

BZA 25-69 - Cleo M. Welty requests  
VARIANCE to reduce req. sideyard  
setback adjacent to N property line  
from 5ft. to 3 ft.

POSTED  
10/27/69  
EI ✓  
MMP ✓  
11-8-69

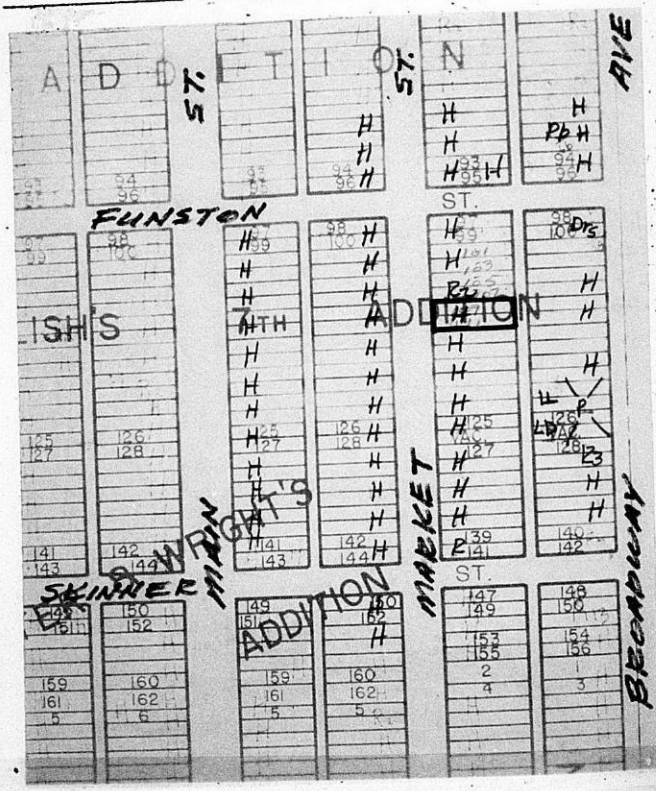
BZA 11-25-69 approved

Map No. 5445  
 Sec. 32  
 Twp. 27  
 Range 1E

BZA 25-69  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:  
 1. Acres: 0.16 ( 50 ft. by 140 ft.)  
 2. Adjoining Zoning: E LC S A W A N A  
 3. Land Use: East SINGLE FAM South SINGLE FAM  
 West SINGLE FAM North TWO FAM  
 4. Sketch Plan Land Use is for: RESIDENTIAL  
 5. Present Land Use is for: SINGLE FAM  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 25-69

WHEREAS, Cleo and Ellen Welty, 1818 South Market, Wichita, Kansas request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the north property line from 6 feet to 3 feet, on property zoned "A" - Two Family Dwelling, and legally described as follows:

Lots 109 and 111 on Market Street, in English's 7th Addition, to Wichita, Sedgwick County, Kansas. Generally located on the east side of Market Street in an area between Funston and Skinner Streets.

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 November 25, 1969, 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 contemplated structure were detached from the main structure, only a 3 foot side yard setback would be required; 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 addition will be on the rear half of the lot and an open rear yard of 41 feet will remain; 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 denied the convenience and pleasure of an attached garage and artist studio which for all practical purposes adversely affects no one; 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 the proposed addition would not affect the feeling of open space any more than would a detached structure of equal size; and

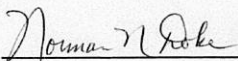
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the side yard setback adjacent to the north property line from 6 feet to 3 feet, on property zoned "A" - Two Family Dwelling, and legally described as:

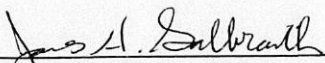
Lots 109 and 111 on Market Street, in English's 7th Addition, to Wichita, Sedgwick County, Kansas. Generally located on the east side of Market Street in an area between Funston and Skinner Streets.

be approved for the west 30 feet of the east 65 feet only.

ADOPTED AT WICHITA, KANSAS, this 25th day of November, 1969.

  
\_\_\_\_\_  
NORMAN N. DOKE, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

December 3, 1969

Mr. Cleo Welty  
1818 South Market Street  
Wichita, Kansas 67211

Dear Mr. Welty:

Subject: Case No. BZA 25-69  
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 25, 1969, in connection with your request for a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 3 feet, on property zoned "A" - Two Family Dwelling, and generally located on the east side of Market Street in an area between Funston and Skinner Streets.

This Resolution reflects the official action of the Board and sets forth 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,

Jack H. Galbraith  
Secretary

JHG:ls  
Enclosure 1  
cc Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk

November 26, 1969

Mr. Cleo Welty  
1818 South Market Street  
Wichita, Kansas 67211

Dear Mr. Welty:

Subject: Case No. BZA 25-69  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on November 25, 1969, your request for a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 3 feet, on property zoned "A" - Two Family Dwelling, and generally located on the east side of Market Street in an area between Funston and Skinner Streets, was considered.

It was the action of the Board to approve this request for the west 30 feet of the east 65 feet only.

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,

G. Lynn Shirkey  
Assistant Secretary

GLS:ls

cc ~~Eileen Welty, 1818 South Market~~  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. EZA 25-69

APPLICANT: Cleo and Ellen Welty, 1818 South Market, Wichita,  
Kansas 67211

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the  
City of Wichita, to reduce the required side yard  
setback adjacent to the north property line from 6  
feet to 3 feet.

GENERAL LOCATION: East side of Market Street in an area between  
Funston and Skinner Streets.

ZONING: Subject property is zoned "A" - Two Family Dwelling  
as is that to the north, west and south, east is "LC"  
Light Commercial.

LAND USE: Subject property is occupied by a single family  
residence as are the properties to the east, west  
and south, north is a duplex.

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 side yard setback adjacent to the north property line from the required 6 feet to 3 feet. The situation, briefly, is that the applicant formerly had a detached garage located 3 feet from the north property line which conformed to the required setback for accessory structures inasmuch as it was on the rear half of the property. Due to age and deterioration, the garage was demolished rather than repaired and the applicant now desires to construct a new facility. However, in addition to the garage the applicant desires to construct a non-commercial artist studio in conjunction therewith both of which will be attached to the home, thereby becoming a part of the main structure which requires a 6 foot side yard setback.

It should be pointed out that originally the applicant intended to construct the facility detached from the main structure. However, in applying for a building permit, he was advised by the office of Central Inspection that it would be considered as a second main structure and not allowed under the Zoning Ordinance.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that if the contemplated structure were detached from the main structure only a 3 foot side yard setback would be required.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent properties inasmuch as the addition will be on the rear half of the lot and an open rear yard of 41 feet will remain.

HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance were not granted inasmuch as he would be denied the convenience and pleasure of an attached garage and artist studio which for all practical purposes adversely affects no one.

Page 3 - Secretary's Report  
Case No. BZA 25-69

PUBLIC INTEREST

It is the opinion of the Secretary that the variance requested would not adversely affect the public interest inasmuch as the variance requested is interiorly located and would not in any way have an adverse affect on the public interest.

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 the proposed addition would not affect the feeling of open space any more than would a detached structure of equal size.

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 variance be granted to reduce the side yard setback from 6 feet to 3 feet along the north property line for the west 30 feet of the east 65 feet.

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

November 5, 1969

NOTICE TO ADJOINING PROPERTY OWNERS  
Case No. BZA 25-69

An application has been filed by Cleo and Ellen Welty, 1818 South Market, Wichita, Kansas 67211, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required sideyard setback adjacent to the north property line from 6 feet to 3 feet on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 109 and 111 on Market Street, in English's 7th Addition, to Wichita, Kansas (generally located on the east side of Market Street in an area between Funston and Skinner Streets).

This application has been assigned Case No. BZA 25-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 25, 1969, 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

*Mail Nov 5 - 28 copies*

BOARD OF ZONING APPEALS

CASE NO. BZA 25-69

CITY OF WICHITA, KANSAS

FILED 10-16-69

APPLICATION FOR VARIANCE

I. Name of Applicant CLEO & ELLEN WELTY

Mailing Address 1818 SO. MARKET, WICHITA, KANSAS 67211 Phone AMS-6579

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 reduce the required sideyard setback adjacent to the north property line from 6 feet to 3 feet

for property located AT 1818 SO. MARKET, WICHITA, KANSAS 67211

*the legal  
from  
ownership  
lost*

and legally described as: ENGLISH 7<sup>th</sup> ADDITION LOTS 109 & 111

CLASS A RESIDENTIAL

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

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.

Cleo M. Welty  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 8:50 (a.m. - p.m.), October 16 19 69 together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley  
Signed

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

10/16/69

IT IS DESIRED BY THE OWNER TO RE BUILD A GARAGE AT THE SAME LOCATION AS A FORMER GARAGE WAS LOCATED. THE FORMER GARAGE WAS LOCATED 3'0" (THREE FOOT) IN FROM THE NORTH PROPERTY LINE AND WAS IN ACCORD WITH THE BUILDING CODES AT ITS TIME OF CONSTRUCTION. DRIVE WAY INTO THE FORMER GARAGE ARE STILL EXISTING. THE NEW ADDITION IS TO BE 24'0" X 24'0" (TWENTY-FOUR FOOT BY TWENTY-FOUR FOOT) CONNECTING TO THE HOUSE TO SERVE AS A GARAGE AND NON-COMMERCIAL ARTIST STUDIO FOR THE OWNER'S PLEASURE.

OWNER

Cleo M. WELTY

*Cleo M. Welty*



A WORLD OF TITLE INFORMATION IN OUR DOWNTOWN OFFICE • BONDED AND LICENSED ABSTRACTOR FOR SEDGWICK COUNTY

# Fidelity Title Company, inc. No. 2937

221 NORTH MARKET • WICHITA, KANSAS 67202  
PHONE AM-2-8261 AREA CODE 316

DATE: Oct. 7, 1969

CHARGE TO: Cleo M. Welty  
1818 S. Market  
Wichita, Kansas

ORDERED BY:

DELIVERED TO:

TITLE INSURANCE #:

OWNER:

ACCOUNTS DUE FIRST OF MONTH FOLLOWING INVOICE

DESCRIPTION

Prop. within 200' radius of Lots 109-111, Market St., English's 7th Add

entries	number	\$			
ownerships			50.00		
contract	_____			} abstracting . . . . .	\$ 50.00
court	_____				
general certificate	_____				
special certificate	_____				
judgment search	_____				
statement of title	_____				
title binder	\$ _____ @	\$		} title insurance . . . . .	\$
owner policy	\$ _____ @				
mortgage policy	\$ _____ @				
escrow fee	_____ @				
title report	_____ @				
recording	_____	\$		} funds advanced . . . . .	\$
revenue stamps	_____				
registration tax	_____				
other taxes	_____				
<b>TOTAL</b>					<b>\$ 50.00</b>

CUSTOMER INVOICE



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:

Lots 109 & 111, on Market Street, in English's Seventh Addition to Wichita, Kansas.

*Use for legal*

  
 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	ST.	BLK.	ADDITION	OWNER
97 & 99,	Market		ENGLISH'S 7th.	The Friends University 2100 University Ave. 67213
101 & 103,	"			<i>Ret. for found</i> William S. Parmele Betty L. Parmele, ux 1804 S. Market 67211
105 & 107,	"			Clifford W. Bolinger Ruth O. Bolinger, ux 1806 1/2 S. Market 67211
109 & 111,	"			Cleo M. & Ellen B. Welty, ux 1818 S. Market 67211
113 & 115,	"			Leslie W. Lile, sgle Robert J. Bonner, sgle. 1824 S. Market 67211
117 & 119,	"			Russell W. & Marian D. Hare, 1828 S. Market 67211 ux
121 & 123,	"			J. C. & Ada C. Knaak, ux 1832 S. Market 67211



LOT	STREET	BLK	ADDITION	OWNER
125 & N 12' vac alley adj on S.	Market		ENGLISH'S 7th,	✓ Don D. & Virginia A. Stokes, 1840 S. Market 67211 ux
127 & 129,	"			✓ Claude O. & May J. Harris, ux 1826 S. Water 67211
98 & 100 (E 93')	"			✓ Dollie May Armstrong, sgle. Wallace, Ks.
98 & 100, exc E 93"	"			✓ Myrtle I. & Lauron M. Martin Argonia, Ks. 67004 vir
102 & 104,	"			✓ Ida M. Deese % Mrs. Chas. Peek, R # 1, Arcadia, Mich. 49613
106 & N 16 2/3' of Lot 108,	"			✓ Cassius C. & Mary N. Case, ux 1811 S. Market 67211
S 1/3 Lot 108, all 110 & N 8' of 112,	"			✓ James S. & Gladys M. Garrett 1815 S. Main 67211ux
S 17' Lot 112, all 114,	"			✓ Edward L. Corrons, Jr. Harriett A. Corrons, ux 1044 Murray Crt. 67212
116, 118 & 120,	"			✓ Dorothy E. Knight 327 Houston, Winfield, Ks. 67156
122 & 124,	"			✓ Eula G. & Charles M. Wright, 1833 S. Market 67211ux
126,	"			✓ Lewis B. Worford 1837 S. Market 67211
98 & 100,	Broadway			✓ Priscilla Miller & Harry G. Waller 1953 Roanoke 67218
102 & 104,	"			✓ Alfred & Tressia Schillinger 3046 Hiram 67217 ux
106 & 108,	"			✓ L. H. & Nellie G. Winter, ux 1811 S. Broadway 67211
110, 112, 114, 116, 118 & 120, exc S 20',	"			✓ Earl & Naomi C. Henderson, ux 1817 S. Broadway 67211
S 20' Lot 120, all Lots 122, 124, 126 & N 1/2 vac alley adj on S.	"			✓ Bonnie North, Inc. 315 N. Harvey St., Oklahoma City, Okla. 73102
128 & 130 & S 1/2 vac alley adj on N.	"			✓ Oles Cullers, Jr. Audrey P. Cillers, ux 10624 Lynndale 67209
128,	Market		<u>WALTER &amp; WRIGHT'S</u>	✓ Lewis B. Worford 1837 S. Market 67211
94 & 96,	Broadway		<u>ENGLISH'S 6th.</u>	✓ R. C. Maxwell 1303 N. Broadway 67214
W 77.92' of S 5' of Lot 91 & W 77.92' of Lots 93 & 95,	Market			✓ E. C. & June Clogston, ux 1752 S. Market 67211
S 5' Lot 91, exc W 77.92' & all 93 & 95,	"			✓ Marion P. Abercrombie Evalena Abercrombie, ux 218 E. Funston 67211

-3-

Dated at Wichita, Kansas this 7th day  
October, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell OEM  
Sec.

Tracer # 2937

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

November 5, 1969

**NOTICE TO ADJOINING PROPERTY OWNERS**  
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JACK H. GALBRAITH  
Secretary

THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202



JULY 1969 - JULY 1970

WICHITA  
CENTENNIAL  
CELEBRATION



- Moved, left no address
- No such number
- Moved, not in Wichita
- Address changed, please

168  
William S. Parmela  
Betty L. Parmela  
1804 South Market  
Wichita, Kansas 67211



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

November 5, 1969

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JACK H. GALBRAITH  
Secretary

THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202



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

1318 JMM  
James S. and Gladys M. Garrett  
1815 South Main  
Wichita, Kansas 67211



FORM 273-021

**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
SIA	50.00

Name Clara M. Taylor

Address 1818 S. Me. St. 67211

Type R-71-C Due Date

Comments:

Date 10-16-69 By PL

\*

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

Roll # 1