

BZA 13-71 - Leonard D. Howard
requests Variance to reduce front
setback from 34½ ft. to 30 ft. on
E side of Old Manor, N of Mt. Vern

BZA 10-26-71 Approve

POSTED

11/3/71

[Signature]

MAPU

C.I.V.

9-15-72

BZA 10-26-71 Approve

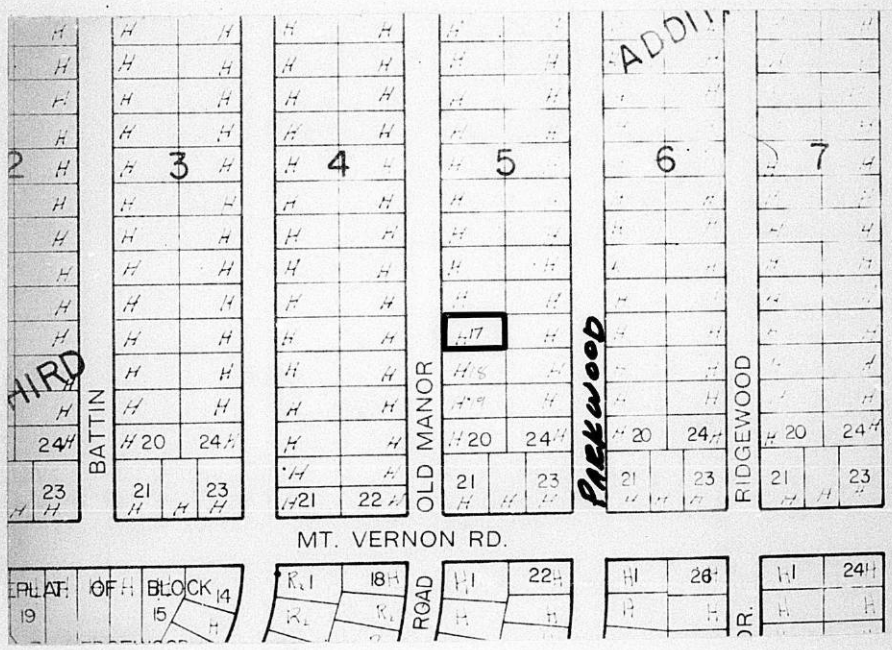
BZA 13-71 - Leonard D. Howard
requests Variance to reduce front
setback from 34 1/2 ft. to 30 ft. on
E side of Old Manor, N of Mt. Vern

Map No. 5845
 Sec. 36
 Twp. 27
 Range 1E

BZA 13-71
 GCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.15 (60 ft. by 111 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 is for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____

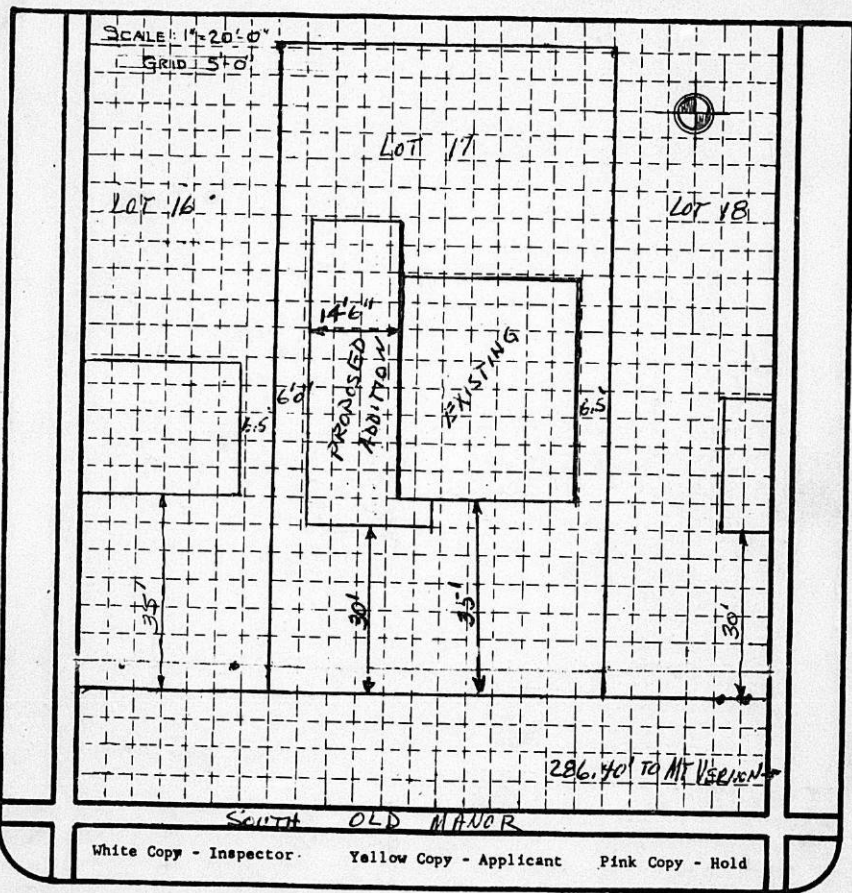


RESIDENTIAL PLOT PLAN

ADDRESS: 1926 S. OLD MANOR

PERMIT NO.: _____

LOT(s): 17 BLK. 5 OF BUILDERS THIRD ADDITION ZONING: AA ~~LR-18~~



13-71

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

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

Signed: _____

(Applicant)

Garage Carport Open Parking

RESOLUTION NO. BZA 13-71

WHEREAS, Leonard D. Howard, 1926 South Old Manor, 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 34½ feet to 30 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 17, Block 5, Builders Third Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Old Manor in an area north of Mt. Vernon.

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 October 26, 1971, 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 if the abutting homes had been constructed to the required 25 foot front yard setback line as is normally done, this variance request would not be necessary; and inasmuch as the applicant desires to maintain the same setback as the property to the south; 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 an adequate front yard setback will be maintained to provide for a feeling of open space; 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 he would be unable to construct the addition in such a manner so as to protect the front entrance; 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 inasmuch as the variance requested is interiorly located; 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 a greater front yard setback will be maintained than is normally required in the "AA" Single Family zoning district; and

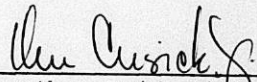
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 front yard setback from 34½ feet to 30 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 17, Block 5, Builders Third Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Old Manor in an area north of Mt. Vernon.


be approved.

ADOPTED AT WICHITA, KANSAS, this 26th day of October, 1971.



Kenneth M. Cusick, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

November 17, 1971

Mr. Leonard D. Howard
1926 South Old Manor
Wichita, Kansas 67218

Subject: Case No. BZA 13-71
Request for Variance

Dear Mr. Howard:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 26, 1971, in connection with your request for a variance to reduce the required front yard setback from 34½ feet to 30 feet, on property zoned "AA" Single Family, and generally located on the east side of Old Manor in an area north of Mt. Vernon.

This Resolution reflects the official action of the Board to approve this request. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls
Enclosure

cc Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

October 27, 1971

Mr. Leonard D. Howard
1926 South Old Manor
Wichita, Kansas 67218

Subject: Case No. BZA 13-71
Request for Variance

Dear Mr. Howard:

At the regular meeting of the Board of Zoning Appeals on October 26, 1971, your request for a variance to reduce the required front yard setback from 34½ feet to 30 feet, on property zoned "AA" Single Family, and generally located on the east side of Old Manor in an area north of Mt. Vernon, was considered.

It was the action of the Board to approve this request.

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:ls

cc Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 13-71

APPLICANT: Leonard D. Howard, 1926 South Old Manor, 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 34½ feet to 30 feet

GENERAL LOCATION: On the east side of Old Manor in an area north
of Mt. Vernon

ZONING: Subject property is zoned "AA" Single Family as are
those properties to the north, east, south and west

LAND USE: Subject property is occupied by a single family home
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 front yard setback from 34½ feet to 30 feet in order to construct an addition to his existing residence. In his statement of justification, the applicant points out that the addition as proposed will give protection from winds and storms for the front entrance to his home.

Under normal circumstances a front yard setback of only 25 feet is required in the "AA" Single Family zoning district. However, the ordinance provides that the minimum front yard setback of all lots between two (2) adjacent conforming use buildings which are not more than one hundred (100) feet between buildings shall be the distance between the front of the lot and a straight line projected between the nearest front corner of the building on each side of the lot in question. In this instance, the house to the north sets back 35 feet while the house to the south sets back 30 feet and the projected straight line between the two houses requires the applicant's home to set back a distance of 34½ feet from the front property line.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as if the abutting homes had been constructed to the required 25 foot front yard setback line as is normally done, this variance request would not be necessary. It also appears to be unique in that this applicant desires to maintain the same setback as the property to the south.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent properties inasmuch as an adequate front yard setback will be maintained to provide for a feeling of open space.

HARDSHIP:

It is the opinion of the Secretary that an unnecessary hardship would be placed upon the applicant if the variance were not granted inasmuch as he would be unable to construct the addition in such a manner so as to protect the front entrance.

Page 3 - Secretary's Report
Case No. BZA 13-71

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the variance requested is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as a greater front yard setback will be maintained than is normally required in the "AA" Single Family zoning district.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the request to reduce the front yard setback from 34½ feet to 30 feet be approved.

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

October 6, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 13-71

An application has been filed by Leonard D. Howard, 1926 South Old Manor, 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 34½ feet to 30 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 17, Block 5, Builders Third Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Old Manor in an area north of Mt. Vernon.

This application has been assigned Case No. BZA 13-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

39 Notices Mailed 10-6-71

MAP
5847

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 13-71
FILED 9-29-71

APPLICATION FOR VARIANCE

I. Name of Applicant LEONARD D. HOWARD
Mailing Address 1926 S. OLD MANOR ⁶⁷²¹⁹ Phone 68-36704
Name of Authorized Agent NA
Mailing Address NA Phone NA

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

II. The variance requested is ^{34 1/2} To reduce the required front yard
setback from 30 feet to 30 feet.
5'0" TO THE FRONT OF EXISTING STRUCTURE MAKING
A TOTAL SETBACK OF 30'0"

for property located 1926 So. Old Manor

and legally described as: LOT 17, BLOCK 5, BUILDERS THIRD
ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY,
KANSAS

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

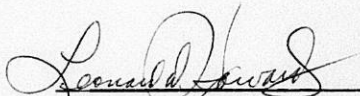
Leonard D. Howard
Applicant

NA.
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:15 (a.m. - p.m.), Sept 29 1971 together with appropriate fee of \$50.00.

Laura Scott, Secretary
Signed

- #1. The variance requested will give protection from wind and storms for the front entrance to the home and will increase the valuation of the property in question and other property in the area.
- #2. This will not affect the rights of adjacent property owners or residents because my house sets back 35 ft. from the front property line and the house to the south sets back 30' and the house north sets back 35', therefore, this addition will not obstruct the view of either property owner.
- #3. Refusal to grant this permit for the variance will result in our being unable to construct in such a way to protect the front entrance.
- #4. It is my feeling that the general public's welfare will not be adversely affected in any way.
- #5. This area is AA Zoned and the legal setback is 25'. My house sets back 35' and by changing this setback to 30', it will still be more than the legal setback.

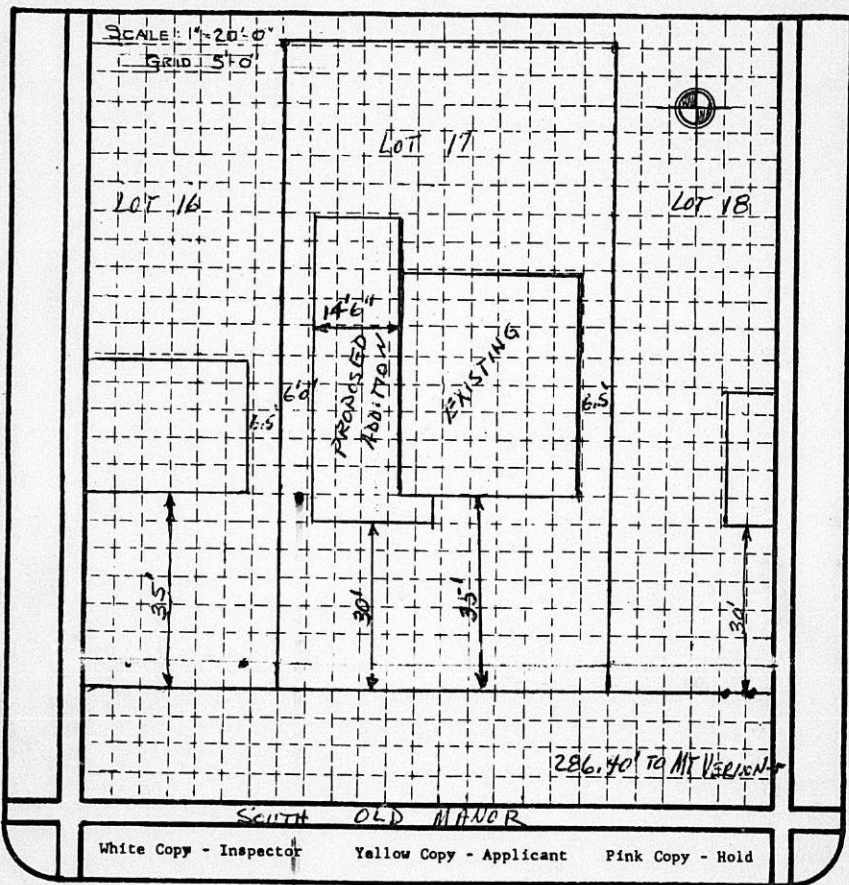

Leonard D. Howard

RESIDENTIAL PLOT PLAN

ADDRESS: 1926 S. OLD MANOR

PERMIT NO.: _____

LOT(S): 17 BLK. 5 OF BUILDERS THIRD ADDITION ZONING: "AA" ~~RS~~



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

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

Signed: _____

(Applicant)

Garage Carport Open Parking

SURVEYS FOR
CITY LOTS
BUSINESS PROPERTIES.
FARMS
OIL WELLS
SUBDIVISIONS

OFFICE OF
CLYDE M. BAUGHMAN

County Surveyor

Registered Professional Engineer

TOPOGRAPHICAL MAPPING
DRAINAGE
CITY PLATS AND MAPS
CITY PLAT BOOK



COURT HOUSE
PHONE 3-6281

WICHITA 2, KANSAS
PHONE 2-5292

State of Kansas)
County of Sedgwick) SS

June 17, 1950

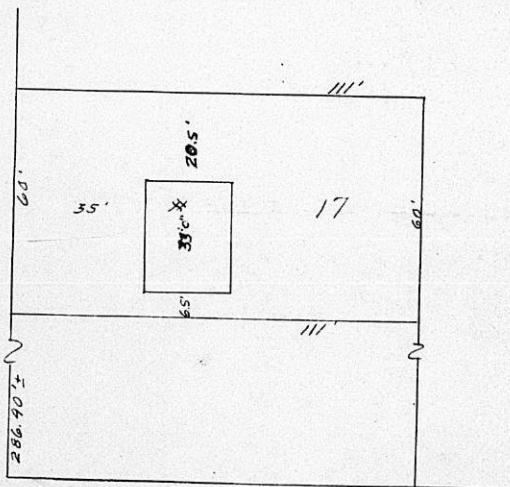
I, Clyde M. Baughman, Surveyor in and for said county and state do hereby certify that I did on this 17th day of June, 1950, survey lot 17, block 5, Builders Third Addition to Wichita, Kansas.

On said lot is house No. 1724 which is in the name of L.D. Howard and 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.

Clyde M. Baughman
County Surveyor

Old Menor Road

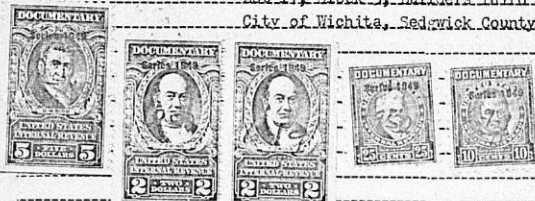


Mt. Vernon Road

THIS INDENTURE Made this 16 day of June in the year of our Lord one thousand nine hundred and fifty between BUILDERS, INC. (a corporation duly organized under the laws of the State of Kansas acting by its ^{Vice} President, being thereunto duly authorized) W. A. Greenfield in the County of Sedgwick and State of Kansas of the first part, and Leonard D. Howard and Marcella Eaye Howard, Husband and Wife, as joint tenants with the right of survivorship and not as tenants in common of the second part

WITNESSETH, That the said party of the first part, in consideration of the sum of Other valuable considerations and one and no/100 DOLLARS to it duly paid, the receipt of which is hereby acknowledged, has sold, and by these presents does grant and convey to the said party of the second part, their heirs and assigns, all that tract or parcel of land situated in the County of Sedgwick and State of Kansas described as follows, to-wit:

Lot 17, Block 5, Builders Third Addition to the City of Wichita, Sedgwick County, Kansas.



with the appurtenances, and all the estate, title and interest of the said party of the first part therein. And the said GRANTORS: BUILDERS, INC. hereby covenants and agrees that at the delivery hereof it is the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances except the protective covenants of record if there be any, with which the grantors hereby agree to comply. Subject to any mortgages of record. and that it will warrant and defend the same in the quiet and peaceable possession of the said party of the second part, their heirs and assigns, forever, against all persons lawfully claiming the same

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and company seal (by its ^{Vice} President) the day and year last above written.

Attest: [Signature] Asst. Secretary. By [Signature] Vice-President. BUILDERS, INC. STATE OF KANSAS SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 16 day of June, A. D., 1950 before me, a Notary Public, in and for said County and State of Kansas came W. A. Greenfield Vice-President of BUILDERS, INC.

to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

[Signature] Notary Public.



My commission expires Mar. 26, 1953

17142

CORPORATION

Warranty Deed

FROM

Original Copy
Filed for Record

TO

Entered in transfer record in my office
this 19 day of June A. D., 1950

No. _____
Otis Schweitzer
County Clerk.

County of Sedgewick }
State of Kansas } ss.

This instrument was filed for record on
the 19 day of June
A. D., 1950, at 3:00 o'clock P. M.,
and duly recorded in book 771-
of Deeds at page 521

Fee, \$ _____

S. S. Antkowiak
Register of Deeds.

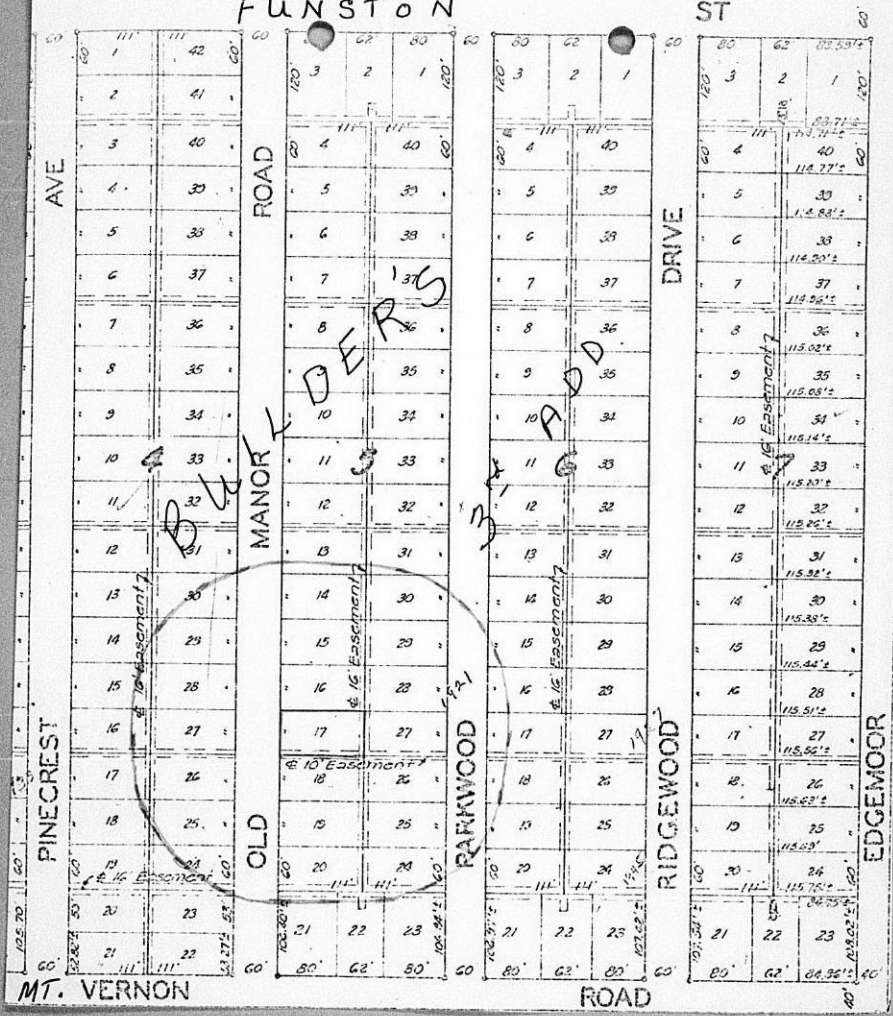
Deputy.

77 Co. (Amort)

10
1.50

FUNSTON

ST



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Lot 17, Block 5, Builders Third Addition, Wichita,
 Sedgwick County, Kansas.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
14	4	BUILDERS 3rd.	✓ Robert F. & Helen Graham, ux 1914 S. Pinecrest 67218
15	4		✓ Willis Michael Hartup Nancy A. Hartup, ux 1920 S. Pinecrest 67218
16	4		✓ Harold B. & Frances Ruth Gragg, 1926 S. Pinecrest 67218 ux
17	4		✓ Edgar B. Haddock Genevieve M. Haddock, ux 1932 S. Pinecrest 67218
18	4		✓ Richard A. Schrader Josephine M. Schrader, ux 1938 S. Pinecrest 67218
23	4		✓ Howard V. & Ruby V. Harrison, ux 503 Hidden Valley Rd. 67209
-24	4		✓ Raymond L. & Carolyn S. Peter, ux 1945 S. Old Manor 67218
25	4		✓ Lloyd A. & Aletha C. Olson, ux 1939 S. Old Manor 67218

LOT	BLK	ADDITION	OWNER
26	4	<u>BUILDERS 3rd.</u>	✓Milo G. & Wilma H. Jacobs, ux 1933 S. Old Manor 67218
27	4		✓Edward F. & Evelyn Flaska, ux 1927 S. Old Manor 67218
28	4		✓Robert Stanley & Sondra D. Carlson 1921 S. Old Manor 67218 ux
29	4		✓John B. & Marguerite E. Warner, ux 1915 S. Old Manor 67218
30	4		✓Richard K. & Claryce J. Cowie, ux 4325 E. Lewis 67218
31	4		✓Max A. & Yvonne C. Hansen, ux 1901 S. Old Manor 67218
13	5		✓Gerald V. Sampson, Jr. Linda J. Sampson, ux 1902 S. Old Manor 67218
14	5		✓John F. & Patricia L. Ehrke, ux 2718 Columbine 67204
15	5		✓Paul L. & Neoma M. McGlynn, ux 1916 S. Old Manor 67218
16	5		✓Myron F. & Thalia N. Nunn, ux 1920 S. Old Manor 67218
17	5		✓Leonard D. & Marcella F. Howard, ux 1926 S. Old Manor 67218
18	5		✓Mabel Mary Berg 1932 S. Old Manor 67218
19	5		✓John C. & Sandra Jean Johnson, ux No Address Available 1938 S. Old Manor 67218
20	5		✓George B. & Salana M. Skinner, ux 1944 S. Old Manor 67218
21	5		✓James B. & Oneida M. Martin, ux 5302 E. Mt Vernon 67218
22	5		✓Harold L. & Lillian M. Liberty, ux 5312 E. Mt. Vernon 67218
23	5		✓Melvin L. & V. Elizabeth Mapel, ux 5318 E. Mt. Vernon 67218
24	5		✓Charles R. & Dorothy C. Wakefield, 1945 S. Parkwood Lane 67218 ux
25	5		✓Ora L., Jr & Norma Nestelroad, ux 1939 S. Parkwood Lane 67218
26	5		✓Dennis C. & Paula E. Williams, ux 200 Parkwood Lane, Derby 67037
27	5		✓Carroll A. Childs, sgle. 8141 E. Zimmerly 67207
28	5		✓Max W. & Barbara A. Anderson, ux 1921 S. Parkwood Lane 67218

LOT	BLK	ADDITION	OWNER
29	5	BUILDERS 3rd.	✓ Lily M. Brown 1907 S. Parkwood Lane 67218
30	5	<i>ret. 10-12-71 none found</i>	✓ Bradford Norman Haas Carol Dean Haas, ux 8144 E. Gilbert 67207
31	5		✓ Lloyd S. & Melody L. Hooper, 1901 S. Parkwood Lane 67218 ^x
15	6		✓ Bill M. & Joyce M. Skidmore, 1914 S. Parkwood Lane 67218 ^{ux}
16	6		✓ Otwell R. & Evelyn J. Aycok, 1920 S. Parkwood Lane ux 67218
17	6		✓ E. Vern & Linnie Coover, ux 601 S. Madison 67211
18	6		✓ Glen H. & Lucy A. Kauffman, 1932 S. Parkwood Lane ux 67218
19	6		✓ Ernest M. & Bernadine Wilson, 1938 S. Parkwood Lane ux 67218

Dated at Wichita, Kansas this 27th day
of September, 1971 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell
Sec. OEM

Tracer # 11527

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

October 6, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 13-71

An application has been filed by Leonard D. Howard, 1926 South Old Manor, 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 34½ feet to 30 feet, on property zoned "AA" Single Family, and legally described as follows:

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This application has been assigned Case No. BZA 13-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 26, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN TO
WRIT



- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

Lily M. Brown
1907 South Parkwood Lane
Wichita, Kansas 67218

1824
250
J

Form 21-1021

PAYMENT NOTICE

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
<i>Asphalt</i>	<i>50</i>

Name *Edward W. Howard*

Address *1126 N. 14th St. Wichita*

Type <i>AA-467103</i>	Due Date
-----------------------	----------

Comments:

Date <i>9-29-71</i>	By <i>led</i>
---------------------	---------------