

9-61 - LYNN WILLIAMS REQUESTS
SETBACK VARIANCE FOR PROPERTY AT
SE CORNER OF DELLROSE & ENGLISH

88 A meeting 7-25-61

RESOLUTION No. 9-61

WHEREAS, LYNN WILLIAMS, 4712 EAST ENGLISH, WICHITA, KANSAS, BY O. J. KAUFMAN, ATTORNEY, 830 FIRST NATIONAL BANK BUILDING, HAS REQUESTED A VARIANCE OF SETBACK REQUIREMENTS TO ALLOW A 15 FOOT FRONT YARD SETBACK ON DELLROSE RATHER THAN 30 FEET AS REQUIRED BY THE ZONING ORDINANCE, ON PROPERTY LEGALLY DESCRIBED AS

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION IN THE CITY OF WICHITA, KANSAS,

AND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DELLROSE AND ENGLISH; AND

WHEREAS, O. J. KAUFMAN ORALLY AMENDED THE APPLICATION TO REQUEST A 20 FOOT FRONT YARD SETBACK INSTEAD OF 15 FEET AS ORIGINALLY REQUESTED; AND

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 OCTOBER 24, 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" AND REQUIRES A FRONT YARD SETBACK OF 30 FEET; AND

WHEREAS, AFTER DUE CONSIDERATION AND AFTER HEARING ARGUMENTS FROM THE ATTORNEY FOR THE APPLICANT; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT, IN THAT THE LOT HAS TWO FRONT YARD SETBACKS AND TWO REAR YARD SETBACKS WHICH SEVERELY LIMITS THE AREA AVAILABLE FOR DEVELOPMENT IN KEEPING WITH OTHER DEVELOPMENT IN THE AREA; AND FURTHER, IT IS DESIRED TO RETAIN THE NATURAL BEAUTY OF THE EXISTING MATURE TREES NOW LOCATED ON SUBJECT PROPERTY; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE GRANTING OF THE VARIANCE REQUESTED WOULD NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS INASMUCH AS DEVELOPMENT MORE IN KEEPING WITH THE BALANCE OF THE HOMES IN LINCOLN HEIGHTS ADDITION WOULD BE PERMITTED, RATHER THAN A SMALLER HOME WHICH WOULD HAVE TO BE CONSTRUCTED IF THE VARIANCE IS NOT GRANTED; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE APPLICANT INASMUCH AS THE LOT COULD NOT BE DEVELOPED IN HARMONY WITH THE OTHER PROPERTIES IN LINCOLN HEIGHTS ADDITION; AND WITHOUT A VARIANCE OF THE SETBACK REQUIREMENTS, THE EXISTING TREES CANNOT BE RETAINED WHICH WOULD RESULT IN A LOSS OF BEAUTY TO THE NEIGHBORHOOD; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THIS VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE, BUT INSTEAD WOULD PERMIT DEVELOPMENT WHICH WOULD ENHANCE THE APPEARANCE AND VALUE OF THIS AREA OF THE CITY.

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, HAS BEEN FOUND TO EXIST;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS, THAT THE REQUEST FOR A VARIANCE FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE TO REQUIRE LESS FRONT YARD SETBACK THAN IS NORMALLY REQUIRED BY THE ZONING ORDINANCE ON PROPERTY LEGALLY DESCRIBED AS

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,

AND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DELLROSE AND ENGLISH, BE AND THE SAME IS HEREBY APPROVED, AND THE SUPERINTENDENT OF BUILDING INSPECTION IS AUTHORIZED TO ISSUE A PERMIT FOR THE CONSTRUCTION OF A DWELLING ON THE ABOVE PROPERTY OBSERVING A FRONT YARD SETBACK OF 20 FEET FRONT YARD SETBACK ON DELLROSE AVENUE RATHER THAN 30 FEET AS REQUIRED BY THE ZONING ORDINANCE.

ADOPTED AT WICHITA, KANSAS, THIS 24TH DAY OF OCTOBER, 1961.


KENNETH BECK, CHAIRMAN

ATTEST:


ROBERT A. LAKIN, SECRETARY

NOVEMBER 8, 1961

MR. O. J. KAUFMAN
830 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS

DEAR MR. KAUFMAN:

RE: BZA 9-61

ON OCTOBER 26, 1961, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED A VARIANCE WHICH WILL ALLOW CONSTRUCTION WITHIN 20 FEET OF THE WESTERLY PROPERTY LINE ON LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION, LOCATED AT THE NORTHEAST CORNER OF DELLROSE AND ENGLISH.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE NOVEMBER 3, 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,

ROBERT A. LAKIN
SECRETARY

RALS:BER

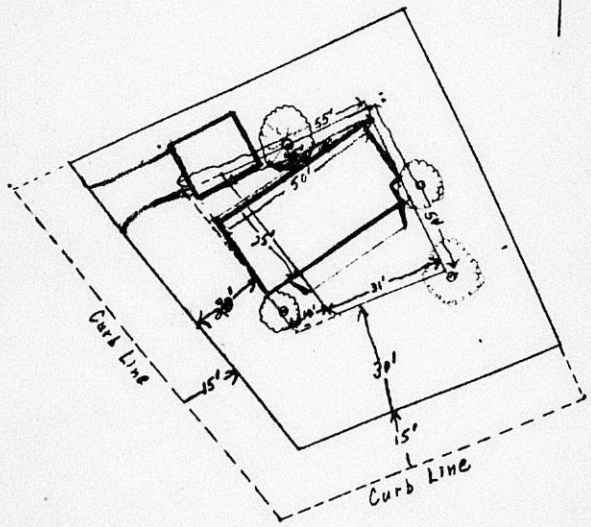
ATTACHMENT

CC: LYNN WILLIAMS
4712 EAST ENGLISH

C. L. McCaig, Acting
BUILDING INSPECTION SUPERINTENDENT

Lot 10, Block 4, Lincoln Heights Addition

N
Shirley
B2A
4-61



- Can Use
- 1 story L shape to S.
 - 1 1/2 "
 - 2 " Facing S.

BOARD OF ZONING APPEALS

OCTOBER 30, 1961

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY

BZA 9-61

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

THE BOARD OF ZONING APPEALS APPROVED THE
APPLICATION AT ITS REGULAR MEETING ON OCTOBER
24, 1961. THE DECISION OF THE BOARD CAN BE
APPEALED TO THE CITY COMMISSION ON OR BEFORE
NOVEMBER 3, 1961.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

OCTOBER 26, 1961

MR. O. J. KAUFMAN
830 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS

DEAR MR. KAUFMAN:

THE BOARD OF ZONING APPEALS, AT ITS OCTOBER 24, 1961 MEETING, CONSIDERED YOUR APPLICATION FOR A VARIANCE WHICH WAS CARRIED OVER FROM THE MEETING OF SEPTEMBER 26, 1961. YOUR REQUEST FOR A VARIANCE TO ALLOW A BUILDING TO BE BUILT WITHIN 15 FEET OF THE WESTERLY PROPERTY LINE WAS NOT APPROVED, BUT WAS APPROVED FOR A VARIANCE WHICH WILL ALLOW CONSTRUCTION WITHIN 20 FEET OF THE WESTERLY PROPERTY LINE. THIS VARIANCE APPLIED TO LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION.

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 NOVEMBER 3, 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 NOVEMBER 3, 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.

SINCERELY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:MM

CC: LYNN WILLIAMS HENRY E. HARTZ C. H. FUNK
4712 EAST ENGLISH 4701 EAST ENGLISH CITY CLERK

SEPTEMBER 27, 1961

MR. O. J. KAUFMAN
830 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS

SUBJECT: BZA 9-61

DEAR MR. KAUFMAN:

YOUR CLIENT'S APPLICATION FOR A VARIANCE AT 4712 EAST ENGLISH ON PROPERTY DESCRIBED AS LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION, HAS BEEN DEFERRED AT YOUR REQUEST FOR 1 MONTH. THIS APPLICATION WILL NOW BE HEARD BY THE BOARD OF ZONING APPEALS ON OCTOBER 24, 1961, AT 1:30 P.M. IN ROOM 401, CITY BUILDING ANNEX. NEW NOTICES WILL BE MAILED TO ALL PROPERTY OWNERS WITHIN 200 FEET.

SINCERELY YOURS,


ROBERT A. LAKIN
SECRETARY

RAL:MM

CC: LYNN WILLIAMS
4712 EAST ENGLISH

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
POSTAL OFFICE

SEP 25 1961
KANS.

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.

RETURN TO

POD Form 3811 Nov. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 190804	Boarding Training Appeals
INSURED NO.	STREET AND NO. OR P.O. BOX 402 City Bldg Annex 104 South Main
	CITY, ZONE AND STATE Wichita Kansas

CS-18-71548-4

RECEIPT FOR CERTIFIED MAIL—20¢

No. 190804

SENT TO

Erval J. Kaufman

STREET AND NO.
830 Nat Bk Bldg.

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

If you want restricted delivery, check here 50¢ fee

FEEs ADDITIONAL TO 20¢ FEE

POD Form 3800
Apr 1950

SEE OTHER SIDE

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
POSTAL OFFICE

WICHITA KANS. SEP 23 8 30 PM 1961

WICHITA KANS. SEP 23 1961

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.

RETURN TO

POD Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 190803	Boarding Training Appeals
INSURED NO.	STREET AND NO. OR P.O. BOX 402 City Bldg Annex 104 South Main
	CITY, ZONE AND STATE Wichita Kansas

CS-18-71548-4

RECEIPT FOR CERTIFIED MAIL—20¢

No. 190803

SENT TO

Lynn Williams

STREET AND NO.
47 1/2 E. English

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

If you want restricted delivery, check here 50¢ fee

FEEs ADDITIONAL TO 20¢ FEE

POD Form 3800
Apr 1950

SEE OTHER SIDE

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee 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)
H. C. B. H. + K

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Lee Heald

DATE DELIVERED *9-25-61* ADDRESS WHERE DELIVERED *MEMPHIS, TENN*

RECEIVED SEP 26 1961 METROPOLITAN PLANNING

CBS-140-1464 GPO

RECEIPT FOR CERTIFIED MAIL—20¢

No. 190807

SENT TO *Arnold J. Kaufman* POSTMARK OR DATE

STREET AND NO. *830 1/2 Nat Bldg.*

CITY AND STATE *Wichita Kansas*

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 50¢ fee

FEE ADDITIONAL TO 20¢ FEE

POD Form 3500 SEE OTHER SIDE
 Apr 1960

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee 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)
Lynn Williams

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Elwin Batten

DATE DELIVERED *9-23-61* ADDRESS WHERE DELIVERED (only if requested in item #1)

RECEIVED SEP 25 1961 METROPOLITAN PLANNING

CBS-14-11243-4 GPO

RECEIPT FOR CERTIFIED MAIL—20¢

No. 190803

SENT TO *Lynn Williams* POSTMARK OR DATE

STREET AND NO. *47 1/2 E. English*

CITY AND STATE *Wichita, Kansas*

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 50¢ fee

FEE ADDITIONAL TO 20¢ FEE

POD Form 3500 SEE OTHER SIDE
 Apr 1960

SEPTEMBER 22, 1961

CERTIFIED MAIL

MR. LYNN WILLIAMS
4712 EAST ENGLISH
WICHITA, KANSAS

DEAR MR. WILLIAMS:

RE: BZA 9-61

YOUR APPLICATION FOR A VARIANCE UNDER PROVISIONS OF PARAGRAPH 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA, RELATING TO PROPERTY AT 4712 EAST ENGLISH AND LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. BZA 9-61.

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 FOR A HEARING OF YOUR CASE ON TUESDAY, SEPTEMBER 26, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

YOURS VERY TRULY,

ROBERT A. LAKIN
SECRETARY

RAL:BER

CC: ORVAL J. KAUFMAN
830 FIRST NATIONAL BANK BLDG.

NOTICES MAILED SEPTEMBER ²¹~~20~~, 1961
MEETING SEPTEMBER 26, 1961

BZA 9-61

O. J. KAUFMAN
830 FIRST NATIONAL BANK BLDG.

SHERIDAN L. MORGRIDGE
MARJORIE V. MORGRIDGE
151 SOUTH DELLROSE

ROBERT J. PIERCE
MAXINE B. PIERCE
153 SOUTH DELLROSE

C. E. HOLGERSON
EVELYN RUTH HOLGERSON
171 SOUTH DELLROSE

SALLY RITCHIE CARDWELL
154 SOUTH PERSHING

WALKER N. MOORE *ret*
1534 NORTH BROADVIEW

ALLAN B. SMITH *ret*
185 SOUTH DELLROSE

JOHN M. HOTLE
MABLE HOTLE
178 SOUTH DELLROSE

DANIEL C. TEVIS
SHARON TEVIS
172 SOUTH DELLROSE

WILLIAM RAY PARK
NELLE C. PARK
168 SOUTH DELLROSE

FRANK B. STEINKIRCHNER
160 SOUTH DELLROSE

KIDWELL LAND & INVESTMENT Co.
CHARLES KIDWELL
6224 PEACH TREE

EVERETT S. SHELBY
VELMA B. SHELBY
1002 BROOKFIELD

GLEN F. DARBYSHIRE
232 NORTH OLD MANOR

HENRY E. MARTZ
ISABELLE H. MARTZ
4701 EAST ENGLISH

ELDON C. JINKS
AGNES M. JINKS
201 SOUTH DELLROSE

ROBERT E. STARK
MARY B. STARK
229 SOUTH DELLROSE

WARREN N. DURANT
JOYE F. DURANT
231 SOUTH DELLROSE

C. C. DIETRICH
MAUDE M. DIETRICH
233 SOUTH DELLROSE

RAY HAMMOND
224 SOUTH PERSHING

RAPHAEL Z. LETOURNEAU
BESSIE N. LETOURNEAU
220 SOUTH PERSHING

L. N. LONG
210 SOUTH DELLROSE

LYNN WILLIAMS
4712 EAST ENGLISH

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

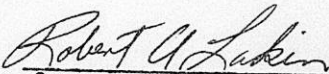
... SEPTEMBER 19, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY LYNN WILLIAMS, 4712 EAST ENGLISH, WICHITA, KANSAS, BY ORVAL J. KAUFMAN, ATTORNEY, AS PROVIDED BY SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO BE BUILT WITHIN 15 FEET OF DELLROSE INSTEAD OF THE 35 FEET REQUIRED BY ORDINANCE, FOR PROPERTY LOCATED AT 4712 EAST ENGLISH, WICHITA, KANSAS, LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF DELLROSE AND ENGLISH.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 9-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, SEPTEMBER 26, 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

LAW OFFICES OF
WEIGAND, CURFMAN, BRAINERD, HARRIS & KAUFMAN
(DEPEW, STANLEY, WEIGAND, HOOK & CURFMAN)
SUITE 830 FIRST NATIONAL BANK BUILDING

WICHITA 2, KANSAS
HOBART 4-1376

CLAUDE I. DEPEW
(1892 - 1956)
W. E. STANLEY
(1891 - 1953)
WILLIAM C. HOOK
(1905 - 1953)

LAWRENCE WEIGAND
LAWRENCE E. CURFMAN
BYRON BRAINERD
CHARLES W. HARRIS
ORVAL J. KAUFMAN
J. RUBE MCCARTHY
DONALD A. BELL
CHARLES C. MCCARTER
J. L. WEIGAND, JR.
SPENCER L. DEPEW

August 17, 1961

Mr. Robert A. Lakin, Secretary
Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

Re: BZA 9-61
Applicant - Lynn Williams

Dear Mr. Lakin:

This letter will confirm our telephone conference of August 14, 1961; at which time the undersigned, as attorney for the applicant Lynn Williams, advised that the applicant had agreed to a continuance with Mr. Henry Martz, attorney representing objecting land owners. In accordance with the telephone conference and the agreement to the continuance, you advised that the application would be deferred until the meeting of September 26, 1961.

In my conversation with Mr. Martz, it was called to my attention that the notices referred to property at the southeast corner of Dellrose and English. Please be advised that the property is situated at the northeast corner of Dellrose and English; and I suggest that future notices correct the description to show that the property is generally at the northeast corner. The legal description of Lot 10, Block 4, Lincoln Heights Addition is correct.

Very truly yours,

Orval J. Kaufman
of WEIGAND CURFMAN BRAINERD HARRIS & KAUFMAN

OJK/rlh

cc: Mr. Lynn Williams
Mr. Henry Martz



NOTICES MAILED AUGUST 16, 1961 -

BZA 9-61

O. J. KAUFMAN
830 1ST NATIONAL BANK BLDG.

SHERIDAN L. MORGRIDGE
MARJORIE V. MORGRIDGE
151 SOUTH DELLROSE

ROBERT J. PIERCE
MAXINE B. PIERCE
153 SOUTH DELLROSE

C. E. HOLGERSON
EVELYN RUTH HOLGERSON
171 SOUTH DELLROSE

SALLY RITCHIE CARDWELL
154 SOUTH PERSHING

WALKER N. MOORE
1534 NORTH BROADVIEW

ALLAN B. SMITH
185 SOUTH DELLROSE

JOHN M. HOTLE
MABLE HOTLE
178 SOUTH DELLROSE

DANIEL C. TEVIS
SHARON TEVIS
172 SOUTH DELLROSE

WILLIAM RAY PARK
NELLE C. PARK
168 SOUTH DELLROSE

FRANK B. STEINKIRCHNER
160 SOUTH DELLROSE

KIDWELL LAND & INVESTMENT Co.
CHARLES KIDWELL
6224 PEACH TREE

EVERETT S. SHELBY
VELMA B. SHELBY
1002 BROOKFIELD

GLEN F. DARBYSHIRE
232 NORTH OLD MANOR

HENRY E. MARTZ
ISABELLE H. MARTZ
4701 EAST ENGLISH

ELDON C. JINKS
AGNES M. JINKS
201 SOUTH DELLROSE

ROBERT E. STARK
MARY B. STARK
229 SOUTH DELLROSE

WARREN N. DURANT
JOYE F. DURANT
231 SOUTH DELLROSE

C. C. DIETRICH
MAUDE M. DIETRICH
233 SOUTH DELLROSE

RAY HAMMOND
224 SOUTH PERSHING

RAPHAEL Z. LETOURNEAU
BESSIE N. LETOURNEAU
220 SOUTH PERSHING

L. N. LONG
210 SOUTH DELLROSE

LYNN WILLIAMS
4712 EAST ENGLISH

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

AUGUST 16, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

THE APPLICANT, LYNN WILLIAMS, AND OTHER INTERESTED PARTIES IN CASE BZA 9-61, BEING A REQUEST FOR A VARIANCE IN SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO BE BUILT WITHIN 15 FEET OF DELLROSE INSTEAD OF 35 FEET AS REQUIRED BY ORDINANCE, ON PROPERTY AT THE SOUTHEAST CORNER OF DELLROSE AND ENGLISH, HAVE REQUESTED THAT THIS APPLICATION BE DEFERRED UNTIL THE NEXT MEETING OF THE BOARD OF ZONING APPEALS.

THIS APPLICATION HAS, THEREFORE, BE DEFERRED UNTIL THE MEETING OF SEPTEMBER 26, 1961. YOU WILL RECEIVE A NEW NOTICE OF HEARING FROM THIS OFFICE CONCERNING THE HEARING OF THE APPLICATION ON SEPTEMBER 26, 1961.

ROBERT A. LAKIN
SECRETARY

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

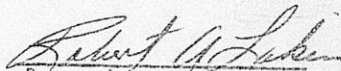
JULY 7, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY LYNN WILLIAMS, 4712 EAST ENGLISH, WICHITA, KANSAS, AS PROVIDED BY SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO BE BUILT WITHIN 15 FEET OF DELLROSE INSTEAD OF THE 35 FEET REQUIRED BY ORDINANCE, FOR PROPERTY LOCATED AT 4712 EAST ENGLISH, WICHITA, KANSAS, LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF DELLROSE AND ENGLISH.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 9-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, JULY 25, 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

MARTZ AND WENDELKEN
ATTORNEYS AT LAW
408 BROWN BLDG.
WICHITA 2, KANSAS

HENRY E. MARTZ
CLYDE WENDELKEN
CHARLES B. HUGHES

FOREST 3-7586

August 3, 1961

Mr. Robert A. Lakin, Secretary
Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

Re: Case No: BZA 9-61.

Dear Mr. Lakin:

The above captioned matter was set for hearing on July 25, at which time a number of neighbors appeared but since there was no quorum, the matter of necessity was continued until August 22. It has now developed that on August 22, Mr. L.N. Long, Mr. Glenn Darbyshire and the writer will be away on vacation. The three of us along with Mr. Dietrich are requesting that this matter be set over until September 26 at which time we will have returned from our vacation and will be present at the hearing.

Please advise if this is satisfactory. Thank you very much.

Yours truly,

Henry E. Martz B.

HENRY E. MARTZ

HEM/pb



No. 731371.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Lynn Williams</i>	POSTMARK OR DATE
STREET AND NO. <i>4712 E. English</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
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"/> If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957	SEE OTHER SIDE

POST OFFICE DEPARTMENT
OFFICIAL BUSINESSPENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

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.

POD Form 3811
Jan. 1958

REGISTERED NO.	NAME OF SENDER <i>Board of Zoning Appeals</i>
CERTIFIED NO. <i>731371</i>	STREET AND NO. OR P.O. BOX <i>City Bldg Annex, 104 S. Main</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita, Kansas</i>

CBS-10-71048-4

No. 731372.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>C. J. Kaufman</i>	POSTMARK OR DATE
STREET AND NO. <i>536 1st Nat Bk Bldg</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
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"/> If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957	SEE OTHER SIDE

POST OFFICE DEPARTMENT
OFFICIAL BUSINESSPENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

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.

POD Form 3811
Jan. 1958

REGISTERED NO.	NAME OF SENDER <i>Board of Zoning Appeals</i>
CERTIFIED NO. <i>731372</i>	STREET AND NO. OR P.O. BOX <i>City Bldg Annex, 104 S. Main</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita, Kansas</i>

CBS-10-71048-4

AUGUST 3, 1961

CERTIFIED MAIL

MR. LYNN WILLIAMS
4712 EAST ENGLISH
WICHITA, KANSAS

DEAR MR. WILLIAMS:

RE: BZA 9-61

YOUR APPLICATION FOR A VARIANCE UNDER PROVISIONS OF PARAGRAPH 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA, RELATING TO PROPERTY AT 4712 EAST ENGLISH, AND LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. BZA 9-61.

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 FOR A HEARING OF YOUR CASE ON TUESDAY, AUGUST 22, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

THE MEETING OF JULY 25, 1961, FOR WHICH THIS CASE WAS ORIGINALLY SCHEDULED, WAS NOT HELD INASMUCH AS A QUORUM OF THE MEMBERS OF THE BOARD WAS NOT PRESENT.

YOURS VERY TRULY,

ROBERT A. LAKIN
SECRETARY

RAL:BER

CC: ORVAL J. KAUFMAN
830 1st NATIONAL BANK BLDG.

BZA 9-61 - NOTICES MAILED AUGUST 3, 1961 TO THE FOLLOWING:

(21)

L. N. LONG
210 SOUTH DELLROSE

RAPHAEL Z. LETOURNEAU
BESSIE N. LETOURNEAU
220 SOUTH PERSHING

RAY HAMMOND
224 SOUTH PERSHING

C. C. DIETRICH
MAUDE M. DIETRICH
233 SOUTH DELLROSE

WARREN N. DURANT
JOYE F. DURANT
231 SOUTH DELLROSE

ROBERT E. STARK
MARY B. STARK
229 SOUTH DELLROSE

ELDON C. JINKS
AGNES M. JINKS
201 SOUTH DELLROSE

HENRY E. MARTZ
ISABELLE H. MARTZ
4701 EAST ENGLISH

GLEN F. DARBYSHIRE
232 NORTH OLD MANOR

EVERETT S. SHELBY
VELMA B. SHELBY
1002 BROOKFIELD

KIDWELL LAND & INVESTMENT Co.
CHARLES KIDWELL
6224 PEACH TREE

FRANK B. STEINKIRCHNER
160 SOUTH DELLROSE

WILLIAM RAY PARK
NELLE C. PARK
168 SOUTH DELLROSE

DANIEL C. TEVIS
SHARON TEVIS
172 SOUTH DELLROSE

JOHN M. HOTLE
MABLE HOTLE
178 SOUTH DELLROSE

ALLAN B. SMITH
185 SOUTH OLIVER

WALKER N. MOORE
1534 NORTH BROADVIEW

SALLY RITCHIE CARDWELL
154 SOUTH PERSHING

C. E. HOLGERSON
EVELYN RUTH HOLGERSON
171 SOUTH DELLROSE

ROBERT J. PIERCE
MAXINE B. PIERCE
153 SOUTH DELLROSE

SHERIDAN L. MORGRIDGE
MARJORIE V. MORGRIDGE
151 SOUTH DELLROSE

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

AUGUST 3, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY LYNN WILLIAMS, 4712 EAST ENGLISH, WICHITA, KANSAS, BY ORVAL J. KAUFMAN, ATTORNEY, AS PROVIDED BY SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO BE BUILT WITHIN 15 FEET OF DELLROSE INSTEAD OF THE 35 FEET REQUIRED BY ORDINANCE, FOR PROPERTY LOCATED AT 4712 EAST ENGLISH, WICHITA, KANSAS, LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
GENERALLY LOCATED ON THE SOUTHEAST CORNER OF DELLROSE AND ENGLISH.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 9-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, AUGUST 22, 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

NOTE: THIS CASE WAS NOT HEARD ON JULY 25, 1961, DUE TO A LACK OF A QUORUM.

CASE BZA 9-61

CASE DESCRIPTION

THE APPLICANT, LYNN WILLIAMS, DESIRES A VARIANCE FROM THE STRICT APPLICATION OF THE ZONING ORDINANCE TO PERMIT A STRUCTURE TO BE BUILT CLOSER TO THE STREET THAN ALLOWED BY THE ZONING ORDINANCE. (APPLICANT DESIRES A 15 FOOT SETBACK FOR PROPERTY ON DELLROSE AVENUE). THE PROPERTY IS LEGALLY DESCRIBED AS LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION AND IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF ENGLISH AND DELLROSE. THE PROPERTY IS ZONED "AA". THE FRONT YARD SETBACKS APPLICABLE TO THIS PROPERTY ARE SET FORTH IN THE PLAT AND ARE AS FOLLOWS:

ON ENGLISH - 30 FEET
ON DELLROSE - 35 FEET

THE APPLICANT HAS INDICATED THAT PROCEEDINGS WILL BE INITIATED TO VACATE THE PLAT SETBACK REQUIREMENT FOR DELLROSE. IF THE APPLICANT IS SUCCESSFUL IN REMOVING THE PLAT REQUIREMENT, THE FRONT YARD SETBACK LINE ON DELLROSE, AS DETERMINED BY THE BUILDING INSPECTION SUPERINTENDENT, WOULD BE 30 FEET. (SECTION 28.04.040.C.1, WICHITA CITY CODE). IN THE PAST, THE BOARD OF ZONING APPEALS HAS NOT CONSIDERED CASES WHERE SETBACK PROVISIONS ARE CONTAINED IN THE PLAT. HOWEVER, IN VIEW OF THE APPLICANT'S EXPRESSED INTENT TO PROCEED WITH VACATION PROCEEDINGS, THE BOARD COULD CONSIDER THE CASE AT THIS MEETING, PROVIDED THAT IF THE VARIANCE IS APPROVED, IT COULD NOT BE MADE EFFECTIVE UNTIL AFTER COMPLETION OF THE AFOREMENTIONED VACATION PROCEEDINGS.

FOR REASONS SUBMITTED BY THE APPLICANT TO SUPPORT THIS APPLICATION, SEE ATTACHMENT "A".

LAND USE

THE LOT IN QUESTION IS VACANT. THERE IS SINGLE FAMILY DEVELOPMENT TO THE SOUTH, EAST, NORTH AND WEST. THE LOT IS IN AN ALMOST COMPLETELY DEVELOPED AREA, CONTAINING FEW VACANT LOTS. A LARGE PART OF THIS AREA WAS DEVELOPED SEVERAL YEARS AGO AND IS WELL ENDOWED WITH MATURE AND WELL DEVELOPED TREES.

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:

1. THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT;
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 ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL;
4. THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

SECRETARY'S COMMENTS AND OPINION

THE FOLLOWING COMMENTS CONCERN THE FOUR CONDITIONS RELATED TO THIS CASE:

POINT 1

MANY LOTS IN WICHITA DO NOT HAVE PLATTED SETBACKS AS DO THIS LOT AND THE REST OF THE LOTS IN THE ADDITION. IF THIS LOT (AND ADDITION) DID NOT HAVE PLATTED SETBACKS, A LESSER SETBACK WOULD HAVE BEEN REQUIRED UNDER THE TERMS OF THE ZONING ORDINANCE. NEARLY ALL OTHER LOTS IN THIS ADDITION HAVE BEEN DEVELOPED WITHIN THE PLATTED SETBACK LINE REQUIREMENTS.

ALTHOUGH NOT ENTIRELY UNIQUE IN THE PHYSICAL SENSE, THE LOT DOES HAVE A CERTAIN DEGREE OF UNIQUENESS BECAUSE OF THE LOCATION OF SEVERAL MATURE TREES WHICH PROVIDE A PHYSICAL ADJUNCT TO THE LOT. THESE TREES DO ADD TO AND HELP MAINTAIN THE GENERAL BEAUTY AND CHARACTER OF THE NEIGHBORHOOD.

THE APPLICANT FEELS THAT THE TREES WOULD HAVE TO BE REMOVED IF A SETBACK VARIANCE IS NOT PERMITTED, HOWEVER, NO EXPERT TESTIMONY OR PLOT PLAN HAVE BEEN PROVIDED TO INDICATE THAT A HOME OF THE SAME GENERAL CHARACTER AND SIZE AS NOW EXISTS IN THE NEIGHBORHOOD COULD BE BUILT WITHOUT DESTROYING THE TREES.

POINT 2

THE REQUESTED VARIANCE MAY ADVERSELY AFFECT THE PROPERTY OF ADJOINING HOME OWNERS EITHER THROUGH PROXIMITY, LOSS OF VIEW, OR BY CHANGING THE CHARACTER OF THE NEIGHBORHOOD.

POINT 3

HARDSHIP WOULD BE INCURRED BY THE OWNER IF TREES OF THIS MATURITY, TYPE AND LOCATION WERE DESTROYED.

POINT 4

THE PUBLIC WELFARE WOULD NOT BE ADVERSELY AFFECTED BY THE VARIANCE, PROVIDED ONLY ONE OF THE TWO FRONT YARD SETBACK LINES IS VARIED. VARIANCE TO BOTH WOULD CREATE A SITUATION WHICH WOULD NOT BE CONDUCIVE TO SAFE TRAFFIC MOVEMENTS IN THE AREA.

IT IS THE SECRETARY'S OPINION THAT:

1. IF THE APPLICANT CAN MAKE A PROPER SHOWING THAT A HOME CANNOT BE BUILT WITHIN THE REQUIRED SETBACK LINE WITHOUT REMOVING EXISTING TREES, AND
2. IF IT IS DETERMINED THAT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS WOULD NOT BE ADVERSELY AFFECTED BY THE VARIANCE,

THEN A VARIANCE SHOULD BE GRANTED, ALLOWING THE STRUCTURE TO BE BUILT WITHIN 15 FEET OF DELLROSE AVENUE, PROVIDED, HOWEVER, THAT A 30 FOOT SETBACK LINE IS MAINTAINED ON ENGLISH AVENUE.

CASE BZA 9-61

JULY 5, 1961

BOARD OF ZONING APPEALS
CITY OF WICHITA
KANSAS

RE: APPLICATION FOR VARIANCE FROM THE
STRICT APPLICATION OF THE ENFORCEMENT
PROVISIONS OF THE ZONING ORDINANCE
UNDER SECTION 2.12.1590.2 OF THE
CODE OF THE CITY OF WICHITA

GENTLEMEN:

THE UNIQUENESS OF THIS PARTICULAR SITUATION IS BROUGHT ABOUT BY THE FACT THAT THIS LOT HAS BEEN VACANT IN AN AREA WHICH HAS BEEN NEARLY COMPLETELY DEVELOPED FOR APPROXIMATELY THIRTY YEARS. ALSO, BECAUSE OF ITS CORNER LOCATION, THE SETBACKS REQUIRED WOULD LEAVE A VERY SMALL AREA BACK IN ONE CORNER OF THE LOT ON WHICH TO BUILD A HOME.

THE RIGHTS OF ADJACENT PROPERTY OWNERS WILL IN NO WAY BE VIOLATED AS A RESULT OF YOU GRANTING THIS PERMIT FOR VARIANCE. RATHER, IT COULD POSSIBLY BE CONSTRUED AS AN ASSET BECAUSE OF THE DEVELOPMENT OF A RATHER EXPENSIVE AND VERY FINE HOME ON THIS PARTICULAR LOT.

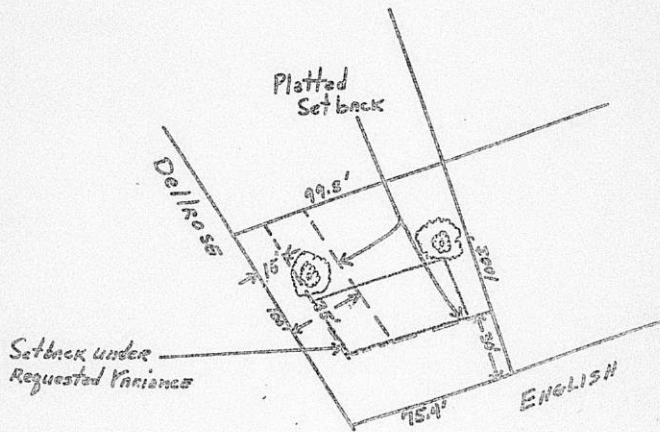
IF IT WERE NECESSARY TO OBSERVE THE THIRTY-FIVE FOOT SETBACK, IT WOULD ALSO BE NECESSARY TO DESTROY THREE RATHER BEAUTIFUL TREES, WHICH ARE OF TREMENDOUS ESTHETIC VALUE TO THIS LOT, AS WELL AS TO THE NEIGHBORHOOD. IN THE CITY OF WICHITA, KANSAS, WHERE TREES CONSTITUTE THE PRIME BEAUTY OF A RESIDENTIAL AREA, IT WOULD BE A GREAT WASTE OF THIRTY YEARS OF GROWING TIME IF IT WERE NECESSARY TO CUT THEM DOWN. THE HARDSHIP CREATED IN THIS PARTICULAR INSTANCE WOULD BE THAT BY NOT GRANTING THIS APPEAL, IT WOULD BE NECESSARY TO DESTROY (1) THE BEAUTY OF THE LOT, AND (2) SOMETHING THAT MAN CANNOT REPLACE WITH HIS OWN TWO HANDS.

WE ALSO FEEL CERTAIN THAT THIS WOULD IN NO WAY ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, PROSPERITY OR GENERAL WELFARE.

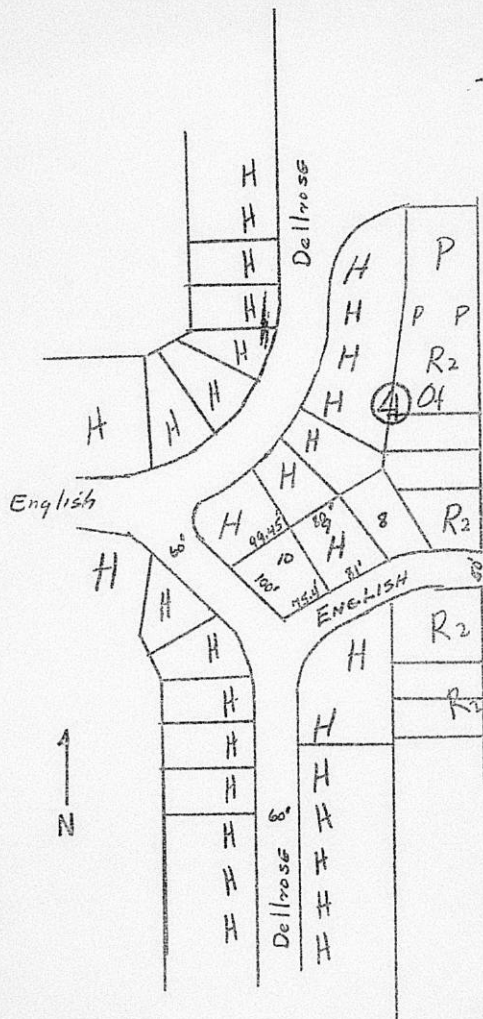
SINCERELY,

S/ LYNN WILLIAMS

ATTACHMENT "A"



BZA 9-61



BZA 9-61

No. 731367

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Lynn Williams</i>	POSTMARK OR DATE
STREET AND NO. <i>4712 East English</i>	
CITY AND STATE <i>Wichita Kansas</i>	
If you want a return receipt, check which	
<input checked="" type="checkbox"/> 10¢ shows to whom and when delivered	<input type="checkbox"/> 25¢ shows to whom, when, and address where delivered
If you want restricted delivery, check here	
<input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE	
PDD 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)
Mr. Lynn A. Williams

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Mr. Lynn A. Williams

DATE DELIVERED
7-7-61

ADDRESS WHERE DELIVERED (only if required in item #1)
ll

CRS-16-71842-4 GPO

No. 731367

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>Lynn Williams</i>	POSTMARK OR DATE
STREET AND NO. <i>4712 East English</i>	
CITY AND STATE <i>Wichita Kansas</i>	
If you want a return receipt, check which <input checked="" type="checkbox"/> For return to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered	
If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
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, \$300

RECEIVED JUL 10 1961 METROPOLITAN	RECEIVED JUL 7 1961 WICHITA, KANS. HILLSIDE
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisture gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REGISTERED.	
REGISTERED NO.	NAME OF RECIPIENT <i>Board of Zoning Appeals</i>
CERTIFIED NO. <i>731367</i>	STREET AND NO. OF P.O. BOX <i>City Bldg Annex, 1048 Main</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita Kansas</i>

POD Form 3811 Jan. 1958
CBS-16-71543-4

JULY 6, 1961

CERTIFIED MAIL

MR. LYNN WILLIAMS
4712 EAST ENGLISH
WICHITA, KANSAS

DEAR MR. WILLIAMS:

RE: BZA 9-61

YOUR APPLICATION FOR A VARIANCE UNDER PROVISIONS OF PARAGRAPH 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA, RELATING TO PROPERTY AT 4712 EAST ENGLISH, AND LEGALLY DESCRIBED AS:

LOT 10, BLOCK 4, LINCOLN HEIGHTS ADDITION,
HAS BEEN GIVEN BOARD OF ZONING APPEALS CASE No. BZA 9-61.

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 FOR A HEARING OF YOUR CASE ON TUESDAY, JULY 25, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

YOURS VERY TRULY,

ROBERT A. LAKIN
SECRETARY

RAL:BER

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. A _____ Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT
<i>2006-07-01</i>	
<i>app use application</i>	

Name *Lynne Winters*

Address *44 West East Street*

Type _____ Due Date *1-6-11*

Comments: _____

Date *7-6-11* By *[Signature]*

APPLICATION FOR VARIANCE

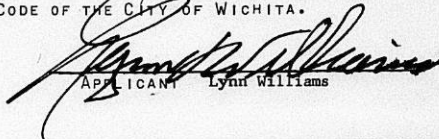
I. NAME OF APPLICANT Lynn Williams
MAILING ADDRESS 4712 East English PHONE MU 3-9304
NAME OF AUTHORIZED AGENT ORVAL J. KAUFMAN No 41376
MAILING ADDRESS 1ST NATIONAL BANK Bldg PHONE HO 3-376
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Owner
(OWNER, TENANT, LESSEE, OTHER).

II. THE VARIANCE REQUESTED IS The change of setback lines on this particular lot on the Dellrose side from 35 feet to 15 feet.

FOR PROPERTY LOCATED AT the Southeast corner of Dellrose and English.
AND LEGALLY DESCRIBED AS LOT(S) Lot 10, Block 4, Lincoln Heights Addition
BLOCK(S) _____,
ADDITION TO 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, 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.


APPLICANT Lynn Williams

AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 4:40
(A.M. (P.M.)) 7-5, 1961, TOGETHER WITH APPROPRIATE
FEE OF \$30.00

B. Rathe
SIGNED

July 5, 1961

Board of Zoning Appeals
City of Wichita
Kansas

Re: Application for Variance from the
Strict Application of the Enforcement
Provisions of the Zoning Ordinance
under Section 2.12.1590.2 of the
Code of the City of Wichita.

Gentlemen:

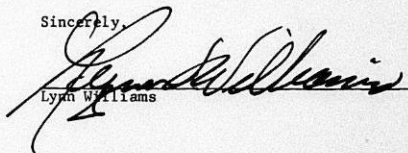
The uniqueness of this particular situation is brought about by the fact that this lot has been vacant in an area which has been nearly completely developed for approximately thirty years. Also, because of its corner location, the setbacks required would leave a very small area back in one corner of the lot on which to build a home.

The rights of adjacent property owners will in no way be violated as a result of you granting this permit for variance. Rather, it could possibly be construed as an asset because of the development of a rather expensive and very fine home on this particular lot.

If it were necessary to observe the thirty-five foot setback, it would also be necessary to destroy three rather beautiful trees, which are of tremendous esthetic value to this lot, as well as to the neighborhood. In the City of Wichita, Kansas, where trees constitute the prime beauty of a residential area, it would be a great waste of thirty years of growing time if it were necessary to cut them down. The hardship created in this particular instance would be that by not granting this appeal, it would be necessary to destroy (1) the beauty of the lot, and (2) something that man cannot replace with his own two hands.

We also feel certain that this would in no way adversely affect the public health, safety, prosperity or general welfare.

Sincerely,


Lynn Williams

OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNERS & ADDRESSES
Beg NW/c Lot 9 N 6' to pt on W ln Lot 8; th SErly to pt 5' SWly of NE/c Lot 9 th SWly on W ln of Dellrose Ave 75' to SE/c Lot 9 th NWly 128.4' to SW/c of Lot 9; th NErly 30' to pt of beg.	2	Lincoln Heights	/ Sheridan L. Morgridge Marjorie V. Morgridge 151 S. Dellrose
✓ 10	"	"	/ Robert J. Pierce Maxine B. Pierce 153 S. Dellrose
✓ 11	"	"	/ C. E. Holgerson Evelyn Ruth Holgerson 171 S. Dellrose
✓ 12	"	"	/ Sally Ritchie Cardwell 154 S. Pershing
5 N 15'	4	"	Lincoln Heights Clinic Inc. No Address Available <i>Checked & certified</i>
5 S 35'	"	"	/ Walker N. Moore 1534 N. Broadview
✓ 6	"	"	"
✓ 7	"	"	/ Thad C. Robbins 1600 Fairfield Lane
✓ 8	"	"	/ Lynn A. Williams Jr. Lois L. Williams 4712 E. English
✓ 9	"	"	"
✓ 10	"	"	"
✓ 11	"	"	/ John M. Hotle Mable Hotle 178 S. Dellrose
✓ 12	"	"	/ Daniel C. Tevis Sharon Tevis 172 S. Dellrose
✓ 13	"	"	/ William Ray Park Nelle C. Park 168 S. Dellrose
✓ 14	"	"	/ Frank B. Steinkirchner 160 S. Dellrose

*Contract buyer
Alan B. Smith
185 S. Olive*



Continued -2-

1	5	Lincoln Heights	Kidwell Land & Investment Co. Charles Kidwell 6224 Peach Tree
2 ex e 90' of S 6'	"	"	"
2 E 90' of S 6'	"	"	Everett S. Shelby Velma B. Shelby 1002 Brookfield
3	"	"	"
26	"	"	Glen F. Darbyshire 232 N. Old Manor
27	"	"	Ruth M. Cook
28 S 3'	"	"	<i>Checked - Unlisted</i>
28 ex S 3'	"	"	Henry E. Martz Isabelle H. Martz 4701 E. English
1 except Beg at 6 pt on SW/c Lot 1 sd pt being also the NW/c Lot 2 th in a NWly dir along W side Lot 1 a dist of 12'; th in a NEly dir 49.47' to a pt in S ln of Lot 1 sd pt being 55.28' from SE/c sd Lot 1 th SWly along S ln sd Lot 1 a dist of 49.59' to beg.	"	"	Eldon C. Jinks Agnes M. Jinks 201 S. Dellrose
1, That part des." as the exception to Lot 1 above.	"	"	Robert E. Stark Mary B. Stark 229 S. Dellrose
2	"	"	"
3	"	"	Warren N. Durant Joye F. Durant 231 S. Dellrose
4	"	"	C. C. Dietrich Maude M. Dietrich 233 S. Dellrose
27	"	"	Ray Hammond 224 S. Pershing
28	"	"	Raphael Z. Letourneau Bessie N. Letourneau 220 S. Pershing
29	"	"	E. J. Hinkle No Address Available
			<i>Checked - Unlisted</i>
			MR. L. N. LONG 210 S. DELLROSE

*10/17/17, B.L.S.
2/20/18
H.W.*

