

*POSTED*  
*5-11-81*

**ACTION**

*B2A*  
*900*

COMMITTEE **APPROVED** DATE **5-26-81**

M.A.P.C. \_\_\_\_\_

R.C.C./B. CO. C. \_\_\_\_\_

Case No. BZA 20-81 - Willis & Helen Lovett - requests a variance to reduce the side yard setback from 6' to 0' on property zoned the "A" Two-family Dwelling District and generally located at 516 North Edwards.

*700 Sec 6-9-81*  
*Checked 6-10-81*  
*Spec 6-11-81*  
*Approved*

Map No. 5247  
 Sec. 24  
 Twp. 27  
 Range 1W

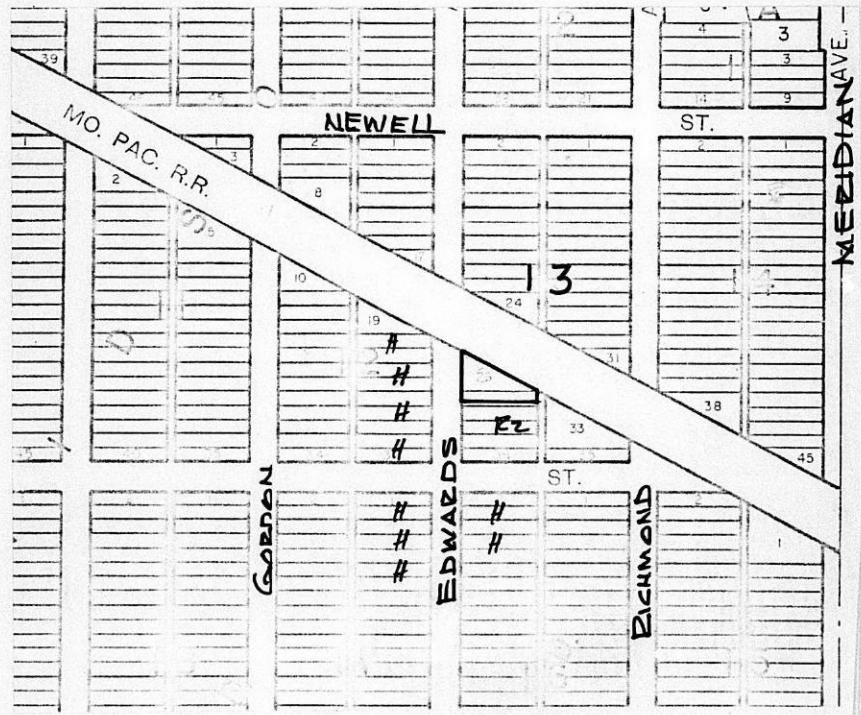
BZA- 20-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

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

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



Stinson  
 No. 2-153C  
 HASTINGS, MN  
 LOS ANGELES-CHICAGO-URBAN, OH  
 HOENSON, THE CULBERT GROVE, GA  
 U.S.A.

18-20-81

June 1, 1961

Willis & Helen Lovett  
514 North Edwards  
Wichita, Kansas 67203

Re: Case No. BZA 20-61  
Request for Variance

Dear Mr. & Mrs. Lovett:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1961.

This Resolution reflects the official action of the Board to approve your request, and sets out the condition 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  
Enclosure

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

RESOLUTION NO. BZA 20-81

WHEREAS, Willis & Helen Lovett, 514 North Edwards, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 0 feet along the north property line on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lot 26 and the north 23' of Lot 28, Block 13,  
J. O. Davidson and Addition to Wichita, Sedgwick  
County, Kansas. Generally located on the east  
side of Edwards immediately south of the Mo Pac  
Railroad (516 North Edwards.)

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 26, 1981, 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 bounded by the north by a 100 foot railroad right-of-way that is on an angle that reduces the lot width from front to rear making it difficult to locate a garage on the property when complying with the setbacks; 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 garage will only be adjacent to the property line at one corner and should not effect the use of the railroad right-of-way; 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 applicant would be unable to provide a garage within reasonable distance of the street; 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 variance would only be adjacent to the railroad 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 a reduction of the side yard should not affect the light or air of adjacent properties which is the intent of the regulations; 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.

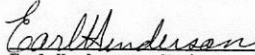
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard along the north property line from 6 feet to 0 feet on property zoned the "A" Two-family Dwelling District and legally described as:

Lot 26 and the north 23' of Lot 28, Block 13,  
J. O. Davidson and Addition to Wichita, Sedgwick  
County, Kansas. Generally located on the east  
side of Edwards immediately south of the Mo Pac  
Railroad (516 North Edwards.)

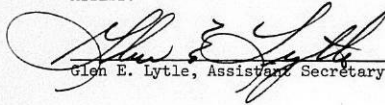
be approved subject to the following condition:

1. The side yard on the north adjacent to the railroad right-of-way may be reduced from 6 feet to 0 feet only for one corner of the garage which shall be located square with the existing structure.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1981.

  
Earl Henderson, Chairman

ATTEST:

  
Glenn E. Lytle, Assistant Secretary

May 28, 1981

Willis & Helen Lovett  
514 North Edwards  
Wichita, Kansas 67203

Re: Case No. BEA 20-81  
Request for Variance

Dear Mr. & Mrs. Lovett:

At the regular meeting of the Board of Zoning Appeals on  
May 26, 1981, your request for a variance was considered.

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

1. The side yard on the north adjacent to the railroad  
right-of-way may be reduced from 6' to 0' only for  
one corner of the garage which shall be located square  
with the existing structure.

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 ob-  
tained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

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

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

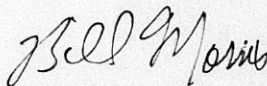
DATE May 22, 1981

TO Glen Lytle, Special Assistant for Zoning  
FROM Bill Morris, Administrative Aide III

SUBJECT BZA 20-81 (East of Edwards,  
South of the MoPac Railroad)

CPO Council "N" reviewed the captioned case on May 20th. The Council voted 9-0 to recommend approval of the requested variance.

Willis and Helen Lovett, applicants in the case, were present. No citizens were present in opposition to the case. It was the Council's opinion that the request is reasonable since the affected setback is adjacent to railroad right-of-way.



Bill Morris  
Administrative Aide III

BM:m1

**RECEIVED**

MAY 22 1981

METROPOLITAN PLANNING  
ROUTE  Lytle  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 20-81

APPLICANT: Willis & Helen Lovett, 514 North Edwards, Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the side yard setback from 6 feet to 0 feet along the north property line.

GENERAL LOCATION: On the east side of Edwards immediately south of the Mo Pac Railroad (516 North Edwards).

ZONING: Subject property is zoned "A" Two-family Dwelling District as are all adjoining properties.

LAND USE: Subject property is occupied by a Two-family Dwelling. All adjacent properties are either one or two-family dwellings.

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 and 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 of the required side yard setback along the north property line adjacent to the Mo Pac Railroad from 6 feet to 0 feet in order to construct a garage on the north of the residence. As indicated by the site plan furnished by the applicant, only a corner of the garage will be on the property line due to the angle of the Mo Pac Railroad right-of-way. It would appear that this is the only logical location for a garage on the property unless it be a detached garage in the rear yard.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the property is bounded by the north by a 100 foot railroad right-of-way that is on an angle that reduces the lot width from front to rear making it difficult to locate a garage on the property when complying with the setbacks.

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 garage will only be adjacent to the property line at one corner and should not effect the use of the railroad right-of-way.

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 applicant would be unable to provide a garage within reasonable distance of the street.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the variance would only be adjacent to the railroad 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 a reduction of the side yard should not affect the light or air of adjacent properties which is the intent of the regulations.

RECOMMENDATION:

Should the Board determine that the 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 condition.

1. The side yard on the north adjacent to the railroad right-of-way may be reduced from 6 feet to 0 feet only for one corner of the garage which shall be located square with the existing structure.

BZA CASE NO. 20-81

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

23 NOTICES SENT TO ADJOINING PROPERTY OWNERS

35 TOTAL NOTICES SENT 5-6-81

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

MAY 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 20-81

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 Willis & Helen Lovett, 514 North Edwards, 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 side yard setback from 6' to 0' on the north. A legal description of the applicant's property is as follows:

Lot 26 and the north 23' of Lot 28, Block 13,  
J. O. Davidson and Addition to Wichita,  
Sedgwick County, Kansas. Generally located  
on the east side of Edwards immediately south  
of the Mo Pac Railroad (516 North Edwards.)

This application has been assigned Case No. BZA 20-81. It will be considered by the Board of Zoning Appeals on May 26, 1981 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, 268-4381.

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  
CITY OF WICHITA, KANSAS

CASE NO. 20-81  
FILED 4-28-81

APPLICATION FOR VARIANCE

- I. Name of Applicant Willis + Helen Lawett  
Mailing Address 514 N. Edwards <sup>67203</sup> Phone 943-2888  
Name of Authorized Agent Joe Danner (Stinson Capital Co.)  
Mailing Address 3108 Conamore <sup>67216</sup> Phone 285-1031  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)
- II. The variance requested is to reduce the side yard  
setback from 6 feet to 0 feet on the north  
~~side side yard setback~~  
for property located 516 N. Edwards

and legally described as: lot 26 and the  
North 23 feet of lot 28, Block 13,  
J.C. Davidson and Addition to  
Wichita, Kansas

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

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. 36-596); and that the appropriate fee is herewith tendered;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Willis W. Lawett

Authorized Agent Joe Danner

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:07 (a.m.-p.m.), April 28, 1981, together with appropriate fee of 2500.

Signed A. Lytle

WILLIAM I. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



**BAUGHMAN COMPANY, P.A.**  
SURVEYORS  
316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas )  
                  ) SS  
County of Sedgwick )

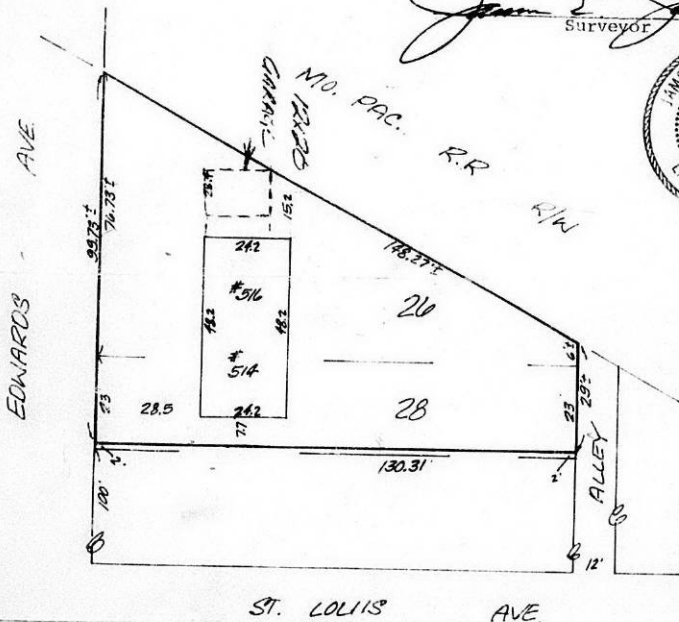
December 15, 1980

We, Baughman Company, P.A., Surveyors in afore-said county and state do hereby certify that we did on this 15th day of December, 1980, survey Lot 26 and the north 23 feet of Lot 28, Block 13, J. O. Davidson's 2nd Addition to Wichita, Kansas.

On said Lot is a duplex Nos. 514 and 516 with no 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.

*James E. Jordan*  
Surveyor



Striver Construction Company  
3108 Conamore  
Wichita, Kansas 67218

April 28, 1981

The Board of Zoning Appeals  
10th Floor, City Hall  
455 N. Main  
Wichita, Kansas 67202

To whom it may concern,

ITEM I - We feel out situation is unique because the property adjoining to the North is that designated for the railroad right of way and not being occupied for residential use.

ITEM II - Since the property is owned and used by the railroad for the purpose of a right of way it does not come into conflict with any adjacent property owners.

ITEM III - N/A.

ITEM IV - Since the variance would effect only the applicant or owner (Willis and Helen Lovett) directly it would not create a nuisance or hazard to the welfare of the general public.

ITEM V - We believe that Items 1 through 4 make it evident that we meet the requirements of item 5.

Applicant

*Willis W Lovett*

Authorized Agent

*A. D. Dan*  
*Striver Const Inc.*

sd

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
15 & 17	12	J.O. Davidson's 2nd Addition	✓ Earl Jackson Everitt Jr., Address Unknown <i>246 1/2 N. Vine St. 67203</i>
19, 21, & 23	12	"	✓ Albert P. Guerra & Reva Guerra, 2616 Bob White Rd., 67204
25, 27, & 29	12	"	✓ Raymond F. Ashford & Dottie F. Ashford, 513 N. Edwards, 67203
West 45 ft. of lots 31, 33, 35, & 37	12	"	✓ Lola B. Robbins & Lolene S. Chepil, 2710 St. Louis, 67203
East 44 ft. of lots 31, 33, 35, & 37	12	"	✓ William M. Aikin & Karola R. Aikin, 2702 St. Louis, 67203
West 44 ft. of the east 88 ft. of lots 31, 33, 35, & 37	12	"	✓ Ada Boughton, 2706 St. Louis, 67203
12 & 14	12	"	✓ Hazel M. Anderson & Cleo K. Anderson, 526 N. Gordon, 67203 AND Lloyd Allan Hurst, 4208 W. 10th St., 67212
16 & 18	12	"	✓ <del>Fred Wakefield (Deceased)</del> & Goldie B. Wakefield, 522 N. Gordon, 67203
20 & 22	12	"	<del>Wesley E. Schultz (Deceased)</del>
24 & 26	12	"	<del>Archie R. Williams, Address Unknown</del>
28 & 30	12	"	✓ Robert W. Miller, 506 N. Gordon, 67203 AND <del>Kevin K. Miller, Address Unknown</del>
32 & 34	12	"	<del>Carlton Terrence Walker (Deceased) &amp; Marjorie J. Walker, 502 N. Gordon, 67203</del>
South 20 ft. of 16, all of 18, & the north 5 ft. of lot 20	13	"	✓ <del>Paul J. Hendrix &amp; Deloris D. Hendrix, Address Unknown</del>

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
South 20 ft. of 20, & all of lots 22 & 24	13	J.O. Davidson's 2nd Addition	✓ Alice E. Wahn, 812 W. 31st St. South, 67217 AND Doris ✓ Lee Clark, <del>Address Unknown</del> <i>4409 E. Lincoln 67207</i>
All of lot 26, & lot 28 exc. the south 2 ft.	13	"	<i>Dub</i> ✓ Willis M. Lovett & Helen A. Lovett, 514-516 N. Edwards, 67203
South 2 ft. of 28, all of 30 & 32	13	"	✓ Sherrill E. Boucher, 6626 Aberdeen, 67206
34 & 36	13	"	<del>John C. Malone (Deceased)</del>
19	13	"	✓ Georgia Fancher, 537 N. Richmond, 67203 AND <del>George Hoag, Address Unknown</del>
21 & 23	13	"	✓ Loretta Taylor, 543 N. Richmond, 67203
25 & 27	13	"	✓ Kenneth W. Hoag & Vera M. Hoag, 525 N. Richmond, 67203 AND Billy Dean Hoag, 3110 S. Wichita, 67217
29 & 31	13	"	✓ Lyn Mauree Watchous, RFD 5, Box 52, Newton, 67114
33 & 35	13	"	✓ Orlando K. Wall & Ruth E. Wall, 1427 Jeanette, 67203
1 & 3	16	"	✓ John W. McKay & Lillie A. McKay, 449 N. Richmond, 67203
2 & 4	16	"	✓ Richard J. Heppler Jr. & Betty J. Heppler, 448 N. Edwards, 67203
1 & 3	17	"	✓ Harley R. Weese & Juanita E. Weese, 455 N. Edwards, 67203

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 26 and the North 23 feet of Lot 28, Block  
13, J.O. Davidson's 2nd 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 28th day of April, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By *Curtis O. Simmons*  
Vice-President

Order No. 298169  
GE

WILLIAM I. KORDER

JULIE E. LUNDBLADE

JAMES E. JORDAN



**BAUGHMAN COMPANY, P.A.**  
SURVEYORS  
316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas )  
                  ) SS  
County of Sedgwick )

December 15, 1980

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On said Lot is a duplex Nos. 514 and 516 with no 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.

*James E. Jordan*  
Surveyor

