

Case No. BZA 67-84 - Mary L. Howell - requests a variance to reduce the required front yard setback from 25' to 20' on property zoned the "AA" One-family Dwelling District and generally located on the south side of Patterson

POSTED  
9-14-84 G.C.

51431

200' 4 Sec. 10-30-84  
Shor 11-14-84  
Record

ACTION

B.Z.A. 67-84 APPROVED

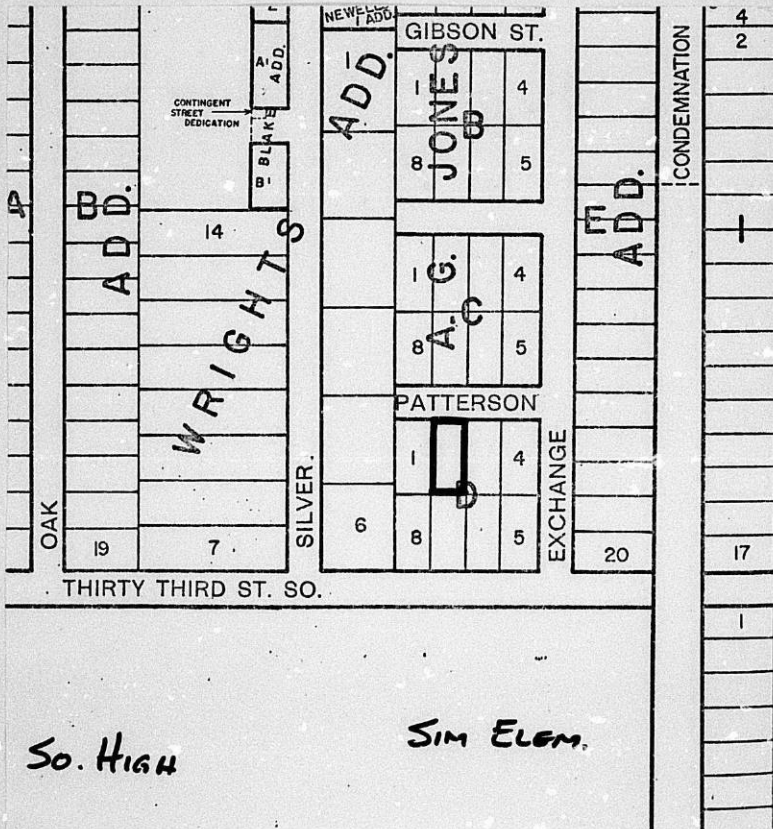
10-23-84  
DATE

Map No. 5443 D

BZA 67-84  
Filed \_\_\_\_\_

AREA DATA:

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



LOS ANGELES - CHICAGO - LOS AN, ON  
MEMPHIS - 77 - LOCUST GROVE, GA  
U.S.A.

**Star.**  
No. 2193C

October 25, 1984

Mary Lynn Howell  
615 West Patterson  
Wichita, Kansas 67217

Re: BZA 67-84 - Request for Variance

Dear Ms. Howell:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 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: DeBe Construction Co., 2747 South Hydraulic, Wichita  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 67-84

WHEREAS, Mary Lynn Howell, 615 West Patterson, 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 from 25 feet to 20 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 2, Block D, A. G. Jones Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Patterson and west of Exchange (615 West Patterson).

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 October 23, 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 it is located on a dead end street that has little traffic due to only eight dwellings being located thereon and the reduction of the front yard setback by only the distance of the existing porch should not be detrimental to the general appearance of the properties; 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 projection into the front yard will not exceed that of the existing porch at it will still allow the parking of a normal size vehicle on the driveway in front of the garage without encroachment onto public right-of-way; 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 required to completely remodel the interior portion of the house and extend the addition to the rear yard to accommodate a larger vehicle in the garage; 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 reduction of the front yard 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 the reduction of the setback from a very lightly traveled street (dead end) should not affect the overall appearance of the neighborhood; 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.

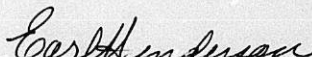
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 25 feet to 20 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 2, Block D, A. G. Jones Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the south side of Patterson and west of Exchange  
(615 West Patterson).

be approved subject to the following conditions:

1. The reduction of the front yard setback from 25 feet to 20 feet shall apply only to an addition to enlarge the garage and shall not exceed 16 feet in width.
2. This variance shall not vary the eight foot front yard exception for any open or unenclosed porches which shall be measured from the original 25 foot setback.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October, 1984.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      October 19, 1984

TO      Glen Lytle, Special Assistant For Zoning

FROM      Mary L. Moore, Administrative Aide III

SUBJECT      BZA 67-84 Generally located  
on the south side of Patterson  
and West of Exchange

On Monday, October 15th, CPO Council "C" considered the above captioned case.

The Council voted 6-0 to recommend approval of the requested variance.

Mary Lynn Howell, applicant, was present to discuss the request and answer questions from the Council. No area residents or property owners were present for this case.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 67-84 is considered.

*Mary L. Moore*

Mary L. Moore  
Administrative Aide III

MLM:dm

Noted:

*Annie K. Montgomery*

Annie K. Montgomery  
CRS Director

## RE: AGENDA ITEM NO.

### SECRETARY'S REPORT CASE NO. BZA 67-84

APPLICANT: Mary Lynn Howell, 615 West Patterson, Wichita, Kansas.

AGENT: DeBe Construction Co., 2747 South Hydraulic, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 20 feet.

GENERAL LOCATION: On the south side of Patterson and west of Exchange.

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 front yard setback from 25 feet to 20 feet in order to enlarge the garage area to the north a distance of 5 feet to provide adequate length to the garage for the applicant's car. The addition will not encroach any further into the front yard setback than the existing porch, however, an unenclosed porch may project into the 25 foot setback a distance not to exceed 8 feet.

In this case, the property is located on a dead end street that contains only 8 dwellings. The applicant also indicates that none of her neighbors object to the proposed expansion into the required front yard setback.

#### UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located on a dead end street that has little traffic due to only eight dwellings being located thereon and the reduction of the front yard setback by only the distance of the existing porch should not be detrimental to the general appearance of the properties.

#### ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the projection into the front yard will not exceed that of the existing porch and it will still allow the parking of a normal size vehicle on the driveway in front of the garage without encroachment onto public right-of-way.

#### 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 required to completely remodel the interior portion of the house and extend the addition to the rear yard to accommodate a larger vehicle in the garage.

#### 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 front yard setback by 5 feet will not interfere with any right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the reduction of the setback from a very lightly traveled street (dead end) should not affect the overall appearance of the neighborhood.

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 conditions:

1. The reduction of the front yard setback from 25 feet to 20 feet shall apply only to an addition to enlarge the garage and shall not exceed 16 feet in width.
  2. This variance shall not vary the eight foot front yard exception for any open or unenclosed porches which shall be measured from the original 25 foot setback.
-

BZA CASE NO. 67-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>22</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>25</u>	TOTAL NOTICES SENT <u>10-3-84</u>

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

October 3, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 67-84

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 Mary Lynn Howell, 615 West Patterson, 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 from 25 feet to 20 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 2, Block D, A. G. Jones Addition to Wichita,  
Sedgwick County, Kansas. Generally located on  
the south side of Patterson and west of Exchange  
(615 West Patterson).

This application has been assigned Case BZA 67-84. It will be considered by the Board of Zoning Appeals on October 23, 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. 67-84

CITY OF WICHITA, KANSAS

FILED 9-14-84

APPLICATION FOR VARIANCE

I. Name of Applicant MARY LYNN HOWELL

Mailing Address 615 W PATTERSON Phone 522-6106

Name of Authorized Agent DeBe CONSTRUCTION Co.

Mailing Address 2747 So. HYDRAULIC Phone 265-5189

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

II. The variance requested is EXTENSION OF ROOF PEAK  
*reduce the required front yard setback from 25 feet to 20 feet*

+ GARAGE 5 FT TO EDGE OF FT. PATCH FLOOR.

WILL HAVE TO IMPROACH ON FT 25' SET BACK

for property located *on the south side of Patterson and west of Exchange*  
(615 W PATTERSON ST.)

and legally described as: LOT 2 BLOCK DEBE JAMES  
ADDITION TO WICHITA, SEDGWICK COUNTY, KS.

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

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 Mary Lynn Howell

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, appropriate fee of 1.00 (75.00 p.m.), SEPT 14, 1984, together with

Signed [Signature]  
DeBe Construction

#### VARIANCES

The Board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the Board that all of the following conditions as set forth in Section 2.12.590.B have been met:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

- ① At Present time garage is too small to get the car in an close the door. House is more expensive to heat in winter as with garage door open half way much more cold air come through.
- ② I feel that with only extending out 5 ft. on the front set back it does not hinder neighbors view as it is on a dead end street, I have contacted all neighbors on this block and they do not object.
- ③ Garage is too small and I'd have the same problem that I have now. Remodeling will add to beauty and value of my property.
- ④ It will not be extended far enough to disturb anybody and yard is very well maintained.
- ⑤ I feel that granting this variance will add to ~~the~~ beauty to title 28.

T9-402 Remodeling was approved and done one block North similar to what I'm wanting.

MICROFILMED  
FROM THE BEST  
AVAILABLE COPY



July 30, 1955

State of Kansas )  
County of Sedgwick)

RE: 615 W. Patterson St.

I, K. O. Taylor, a licensed professional engineer in the State of Kansas and a competent surveyor, do hereby certify that I did on the 30th day of July, 1955, survey the following:

Lot 2, Block D, A. G. Jones Addition to Wichita, Sedgwick County, Kansas.

On said lot is a house with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on adjacent lots.

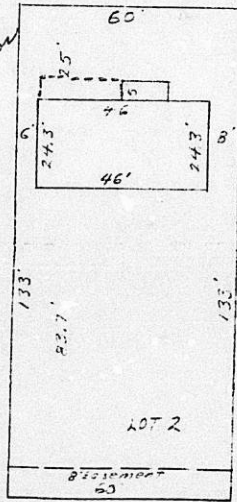
The accompanying plat is a true and correct exhibit of said survey.

Referring to V.A. letter 4002-44, Serial No. 67, the above property is built in accordance with approved drainage principals.

*K. O. Taylor*  
K. O. TAYLOR, Consulting Engineer

PATTERSON AVE.

*Improach 5'  
on front setback  
to Enlarge Garage so I  
can get my Car in & shut door  
Peak of Roof will also  
Come out some amount  
to Cover ft Porch Roof  
Rear of House  
will Remain Same*



2  
2  
1  
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MICROFILMED  
FROM THE BEST  
AVAILABLE COPY



OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Block D	A. G. Jones Addition	Jackie Charles Ellis Oletha Jean Ellis ✓ 623 W. Patterson Wichita, KS 67217
Lot 2	"	"	D Mary Lynn Howell 615 W. Patterson Wichita, KS 67217
Lot 3	"	"	Clifford Noble Utter Patricia Ann Utter ✓ 609 W. Patterson Wichita, KS 67217
Lot 4	"	"	Joyce Elaine McBride Carl Mark Leth ✓ Paul Edward Leth Linda Jay High Michael John Leth 603 W. Patterson Wichita, KS 67217
Lot 5	"	"	Richard Hopkins Judith N. Hopkins ✓ 604 W. 33rd St. South Wichita, KS 67217
Lot 6	"	"	✓ John Minor Steele Deanna J. Steele 610 W. 33rd St. South Wichita, KS 67217
Lot 7	"	"	Arthur L. Beatty ✓ A. Elaine Beatty 601 Herschel Street Wichita, KS 67209
Lot 8	"	"	Ronald L. Davis Sheryl Davis ✓ 622 W. 33rd St. South Wichita, KS 67217
Lot 5	Block C	"	Carl Gilbert Stitt ✓ Ruth A. Stitt 604 W. Patterson Wichita, KS 67217
Lot 6	"	"	Jewel Jean Sowell ✓ 610 W. Patterson Wichita, KS 67217
Lot 7	"	"	Harold C. Ingram ✓ Eugenia E. Ingram 616 W. Patterson Wichita, KS 67217
Lot 8	"	"	✓ John A. Brownlee Terri J. Brownlee 622 W. Patterson Wichita, KS 67217

Lot	Block	Addition	Property Owner
Lot 2	Block B	A. G. Jones Addition	George L. Grove Beulah F. Grove ✓ 275 S. Dellrose Wichita, KS 67218
Lot 3	"	"	✓ David E. Charles 609 Benton St. Wichita, KS 67217
Lot 15	Block E	"	✓ Montie Jack Phinney Christine Ray Street 3326 Exchange Wichita, KS 67217
Lot 16	"	"	✓ Harold G. Grimes Susan Grimes 3332 Exchange Wichita, KS 67217
Lot 17	"	"	✓ George J. Price Rebecca B. Price 3338 Exchange Wichita, KS 67217
Lot 18	"	"	✓ William H. Johnson Linda K. Johnson 3344 Exchange Wichita, KS 67217
Lot 19	"	"	✓ Thomas J. King Lana R. King 3350 Exchange Wichita, KS 67217
Lot 4		Wright's Addition	✓ William I. Chambers Dorothy L. Chambers 3324 Silver St. Wichita, KS 67217
Lot 5		"	✓ John R. Dyer Mary M. Dyer 3338 Silver St. Wichita, KS 67217
Lot 6		"	✓ Tom J. Moore Vera G. Moore 3346 Silver St. Wichita, KS 67217
The Southeast Quarter of the Northwest Quarter of Section 8, Township 28, Range 1 East, except the south 51 feet.			✓ Unified School District #259 428 S. Broadway Wichita, KS 67218

Page 3

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 2, Block D, A. G. Jones Addition,  
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 12th day of September, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT  
AND TITLE COMPANY, INC.

By

*Mary Sable*  
Sr. Vice-President

Order No.: 338644  
ns

July 30, 1955

State of Kansas ) ss  
County of Sedgwick)

RE: 615 W. Patterson St.

I, K. O. Taylor, a licensed professional engineer in the State of Kansas and a competent surveyor, do hereby certify that I did on the 30th day of July, 1955, survey the following:

Lot 2, Block D, A. G. Jones Addition to Wichita, Sedgwick County, Kansas.

On said lot is a house with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on adjacent lots.

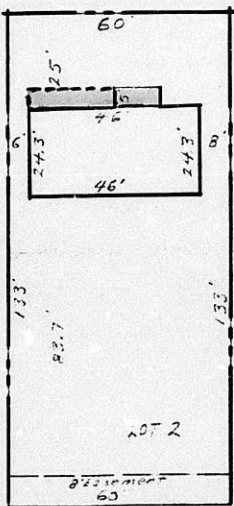
The accompanying plat is a true and correct exhibit of said survey.

Referring to U.A. letter 4052-48, Serial No. 67, the above property is built in accordance with approved drainage principals.

*K. O. Taylor*  
K. O. TAYLOR, Consulting Engineer

PATTERSON AVE.

*Approach 5' on ft  
of old setback to enlarge  
Garage so I can get my  
car in + shut door  
Rear of Roof will also  
Come out same amount  
to cover ft Porch Roof  
Rear of House will  
Remain same*



MICROFILMED  
FROM THE BEST  
AVAILABLE COPY

BZA 67-84

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.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY BZA Vea.	\$ 75.00

NAME Mrs. Lynn Howell  
ADDRESS 615 W. PATTERSON  
FUND 73-40071-00 DUE DATE

COMMENTS  
DATE SEPT. 14, 1984 BY [Signature]