

BZA 10-77 - Marie Liebst requests an exception to permit the establishment of a mobile home on property generally located on the west side of Richmond in an area between Monroe & Walker Ave.

POSTED
4-1-77
C.I.V.
MMR
2-1-77

ACTION

DATE 4-26-77

Approved

COMMITTEE

BZAD-77

M.A.P.C.

B.C.C./B. C.C.C.

Map No. 5246
 Sec. 25
 Twp. 27
 Range 1W

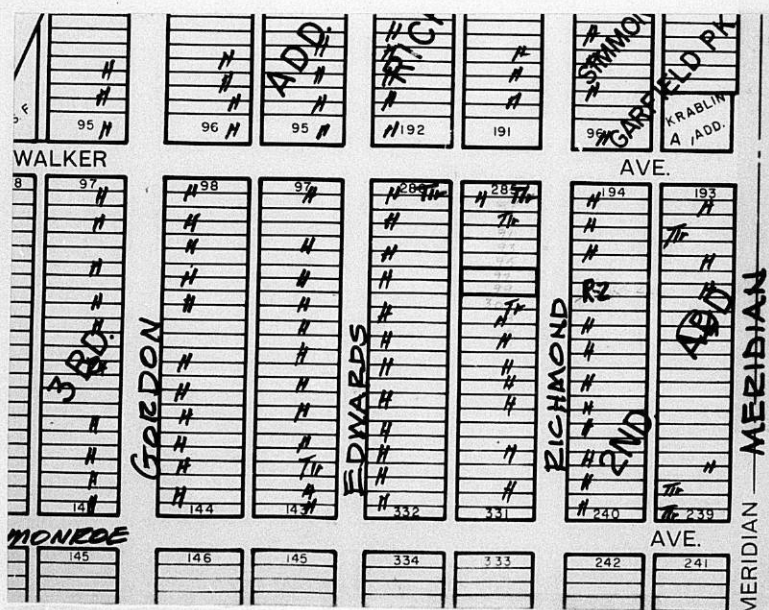
BZA- 10-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.16 (50 ft. by 140 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South MOBILE HOME
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, INC. - LOS ANGELES
 No. 2-533C
 S. H. H. H.
 LOGAN OH - McGREGOR, TX, U. S. A.

RESOLUTION NO. BZA 10-77

WHEREAS, Marie Liebst, 1010 West 44th Street South, Sycamore Square, Lot 35, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the placement of a mobile home on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 297 and 299, on Richmond Avenue, Richmond's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Richmond Avenue in an area between Monroe and Walker Avenues.

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 26, 1977, consider said application; and

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

WHEREAS, the Board of Zoning Appeals, after public hearing of this application, determined that a hardship does exist inasmuch as the applicant is of advanced age and in need of assistance and needs to be in closer proximity to mass transit service, both of which can be provided at this location; and

WHEREAS, the Board of Zoning Appeals has authority to permit a mobile home, on property zoned the "A" Two Family Dwelling District subject to conditions outlined in Title 26, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for installation of a mobile home, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 297 and 299 on Richmond Avenue, Richmond's Second Addition, to Wichita, Sedgwick County, Kansas. Generally located on the west side of Richmond Avenue in an area between Monroe and Walker Avenues.

subject to the following conditions:

1. The mobile home may remain on the property only as long as it is occupied by the applicant, Marie Liebst. When the applicant no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division, as to whether or not she is still occupying the mobile home.
3. The location of the mobile home shall conform to all setback and height requirements of the "A" Two Family Dwelling District and the requirements of Title 26.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1977.

Ewald Behnke
Ewald Behnke, Chairman

ATTEST:

Larry Dobson
Larry Dobson, Assistant Secretary

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

Tenth Floor, City Hall
455 North Main Street

May 17, 1977

Ms. Marie Liebst
Sycamore Square, Lot 35
1010 West 44th Street South
Wichita, Kansas 67217

Re: Request for Exception
Case No. BZA 10-77

Dear Ms. Liebst:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 26, 1977, in connection with your request for an exception to permit the placement of a mobile home on property zoned the "A" Two Family Dwelling District, and generally located on the west side of Richmond Avenue in an area between Monroe and Walker Streets.

This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

You may now contact the Office of Central Inspection for your annual mobile home permit. Joe Donnelly of that office is familiar with your request and should be able to assist you.

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

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bh

cc: Fred Linde, Grievance Officer
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE April 22, 1977



TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Mary Pitman, CPO Administrative Aide

SUBJECT BZA 10-77 (Mobile Home Exception on
West Side of Richmond Between Monroe
and Walker Streets)

At their meeting on April 21, 1977, CPO Neighborhood Council Area "O" discussed BZA 10-77, a request for an exception to permit the location of a mobile home on property zoned "A" Two Family.

The Council voted 5-3 to recommend approval of this request, subject to the conditions outlined in the Secretary's Report on the case as follows:

1. The mobile home may remain on the property only as long as it is occupied by the applicant, Marie Liebst. When the applicant no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division, as to whether or not she is still occupying the mobile home.
3. The location of the mobile home shall conform to all setback and height requirements of the "A" Two Family Dwelling District and the requirements of Title 26.

Please provide this recommendation to the BZA when they are considering this case on April 26.

Your assistance in this matter will be appreciated.

Mary Pitman

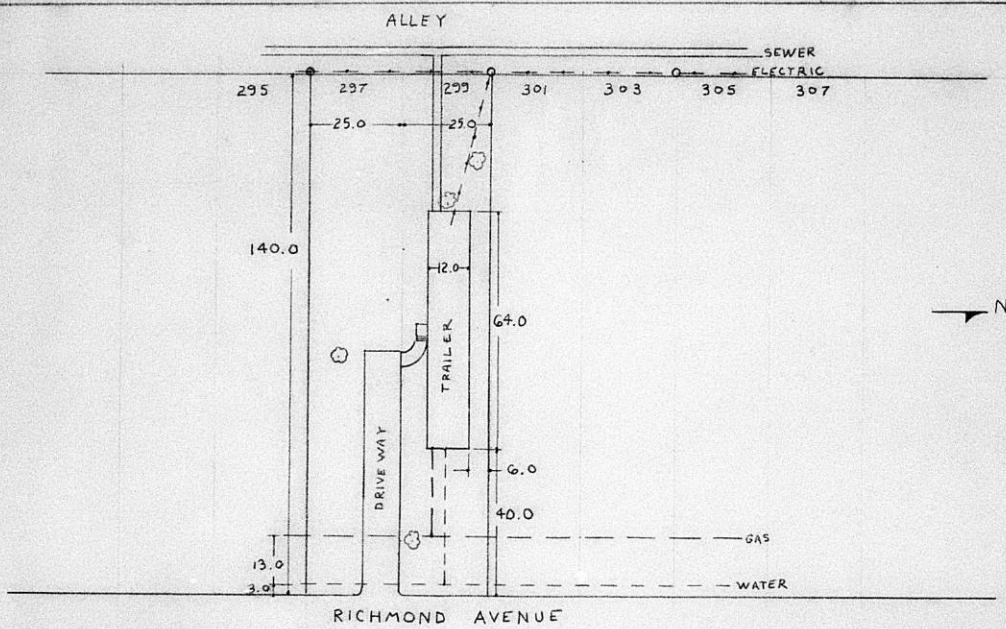
Mary Pitman
CPO Administrative Aide

MP:rh

NOTED:

A handwritten signature in dark ink, appearing to read "D. Furnas".

David Furnas
CPO Coordinator



NOTE -
 LOTS 295 & 305 PRESENTLY HAVE
 TRAILERS SITUATED ON THEM.
 LOTS 301 & 303 PRESENTLY ARE
 VACANT.

LOT DESCRIPTION
LOTS 297 & 299 RICHMOND AVENUE RICHMOND'S 2 ND ADDITION TO WICHITA, SEDGWICK CO., KS

SCALE 1 IN. = 30 FT.

OWNER : MARIE LIEBST

DRAFTSMAN : B. S. LIEBST

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

April 27, 1977

Tenth Floor, City Hall
455 North Main Street

Ms. Marie Liebst
1010 West 44th Street South
Wichita, Kansas 67217

Re: Request for Exception
Case No. BZA 10-77

Dear Ms. Liebst:

At the regular meeting of the Board of Zoning Appeals on April 26, 1977, your request for an exception to permit the placement of a mobile home on property zoned the "A" Two Family Dwelling District and generally located on the west side of Richmond Avenue in an area between Monroe and Walker Streets was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The mobile home may remain on the property only as long as it is occupied by the applicant, Marie Liebst. When the applicant no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division, as to whether or not she is still occupying the mobile home.
3. The location of the mobile home shall conform to all setback and height requirements of the "A" Two Family Dwelling District and the requirements of Title 26.

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,

Larry Dobson
Assistant Secretary

LD:bh

Ms. Marie Liebst
April 27, 1977

cc: Fred Linde, Grievance Officer
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 10-77

APPLICANT: Marie Liebst, 1010 West 44th Street, South,
Sycamore Square, Lot 35, Wichita, Kansas.

AGENT: None.

REQUEST: Exception pursuant to Section 2.12.590.C,
Code of the City of Wichita to permit the
placement of a mobile home on property zoned
the "A" Two Family Dwelling District.

GENERAL LOCATION: West side of Richmond Avenue in an area between
Monroe and Walker Streets.

LAND USE: Subject property is vacant as is the property
to the north. South is a mobile home; west is
a single family home; and east is a two-family
dwelling.

ZONING: Subject property and all surrounding properties
are zoned the "A" Two Family Dwelling District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the placement of a mobile home on her property zoned the "A" Two Family Dwelling District.

The Board of Zoning Appeals has the authority to permit, as an exception, the placement of a mobile home on any property in any zoning district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit.

The applicant's statement of justification points out that she is 72 years old, not in good health and lives alone in a mobile home park on 44th Street South. Her son and his family live one block from subject property as opposed to 4 1/2 miles from where the applicant now lives. The applicant is desirous of moving her mobile home on the vacant subject property which she has recently acquired, so that she can be closer to her family. This would enable them to check on her more frequently and provide help to her when needed. Her son's family has her daughter-in-law's 85 year old mother living with them, so she could not live with them.

SECRETARY'S REPORT
Case No. BZA 10-77
Page 2

This location would also provide the applicant with bus service one block away whereas her present location is over 1/2 mile from the bus line. She also points out that the property south of subject property is developed with a mobile home and that two more mobile homes are located north of the vacant land immediately north of her property. It should be noted that these mobile homes are non-conforming uses and as such would be required to be removed when their license expires during 1979.

The applicant has said that she cannot afford to purchase or build a house. As mentioned previously on a similar request, the Secretary has serious reservations about the granting of a "hardship exception" based primarily upon a financial hardship. Again, the Board should carefully consider the ramifications of granting such an exception based upon the fact that the applicant cannot afford to buy a house.

The applicant's site plan indicates that the mobile home could be located on subject property in conformance with setback requirements.

RECOMMENDATION:

If you find that a hardship exists in this case that cannot reasonably be alleviated without the granting of the exception, the following conditions should be considered as conditions of approval:

1. The mobile home may remain on the property only as long as it is occupied by the applicant, Marie Liebst. When the applicant no longer occupies the mobile home, it shall be removed from the property.
 2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division, as to whether or not she is still occupying the mobile home.
 3. The location of the mobile home shall conform to all setback and height requirements of the "A" Two Family Dwelling District and the requirements of Title 26.
-

19 notices sent to agent and/or applicant and adjoining prop. owners
10 notices sent to MAPC members
1 notice sent to CPO, Dave Furnas
30 total notices sent on BZA 10-77, March 31, 1977

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

March 31, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 10-77

An application has been filed by Marie Liebst, 1010 W. 44th Street South, Sycamore Square Lot 35, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the placement of a mobile home on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 297 and 299, on Richmond Avenue, Richmond's Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Richmond Avenue in an area between Monroe and Walker Avenues.

This application has been assigned Case No. BZA 10-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 26, 1977, at 1:30 p.m., in the Board Room, First Floor City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Marie Pefak

Mailing Address Sycamore Square Lot 35 ⁶⁷²⁷ Phone 723
1010 W H 4 South

Name of Authorized Agent NONE

Mailing Address _____ Phone _____

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

II. Application is made for an exception as provided in Section 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of a one unit mobile home park on property zoned "A", located _____

_____ and legally described as: Lots 297 & 299 on RICHMOND AVE, RICHMOND'S SECOND ADDITION, to WICHITA, SEDGWICK Co., KANSAS _____, in the City of Wichita.

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 herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- 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.

Applicant Marie Pefak

Authorized Agent NONE

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:30 (a.m. - (p.m)), 3-23, 1977, together with appropriate fee of \$50.00

Signed Larry Dobson

Map 5246
T9-403 W side of Richmond in area between Monroe and Walker Avenues.

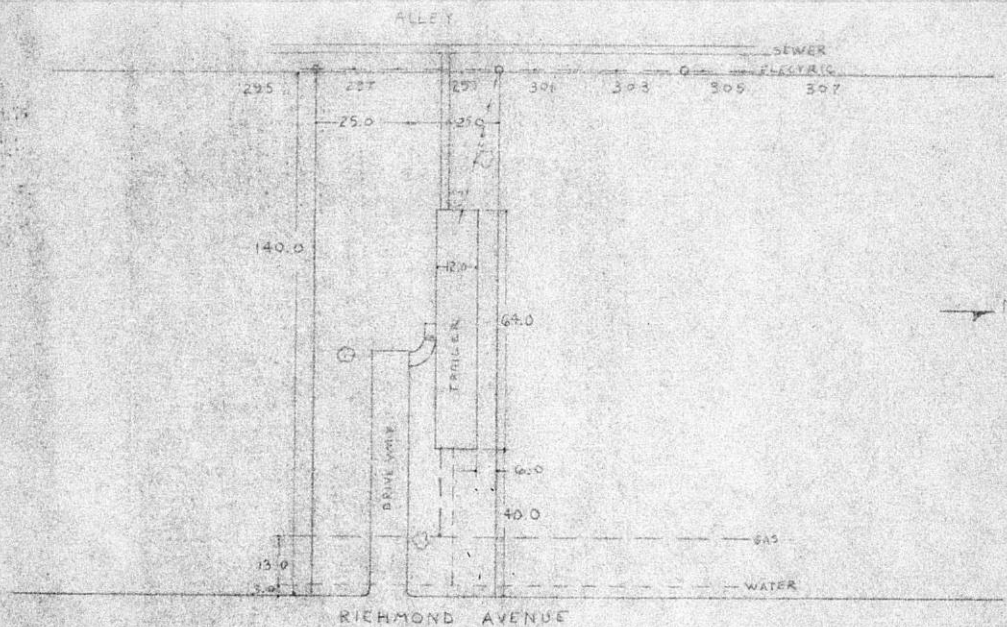
Will be
within
of
relatives

Dear Sirs -

Will you please help me? I live at 1010
West 44th St. South, Sycamore Square Lot 35 -
my son & his family live at 2520 Moural.
my Daughter in laws mother lives with
them, she is 85 years old, I am 72 &
get sick some of the time. They try to come
out here & see how I am. it is four miles
out here. my son & Daughter in law both
work so it is hard for them to come some
times - There is no buss near so it is
hard for me to go to the Doctor or any where.
Will you please let me have my mobile
Home on lots 297 & 299 on Richmond
Avenue, Richmond, Ind, addition
to Wichita Sedgewick Co. Kansas -
There is three mobile Homes there, these
lots are between two of the homes.
The buss is one block from them. &
this would help very much. This
location is one block from where my child-
ren live. It would help so much. We
will truly appreciate your kind
consideration.

Thank you very much
Sincerely
Marie Hibel

1010 W 44 S. Sycamore Square Lot 35 Wichita Kans.



NOTE -
 LOTS 295 & 305. PRESENTLY HAVE
 TRAILERS SITUATED ON THEM
 LOTS 301 & 303. PRESENTLY ARE
 VACANT

PLOT	DESCRIPTION
LOTS 297 & 299	RICHMOND AVENUE RICHMOND'S 2 ND ADDITION TO WICHITA, SEDGWICK CO., KS
SCALE: 1" = 30 FT.	OWNER: MARIE LIEBST
	DRAFTSMAN: B. S. LIEBST

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____

Date _____

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate)

New _____
Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

Signature of Applicant

Signature of Owner

Legal Description of Proposed Park: _____

Owner: _____

Address: _____ Tel: _____

If Applicable:
Name of Park: _____

Address: _____ Tel: _____

Name of Operator: _____

Address: _____ Tel: _____

Number of Spaces: Mobile Home _____ House Trailer _____

Water: City _____ Sewage: City _____ Fuel: Public _____

Private _____ Private _____ Private _____

Electricity: _____

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:

No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____

No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.

Include: Park dimensions.

Number, location and size of spaces.

Location and size of buildings, sewers, water lines, gas lines,
sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours,
drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: _____ Electricity: _____

APPROVAL

WICHITA-SEDCWICK COUNTY HEALTH DEPT.

CENTRAL INSPECTION DIVISION

By _____

By _____

Date _____

Date _____

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
285, 287	Richmond	Richmond's 2nd Addition	Marion A. Rogers and Opal L. <i>not in phone book</i> Address Unknown <i>not in phone book</i> <i>not in SD</i>
289, 291	Same	Same	James F. Nichols and Julia Address Unknown <i>not in phone book</i> <i>not in SD</i>
293, 295 297,299	"	Same	Leona Tolbert Address Unknown <i>not in phone book</i> <i>not in SD</i>
301 303	Same	Same	Hobert Lathrop and Hazel 1313 South Richmond 67213
305, 307 309,311	"	Same	Richard F. Oberg & Midred Adell 1333 South Richmond 67213
313 315	Same	Same	Leonard L. Baca and Connie Y. 1335 South Richmond 67213
194 196	Same	Same	James C. Bradford and Carol A. 1302 South Richmond 67213
198 200	Same	Same	Administrator of Veterans Affairs 5500 East Kellogg 67218
202 204	Same	Same	Dwayne E. Chambers & Glenna J. 201 West 96th South 67233
206 208 210	Same	Same	James Leon Gibson Address Unknown <i>not in phone book</i> <i>not in SD</i>
212 214	Same	Same	Richard F. Henary & Dorothy L. 1324 S. Richmond 67213
216	Same	Same	Joe K. Harvey & Verda June 1330 S. Richmond 67213
N 2/3 218	Same	Same	Same
S1/3 218	Same	Same	Westview Baptist Church 1325 S. Meridian 67213
220	Same	Same	Same
N 1/3 222	Same	Same	Same
S 2/3 222	Same	Same	Flora Gene Krol & Leo A. Krol 1336 S. Richmond 67213
224	Same	Same	Same

Lot	Street	Addition	Property Owner
286		Richmond's 2nd Addition	Marion A. Rogers & Opal L.
288	Edwards		Address Unknown
290			✓ Ricky Lee Sraufe and Janice L.
292	Same	Same	✓ 835 West 30th Street South 67217
294			George A. Bigley and Edith
296	Same	Same	✓ 1314 South Edwards 67213
298			✓ L. L. Walker and Edna
300	Same	Same	✓ 1320 South Edwards 67213
302			Clyde W. Rone and Bonnie
304	Same	Same	Address Unknown <i>not in phone not in book not in CD</i>
306			John S. Kimple and Verla J.
308	Same	Same	✓ 1332 S. Edwards 67213
310			Tommy Ardell Large and Linda K.
312	Same	Same	✓ 1338 S. Edwards 67213
314			Arthur Carrasco Sr. and Linda
316	Same	Same	✓ 1344 S. Edwards 67213

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lots 297 and 299,
on Richmond Avenue, Richmond's Second
Addition to Wichita, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of February, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 247229
wh

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - SECOND FLOOR

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

DESCRIPTION

AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____