

BZA 6-61 - RANDALL L. NEWSOM REQUESTS
VARIANCE FOR PROPERTY GENERALLY LOC-
ATED ON THE W SIDE OF ERIE AND N OF
MT. VERNON.

ACTION

BZA COMMITTEE Clay DATE 6-27-61

M.A.P.C. _____

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

Close

RESOLUTION NO. 6-61

WHEREAS, RANDALL L. NEWSOM, BY W. L. STAUFFER, HAS REQUESTED A VARIANCE FROM THE STRICT ENFORCEMENT OF THE ZONING ORDINANCE BY PERMITTING THE EAVES OF A HOUSE LOCATED AT 1921 SOUTH ERIE ON PROPERTY DESCRIBED AS

THE SOUTH 18 FEET OF LOT 5 AND NORTH 47 FEET OF LOT 7, CEDARDALE SECOND ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

TO EXTEND FOUR FEET INTO THE REQUIRED SIX FOOT SIDE YARD;

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, IN REGULAR MEETING CONSIDER SAID APPLICATION FOR VARIANCE ON JUNE 27, 1961; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS JURISDICTION TO CONSIDER SAID REQUEST FOR VARIANCE UNDER THE PROVISIONS OF SECTION 2.12.590, CODE OF THE CITY OF WICHITA; AND

WHEREAS, THE PROPERTY IS ZONED "AA", SINGLE FAMILY RESIDENTIAL AND A SIDE YARD OF SIX FEET IS REQUIRED; AND

WHEREAS, SECTION 28.04.180.C.3 OF THE CODE OF THE CITY OF WICHITA PROVIDES "OPEN OUTSIDE STAIRWAYS, ENTRANCE HOODS, TERRACES, CANOPIES AND BALCONIES.....MAY PROJECT INTO A REQUIRED SIDE YARD NOT MORE THAN TWO FEET.....;" AND

WHEREAS, AFTER DUE CONSIDERATION AND AFTER HEARING ARGUMENTS FROM THE ATTORNEY FOR THE APPLICANT, AND BY THOSE WISHING TO PROTEST; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS NOT UNIQUE IN THE SAME ZONING DISTRICT IN THAT SIMILAR LOTS AND AREAS SO ZONED HAVE BEEN DEVELOPED WITH SINGLE FAMILY RESIDENCES; AND THAT THERE IS NO PHYSICAL FEATURE OF THE LAND TO DISTINGUISH OR MAKE THIS PROPERTY UNIQUE; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE GRANTING OF THE VARIANCE REQUESTED WOULD ADVERSELY AFFECT THE RIGHTS OF THE ADJACENT PROPERTY OWNER TO THE SOUTH AS INDICATED BY HIS TESTIMONY THAT THERE WOULD BE INCREASED FIRE HAZARD, RESULTING IN POSSIBLE HIGHER INSURANCE RATES; AND THAT THE VARIANCE WOULD RESULT IN THE GENERAL INCONVENIENCE AND HAZARD TO THE FIRE DEPARTMENT IF A FIRE SHOULD OCCUR; AND BY THE STATEMENTS OF THE PROTESTOR THAT IF THE VARIANCE WERE ALLOWED, THE CLOSE PROXIMITY OF THE TWO HOUSES WOULD DISTRACT FROM THE VALUE OF THE PROTESTORS HOUSE; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL NOT CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER, INASMUCH AS ANY HARDSHIP INCURRED WAS SELF-IMPOSED; AND DUE TO THE FACT THAT THE HOUSE AND THE PROPERTY CAN STILL BE USED FOR THE PURPOSES FOR WHICH CONSTRUCTED AND FOR WHICH ZONED; 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; AND

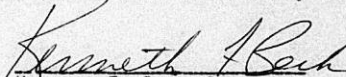
WHEREAS, AS SHOWN ABOVE, EACH OF THE FOUR CONDITIONS
REQUIRED BY SECTION 2.12.590.2 OF THE CITY CODE OF WICHITA TO
BE PRESENT BEFORE A VARIANCE CAN BE GRANTED, HAVE NOT BEEN
FOUND TO EXIST;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING
APPEALS OF THE CITY OF WICHITA, THAT THIS REQUEST FOR A VARIANCE
FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE
TO PERMIT EAVES TO EXTEND AN ADDITIONAL TWO FEET FOR A TOTAL
OF FOUR FEET INTO THE REQUIRED SIX FOOT SIDE YARD FOR PROPERTY
LEGALLY DESCRIBED AS

THE SOUTH 18 FEET OF LOT 5 AND NORTH 47 FEET
OF LOT 7, CEDARDALE SECOND ADDITION, IN THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

BE AND THE SAME IS HEREBY DENIED.

ADOPTED AT WICHITA, KANSAS, THIS 27TH DAY OF JUNE, 1961.


KENNETH F. BECK, CHAIRMAN

ATTEST:


ROBERT A. LAKIN, SECRETARY

File

JULY 10, 1961

MR. RANDALL L. NEWSOM
1921 SOUTH ERIE
WICHITA, KANSAS

DEAR MR. NEWSOM:

RE: BZA 6-61

ON JUNE 28, 1961, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD DENIED SUBJECT APPLICATION FOR VARIANCE OF SIDE YARD SETBACK TO PERMIT EXTENSION OF EAVES INTO THE REQUIRED SIDE YARD SETBACK, ON PROPERTY AT 1921 SOUTH ERIE, BEING GENERALLY LOCATED ON THE WEST SIDE OF ERIE AND IN AN AREA JUST NORTH OF MT. VERNON. WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE JULY 7, 1961.

THE CITY CLERK HAS ADVISED THAT NO APPEAL WAS FILED ON OR BEFORE THE DATE INDICATED, AND THE DECISION OF THE BOARD OF ZONING APPEALS IS, THEREFORE, FINAL.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

R. A. Lakin
ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

CC: S. B. MAPLE
BLDG. INSP. SUPT.

W. L. STAUFFER
3825 FRIAR LANE

BOARD OF ZONING APPEALS

JULY 10, 1961

File

S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT
ROBERT A. LAKIN, SECRETARY

BZA 6-61

ATTACHED IS THE ORIGINAL OF RESOLUTION No.
6-61 ADOPTED BY THE BOARD OF ZONING APPEALS
ON JUNE 27, 1961.

THE APPEAL PERIOD FOR THIS PARTICULAR CASE
ENDED ON JULY 7, 1961, AND NO APPEAL WAS
TAKEN ON OR BEFORE THAT DATE. THE BOARD'S
DECISION IS, THEREFORE, FINAL.

ROBERT A. LAKIN
SECRETARY

RAL:BER
ATTACHMENT

THE CITY OF WICHITA

OFFICE OF BUILDING INSPECTION

DATE July 6, 1961

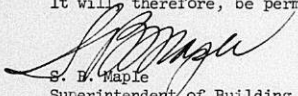
TO Robert A. Lakin, Secretary of Board of Zoning Appeals

FROM S. B. Maple, Superintendent of Building Inspection

SUBJECT BZA 6-61

This is to advise that the building located upon this lot has been brought into compliance with the zoning ordinance of the City of Wichita in compliance with the instructions given by the Board of Zoning Appeals in its meeting of June 27, 1961.

It will, therefore, be permissible to close this case.


S. B. Maple
Superintendent of Building Inspection

SBM:ml

cc: W. L. Stauffer
3825 Friar Lane

Randall L. Newsom
1921 South Erie



JUNE 28, 1961

MR. RANDALL L. NEWBOM
1921 SOUTH ERIE
WICHITA, KANSAS

DEAR MR. NEWBOM:

RE: BZA 6-61

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF JUNE 27, 1961, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, CONSIDERED YOUR REQUEST FOR VARIANCE TO ALLOW A 4 FOOT EAVE OVERHANG ON THE SOUTH SIDE OF A HOUSE WHICH ENCLOSES ON SIDE LOT AREA AT 1921 SOUTH ERIE, LEGALLY DESCRIBED AS THE SOUTH 18 FEET OF LOT 5 AND NORTH 47 FEET OF LOT 7, CEDARDALE SECOND ADDITION, AND GENERALLY LOCATED ON THE WEST SIDE OF ERIE IN AN AREA JUST NORTH OF MT. VERNON. THE BOARD HAS DENIED YOUR REQUEST.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA, PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE JULY 7, 1961.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE JULY 7, 1961, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF BUILDING INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RALISEB

CC: W. L. STAUFFER
3825 BRIAR LANE
WICHITA, KANSAS

C. H. FUNK
CITY CLERK

JOHN MITCHELL
1929 SOUTH ERIE
WICHITA, KANSAS

S. B. MAPLE
BUILDING INSP. SUPT.

BOARD OF ZONING APPEALS

JUNE 29, 1961

C. H. FUNK, CITY CLERK
ROBERT A. LAKIN, SECRETARY

BZA 6-61

ATTACHED IS ONE COPY OF THE RESOLUTION
RELATED TO THE ABOVE NUMBERED BOARD OF
ZONING APPEALS CASE.

THE BOARD OF ZONING APPEALS DENIED THE
APPLICATION AT ITS REGULAR MEETING OF
JUNE 27, 1961. THE DECISION OF THE
BOARD CAN BE APPEALED TO THE CITY
COMMISSION ON OR BEFORE JULY 7, 1961.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

BZA CASE 6-61

CASE DESCRIPTION:

THE APPLICANT DESIRES A VARIANCE FROM THE STRICT PROVISIONS OF THE ZONING ORDINANCE TO ALLOW THE EAVES ON A HOUSE AT 1921 SOUTH ERIE TO EXTEND TO WITHIN 2 FEET OF THE SOUTH SIDE LOT LINE. THE PROPERTY IS ZONED "A" AND REQUIRES A SIX FOOT SIDE YARD WITH THE EXCEPTION THAT EAVES CAN EXTEND TWO FEET INTO THE SIDE YARD. (SEE SECTION 28.04.050, C 2.2 AND SECTION 28.04.180, C3). THE STRUCTURE FOR WHICH THE VARIANCE IS DESIRED IS ALREADY CONSTRUCTED ALTHOUGH IS YET UNOCCUPIED.

EXISTING LAND USE:

ALL OF THE AREA IS DEVELOPED WITH SINGLE FAMILY HOMES. SOUTH IS A FRAME SINGLE FAMILY HOME; NORTH, EAST AND WEST ARE SINGLE FAMILY HOMES. THE HOUSE IN QUESTION IS A BRICK SINGLE FAMILY HOME. AN AERIAL PHOTO AND A ZONING AND LAND USE MAP WILL BE DISPLAYED AT THE BOARD OF ZONING APPEALS MEETING.

JURISDICTION:

THE BOARD HAS JURISDICTION (SECTION 2.12.590 (2), WICHITA CITY CODE) TO GRANT VARIANCES FROM SETBACK REQUIREMENTS, PROVIDED THAT THE BOARD HAS DETERMINED THAT ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:

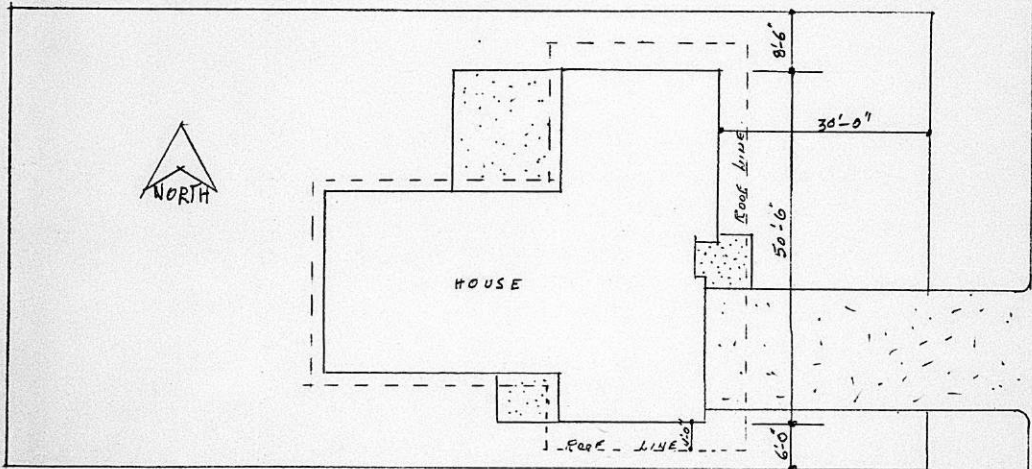
- A) THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT;
- B) THAT THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS;
- C) THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL;
- D) THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

SECRETARY'S COMMENTS AND OPINION:

IT IS THE SECRETARY'S OPINION THAT BASED ON THE LETTER SUBMITTED BY THE APPLICANT IN SUPPORT OF THE APPLICATION, REQUIREMENTS 1 AND 3 HAVE NOT BEEN MET. THE LOT AND SITUATION IS NOT UNIQUE, IN THAT THE LOT IS OF STANDARD SIZE; IT IS LOCATED IN THE SAME RELATIONSHIP AS OTHER SURROUNDING LOTS WHICH HAVE BEEN SATISFACTORILY DEVELOPED FOR SINGLE FAMILY RESIDENCES; AND NO UNUSUAL CONDITIONS EXIST SUCH AS BEING A CORNER LOT, LOCATED NEXT TO OPEN SPACE, SUCH AS PARKS, SCHOOL GROUNDS, ETC. THE HARDSHIP WHICH WILL BE PRESENT WILL BE THE REMOVAL AND REPLACEMENT OF THE ROOF IF THIS APPLICATION IS DENIED. MONETARY HARDSHIP IS NOT ALWAYS SUFFICIENT TO MEET REQUIREMENT No. 3. DENIAL OF THE APPLICATION WILL NOT PREVENT THE USE OF THE LOT FOR SINGLE FAMILY USE.

THE FIRE DEPARTMENT POINTS OUT THAT ALTHOUGH THERE MAY NEVER BE THE NEED TO FIGHT A FIRE AT THIS LOCATION, SIDE YARD SETBACKS ARE REQUIRED (AMONG OTHER REASONS) SO THAT ADEQUATE SPACE IS AVAILABLE FOR USE OF LADDERS AND EQUIPMENT IN THE EVENT OF A FIRE. THE AVAILABLE TWO FOOT SPACE IS INADEQUATE AS THERE IS NO GUARANTEE THAT THE EXISTING SPACE TO THE SOUTH (ON THE NEIGHBOR'S PROPERTY) WILL BE AVAILABLE. FENCING OR HEDGING WOULD PRECLUDE THE USE OF THIS SPACE FOR LADDERS. IT WAS ALSO SUGGESTED THAT THERE IS GREATER DANGER FOR BOTH PROPERTIES IF FIRE WERE TO OCCUR AT EITHER HOUSE AS IT COULD SPREAD MORE EASILY FROM ONE TO THE OTHER. IN THIS CONNECTION, REQUIREMENT No. 2 MAY NOT BE ADEQUATELY ESTABLISHED BY THE APPLICANT.

IT IS THE SECRETARY'S OPINION THAT THIS APPLICATION SHOULD BE DENIED IN THAT ALL OF THE FOUR REQUIREMENTS CANNOT BE ESTABLISHED.



BZA CASE No. 6-61

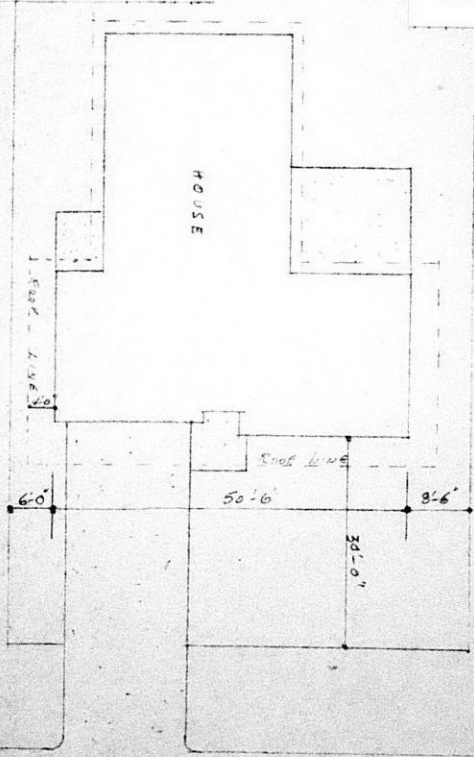
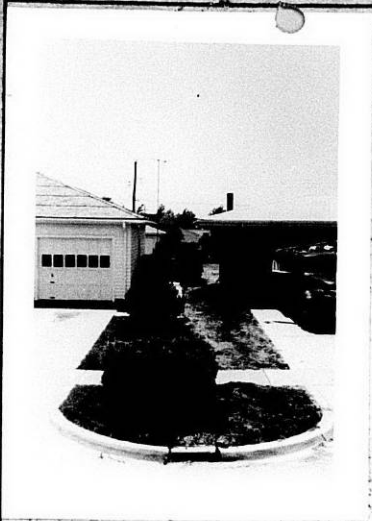
1921 S. E 121 E

(165) (Published in The Wichita Evening Eagle and Beacon on June 8, 1951)

OFFICIAL NOTICE
TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:
NOTICE IS HEREBY GIVEN that on the 27th day of June, 1951, the Board of Zoning Appeals, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at 1:30 p. m. will consider the following application:

ACA 641 — Randall L. Newsum, 1821 South Erie, by W. L. Stauffer, 1822 First Lane, requests variance to allow a 4 foot eave overhang on the south side of a house which encroaches on side lot area at 1821 South Erie, locally described as the south 18 feet of Lot 8 and north 47 feet of Lot 7, Cedarlane Second Addition, in the City of Wichita, Sedgewick County, Kansas, as provided in Section 212200, et seq. of the Code of the City of Wichita, Kansas, and the same will there be discussed and considered by the said Board of Zoning Appeals, and all persons interested in said matter, will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed variance, will be considered by the Board as provided by law.

WITNESS my hand and seal on this 8th day of June, 1951.
KENNETH BECK, Chairman
Board of Zoning Appeals.
Attest: Robert A. Lakin, Secretary (1-5)



1921 S. E R I E

NOTICES MAILED JUNE 9, 1961 BZA 6-61

CHESTER O. HILLS
THELMA A. HILLS
1901 SOUTH CHAUTAUQUA

GERALD W. ORR
HOPE E. ORR
1912 SOUTH VOLUTSIA

ROBERT J. BROOKS
F. MYRTLE BROOKS
1906 SOUTH ERIE

KENNETH H. ROBINSON
LOIS K. ROBINSON
1918 SOUTH VOLUTSIA

JOSEPH L. SINNOTT
PAULINE R. SINNOTT
1950 SOUTH ERIE

EDWARD H. BEBER
RUTH H. WEBER
1924 SOUTH VOLUTSIA

L. V. THORSTENBERG
ELISE S. THORSTENBERG
3120 CARLOCK

WILLIAM R. RIGGINS
LOMA A. RIGGINS
1930 SOUTH VOLUTSIA

CECIL E. ROMINE
CELIA M. ROMINE
1932 SOUTH ERIE

LOUIS E. STIGGE
ANNE E. STIGGE
1936 SOUTH VOLUTSIA

CLAYTON F. VIELE
ROXIE M. VIELE
1922 SOUTH ERIE

CLAYTON F. DIVOKY
GERALDINE R. DIVOKY
1942 SOUTH VOLUTSIA

CHARLES L. JAMES
JEAN W. JAMES
1525 SOUTH WASHINGTON

THEODORE J. DANKERT
VIOLA M. DANKERT
1948 SOUTH VOLUTSIA

GEORGE WILLIAM PALMER
EFFIE MAY PALMER
1903 SOUTH ERIE

b-14 b1

Mr + Mrs John Mitchell
1429 S. Erie

WILLIAM B. PALMER, SR.
DELPHA MAY PALMER
1903 SOUTH ERIE

DELBERT MARSHAL
OPAL MAY MARSHALL
1915 SOUTH ERIE

ROBERT E. FITCH
RUTH A. FITCH
1933 SOUTH ERIE

KENNETH C. POOLE
BESSIE L. POOLE
1908 SOUTH VOLUTSIA

BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

JUNE 9, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY W. L. STAUFFER, 3825 FRIAR LANE, WICHITA, KANSAS, ON BEHALF OF RANDALL L. NEWSOM, 1921 SOUTH ERIE, WICHITA, KANSAS, AS PROVIDED IN SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A VARIANCE TO ALLOW A 4 FOOT EAVE OVERHANG ON THE SOUTH SIDE OF A HOUSE WHICH ENCROACHES ON SIDE LOT AREA AT 1921 SOUTH ERIE, LEGALLY DESCRIBED AS THE SOUTH 18 FEET OF LOT 5 AND NORTH 47 FEET OF LOT 7, CEDARDALE SECOND ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, GENERALLY LOCATED ON THE WEST SIDE OF ERIE IN AN AREA NORTH OF MT. VERNON.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 6-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, JUNE 27, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT WHICH TIME YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY AGENT OR ATTORNEY.


ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

JUNE 9, 1961

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ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to address
 Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
Randall S. Newsom

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED: **JUN 13 1961**

ADDRESS WHERE DELIVERED (only if requested in Item #1)

CSB-16-71648-4 GPO

RECEIPT FOR CERTIFIED MAIL—20¢

No. 648190

SENT TO: *Randall L. Newsom*

STREET AND NO.: *1931 South Erie*

CITY AND STATE: *Wichita, Kansas*

POSTMARK OR DATE

If you want a return receipt, check which:
 10¢ shows to whom and when delivered
 35¢ shows to whom, when, and address where delivered
 50¢ fee

If you want restricted delivery, check here

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 Jul 1957 SEE OTHER SIDE

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to address
 Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
W. L. Stauffer

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED: *6-10-61*

ADDRESS WHERE DELIVERED (only if requested in Item #1)

RECEIVED JUN 12 1961 METROPOLITAN PENNINGTON

RECEIPT FOR CERTIFIED MAIL—20¢

No. 648189

SENT TO: *W. L. Stauffer*

STREET AND NO.: *3825 Main Lane*

CITY AND STATE: *Wichita, Kansas*

POSTMARK OR DATE

If you want a return receipt, check which:
 10¢ shows to whom and when delivered
 35¢ shows to whom, when, and address where delivered
 50¢ fee

If you want restricted delivery, check here

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 Jul 1957 SEE OTHER SIDE

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$500	
SUPPORT YOUR MENTAL HEALTH ASSOCIATION		POSTMARK OF OFFICE OF ST NOT RETURN TO	
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print content of article RETURN RECEIPT REQUESTED.			
REGISTERED NO.	NAME OF SENDER		
CERTIFIED NO. 648190	Board of Zoning Appeals		
INSURED NO.	STREET AND NO. OR P.O. BOX 104 So. Main [403 City Bldg. Annex]		
	CITY, ZONE AND STATE Wichita, Kansas		
POD Form 3811 Jan. 1958	CBS-16-71848-4		

No. 648190	RECEIPT FOR CERTIFIED MAIL—20¢		POSTMARK OR DATE
	SENT TO Randall L. Newsom		
	STREET AND NO. 1931 South Erie		
	CITY AND STATE Wichita, Kansas		
	If you want a return receipt, check which: <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee		If you want restricted delivery, check here
FEES ADDITIONAL TO 20¢ FEE			
POD Form 3800 Jul 1957		SEE OTHER SIDE	

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$500	
		POSTMARK OF OFFICE OF ST NOT RETURN TO	
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.			
REGISTERED NO.	NAME OF SENDER		
CERTIFIED NO. 648189	Board of Zoning Appeals		
INSURED NO.	STREET AND NO. OR P.O. BOX 403 City Bldg. Annex 104 So. Main		
	CITY, ZONE AND STATE Wichita, Kansas		
POD Form 3811 Jan. 1958	CBS-16-71848-4		

No. 648189	RECEIPT FOR CERTIFIED MAIL—20¢		POSTMARK OR DATE
	SENT TO W.L. Stauffer		
	STREET AND NO. 3825 Fair Lane		
	CITY AND STATE Wichita, Kansas		
	If you want a return receipt, check which: <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee		If you want restricted delivery, check here
FEES ADDITIONAL TO 20¢ FEE			
POD Form 3800 Jul 1957		SEE OTHER SIDE	

JUNE 9, 1961

CERTIFIED MAIL

MR. W. L. STAUFFER
3825 FRIAR LANE
WICHITA, KANSAS

DEAR MR. STAUFFER:

Re: BZA 6-61

YOUR APPLICATION FOR A VARIANCE UNDER PROVISIONS OF PARAGRAPH 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA, AND FILED ON BEHALF OF RANDALL L. NEWSON, 1921 SOUTH ERIE, AND RELATING TO PROPERTY AT THAT ADDRESS AND LEGALLY DESCRIBED AS

THE SOUTH 18 FEET OF LOT 5 AND NORTH 47 FEET OF LOT 7, CEDARDALE SECOND ADDITION, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. BZA 6-61.

ALL INQUIRIES AND REFERENCES SHOULD BE MADE TO THAT CASE NUMBER WHEN YOU SEEK INFORMATION FROM THE SECRETARY.

FURTHER, YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD OF ZONING APPEALS EITHER IN PERSON OR BY AGENT OR ATTORNEY, FOR A HEARING OF YOUR CASE ON TUESDAY, JUNE 27, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

VERY TRULY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER

CC: RANDALL L. NEWSON
1921 SOUTH ERIE
WICHITA, KANSAS

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT Randall L. Newson
MAILING ADDRESS 1921 So. Erie PHONE WU3-2896
NAME OF AUTHORIZED AGENT W. L. Stauffer
MAILING ADDRESS 3825 Friar Lane PHONE TE8-4161
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Owner
(OWNER, TENANT, LESSEE, OTHER).

II. THE VARIANCE REQUESTED IS Allow a 4' Eave overhang on south side
of house which is an encroachment on side lot area. Ref: 28. 04. 190
of zoning ordinance
FOR PROPERTY LOCATED AT 1921 So. Erie
AND LEGALLY DESCRIBED AS LOT(S) The south 18' of lot 5 and North 47'
-Breen(s) of lot 7 Cedarvale Second Addition
ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED A-A.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY 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 24-606); AND THAT THE APPROPRIATE FEE IS HEREWITH TENDERED;
- C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT A STATEMENT IS ATTACHED HERETO JUSTIFYING THIS REQUEST AS NOTED IN PARAGRAPH 3 OF THE INSTRUCTIONS AND IN SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA.

Randall L. Newson
APPLICANT
W. L. Stauffer
AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 11:45
(A.M. - P.M.) June 8, 1967, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

Betty Raker
SIGNED

20M 5-59

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
 Plan X _____ Plb'g. _____ Plb'g Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>Bye Applications</i>	<i>20.00</i>
<i>R. 712</i>	

Name *W. F. Struffens*
 Address *2835 Green Lane*
 Type _____ Due Date *6-8-61*
 Comments: _____

Date *6-8-61* By *R. K. [Signature]*



W. L. STAUFFER

"Quality Built Homes"

REAL ESTATE :: SALES :: INSURANCE

3825 FRIAR LANE WICHITA, KANSAS

TEmpLe 8-4161

June 8, 1961

Board of Zoning Appeals
City of Wichita, Kansas
Re; 1921 So. Erie

Gentlemen;

Violation notice #8383 was filed with the contractor W. L. Stauffer on May 29, 1961, that the eaves on the south side of a home under construction at 1921 So. Erie for the owner Randall L. Newsom was in violation of zoning ordinance, in that they overhang four feet whereby zoning ordinance 28-04-190 states "eaves may overhang not more than two feet without encroachment in the yard area".

The design of the home is such that a wide overhang is part of the architectural styling of the home and to cut back the required two feet will work an undue hardship on the owner from an appearance standpoint as well as financial considerations.

We have talked to the property owner on the south of subject property and they have stated they have no objections to leaving the eaves as they are now.

We can not see where the variance will adversely affect the public health safety morals order convenience or welfare, therefore; we request that the Board of Zoning Appeals grant a Variance in this case and allow the four foot eave overhang and consequent side yard encroachment.

Sig. _____
by _____

Randall L. Newsom
W. L. Stauffer

OWNERSHIP LIST

Lot	Addition	Property Owner
Res. A. exc. S. 70 ft.	Cedardale Addition	Chester O. Hills Thelma A. Hills 1901 S. Chautauqua
S 70 ft. of Res. A.	"	Robert J. Brooks F. Myrtle Brooks 1906 S. Erie
Lot 1 exc. S 70 ft.	"	Chester O. Hills Thelma A. Hills 1901 S. Chautauqua
S 70' lot 1	"	Robert J. Brooks F. Myrtle Brooks 1906 S. Erie
N 80' lot 10	"	Joseph L. Sinnott Pauline R. Sinnott 1950 S. Erie
Lot 11	"	L. V. Thorstenberg Elise S. Thorstenberg 3120 Carlock
lot 12	"	Cecil E. Romine Celia M. Romine 1932 S. Erie
lot 13	"	Clayton F. Viele Roxie M. Viele 1922 S. Erie
lot 14	"	Charles L. James Jean W. James 1525 S. Washington
N 50' lot 1	Cedardale 2nd Addition	George William Palmer. Effie May Palmer 1903 S. Erie
S10.5' lot 1	"	William B. Palmer, Sr. Delpha May Palmer 1909 S. Erie
N 37' lot 3	"	"
S 26' lot 3	"	Delbert Marshal Opal May Marshall 1915 S. Erie
N 45' lot 5	"	"



Continued page 2

Lot	Addition	Property Owner
S18' lot 5	Cedardale 2nd Addition	Randall L. Newsom Marcella A. Newsom 2932 Evans
N47' lot 7	"	"
S 16' lot 7	"	Boy E. Albrecht John H. Mitchell Dois Jean Albrecht Lavalda Address unknown 1929 S. Erie
N 54' lot 9	"	"
S 9' lot 9	"	Robert E. Fitch Ruth A. Fitch 1933 S. Erie
N 56' lot 11	"	"
S 7' lot 11	"	Harold L. Mohney Carlene A. Mohney Address unknown
lot 13	"	"
N 50' lot 2	"	Ella Ahlericks Address unknown
S12' lot 2	"	Kenneth C. Poole Bessie L. Poole 1908 S. Volutsia
N 37.5' lot 4	"	"
S 25.5' lot 4	"	Gerald W. Orr Hope E. Orr 1912 S. Volutsia
N 24.5' lot 6	"	"
S 38.5' lot 8	"	Kenneth H. Robinson Lois K. Robinson 1918 S. Volutsia
N 11.5' lot 8	"	"
N 50' of S 51.5' lot 8	"	Edward H. Beber Ruth H. Weber 1924 S. Volutsia
S 1.5' lot 8	"	William R. Riggins Loma A. Riggins 1930 S. Volutsia
N 48.5' lot 10	"	"


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Lot	Addition	Property Owner
S 14.5' lot 10	Cedardale 2nd Addition	Louis E. Stigge Anne E. Stigge 1936 S. Volutsia
N 35.5' lot 12	"	"
S 27.5' lot 12	"	Clayton F. Divoky Geraldine R. Divoky 1942 S. Volutsia
N 22.5' lot 14	"	"
S 40.5' lot 14	"	Theodore J. Dankert Viola M. Dankert 1948 S. Volutsia

We, THE SECURITY ABSTRACT AND TITLE COMPANY, INC.
hereby certify the foregoing to be a true and correct list of property
owners within a 200 foot radius of the South 18 feet of lot 5, and the
North 47 feet of lot 7, in Cedardale Second Addition to Wichita,
Sedgwick County, Kansas, as shown by the deeds on file in the Office of
the Register of Deeds of Sedgwick County, Kansas, on this 8th day of
June, 1961 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By


Vice-President

Order No. 83879