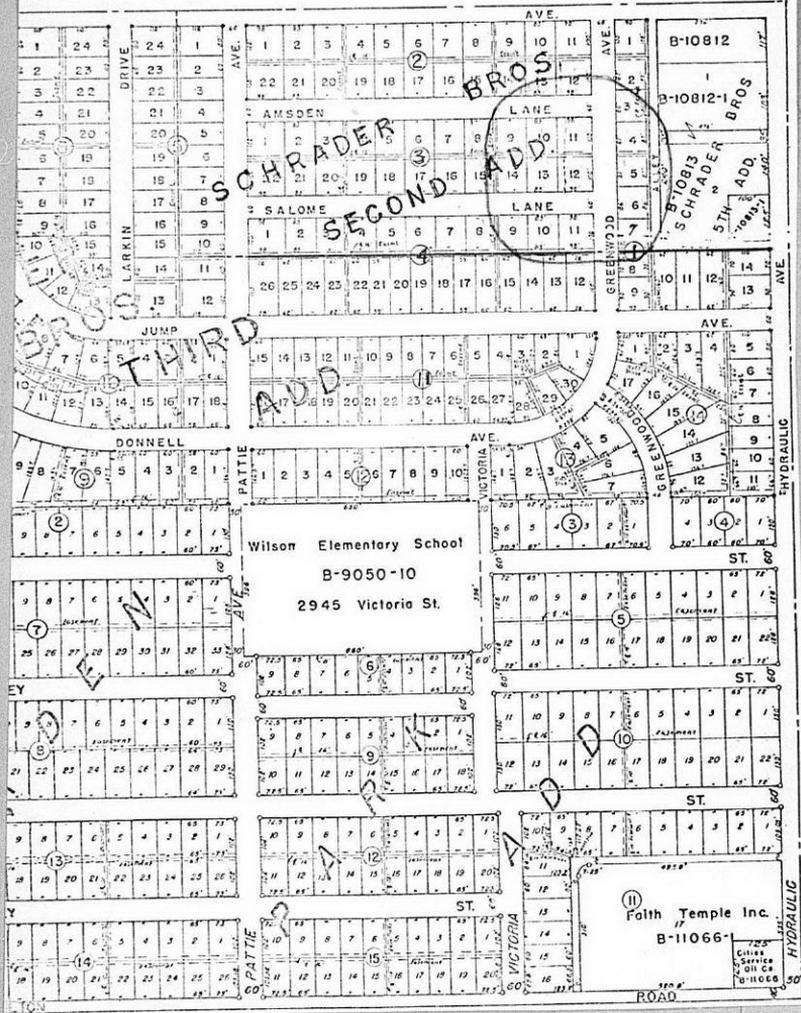
Corinne J. Ott
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
11:14 (a.m. - p.m.), November 26, 1967, together with
appropriate fee of \$50.00.

John List (sbb)
Signed Planner II

SEC. 4; TWP. 28, R. 1 E.



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 the East 78 ft of Lot 12, in Block 3, in Schrader
 Brothers Second Addition.

And from such examination find that the owners there-
 of are as set opposite the description of the property below, viz:

LOT	BLK	ADDITION	OWNER
2	1	Schrader Bros. 2nd.	A. H. Beal, sgle ✓ Mildred M. Pinkerton, sgle 2820 Greenwood /6
3	1	" " "	✓ Alfred H. Beal 2820 Greenwood /6
4	1	" " "	✓ Fred A. & Claudia J. Lee, 2826 Greenwood /6 ux
5	1	" " "	✓ Arthur J. Strain & Janice D. Strain, ux 2834 Greenwood /6
6	1	" " "	✓ Rachael E. Mulford, sgle. 2842 Greenwood /6
7	1	" " "	✓ Frank E. & Leona Novak, 1109 Jump /6 ux

F
Fidelity
Title
Company.
inc.



LOT	BLK	ADDITION	OWNER
12 (E 78')	2	Schrader Bros. 2nd.	✓ A. T. Horsman 1526 Amsden 16
12 (W 20') & E 42' of 13	2	" " "	✓ Gary Neil & Ellen A. Kinnaman, 1520 Amsden 16 ux
13 (W 41') & E 21' of 14,	2	" " "	✓ Lowell G. & Kathleen L. Wood, 1514 Amsden 16 ux
14 (W 62')	2	" " "	✓ William W. & Ketty J. Broadie, 1508 Amsden 16 ux
8 (E 69')	3	" " "	✓ Howard J. & Lillian L. Summers, 1501 Amsden 16 ux
9 (W 62')	3	" " "	Robert Eugene Groat & ✓ Marion J. Groat, ux 1507 Amsden 16
9 (E 21') & W 41' of Lot 10,	3	" " "	✓ Orville J. & Dorothy V. Winters, 1515 Amsden 16 ux
10 (E 42') & W 20' of Lot 11	3	" " "	✓ Jack L. & Linda Frymyer, ux 1521 Amsden 16
11 (E 78')	3	" " "	✓ Mary Ann Fox & Jimmy L. Fox, 1527 Amsden 16 vir
12 (E 78')	3	" " "	✓ Roy C. & Corinne J. Ott, ux 1526 Salome 16
12 (W 20') & E 42' of Lot 13,	3	" " "	✓ Clewall Construction Co., Inc. 420 Acadia (12)
13 (W 41') & E 21' of Lot 14,	3	" " "	✓ Opal H. Woods, sgle. 1514 Salome 16
14 (W 62')	3	" " "	Clarence P. Murphy & ✓ Marguerite E. Murphy, ux 1508 Salome 16
15 (E 69')	3	" " "	Michael Bernard Burns & ✓ Theresa Agnes Burns, ux 1502 Salome 16
8 (E 69')	4	" " "	✓ Paul H. Meitzner 2701 Larkin 16
9 (W 62')	4	" " "	✓ Wayne L. & Louise M. Potter, u 1507 Salome 16
9 (E 21') & W 41' of Lot 10,	4	" " "	David Keith Michael & ✓ Leanna K. Michael, ux 1515 Salome 16
10 (E 42') & W 20' Lot 11,	4	" " "	✓ Deane A. & Ethel P. Watson, ux 1521 Salome 16
11 (exc W 20')	4	" " "	✓ Margaret Funk, wdo. 1527 Salome 16

LOT	BLK	ADDITION	OWNER
8	1	Schrader Bros. 3rd.	✓ Tolbert Dwayne Pope & Shirley Ann Pope, ux 2860 Greenwood 6
12	4	" " "	✓ Delbert E. Wooldridge & Zelma I. Wooldridge, ux 1526 Jump 6
13	4	" " "	✓ Frederick William Reschke & Judy Marie Reschke, ux 1520 Jump 6
14	4	" " "	✓ Urban A. St. Peter, & Betty E. St. Peter, ux 1514 Jump 6
15	4	" " "	✓ Barry A. Marler & Beverly K. Marler, ux 1508 Jump 6
1 & 2, exc S 125' of E 100' of Lot 2,		Schrader Bros. 5th.	✓ Willard A. Schrader & Minnie Mae Schrader, Ux J. A. Schrader & Florence W. Schrader, ux H. M. Schrader & Betty Lou Schrader, ux Elsie L. Schrader, sgle. 1827 N. Mosley 4

Dated at Wichita, Kansas this 26th day of
December, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Walter B. Flawler V. Pres. OEM

Tracer # 86034

December 26, 1967

Board of Zoning Appeals
City of Wichita, Kansas

Dear sirs:

Applicant has been advised that there is an enforcement provision stating that there must be a twenty(20) foot rear set-back if garage is attached to any part of the house. We had a patio on rear of house and had the roof of the garage extended over the patio and attached to the house, not realizing that this would have any adverse effect on provisions of Title 28.

We have a corner lot with a 25' set-back from either side of the streets, Salome and Greenwood, which already limits us for building purposes, but it does give us a lot of yard which is the spirit of the enforcement. Since this area is already being used, this would not in any way effect surrounding neighbors, but would be made much better if enclosed. We have already had our rear yard landscaped by a nursery and would like to have the front and side that faces both streets landscaped to go with the new arrangements.

This area has had mostly two-bedroom houses, but we built two bedrooms & bath over the original garage. We have 6 children and have built as the need arose. Some of the houses in this area have made a family room or bedroom out of the original garage but since we needed more bedrooms first, all the plumbing and heating was channeled through the garage, which makes this area unsuitable for a family room, although we would like to make this area into a utility room as washing and eating facilities are in a small kitchen.

The children are all older now and this need for a place to bring their friends as our living room is so small. We had to move part of the furniture out into the garage so we could put up a tree for Christmas. Also I am community leader in 4-H and so many times we need a place to work on community projects. Also club activities are such as the school isn't available for us to use. Our garage has been the meeting place many times.

With an enclosed entry-way, this would direct traffic away from my living

room. Also the ice and snow is a hazardous condition across this patio to the garage.

These plans are no "spur of the moment" planning, as we have lived here ever since the house was built. As our family grew a lot of thought was given to what could be done to have our house grow with them. According to the real estate market the value of our house has almost doubled since our additions. With this family room added it would raise the value even more, and very few would go so far to keep their home and still make the house meet the demands of their family.

Sincerely,

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Rg. N. - Comm. App.</i>	<i>50.00</i>

Name: *Christina J. Pitt*

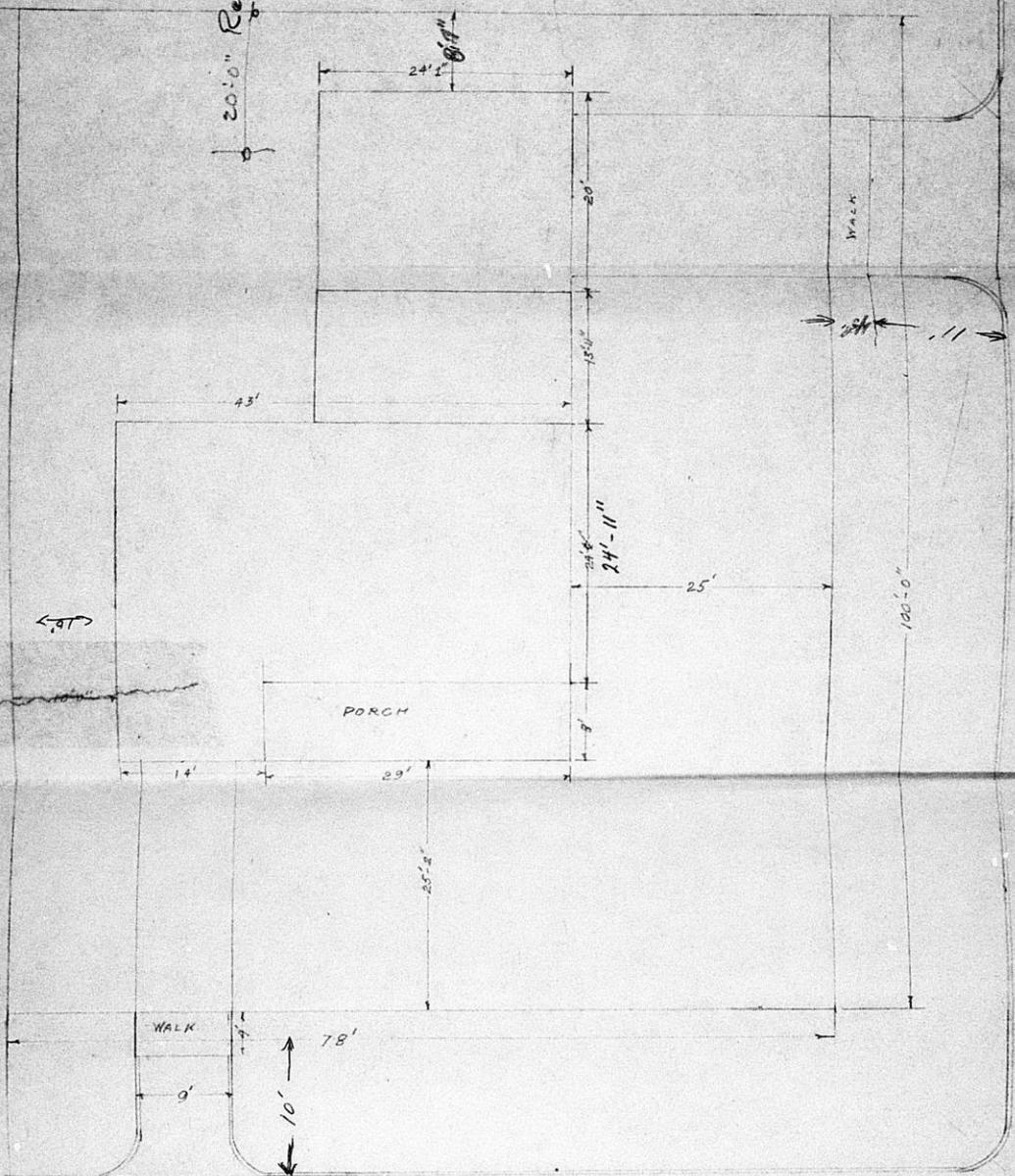
Address: *1526 Salome*

Type: _____ Due Date: _____

Comments: *R-71-C*

Date: *Dec. 26, 1967* By: *Sharon Drenner*

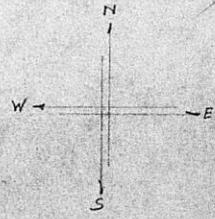
20.0" Required.

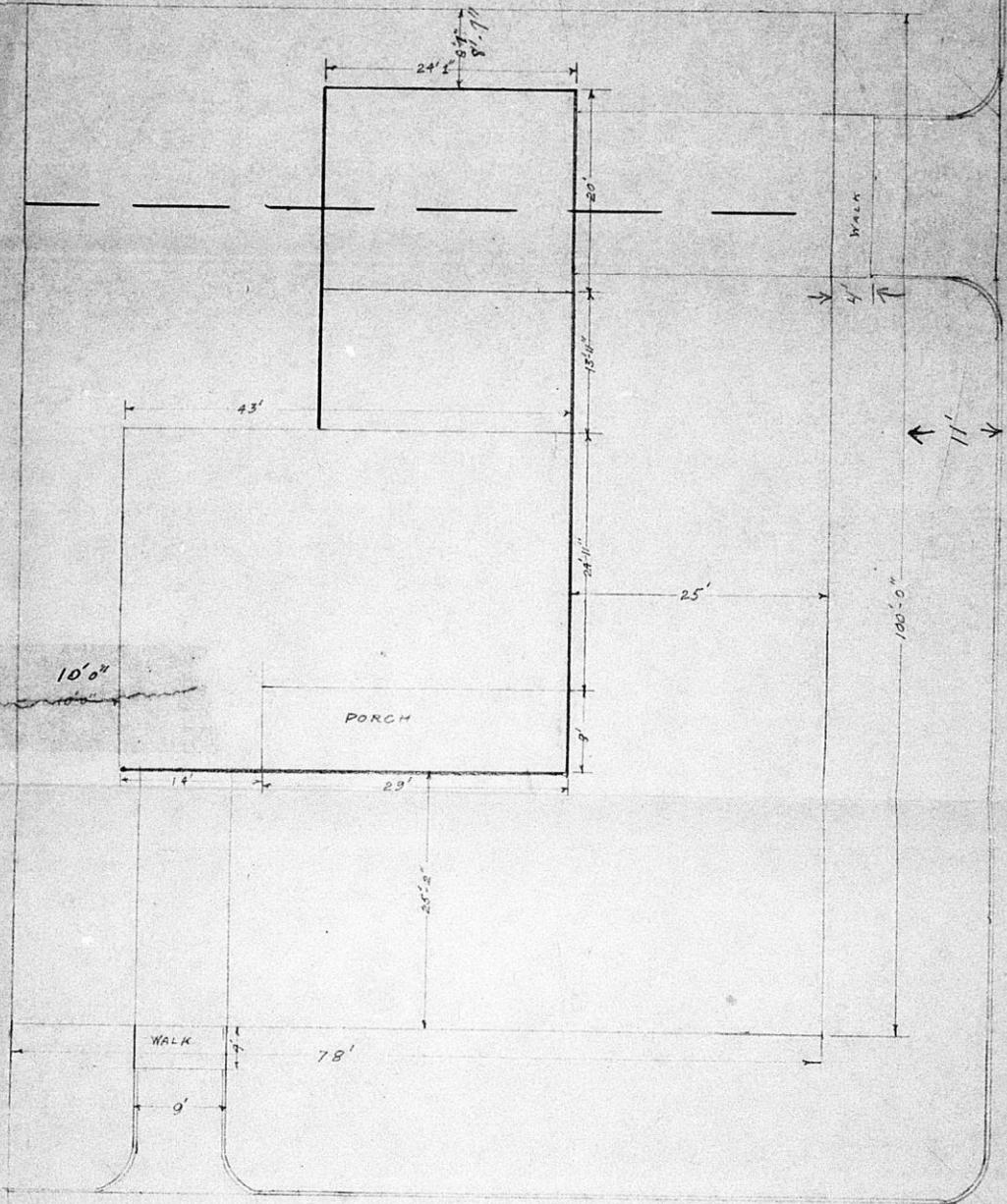


1526 SALOME

PLOT PLAN FOR
FOR ROY C. OTT.
SCALE 3/4" = 1'-0"

EAST 78' OF LOT 12, BLOCK 3 IN
SCHRODER BROS. 2ND. ADDITION
TO WICHITA IN 3RD. COUNTY.



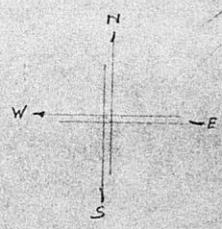


GREENWOOD

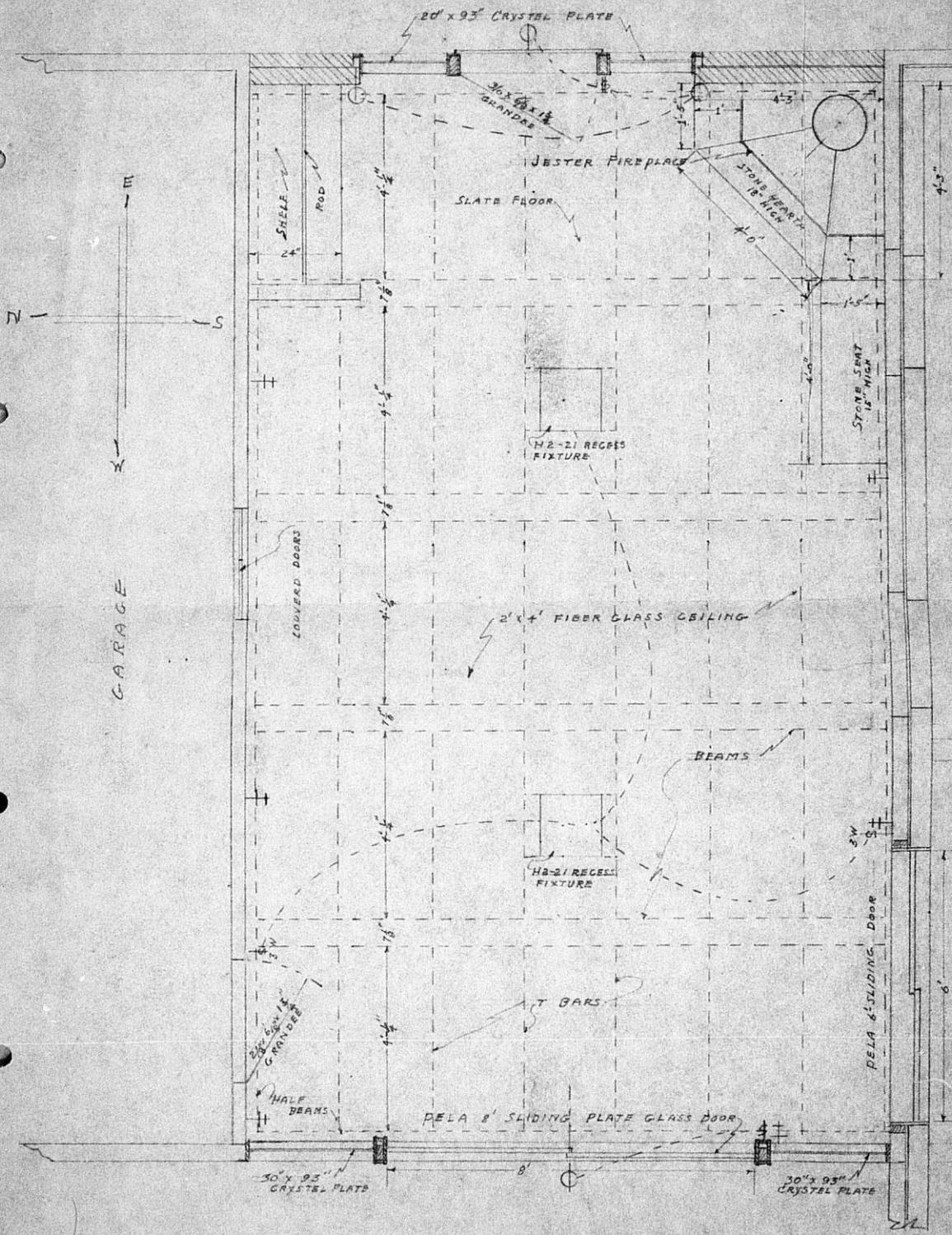
1526 SALOME

PLOT PLAN FOR
 FOR ROY C. OTT,
 SCALE 3/32" = 1'-0"

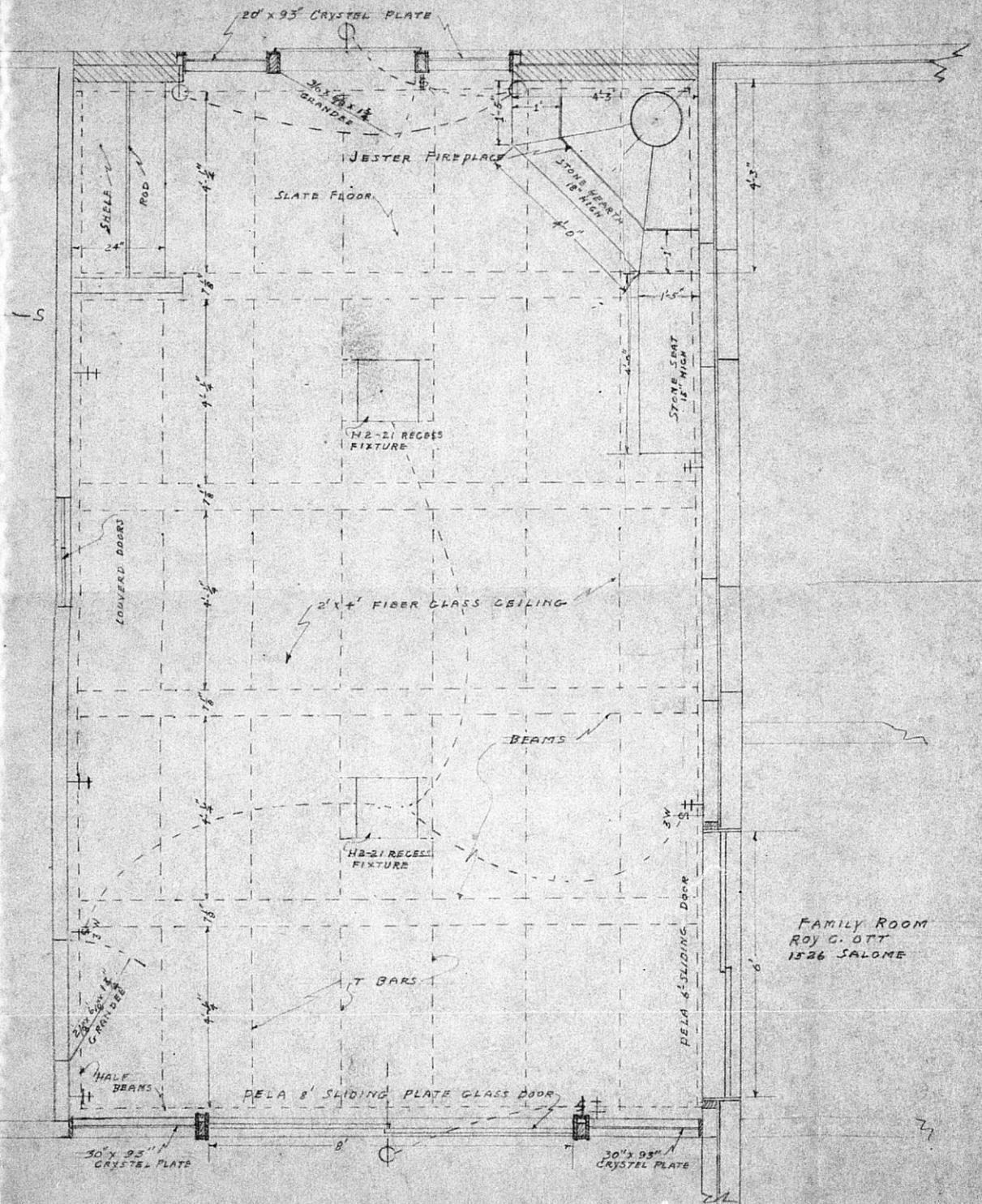
EAST 78' OF LOT 12, BLOCK 3 IN
 SCHRODER BROS. 2ND ADDITION
 TO WICHITA IN SEDG. COUNTY,



GARAGE



FAM
ROY
1526



FAMILY ROOM
 ROY G. OTT
 1326 SALOME