

BZA 25-70 - Unified School District
No. 259 requests VARIANCE to red.
req. 25 ft. side yard setback from
25 to 17 ft. on west side of
Sherwood in an area north of 15th

POSTED
10-17-70
[Signature]

AMR:DL
C I L
11-2-70

BZA 10-2-1-70 Approve

RESOLUTION NO. BZA 25-70

WHEREAS, Unified School District No. 259, Sedgwick County, Kansas, 428 South Broadway, Wichita, Kansas, by Melvin F. McDonald, Clerk-Treasurer, 428 South Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required 25 foot side yard setback adjacent to the north property line from 25 feet to 17 feet, on property zoned "A" Two Family and "B" Multiple Family, and legally described as follows:

Lots 22, 24, 26 and 28 on Sherwood Avenue in Sherwood's Second Addition to Wichita, Kansas. Generally located on the west side of Sherwood in an area north of 15th 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 October 27, 1970, 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 applicant inasmuch as the application area has a 100 foot frontage and had the existing structure been constructed so as to be centered on the property the required 25 foot side yard setback would have been maintained; 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 same setbacks will be maintained that presently exist; 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 the northern portion of the building would have to be restructured in order to comply with the required setback; 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 existing structure will not be enlarged and the existing side yard setback provides for adequate light and air; and

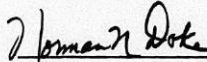
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 required side yard setback adjacent to the north property line from 25 feet to 17 feet, on property zoned "A" Two Family and "B" Multiple Family, and legally described as follows:

Lots 22, 24, 26 and 28 on Sherwood Avenue in Sherwood's Second Addition to Wichita, Kansas. Generally located on the west side of Sherwood in an area north of 15th Street.

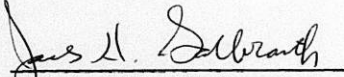
be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1970.



NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

October 27, 1970

Mr. Melvin F. McDonald
428 South Broadway
Wichita, Kansas 67202

Subject: Case No. BZA 25-70
Request for Variance

Dear Mr. McDonald:

At the regular meeting of the Board of Zoning Appeals on October 27, 1970, your request for a variance to reduce the required side yard setback adjacent to the north property line from 25 feet to 17 feet, on property zoned "A" Two Family and "B" Multiple Family, and generally located on the west side of Sherwood in an area north of 15th Street, was considered.

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

Enclosed is a signed copy of the Resolution setting forth the official action of the Board. 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

cc Unified School District 259, 428 South Broadway 67202
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 25-70

APPLICANT: Unified School District No. 259, Sedgwick County, Kansas, 428 South Broadway, Wichita, Kansas

AGENT: Melvin F. McDonald, Clerk-Treasurer, 428 South Broadway, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required 25 foot side yard setback adjacent to the north property line from 25 feet to 17 feet

GENERAL LOCATION: On the west side of Sherwood in an area north of 15th Street

ZONING: Subject property is zoned "A" Two Family and "B" Multiple Family; north is "A" Two Family; east is "A" Two Family and "B" Multiple Family; south is "B" Multiple Family; west is "AA" Single Family

LAND USE: Subject property is occupied by a single family residence, south is single family, north and east are duplexes, west is the Arkansas River

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:

Unified School District No. 259, Sedgwick County, Kansas, is requesting a variance of the required 25 foot sideyard setback adjacent to the north property line to 17 feet. The Board of Education states they are proposing to establish a Homemaker, Home Health Aide Training Program on subject property utilizing the existing residence which will be completely renovated inside and out but not enlarged. Groups of eight women will receive intensive training over a four week period in all the areas where competency will be needed in order to prepare them for employment in homes where their services are required.

The applicant feels it would be highly desirable to have this Homemaker training program operate in close proximity to an existing school such as Wichita High School North. Such a location they feel would make it possible to provide delivery and pickup service with only slight modifications of existing routes.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the application area has a 100 foot frontage and had the existing structure been constructed so as to be centered on the property the required 25 foot sideyard setback would have been maintained.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance will not adversely affect adjacent properties inasmuch as the same setbacks will be maintained that presently exist.

HARDSHIP:

It is the opinion of the Secretary that if the variance were not granted it would constitute an unnecessary hardship inasmuch as the northern portion of the building would have to be restructured in order to comply with the required setback.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely 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 the existing structure will not be enlarged and the existing side yard setback provides for adequate light and air.

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 side yard setback from 25 feet to 17 feet adjacent to the north property line be approved.

Jack H. Galbraith
Secretary

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

October 7, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 25-70

An application has been filed by Unified School District No. 259, Sedgwick County, Kansas, 428 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required 25 foot side yard setback adjacent to the north property line from 25 feet to 17 feet, on property zoned "A" Two Family and "B" Multiple Family, and legally described as follows:

Lots 22, 24, 26 and 28 on Sherwood Avenue in Sherwood's Second Addition to Wichita, Kansas. Generally located on the west side of Sherwood in an area north of 15th Street.

This application has been assigned Case No. BZA 25-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 27, 1970, 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

12 Notices Mailed 10-7-70

BOARD OF ZONING APPEALS

CASE NO. 25-70

CITY OF WICHITA, KANSAS

FILED 9-29-70

Map # 5419

APPLICATION FOR VARIANCE

I. Name of Applicant Unified School District No. 259, Sedgwick County, Kansas

Mailing Address 428 South Broadway, Wichita, Kansas Phone 267-8311

Name of Authorized Agent Melvin F. McDonald, Clerk-Treasurer

Mailing Address 428 South Broadway, Wichita, Kansas Phone 267-8311

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

II. The variance requested is 25' sideyard setback on north side of house
on property to reduce the required 25 foot sideyard
setback adjacent to the north property line from 25 feet to 17 feet
for property located 1617 Sherwood, Wichita, Kansas

and legally described as: Lots 22, 24, 26, and 28 on Sherwood Avenue
in Sherwood's Second Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned A+ "B" Multi-family

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.

Unified School District No. 259,
Sedgwick County, Kansas

Applicant

M. F. McDonald

Authorized Agent
M. F. McDonald, Clerk-Treasurer

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:10 (a.m. - p.m.), September 29 1970
~~together with appropriate fee of \$50.00.~~

T9-402

G. Lynn Shirley
Signed

No filing fee required, governmental use

WICHITA PUBLIC SCHOOLS
Unified School District No. 259
ADMINISTRATION BUILDING
428 South Broadway
WICHITA, KANSAS 67202

September 25, 1970

Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas 67202

Gentlemen:

Unified School District No. 259, Sedgwick County, Kansas, is making application for variance of a sideyard setback at 1617 Sherwood. The Board of Education proposes to establish a Homemaker, Home Health Aide training program at this address. The Homemaker, Home Health Aide program will be operated under the Manpower Development Training Act. Groups of eight women will receive intensive training over a four-week period in all the areas where competency will be needed. It is envisioned that these women will be employed, either temporarily or permanently, in homes where their services are required.

We feel that we can meet the five conditions which are specified in the following manner:

- 1) This improvement has been at this location for over 30 years. The lot is 100 feet wide, and if the house had been centered in the lot, in all likelihood the 25-foot sideyard setback requirement would have been met. If that had been the case, there would have been no need to apply for a variance.
- 2) It is not proposed that the existing structure be enlarged. The Board does intend to renovate the structure completely, on the inside and outside.
- 3) It will be impossible for the Board of Education to utilize this existing structure for a most worthwhile program. In order to comply with the 25-foot setback, it would be necessary to raze the north six feet, approximately, of the house.

It would be highly desirable to have this Homemaker training program operate in close proximity to an existing school such

September 25, 1970

as Wichita High School North. Such a location will make it possible to provide delivery and pickup service with only slight modifications of existing routes. There would also be a real advantage in having the school near an existing administrative center.

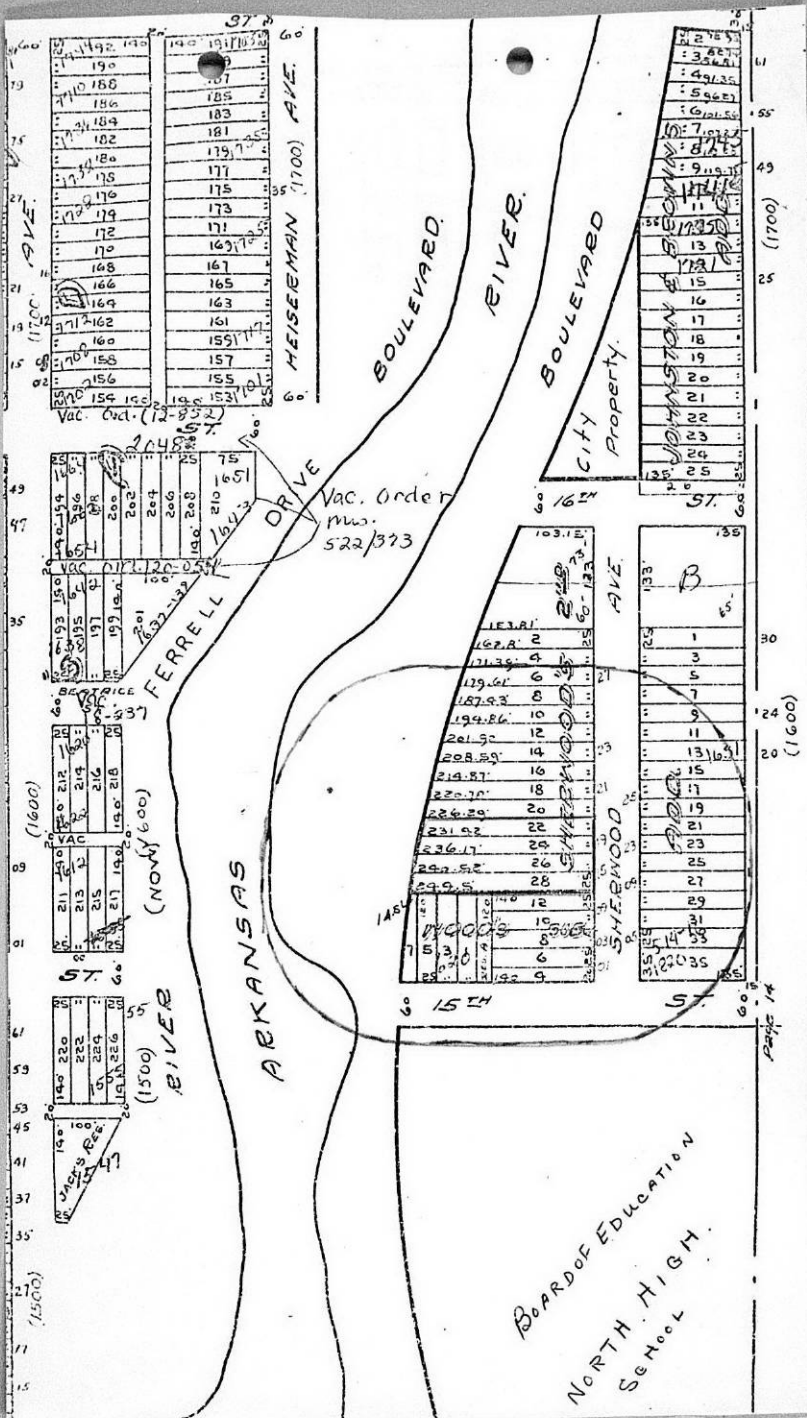
- 4) The program proposed for this location will be operated entirely within the confines of the existing building. The women who will be participating will be highly motivated individuals who are over thirty-five years of age. The physical condition of the building and grounds will be greatly improved, thereby enhancing the neighborhood.
- 5) This program is being established in response to a need that exists in the Wichita community. Most of the property owners in the affected area have been contacted and explanations of the proposed program have been made. There is, apparently, little or no opposition to the operation of this program in this neighborhood.

The assistance of the Board of Zoning Appeals is needed if this program is to begin operation. Your earnest consideration is requested.

Very truly yours,


M. F. McDonald
Clerk-Treasurer

MFM:ems
enclosures



190	184	182	180	178	176	174	172	170	168	166	164	162	160	158	156	154	152
185	183	181	179	177	175	173	171	169	167	165	163	161	159	157	155	153	151

BOULEVARD
RIVER
BOULEVARD
City Property

12	13	14	15	16	17	18	19	20	21	22	23	24	25
12	13	14	15	16	17	18	19	20	21	22	23	24	25

190	184	182	180	178	176	174	172	170	168	166	164	162	160	158	156	154	152
185	183	181	179	177	175	173	171	169	167	165	163	161	159	157	155	153	151

Vac. Order no. 522/373

190	184	182	180	178	176	174	172	170	168	166	164	162	160	158	156	154	152
185	183	181	179	177	175	173	171	169	167	165	163	161	159	157	155	153	151

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190	184	182	180	178	176	174	172	170	168	166	164	162	160	158	156	154	152
185	183	181	179	177	175	173	171	169	167	165	163	161	159	157	155	153	151

BOARD OF EDUCATION
NORTH HIGH
SCHOOL

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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 22, 24, 26 & 28, except part to City, on
 Sherwood Avenue, in Sherwood's Second 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	STREET	ADDITION	OWNER
6, 8, 14 & 16, exc prt to City,	SHERWOOD	SHERWOOD'S 2nd.	Virginia C. Linnen Raymond F. Linnen, vir Ella A. Auburn, Life Est. 3001 River Park Dr. 67203
10 & 12, exc prt to City.			Harry I. Messner Nellie L. Messner, ux 1625 Sherwood 67203
18 & 20, exc prt to City,			Joseph A. Riedy Lillie L. Riedy, ux 1651 Sherwood 67203
22, 24, 26, 28, exc part to City.			J. C. & Minnie Cowan, ux 1617 Sherwood 67203
5, 7 & 9, exc E 15',			Irene Radford 1624 Sherwood 67203
11, 13, 15, 17, 19, 21, 23 & 25, exc E 15',			Minnie Martin 1623 N. Arkansas 67203
27 & 29, exc E 15',			Emil & Elizabeth Becker 1609 N. Arkansas ux 67203
31 & 33, exc E 15',			Gene A. & June R. Aggus 2835 E. Funston ux 67211



LOT	STREET	ADDITION	OWNER
35, exc S 24.5' to City of Wichita,	<u>SHERWOOD</u>	<u>SHERWOOD'S 2nd.</u>	✓ Board of Education, City of Wichita
N 20' Lot 4, all Lot 6,	"	<u>WOOD'S SUB</u>	✓ Board of Education, City of Wichita
8, 10, 12,	"		✓ Flora & Harry Bolton, vir 1609 Sherwood 67203
1, 3, 5, 7 & Res A, exc prt to City.	"		✓ Harold H. Malone 702 Bitting Bldg. 67202
N 45' of S 75' Lots 1, 3, 5, 7 & Res A, S 30' of above dedicated to City of Wichita for Street purposes.	"		✓ Board of Education, City of Wichita
Even Lots 2-102, Sherwood Ave., Sherwood Sub.			✓ Board of Education, City of Wichita
Odd Lots 3-103, Sherwood Ave., Sherwood Sub.			✓ Board of Education, Wichita, Kansas.

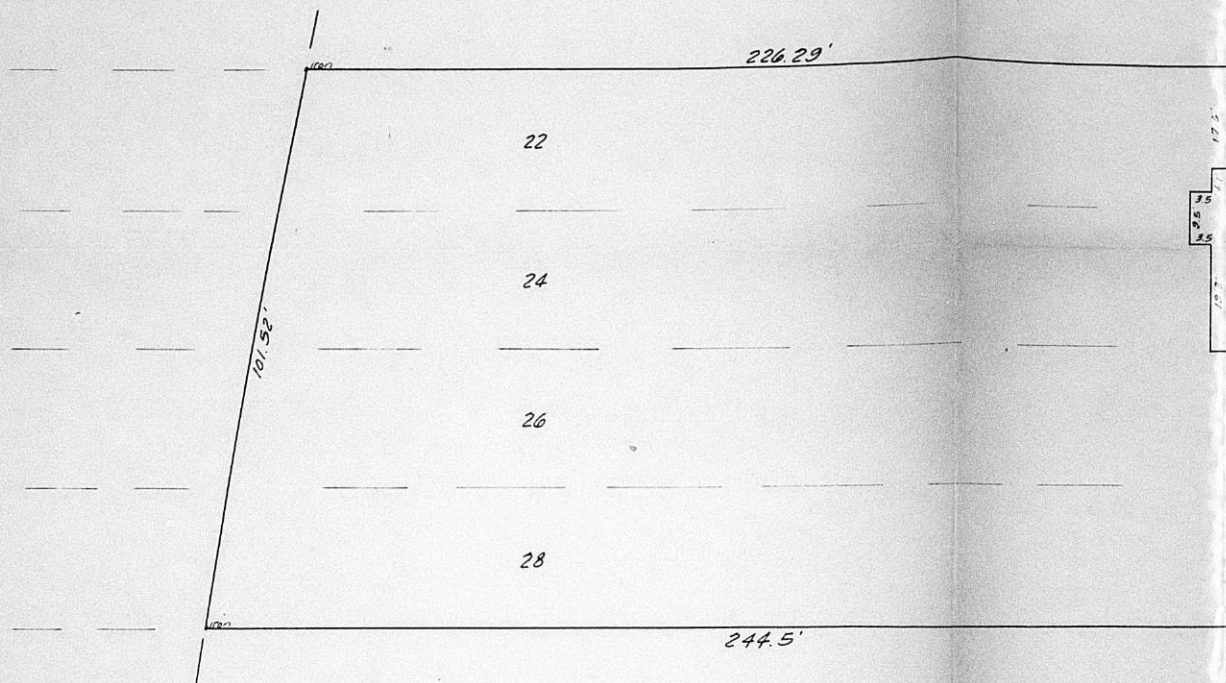
Dated at Wichita, Kansas this 24th day of September, 1970 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By _____ Sec. OEM

Tracer # 7224

002937

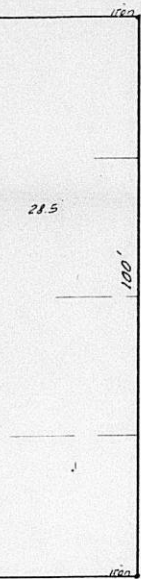
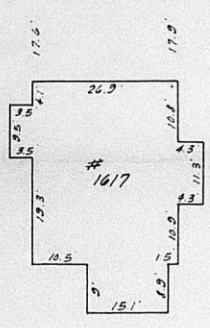


15TH

SURVEY

Lots 22-24-26-28, except part to the City, Sherwood 2nd Addition to Wichita, Kansas.

002930



AVE.

SHERWOOD

ST.



1" = 20'

Wichita, Kansas.

Baughman Co. 9-28-70