

Case No. BZA 10-83 - Leon M. Shalloup,
requests a variance to reduce the
required front yard setback from 25'
to 19' on property zoned the "AA"
One-family Dwelling District and
generally located on the south side

STAD

200'4 Sec 5-13-83

Checked 5-17-83

Shot 5-17

Recorded 5-18-83

ACTION

B.Z.A. 10-83 APPROVED

4-26-83
DATE

Posted
4-8-83

5443D

200' 4 Sec 5-13-83

Checked 5-17-83

Shoh 5-17

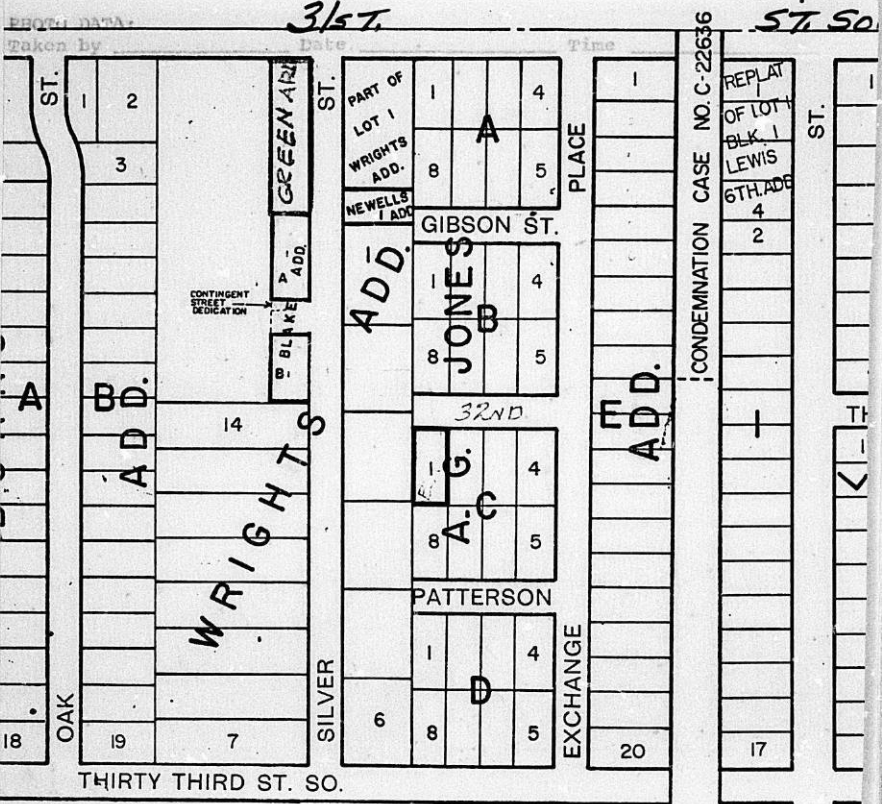
Recorded 5-18 ~~83~~

Case No. BZA 10-83 - Leon M. Shattouf,
requests a variance to reduce the
required front yard setback from 25'
to 19' on property zoned the "AA"
One-Family Dwelling District and
generally located on the south side

Map No. 5443
 Sec. B
 Twp. 28
 Range 1E

BZA- 10-83
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.22 (70 ft. by 140 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East _____ South _____
 West _____ North _____
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted. LAND USE NOT POSTED ON ZONING MAP



LOS ANGELES REGISTERED PROFESSIONAL ENGINEER
 MEMBERSHIP NO. 10007 BROOKLYN, N.Y.
 U.S.A.

Shirley
 No. 2153C

33

April 29, 1983

Leon M. Shalloup
623 West 32nd Street South
Wichita, Ks. 67217

Re: BZA 10-83 - Request for Variance

Dear Mr. Shalloup:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 26, 1983.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 10-83

WHEREAS, Leon M. Shalloup, 623 West 32nd Street South, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25' to 19' on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block C, A. G. Jones Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 32nd Street South and west of Exchange Place (623 West 32nd Street South).

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, 1983, 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 the property is located at the end of a dead-end street and is adjacent to the rear yard of the properties to the west.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of the front yard setback will only be six feet and the portion of the front yard to be reduced will be nearer the west property line which is the rear yard of those adjacent properties, and the proposed addition will be over 30 feet from the property to the east; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the dwelling is now located at the required setback and would not permit the applicant to provide an enclosed entry on the north side of the property; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the addition will not interfere with any easements or public right-of-way; 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 yard requirements are to maintain adequate separation to provide light and air to all properties and this variance would not reduce the required front yard significantly; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

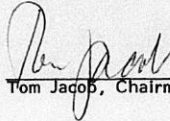
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25' to 19' on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 1, Block C, A. G. Jones Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 32nd Street South and west of Exchange Place (623 West 32nd Street South).

be approved subject to the following conditions:


1. The reduction of the front yard shall only be reduced to 19' for a distance not to extend closer than 25' from the east property line.
2. Any unenclosed porch extending into the remaining front yard shall not exceed 6'.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1983.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE April 19, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 10-83: Generally located on
the South side of 32nd Street
South and West of Exchange Place
(623 West 32nd Street South)

At its Monday, April 18th, Neighborhood Council "C" meeting, the Council voted 6-0 to recommend approval of BZA 10-83; a request for a variance to reduce the required front yard setback from 25' to 19' on property zoned "AA" One Family Dwelling District at the captioned location.

Mr. and Mrs. Leon Shalloup, Sr. were present to speak to the Council.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 10-83 is considered at its Tuesday, April 26th meeting.



Robert Tillman
Administrative Aide III

SECRETARY'S REPORT
CASE NO. BZA 10-83

APPLICANT: Leon M. Shalloup, 623 West 32nd Street South,
Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
front yard setback from 25 feet to 19 feet.

GENERAL LOCATION: On the south side of 32nd Street South and west
of Exchange Place (623 West 32nd Street South).

ZONING: Subject property is zoned the "AA" One-family
Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a One-family
Dwelling as are all adjacent properties.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the front yard from 25' to 19' in order to add to the front of the existing dwelling. The addition will enclose an area that will extend in front of the original garage and across a portion of the dwelling. The applicant has constructed a new garage on the rear of the property.

It should be noted that the property is located on a lot at the end of a dead end street that was platted without a cul-de-sac even though the area to the west had been platted without east-west streets in the area from 31st to 33rd Streets South. With the property located at the end of the dead-end street, it places a side yard adjacent to the back yards of the houses to the west. A small reduction of the front yard setback adjacent to the west should not adversely affect any adjacent property owner.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located at the end of a dead-end street and is adjacent to the rear yard of the properties to the west.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the reduction of the front yard setback will only be six feet and the portion of the front yard to be reduced will be nearer the west property line which is the rear yard of those adjacent properties, and the proposed addition will be over 30 feet from the property to the east.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the dwelling is now located at the required setback and would not permit the applicant to provide an enclosed entry on the north side of the property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition will not interfere with any easements or public right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as yard requirements are to maintain adequate separation to provide light and air to all properties and this variance would not reduce the required front yard significantly.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of the front yard shall only be reduced to 19' for a distance not to extend closer than 25' from the east property line.
2. Any unenclosed porch extending into the remaining front yard shall not exceed 6'.

BZA CASE NO. 10-83

1 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

28 NOTICES SENT TO ADJOINING PROPERTY OWNERS

39 TOTAL NOTICES SENT 4-6-83

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

April 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 10-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Leon M. Shalloup, Sr., 623 West 32nd Street South, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 25' to 19' on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block C, A. G. Jones Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 32nd Street South and west of Exchange Place (623 West 32nd Street South).

This application has been assigned Case BZA 10-83. It will be considered by the Board of Zoning Appeals on April 26, 1983, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 10-83

CITY OF WICHITA, KANSAS

FILED 3-28-83

APPLICATION FOR VARIANCE

I. Name of Applicant LEON M. SHALLOUP SR.
Mailing Address 623 W. 32nd St So Phone 522-5985
Name of Authorized Agent _____

Mailing Address _____ Phone _____

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

II. The variance requested is to reduce the front yard setback from 25 feet to 19 feet on front of house
A 12' x 20' Extension

for property located on the south side of 32nd St So west of Exchange Place
623 W. 32nd St So

and legally described as: LOT I Block C. 1st Jones Addition to Wichita, Sedgewick Co, KS.

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

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.530 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Leon M. Shaloup

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:00 (a.m.-p.m.), FEB. 28, 1983, together with appropriate fee of 75.00.

Signed H. Lytle

WILLIAM L. KORBER

OFFICE OF
BAUGHMAN CO.
Surveyors

B2A 10-83
RONALD G. WAYMIRE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

State of Kansas)
County of Sedgwick)

SS

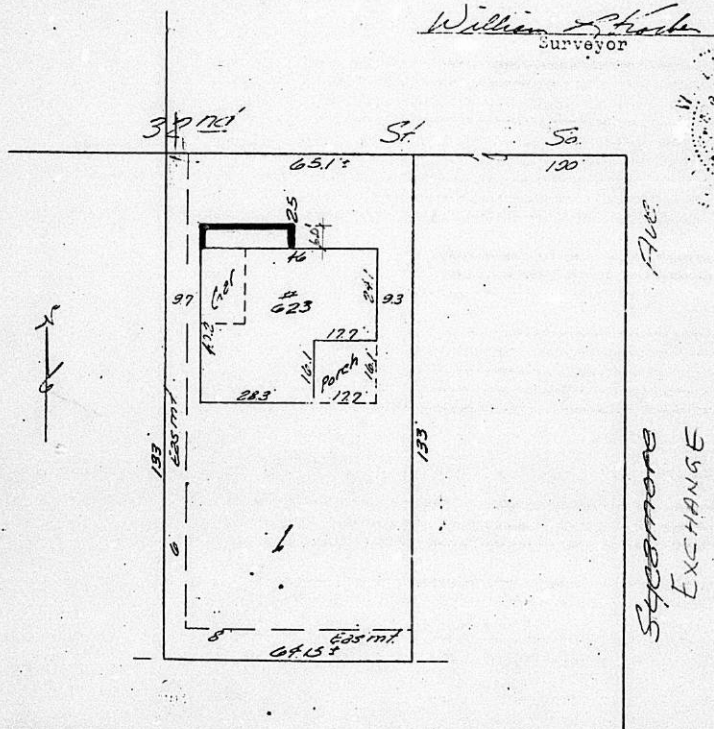
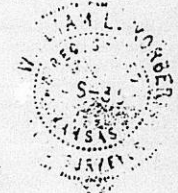
February 25, 1971

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 25th day of February, 1971 survey Lot 1, Block C, in A. G. Jones Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 623 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 mortgagee title insurance.

William L. Korber
Surveyor



Sycamore
EXCHANGE

WILLIAM L. KORBER *

OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAYMIRE

2922 EAST KELLOGG
WICHITA, KANSAS 67211
MURPHY 3-7431

State of Kansas)
) County of Sedgwick)

SS

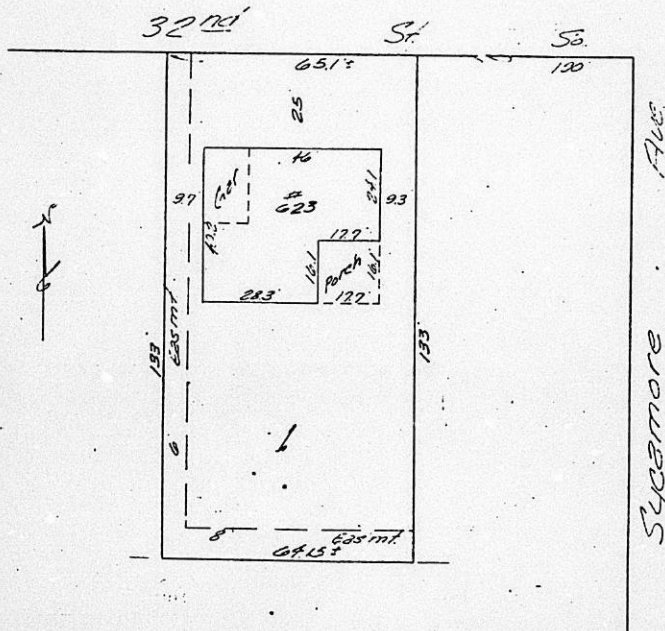
February 25, 1971

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 25th day of February, 1971 survey Lot 1, Block C, in A. G. Jones Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 623 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.

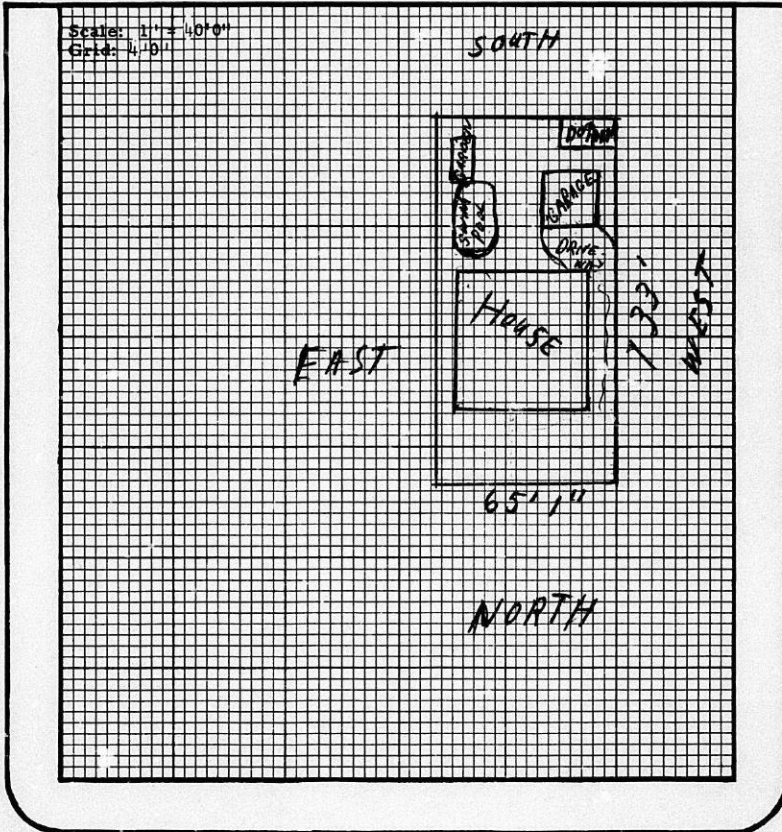
William L. Korber
Surveyor



RESIDENTIAL PLOT PLAN

ADDRESS: 623 W. 32nd St So PERMIT NO. _____

LOT(S): 1 BLK. C OF AG Jones Addition ZONING _____



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: Leon Shallop
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

Form No. 225-345 (2-81)

BZA 10-83

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1	B	A.G. Jones Addition	✓ Daniel Everett Cummings & Betty R. Cummings, 623 Benton, 67217
2	B	"	✓ George L. Grove & Beulah F. Grove, 275 S. Dellrose, 67218
3	B	"	✓ David E. Charles, 609 Benton, 67217
5	B	"	✓ Ronald D. Lauppe & Judith K. Lauppe, 604 W. 32nd St. South, 67217
6	B	"	✓ Ferrol D. Scribner & Bette G. Scribner, 610 W. 32nd St. South, 67217
7	B	"	✓ Administrator of Veterans Affairs, 901 George Washing- ton Blvd., 67211
8	B	"	✓ Stephen Mayfield Steele & Myrna Leigh Steele, 622 W. 32nd St. South, 67217
1	C	"	D Leon M. Shalloup & Georgia L. Shalloup, 623 W. 32nd St. South, 67217
2	C	"	✓ Edward D. Kirkpatrick & Betty M. Kirkpatrick, 615 W. 32nd St. South, 67217
3	C	"	✓ Harry D. Fitzsimmons, 4820 N. Glendale, 67220 AND ✓ R. Kell Hawkins, 429 West- field Ct., 67212
4	C	"	✓ Mark L. Newman, 603 W. 32nd St. South, 67217
5	C	"	✓ Carl Gilbert Stitt & Ruth A. Stitt, 604 W. Patterson, 67217
6	C	"	✓ Jewell Jean Sowell, 610 W. Patterson, 67217
7	C	"	✓ Harold C. Ingram & Eugenia E. Ingram, 616 W. Patterson, 67217
8	C	"	✓ John A. Brownlee & Terri J. Brownlee, 622 W. Patterson, 67217

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1	D	A.G. Jones Addition	✓ Jackie Charles Ellis & Oletha Jean Ellis, 623 W. Patterson, 67217
2	D	"	✓ Mary Lynn Howell, 615 W. Patterson, 67217
3	D	"	✓ Clifford Noble Utter & Patricia Ann Utter, 609 W. Patterson, 67217
South 60 ft. of 1	-	Wright's Addition	✓ J.C. Newell (Deceased) & Verna K. Newell, 3244 Silver, 67217
North ½ of 2	-	"	✓ Harold D. Tillery & Ruby R. Tillery, 3250 Silver, 67217
South ½ of 2	-	"	✓ Leo Roosenberg & Christine M. Roosenberg, 3256 Silver, 67217
3	-	"	Raymond Vaught & Mildred E. Vaught, Address Unknown
4	-	"	✓ William I. Chambers & Dorothy L. Chambers, 3324 Silver, 67217
5	-	"	✓ John R. Dyer & Mary M. Dyer, 3338 Silver, 67217
12	-	"	✓ Eric C. Larson & Margaret J. Larson, 1078 N. Armour, 67206
13	-	"	Harlmar S. Nelson & Katie A. Nelson, Address Unknown AND ✓ Clell L. Griffith & Harriett Deane Nelson Griffith, 3317 Silver, 67217 (purchasing under contract)
14	-	"	✓ Leona M. Bauer, 3305 Silver, 67217 AND Berneth E. Bauer, Address Unknown AND Donald D. Bauer, Address Unknown AND ✓ Sharon K. Emrich, 1838 N. Evergreen, 67212
1	B	Blake Addition	✓ Barry L. Davis & Cynthia S. Davis, 3301 Silver, 67217

page 3

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Lot 1, Block C, A.G. Jones Addition to Wichita,
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 31st day of March, 1983 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable

Vice-President

Order No. 318329
ge

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2-1921

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
<i>Planning</i>	<i>75.3</i>

NAME *City of Wichita*

ADDRESS *663 W. 22nd St*

FUND *21-002* DUE DATE

COMMENTS

DATE *1960 2/11/60* BY *J. J. [Signature]*