

BZA-9-68 - Cardinal Construction Co.
requests variance of property line
in an area north of 21st St. and on
the west side of Bullinger Drive.

200 - BI ✓
200 - PD ✓

POSTED
3-28-68

ACTION

BZA COMMITTEE Approved DATE 4-23-68

M.A.P.C. _____

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

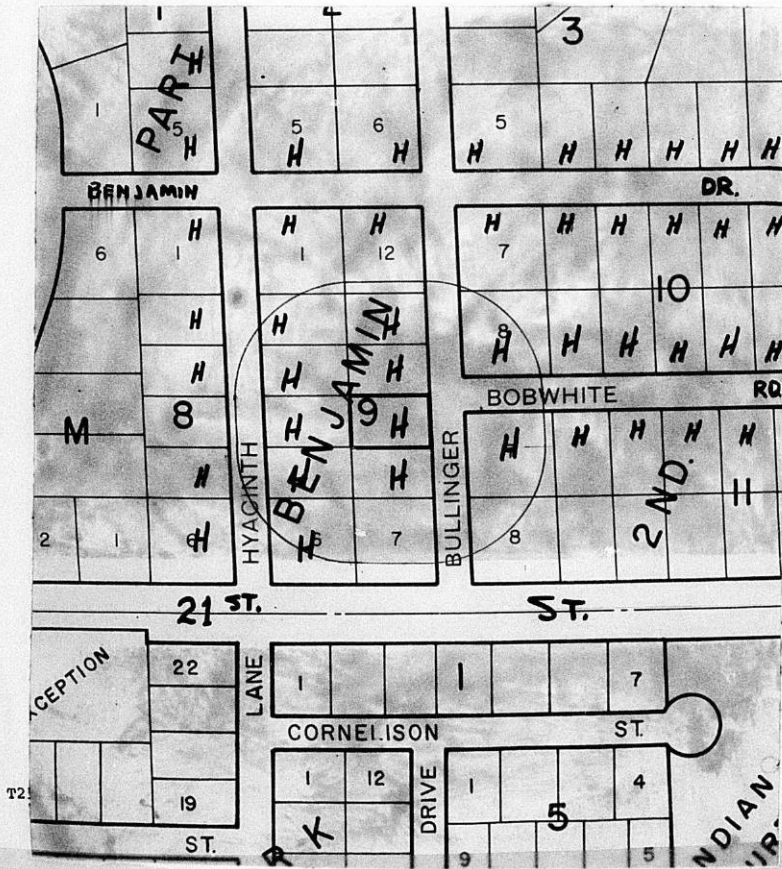
Map No. 5250
 Sec. 1
 Twp. 27
 Range 1W

Z- BZA 9-68
 scz- _____
 cv- _____
 Filed 3-20-68

APPLICATION DATA: From _____ to _____
 1. Applicant: Cardinal Construction Co., Inc.
 Address 2210 Cardinal Drive Phone TE 84264
V. V. Pinkham
 2. Agent: _____ Phone TE 84264
 Address 2210 Cardinal Dr.
 3. General Location: In an area north of 21st St. and on the west
side of Bullinger Drive Address _____
 4. Proposed Use: _____

AREA DATA:
 1. Acres: .31 (90 ft. by 150 ft.)
 2. Adjoining Zoning: E AA S AA W AA N AA
 3. Land Use: East SINGLE FAMILY South _____
 West SINGLE FAMILY North SINGLE FAMILY
 4. Sketch Plan Land Use is for: RESIDENTIAL
 5. Present Land Use is for: _____
 6. Area (is) (~~is not~~) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



May 1, 1968

Mr. V. V. Pinkham
2210 Cardinal Drive
Wichita, Kansas 67204

Subject: Case No. EZA- 9-68
Request for variance

Dear Mr. Pinkham:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 23, 1968, in connection with your request for a variance of a side yard set-back.

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

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:js

Attachment

cc: Cardinal Construction Co., Inc.
2210 Cardinal Drive

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

R E S O L U T I O N N O . B Z A 9 - 6 8

WHEREAS, Cardinal Construction Company, Inc., 2210 Cardinal Drive, Wichita, Kansas, by V. V. Pinkham, 2210 Cardinal Drive, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from six feet to four feet, on property zoned "AA" Single Family Residential, and legally described as follows:

Lot 9, Block 9, Benjamin Hills Second Addition, Sedgwick County, Kansas. Generally located in an area north of 21st Street and on the West side of Bullinger Drive.

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 April 23, 1968, 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 an error was made by the contractor and since the applicant is desirous that the house be conforming so that clear title may be approved; 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 sufficient space exists between structures for adequate air and light; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the structure is nonconforming as is a problem in obtaining clear title; 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, 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 adequate space exists between dwellings; 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, have been found to exist.

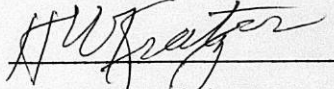
Page 2
Resolution No. BZA 9-68

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the side yard setback from six feet to four feet, on property zoned "AA" Single Family Residential and legally described as:

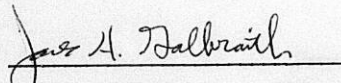
Lot 9, Block 9, Benjamin Hills Second Addition,
Sedgwick County, Kansas. Generally located in an
area north of 21st Street and on the West side of
Bullinger Drive.

be approved for only that portion presently in violation.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

April 24, 1968

V. V. Pinkham
2210 Cardinal Drive
Wichita, Kansas 67204

Dear Mr. Pinkham;

Subject: Case No. BZA 9-68
Request for Variance.

At the regular meeting of the Board of Zoning Appeals on April 23, 1968, your request for a variance, pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 6 feet to 4 feet on property zoned "AA" Single Family Residential, and generally located in an area north of 21st Street and on the west side of Bullinger Drive, was considered.

It was the action of the Board to approve this request for only that portion presently in violation.

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

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: Cardinal Construction Co., Inc., 2210 Cardinal 67204
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202



- Moved left no address
 - No such number
 - Moved, fill forwarding info
 - Address not marked
- 3207*

William Ronald Brigstocke and
Mindia M. Brigstocke
1630 W. 16th Street
Wichita, Kansas 67203

TURN TO WRITER &
DO NOT USE THIS ENVELOPE
FOR WRB OR AGAIN



BZA-9-68

SECRETARY'S REPORT

CASE NO. BZA 9-68

APPLICANT: Cardinal Construction Company, Inc., 2210 Cardinal Drive, Wichita, Kansas.

AGENT: V. V. Pinkham, 2210 Cardinal Drive, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 6 feet to 4 feet.

GENERAL LOCATION: In an area north of 21st Street and on the west side of Bullinger Drive.

ZONING: Subject property as well as all surrounding property is zoned "AA" Single Family Residential.

LAND USE: The property in question is occupied by a single family residence as are those properties to the north, south, east and west.

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 of the following conditions are found to exist:

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).

COMMENTS BY THE SECRETARY

The applicant is requesting a variance of the required side yard setback from 6 feet to 4 feet on the south side of subject property. It was pointed out in the applicants statement of justification that the house sets 4 feet 3 inches (back corner of house) and 5 feet 3 inches (front corner of house) from the south property line and was constructed in violation of the 6 foot sideyard required by ordinance due to an error by the framing contractor.

UNIQUENESS

It is the opinion of the Secretary that uniqueness is difficult to justify because of error only, however, due to the fact that an error was made by the contractor and since the applicant is desirous that the house be conforming so that clear title may be approved, the Secretary feels that uniqueness can be found to exist.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent properties in that sufficient space exists between structures for adequate air and light.

HARDSHIP

It is the opinion of the Secretary that the applicant will be burdened with an unnecessary hardship if the variance is not granted inasmuch as the structure will be a non-conforming use and could pose problems in obtaining a clear title.

PUBLIC INTEREST

It is the opinion of the Secretary that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Page 3 - Secretary's Report
Case No. BZA 9-68

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance would not be opposed to the general spirit and intent of Title 28 as adequate space exists between dwellings.

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 recommended that the variance be granted to reduce the setback from 6 feet to 4 feet for only that portion presently in violation.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas 67202

April 16, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 9-68

An application has been filed by Cardinal Construction Company, Inc., 2210 Cardinal Drive, Wichita, Kansas, and V. V. Pinkham, 2210 Cardinal Drive, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a reduction of the required side yard setback from 6 feet to 4 feet on property zoned "AA" Single Family Residential and legally described as follows:

Lot 9, Block 9, Benjamin Hills Second Addition, Sedgwick County, Kansas. Generally located in an area north of 21st Street and on the West side of Bullinger Drive.

This application has been assigned Case No. BZA 9-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 23, 1968, 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.

Jack H. Galbraith
Secretary

*PON's
mailed 4-16-68*

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104 South Main
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Jack H. Galbraith
Secretary

J. N. T. (JACK) REEVES

OFFICE OF
BAUGHMAN CO.
Surveyors

FRED J. DOANE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

State of Kansas)
) SS
County of Sedgwick)

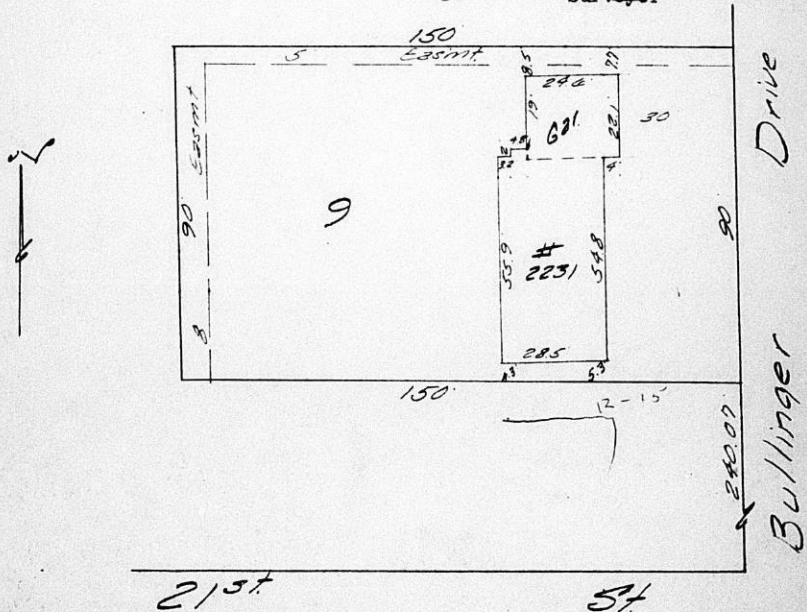
July 29, 1966

I, John T. Reeves, Surveyor in aforesaid county and state do hereby certify that I did on this 29th day of July, 1966, survey Lot 9, Block 9, Benjamin Hills Second Addition, Sedgwick County, Kansas.

On said lot is house No. 2231 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.

John T. Reeves
Surveyor



APPLICATION FOR VARIANCE

1. Name of Applicant Cardinal Const Co Inc
Mailing Address 2210 Cardinal Dr. 04 Phone 7884264
Name of Authorized Agent W. W. Pughman
Mailing Address 2210 Cardinal 04 Phone 7884264
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is 4 feet instead of 6 feet
property line

for property located in an area north of 21st street and on the
2231 Bullinger Drive
west side of Bullinger Drive.

and legally described as: Lot 9 Blk 9 Benjamin
Hill's Second addition

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:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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;
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Cardinal Const Co Inc
Applicant

W. W. Pughman
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
3:30 (~~am~~ p.m.), March 20, 19 68, together with
appropriate fee of \$50.00.

Jack Galbraith Byrd
Signed
Senior Planner

Wichita, Kansas
March 20, 1968

City of Wichita
Board of Zoning Appeals

This letter is to inform the Board of Zoning Appeals that a request for a variance is being filed by the Cardinal Construction Co., Inc. on the property located at 2231 Bullinger.

The house sets 4.3' (back corner of house) and 5.3' (front corner of house) from the south property line which does not meet city requirements. It was due to an error by the framing contractor. The granting of the permit for variance will not adversely affect the rights of adjacent property owners or residents. If the request for a variance is not granted it will constitute unnecessary hardship upon the property owner represented in the application. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and that the granting of the variance desired will not be opposed to the general spirit of Title 28 (zoning ordinance).



Vern Pinkham Vice Pres.
Cardinal Construction Co., Inc.

OWNERSHIP LIST

LOT	BLK.	ADDITION	PROPERTY OWNER
1	9	Benjamin Hills Second Addition, Sedgwick County, Kansas	Charles C. Ford & Goldie M. Ford. 2256 Hyacinth 04
2	"	"	John D. Murray & Eileen C. Murray 2246 Hyacinth 04
3	"	"	Joseph Wolf & Florence A. Wolf Address Unknown
4	"	"	William Ronald Brigstocke & Mindia M. Brigstocke 1630 West 16th Street 03
5	"	"	Jack G. Higley & J. Jarine Higley 2020 Hyacinth 03
6	"	"	Wilbur R. Elsea & E. Maxine Elsea 2529 Bullinger 04
7	"	"	Anna Mc Lean 2359 McLean Blvd. Northwest 04
8	"	"	Oliver R. Anderson & Marjorie L. Anderson 2219 Bullinger DR Address Unknown 04
9	"	"	D Cardinal Construction Co., Inc. 2210 Cardinal Drive
10	"	"	John M. Richards Jr. & Betty L. Richards 2304 North Richmond Avenue 04
11	"	"	Michael A. Belluomo & Mary Paula Belluomo 2245 Bullinger 04
12	"	"	William W. Green & Colleen H. Green 2701 Benjamin Drive 04
7	10	"	Verland M. Patterson & Elaine Patterson 2627 Benjamin Drive 04
8	"	"	A. F. Simon & Betty C. Simon 2628 Bob White 04
7	11	"	Lowell W. Schraeder & Lorraine F. Schraeder 6500 West Kellogg 09
8	"	"	D Anna Mc Lean 2359 McLean Blvd. Northwest

Security

WE HEREBY CERTIFY the foregoing to be a correct list of property owners within a radius of 200 feet of Lot 9, Block 9, Benjamin Hills Second Addition, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 27th day of July, 1966 at 7 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Lucien Schrade*
Vice President

Security

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	Licns.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

\$20.4

DESCRIPTION	AMOUNT
BZA Application	

Name: Cardinal Construction Co.
 Address: 3101 West 21st
 Type: R-71-C Due Date: 3-20-68

Comments:

Date: 3-20-68 [Signature]