

POSTED
4-16-76
MARDU
E.I.V
6-14-76

ACTION

DATE
5-25-76

Approved

BZA COMMITTEE

M.A.P.C.

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

BZA 11-76 - JAMES L. HAMRICK
requests variance of the 25'
front yard setback requirement
on property generally located
at the northeast corner of 1st
and Battin

Map No. 5847
 Sec. 24
 Twp. 23
 Range 1E

BZA- 11-76
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (125 ft. by 136 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 11-76

WHEREAS, James L. Hamrick, 1111 East First Street, 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 30 feet to 18 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south half of Lot 20, and all of lots 22 and 24, on Battin Avenue, Parrott Addition, to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Battin and First Street.

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 May 25, 1976, 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 homes in this immediate area maintain a greater than minimal front yard setback, whereas if the house to the north was built to a 25 foot setback, this applicant would be permitted to construct a front porch to within 17 feet of the front property line or a canopy to within 20 feet of the front property line; 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 the proposed structure is approximately 60 feet from the nearest side property line and should not obstruct the passage of light or air inasmuch as it is an open, unenclosed structure; 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 owner represented in the application inasmuch as the applicant would be unable to carry out the architectural theme envisioned to make this renovation of the existing structure an asset to the neighborhood; 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 proposed structure would not create a sight hazard for traffic traveling one way east on First Street or for the north/south traffic on Battin; 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 the four previous conditions have been found to exist; 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 30 feet to 18 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south half of Lot 20, and all of Lots 22 and 24, on Battin Avenue, Parrott Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Battin and First Street.

be approved, subject to the following conditions:

1. The required front yard setback shall be reduced from 30 feet to 18 feet for only that portion of the front yard that the proposed portico is designed to occupy, as shown on the applicant's submitted site plan.
2. The reduction of the front yard setback shall apply only to an open, unenclosed canopy or structure as shown on the submitted plans.

ADOPTED AT WICHITA, KANSAS, this 25th day of May, 1976.


Marjorie L. Taylor
Chairman

ATTEST:


Jack H. Galbraith
Secretary

June 11, 1976

Mr. James R. Schaefer
800 Brown Building
Wichita, Kansas 67202

Subject: Case No. BEA 11-76
Request for Variance

Dear Mr. Schaefer:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 25, 1976, in connection with your request for a variance to reduce the required front yard setback from 30 feet to 18 feet on property zoned the "AA" Single Family Dwelling District and generally located on the northeast corner of Battin and First Street.

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 any questions concerning this matter, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: James L. Hamrick, 1111 East First, 67214
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXX

City Hall, Tenth Floor
455 North Main

May 26, 1976

Mr. James R. Schaefer
800 Brown Building
Wichita, Kansas 67202

Subject: Case No. BZA 11-76

Dear Mr. Schaefer:

At the regular meeting of the Board of Zoning Appeals on May 25, 1976, your request for a variance to reduce the required front yard setback from 30 feet to 18 feet on property zoned the "RA" Single Family Dwelling District and generally located on the northeast corner of Battin and First Street was considered.

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

1. The required front yard setback shall be reduced from 30 feet to 18 feet for only that portion of the front yard that the proposed portico is designed to occupy, as shown on the applicant's submitted site plan.
2. The reduction of the front yard setback shall apply only to an open, unenclosed canopy or structure as shown on the submitted plans.

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.

Mr. James R. Schaefer
May 26, 1976

If you have any questions, please call our office.

Yours very truly,



Larry Dobson
Assistant Secretary

LD:bh

cc: James L. Hamrick, 1111 East First, 67214
John L. Kratzer, 216 N. Battin, 67208
Kenneth F. Quelch, 211 N. Battin, 67208
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 11-76

APPLICANT: James L. Hamrick, 1111 East First Street, Wichita, Kansas.

AGENT: James R. Schaefer, 800 Brown Building, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 30 feet to 18 feet.

GENERAL LOCATION: Northeast corner of Battin and First Street.

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

LAND USE: Subject property and all surrounding properties are developed with single family residences.

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 30 foot front yard setback down to 18 feet for the purpose of constructing a portico or supported canopy, on the front of an existing house. The applicant is in the process of extensively remodeling the inside and outside of this structure and desires to extend the portico out over a proposed circle driveway.

Subject property is a 125 foot by 136 foot corner lot located at the northeast corner of Battin and First Street. The house as situated on the property maintains a 40 foot front yard setback, as does the house immediately adjacent to the north. The 30 foot required setback for subject property is determined by a formula that averages the "normal" 25 foot front yard setback with the greater than "normal" setback existing on adjacent property.

The applicant suggests that the portico is an integral design feature of the remodeling of this structure and that the granting of the requested variance will upgrade and beautify not only his property, but that of the neighborhood in general. The site plan submitted with the application shows the portico or canopy extending from the face of the house, over the front porch and proposed circle driveway, to a point 18 feet from the front property line where it is to be supported by two columns. The proposed portico would be located approximately 55 to 60 feet from both the north and south property lines.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness is difficult to justify, but that it may be unique inasmuch as the homes in this immediate area maintain a greater than minimal front yard setback, whereas if the house to the north was built to a 25 foot setback this applicant would be permitted to construct a front porch to within 17 feet of the front property line or a canopy to within 20 feet of the front property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance will not adversely affect the rights of adjacent property owners inasmuch as the proposed structure is approximately

Secretary's Report
CASE NO. BZA 11-75
Page 3

60 feet from the nearest property line and should not obstruct the passage of light or air inasmuch as it is an open, unenclosed structure.

HARDSHIP:

It is the opinion of the Secretary that it is difficult to justify hardship in this case, but that if a hardship does exist, it may be that the applicant would be unable to carry out the architectural theme envisioned to make this renovation of the existing structure an asset to the neighborhood.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare inasmuch as the proposed structure would not create a sight hazard for traffic traveling one way east on First Street or for the north/south traffic on Battin.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the Board finds the previous four conditions to exist, then the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance.

RECOMMENDATION:

If the Board finds the five conditions necessary to the granting of a variance to exist, it is recommended that the variance be granted subject to the following conditions:

1. The required front yard setback shall be reduced from 30 feet to 18 feet for only that portion of the front yard that the proposed portico is designed to occupy, as shown on the applicant's submitted site plan.
2. The reduction of the front yard setback shall apply only to an open, unenclosed canopy or structure as shown on the submitted plans.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 5, 1976

TO David Furnas, CPO Coordinator

FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals

SUBJECT Notice of Board of Zoning Appeals Cases
(Case Numbers ~~BZA 11-76~~ BZA 12-76; BZA 13-76;
BZA 14-76; BZA 15-76; BZA 16-75; and BZA 17-76)

Attached are notices of seven new cases to be considered by the Board of Zoning Appeals at its meeting on May 25, 1976. Also attached are sketch maps of the area involved in each case.

If you have any questions, please call.

Sincerely,



Larry Dobson
Assistant Secretary

LD:bh
Attach.

29 notices sent to adjoining property owners
agent and applicant
10 notices sent to members of MAPC

39 5-5-76
BZA 11-76

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

May 5, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 11-76

An application has been filed by James L. Hamrick, 1111 East First Street, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 30 feet to 18 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south half of Lot 20, and all of lots 22 and 24, on Battin Avenue, Parrott Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Battin and First Street.

This application has been assigned Case No. BZA 11-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 25, 1976, at 1:30 p.m., in the City Commission Chambers, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant James L. Hamrick

Mailing Address 1111 East First Street Phone 262-4251

Name of Authorized Agent James R. Schaefer

Mailing Address 800 Brown Building Phone 262-4403

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

II. The variance requested is for permission to build a portico
over a circle drive which would be within 18 feet of the property
line thereby requiring a variance of the ~~25~~³⁰ setback requirement.

for property located 200 North Battin

Wichita, Kansas 67208

and legally described as: The South Half of Lot 20 and all of
Lots 22 and 24, on Battin, Parrott Addition

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 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); 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 Sedgwick 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.

James L. Hamrick
Applicant

James R. Schaefer
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:30 (a.m. (p.m.)), 4-6 1976 together with appropriate fee of \$50.00.

T9-402

NE Corner of 1st & Battin

Larry Dobson
Signed

STATEMENT OF JUSTIFICATION

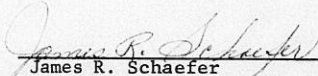
The variance requested, by the application to which this statement is attached, is from City Ordinance No. 28.04.040(c)(1.2) which provides that the minimum front yard setback on property zoned "AA" shall be 25 feet.

The variance is needed in order to allow the landowner to upgrade the use and appearance of his property. As noted in the application, and attached drawings, a circle drive to the residence is contemplated with a portico extending from the porch out over the drive.

The upgrading in appearance and use of this property will serve to beautify not only the landowner's property but that of the neighborhood in general and will not adversely affect the use or benefit adjacent landowners derive from their property. There is nothing in the contemplated improvement for which the variance is requested which would detrimentally affect the public health, safety, morals, convenience or general welfare.

A variance allowing the landowner to make the improvements will allow the landowner the best and most efficient use of his property. Denial of the variance would create an unnecessary hardship upon the free use of the property in question. While the Ordinance from which the variance is requested provides a system of orderly use of the property according to the type of zoning, granting this variance would in no way destroy or diminish the general intent and spirit of the "AA" zoning classification.

Respectfully submitted,



James R. Schaefer

Authorized Agent for the Landowner

O W N E R S H I P L I S T

Legal Description	Property Owner
The South Half of Lot 6, and the North 35 ft Lot 7, Block 1, Nicholas Place Addition and the East Half of vacated Coronado Place adjacent	✓ Bernie J. Mermis & Sherry L. Mermis 227 N. Battin 67208
The North 25 ft Lot 6, Block 1, Nicholas Place Addition and E½ vacated Coronado Place adjacent	✓ Julian A. Fitzgerald & Eileen M. 229 N. Battin 67208
The South 15 feet of Lot 7 and the North 45 feet Lot 8, Block 1, Nicholas Place Addition and the East Half of vacated Coronado Place adjacent	✓ Orville J. Hutchison & Anna M. 223 N. Battin 67208
The South 5 feet Lot 8, all of Lot 9, the North 5 feet of Lots 10 and 11, Block 1, Nicholas Place Addition and the East Half vacated Coronado Place adj.	✓ Kenneth F. Quelch & Eleanor M. 211 N. Battin 67208
The South 120 feet of Lots 10 and 11, Block 1, Nicholas Place Addition and the East Half vacated Coronado Place adjacent	✓ J. O. Davidson 209 N. Battin 67208
The West Half of vacated Coronado Place adjacent Lot 9, Block 2, Nicholas Place Add.	Lawrence E. Cornell Jr. and ✓ Mary Frederica Cornell 212 N. Bleckley Drive 67208
The West Half vacated Coronado Place adjacent Lot 8, Block 2, Nicholas Place Add	✓ Burl A. Vise and Helen 218 N. Bleckley 67208
W½ vacated Coronado Place adjacent the South 60 ft Lot 10, Block 2, Nicholas Place Addition	✓ J. W. Osborne Johnson and Pearl Allean Johnson 200 N. Bleckley Drive 67208
W½ vacated Coronado Place adjacent Lot 10 except the South 60 ft, Block 2, Nicholas Place Addition	✗ Dayton F. Molzen & Jean H. Molzen Address Unknown <i>not in City</i>
South Half Lot 11, on Pinecrest, all of Lot 13, Parrott's Addition	✗ William C. Sheldon and Susan S. Address Unknown <i>not in City</i>
Lot 15 and the North 18 feet Lot 17 on Pinecrest, Parrott's Addition	✓ Ralph E. Palmer and Cynthia S. 221 N. Pinecrest 67208

Legal Description	Property Owner
The South 32 feet Lot 17, North 43 feet Lot 19 on Pinecrest, Parrott Addition	✓ R. P. Hill and Marion F. Hill 207 N. Pinecrest 67208
South 7 feet Lot 19, all of Lots 21 & 23 Parrott Addition	✓ Gordon T. Cowles & Joan E. Cowles 205 N. Pinecrest 67208
Lot 12 and the North Half Lot 14 on Battin Parrott Addition	✓ Ralph B. Foster and Barbara J. 230 N. Battin 67208
South Half Lot 14, all of Lot 16 on Battin Parrott Addition	✓ Sidney L. Cain and Frances Kathryn 224 N. Battin 67208
Lot 18 and the North Half Lot 20 on Battin Parrott Addition	✓ John L. Kratzer Jr. & Barbara 216 N. Battin 67208
South Half Lot 20, all of Lots 22 & 24 on Battin, Parrott Addition	✓ James L. Hamrick 505 N. Rock Road Apt. 1411 67206
Lot 18 on Pinecrest, Parrott's 2nd Addition	✓ Robert M. Euwer and Barbara D. 218 N. Pinecrest 67208
Lot 20 and the North Half Lot 22 on Pinecrest, Parrott's 2nd Addition	✓ Stephen J. Blaylock & Sandra L. 208 N. Pinecrest 67208
South Half Lot 22, all Lot 24 on Pinecrest Parrott's 2nd Addition	✓ Haseba Andeel 204 N. Pinecrest 67208
Lot 1 on Pinecrest, Terrace Heights Add.	✗ Mary Elizabeth Cheney Missildine Address Unknown 414 N. Pinecrest <i>NOT CORRECT V.S. PHONE CALL</i>
Lot 3 on Pinecrest, Terrace Heights Add.	✓ Russell A. Pride & Delia Pride 151 N. Pinecrest 67208
Lot 5 on Pinecrest, Terrace Heights Add.	✓ Madeline T. Powers 145 N. Pinecrest 67208
Lot 2 on Battin, Terrace Heights Addition	✓ Dean O. White & Joyce G. White 152 N. Battin 67208
Lot 4 on Battin, Terrace Heights Addition	✓ James T. Dye & Millie Margaret Dye 146 N. Battin 67208
Lot 6 on Battin, Terrace Heights Addition	✓ Larry L. Evers & Marion Jessica 140 N. Battin 67208
The South 7 feet Lots 1 and 2, all Lot 3 and the East Half vacated Coronado Place adjacent, Block 1, Strieff Place Addition	✓ C. R. Stables & Betty G. Stables 143 N. Battin 67208
The North 60 feet Lots 1 and 2, Block 1, Strieff Place, and the East Half vacated Coronado Place adjacent	✓ Billy D. Fouty and Arlene A. 157 N. Battin 67208
Lots 1 and 2 except the North 60 feet and except the South 7 feet, Block 1, Strieff Place, and East Half vacated Coronado Place adjacent	✓ Irma E. Stables 147 N. Battin 67208

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

A 200 foot radius of: the South Half of Lot 20,
all of Lots 22 and 24, on Battin Avenue, Parrott
Addition to Wichita, Kansas, Sedgwick County,
Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 11th day of March, 1976
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable
Vice President

Order No. 234835
wh

FORM 223-021

CAMERON ROUTE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST 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

Residential Plot Plan

Address: 200 N. Battin

Permit NO. 1

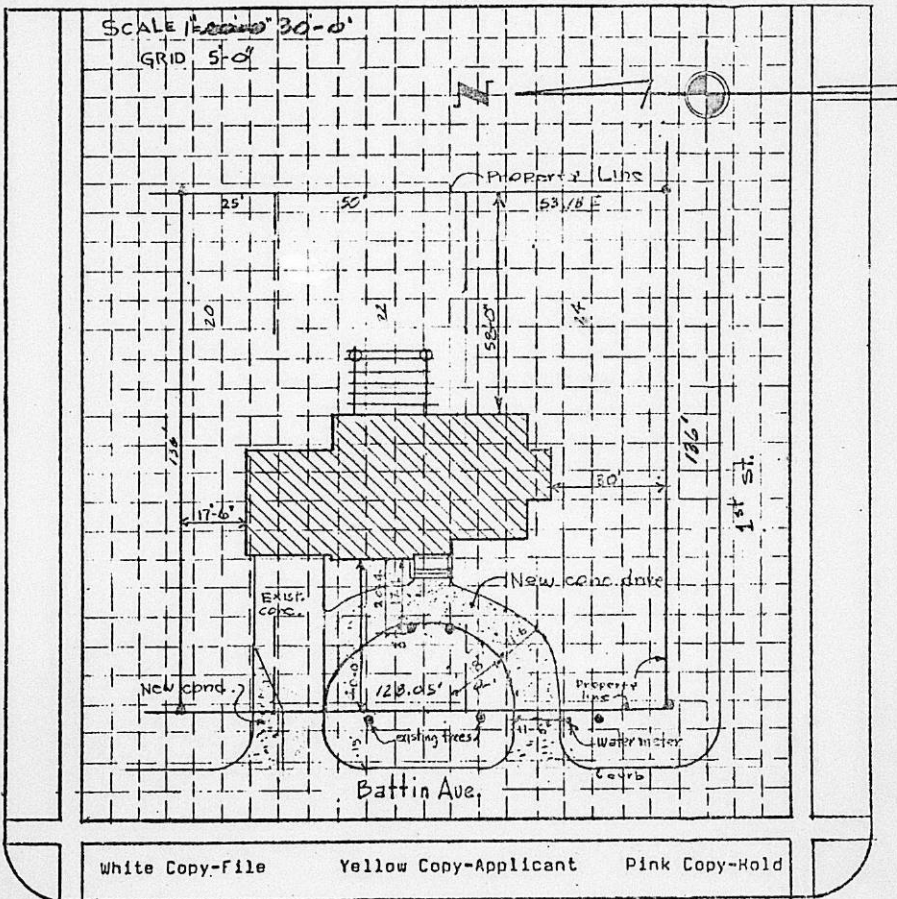
The south half of lot 20 and all of lots 22 and 24 on Battin, in Parrott Add. to Wichita KS.

Lot(s)

Blk.

Of

Zoning:



White Copy-File

Yellow Copy-Applicant

Pink Copy-Hold

I certify that the above plat complies with applicable zoning setbacks and sub-diveseon covenants and restrictions.

Form No. 41-345 (6/25/71)

JIM HAMRICK

Signed

(Applicant) 3-18-76

Garage Carport Open Parking

1 of 5

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1