

POSTED

6-26-78

C.I. ✓

M.A.P.C. ✓

8-16-78

ACTION

BZA 26-78 COMMITTEE

*Approved*

DATE

12-5-78

M.A.P.C.

B.G.S./B. 100

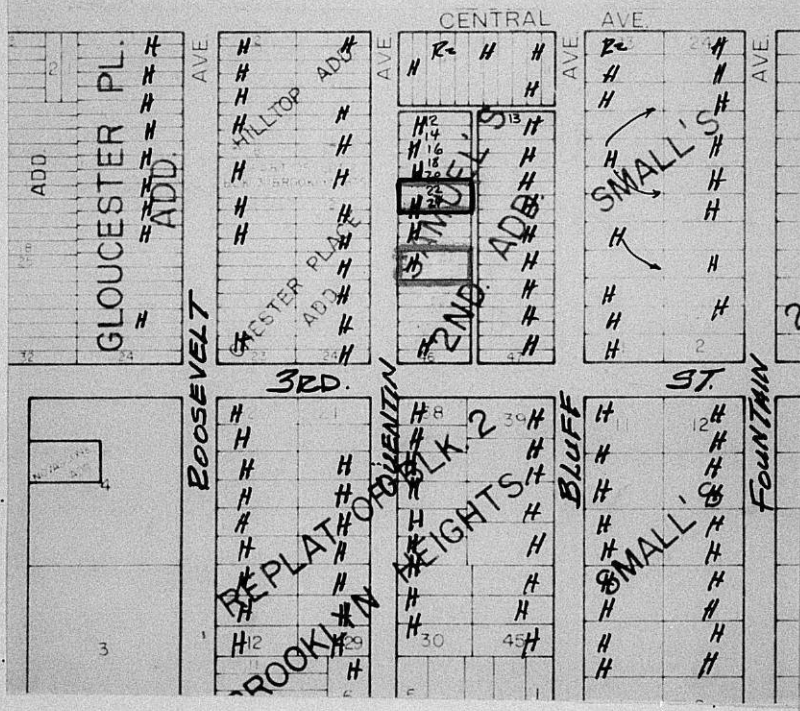
Case No. BZA 26-78 - Ben M. Seldford requests a variance to reduce the rear yard setback from 5 feet to 2.5 feet for an accessory structure on property generally located on the east

Map No. 5747  
 Sec. 33  
 Twp. 22  
 Range E

BZA- 26-78  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.18 ( 60 ft. by 135 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE FAM South UNDEVELOPED  
 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 \_\_\_\_\_



SHIMMEND  
 No. 2453C  
 DRAWING INSTRUMENTS  
 LOUIS, OH - MEMPHIS, TN U.S.A.

RESOLUTION NO. BZA 26-78

WHEREAS, Ben M. Belford, 424 North Quentin, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita to reduce the required rear yard setback from 5 feet to 2 1/2 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 7.5 feet of Lot 20, all of Lots 22 and 24 and the north 5 feet of Lot 26 in Samuel's Second Addition to Wichita, Kansas. Generally located on the east side of Quentin in an area between Central and Third Street (424 North Quentin).

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 July 25, 1978, 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 physical barrier of a fence line has over the years been interpreted as the property line for subject property and the applicant constructed his garage accordingly; 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 applicant's garage sets further back than the old garage did; and the garage sets back 7 1/2 feet from the center line of the platted alley, which for all practical purposes could be considered the property line; 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 garage is virtually completed and would have to be moved at great expense when adequate space, by way of the platted alley, is provided from the adjoining property; 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 alley will most likely never be installed; 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 an adequate setback is maintained from the rear property line in view of the fact that the alley right-of-way provides separation between properties; 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.

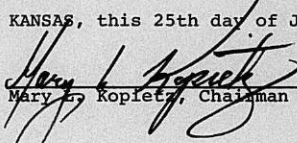
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required rear yard setback from 5 feet to 2 1/2 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 7.5 feet of Lot 20, all of Lots 22, and 24 and the north 5 feet of Lot 26 in Samuel's Second Addition to Wichita, Kansas. Generally located on the east side of Quentin in an area between Central and Third Street (424 N. Quentin).


be approved subject to the following conditions:

1. This variance shall apply only to that portion of the rear yard currently in violation by the new garage.
2. The applicant shall obtain a building permit for the garage from the office of Central Inspection.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1978.

  
Mary L. Kopietz, Chairman

ATTEST

  
Larry Dobson, Assistant Secretary

August 9, 1978

Marc A. Salle  
1400 Vickers-KSB&T Building  
Wichita, Kansas 67202

Re: Case No. BZA 26-78  
Request for Variance

Dear Mr. Salle:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1978, in connection with your request for a variance to reduce the required rear yard setback from five feet to two and one-half feet on property zoned the "AA" Single Family Dwelling District, and generally located on the east side of Quentin in an area between Central and Third 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 questions concerning this matter, please call our office.

Sincerely,

Larry Dobson  
Assistant Secretary

LD:bbc  
Enclosure

cc: Ben M. Belford, 424 N. Quentin, 67208  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

*Dobson*

**THE CITY OF WICHITA**  
OFFICE OF CITIZEN PARTICIPATION

DATE July 18, 1978

TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Deanna Patton, CPO Administrative Aide

SUBJECT BZA 26-78 (East side of Quentin in an  
area between Central and Third Street  
- 424 N. Quentin)

At their July 17, 1978 meeting, CPO Council "G" considered the captioned case and voted 6-0 to recommend approval of the proposed variance to reduce the required rear yard setback from 5 feet to 2½ feet. After discussing the case with the property owner, the Council found nothing objectionable in this request.

*Deanna Patton*  
Deanna Patton  
CPO Administrative Aide

DP:sm

Noted:

*David L. Furnas*

David Furnas  
CPO Coordinator



July 26, 1978

Marc A. Salle  
1400 Vickers-KSB and T Building  
Wichita, Kansas 67202

Re: Case No. BZA 26-78  
Request for Variance

Dear Mr. Salle:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 25, 1978, your request for a variance to reduce the required rear yard setback from five feet to 2 1/2 feet on property zoned the "AA" Single Family Dwelling District, and generally located on the east side of Quentin in an area between Central and Third Street was considered.

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

1. This variance shall apply only to that portion of the rear yard currently in violation by the new garage.
2. The applicant shall obtain a building permit for the garage from the office of Central Inspection.

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,

Larry Dobson  
Assistant Secretary

LD:bh  
cc: Ben M. Belford, 424 N. Quentin, 67208  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk



SECRETARY'S REPORT  
CASE NO. BZA 26-78

APPLICANT: Ben M. Belford, 424 North Quentin, Wichita, Kansas.

AGENT: Marc A. Salle, 1400 Vickers-KSB & T Bldg.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 5 feet to 2 1/2 feet.

GENERAL LOCATION: East side of Quentin in an area between Central and 3rd 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 as 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 to permit the reduction of the required rear yard setback from 5 feet to 2

SECRETARY'S REPORT

Case No. BZA 26-78

Page 2

1/2 feet for the purpose of accommodating a recently erected detached garage.

The applicant apparently thought that the fence line at the rear of his property denoted the rear property line and therefore constructed the garage five feet from the fence. When a survey of the property was later obtained, it was revealed that the garage was only 2 1/2 feet from the rear property line. The survey also showed that an old garage building actually encroached about 10 inches over the rear lot line. The old garage has since been removed.

As shown on the submitted survey, a 10 foot platted alley adjoins subject property at the rear property line. The alley was never put in and most probably never will be inasmuch as the area is totally developed and the 10 foot right-of-way is sub-standard by today's standards. The new garage, although only 2 1/2 feet from the rear property line, is 12 1/2 feet from the rear property line of the adjoining property on the other side of the platted alley. In the event the alley were to be vacated, with the right-of-way reverting equally back to all adjoining property owners, the garage would be located 7 1/2 feet from the adjusted property line.

The applicant's agent points out that an honest mistake was made by the applicant without intent to knowingly violate the zoning requirements. However, the office of Central Inspection reports that the only building permit taken out on subject property was for the remodeling of the house and not for the construction of a garage.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist in this situation inasmuch as the physical barrier of a fence line has over the years been interpreted as the property line for subject property and the applicant constructed his garage accordingly.

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 applicant's garage sets further back than the old garage did; and the garage sets back 7 1/2 feet from the center line of the platted alley, which for all practical purposes could be considered the property line.

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 garage is virtually completed and would have to be moved at great expense when adequate space, by way of the platted alley, is provided from the adjoining property.

SECRETARY'S REPORT  
Case No. BZA 26-78  
Page 3

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest inasmuch as the alley will most likely never be installed.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as an adequate setback is maintained from the rear property line in view of the fact that the alley right-of-way provides separation between properties.

RECOMMENDATION:

It is the opinion of the Secretary that the applicant was negligent in not obtaining a proper building permit prior to beginning construction of the garage. However, if the Board concurs with the analysis of the above five conditions it is recommended that the variance be approved subject to the following conditions:

1. This variance shall apply only to that portion of the rear yard currently in violation by the new garage.
  2. The applicant shall obtain a building permit for the garage from the office of Central Inspection.
-

21 notices sent to adjacent property owners, agent, and/or applicant  
10 notices sent to MAPC  
1 notice sent to CPO  
32 total notices sent on BZA 26-78, 6-29-78  
12 notices sent on BZA 26-78, 7-14-78

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 26-78

An application has been filed by Ben M. Belford, 424 North Quentin, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 5 feet to 2 1/2 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 7.5 feet of Lot 20, all of Lots 22 and 24 and the north 5 feet of Lot 26 in Samuel's Second Addition to Wichita, Kansas. Generally located on the east side of Quentin in an area between Central and Third Street (424 N. Quentin).

This application has been assigned Case No. BZA 26-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, 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.

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, 268-4516.

Jack H. Galbraith  
Secretary

*Dobson*

**SARGENT & KLEENDA**

ATTORNEYS AT LAW  
SUITE 1400

VICKERS-KRB&T BUILDING  
125 NORTH MARKET STREET  
WICHITA, KANSAS 67202

OF COUNSEL:  
CAROLYN SWAIN SIFFORD

JAMES W. SARGENT  
L.D. KLEENDA  
GERALD D. HAAG  
TOM A. FRIEDMANN  
ALEXANDER B. MITCHELL II  
MARC A. SALLE

TELEPHONE  
AREA CODE 316  
267-0331

June 19, 1978

Mr. Larry Dobson  
Planning Department  
City Hall  
Wichita, Kansas 67202

Re: Ben Belford Zoning Variance

Dear Larry:

Ben and Patricia Belford have entered into a real estate purchase contract for the property located at 424 North Quentin. A copy of the purchase contract is enclosed herein. The Belfords are thus the contract purchasers of that property. A Deed executed by Roy and Merle Chipps for the property has been placed in escrow, and will be delivered to Mr. & Mrs. Belford upon the final payment of the purchase price. A copy of the Deed is also included herein.

Mr. Belford's status as contract purchaser of the property should give him a sufficient interest in obtaining a Zoning Variance for the Board of Zoning Appeals to take jurisdiction over his request. Please do not hesitate to contact me if you have additional questions or requests.

Thank you very much.

Very truly yours,

*Marc A. Salle*  
Marc A. Salle  
FOR THE FIRM

MAS:bc

Enclosures



This Indenture, Made this 17th day of November A.D. 19 69 between

This space reserved for REGISTER OF DEEDS

ROY B. CHIPPS and MERLE W. CHIPPS, his wife

St. Louis Missouri of Sedgwick County, in the State of Kansas of the first part, and

BEN M. BELFORD and PATRICIA M. BELFORD, his wife

of Sedgwick County, in the State of Kansas, as joint tenants with the right of survivorship and not as tenants in common, of the second part:

WITNESSETH, That the said part ies of the first part, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations-DOLLARS. the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and convey unto the said parties of the second part and the survivor of them all the following described REAL ES-TATE, situated in the County of Sedgwick and State of Kansas, to wit:

The South 7 1/2 feet of Lot 20, and all of Lots 22 and 24, and the North 5 feet of Lot 26, Bort, now Quentin Avenue, Samuel's Second Addition to the City of Wichita, Sedgwick County, Kansas,

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

And said Roy B. Chipps and Merle W. Chipps, his wife for, themselves their heirs, executors and administrators, do hereby covenant, promise and agree, to and with said parties of the second part that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgements, taxes, assessments or encumbrances, of every nature or kind whatsoever:

except easements and restrictions of record, if any,

and that they will WARRANT AND FOREVER DEFEND the same unto the said parties of the second part and the survivor of them against said part ies of the first part, their heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands, the day and year first above written.

Roy B. Chipps

Merle W. Chipps

MISSOURI, ST. LOUIS

STATE OF KANSAS, SEDGWICK COUNTY, ss.

BE IT REMEMBERED, That on this 17th day of November A.D. 19 69 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came

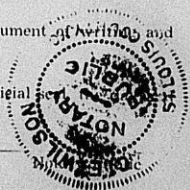
Roy B. Chipps and Merle W. Chipps, his wife personally known to me to be the same person(s) who executed the within instrument and such person(s) duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official year last above written.

Term expires

My Commission Expires Jan. 22, 1970

C. E. Wilson



REAL ESTATE SALE AND PURCHASE AGREEMENT

THIS AGREEMENT, made and entered into this 11/16  
day of November, 1969, by and between:

ROY B. CHIPPS and MERLE W. CHIPPS,  
his wife, of Brontwood, St. Louis  
County, Missouri, Parties of the  
First Part (hereinafter called  
"SELLERS");

and

BEN M. BELFORD and PATRICIA M.  
BELFORD, his wife, as joint tenants  
with the right of survivorship and  
not as tenants in common, of Wichita,  
Sedgwick County, Kansas, Parties of  
the Second Part (hereinafter called  
"BUYERS");

W I T N E S S E T H:

1. Property. The Sellers agree to sell and the  
Buyers agree to purchase under the terms and conditions herein-  
after set forth the real property commonly known as 424 North  
Quentin, Wichita, Kansas, and legally described as follows, to-wit:

The South 7 1/2 feet of Lot 20,  
and all of Lots 22 and 24, and  
the North 5 feet of Lot 26, Bort,  
now Quentin Avenue, Samuel's  
Second Addition to the City of  
Wichita, Sedgwick County, Kansas.

2. Purchase Price. The Buyers agree to pay to the  
Sellers as the total purchase price of said real estate the sum  
of \$9,000.00, the same to be paid as follows:

- (a) \$1,000.00 paid in cash upon the execution of this  
agreement, the receipt of which is acknowledged  
by the Sellers.
- (b) \$8,000.00, the balance of said purchase price,  
together with interest thereon from the date of  
this agreement at the rate of 7 1/2 percent per  
annum to be paid by the Buyers to the Sellers in

monthly installments of \$94.97. The first monthly installment shall be made on the 25<sup>th</sup> day of December, 1969, and a like installment on the 28<sup>th</sup> day of each and every succeeding calendar month until the remaining balance of the purchase price, together with interest thereon at the rate of 7 1/2 percent per annum has been paid in full to the Sellers. The monthly installments of \$94.97 shall be made to the escrow agent hereinafter named and shall include interest thereon at the rate of 7 1/2 percent per annum which shall first be deducted from each payment with the remainder of each payment credited to the balance of the principal amount.

3. Conveyance. The Sellers agree forthwith to execute, acknowledge and deliver to the escrow agent hereinafter named a warranty deed conveying the above described real property to the Buyers, Ben M. Belford and Patricia M. Belford, his wife, as joint tenants with the right of survivorship and not as tenants in common.

4. Possession and Repairs. The Buyers shall have possession of said real property upon the execution of this agreement. The Buyers may make improvements upon said premises and all necessary repairs thereto at their own expense without any liability therefor on the part of the Sellers and agree to pay for the same, and that they will permit no mechanic's liens to attach to said property.

5. Taxes and Insurance. During the term of this agreement, the Buyers agree to pay the taxes and special assessments, if any, against said real property, and to pay the same before they become delinquent. The Buyers agree to maintain

insurance on the premises in an amount sufficient to insure the balance due to the Sellers with a loss payable clause to the parties as their respective interest may appear. Upon the renewal of insurance policies upon the property during the term of this agreement, the Buyers shall furnish to the Sellers a memorandum of the insurance.

6. Escrow Agent. The Fourth National Bank and Trust Company of Wichita, Kansas, is hereby designated as the escrow agent by the parties to this agreement to hold the aforesaid warranty deed, the abstract of title, an executed copy of this agreement and all other papers placed in escrow by the parties hereto and to receive and disburse the payments provided for in paragraph 2(b) of this agreement. The escrow agent, from each payment made to it, shall credit the same to the Sellers, or as the Sellers may direct. The escrow agent is forthwith directed to deliver said warranty deed, the abstract of title and all other papers placed in escrow with it by the parties to this agreement when the sum provided for in paragraph 2(b) of this agreement has been paid in full. The parties to this agreement shall pay equally the charges made by the escrow agent for its services in connection with this agreement.

7. Termination. It is agreed that time is of the essence of this contract, and that in the event of the breach of any of the covenants herein made by the Buyers, or in the default of the Buyers in making any of the payments hereunder, such default continuing for a period of sixty (60) days, after written notice thereof has been given to the Buyers, then and in that event, the Sellers, may at their option, declare this agreement terminated, and any and all payments made by the Buyers to the Sellers shall be retained by the Sellers as liquidated damages, and the Sellers shall be entitled to the immediate and peaceable possession of said real property from the Buyers.

8. Advance Payments. The Buyers shall have the right at any time to pay the balance of said purchase price as provided for in paragraph 2(b) of this agreement together with interest thereon to the date of such payment or to make any additional payments at any time, and upon any payments being so made, the interest thereon shall cease upon the sum or sums so paid.

9. Binding on Heirs. This agreement shall be binding upon the parties hereto, their respective heirs, assigns, devisees and personal representatives.

T. B. [unclear]  
Maude W. Chipps  
SELLERS

Wm. M. Relford  
Arthur M. Relford  
BUYERS

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Ben M. Belford

Mailing Address 424 North Quentin 08 Phone 682-5349

Name of Authorized Agent Marc A. Salle

Mailing Address 1400 Vickers-KSB&T Building Phone 267-0331

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

II. The variance requested is Applicant has constructed a garage on his property which he mistakenly believed to be five feet from the back property line.  
A survey of the property shows that the garage is only 2.5 feet from the back property line. It is requested that a variance be granted allowing applicant to retain the garage on his property at its present location.  
for property located 424 North Quentin

and legally described as: South 7.5 feet of Lot 20 and all of Lots 22 and 24 and the North 5 feet of Lot 26 in Samuel's Second Addition to Wichita, Kansas.

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.

Ben M. Belford  
Applicant

Marc A. Salle  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:00 (a.m. - p.m.), 6-13 19 78 together with appropriate fee of \$50.00.

E. side of Quentin in area between Central and 3rd St.  
T9-402

Larry Dobson  
Signed

5747

\* need to clarify ownership of property (called Daga 16-19)

APPLICANT'S STATEMENT

Applicant, Ben M. Belford, by and through his authorized agent, Marc A. Salle of Sargent & Klenda, 1400 Vickers-KSB&T Building, Wichita, Kansas 67202, hereby states to the Board of Zoning Appeals as follows:


1. Applicant applied for and obtained a building permit for the remodeling of his home at 424 North Quentin, Wichita, Kansas.
2. Included in said remodeling project was the erection of a new garage in the rear yard of said property.
3. There was on the property an existing garage structure, the back of which was located five feet from a fence which Mr. Belford believed to delineate the rear yard line of his property.
4. Mr. Belford aligned his new garage with the existing garage on the property. The new garage was approximately five feet from the fence which Mr. Belford believed to delineate the rear yard line of his property. Mr. Belford expended great sums of money and effort in erecting this garage. The garage is virtually completed.
5. A survey of the property was conducted by Baughman Company Surveyors, two copies of which are attached hereto. The surveyors determined that, contrary to Mr. Belford's belief, both the existing garage and the new garage erected by Mr. Belford were only 2.5 feet from the rear yard line. At that time Mr. Belford determined that the fence along the rear yard line did not delineate the true rear yard line, but was set 2.5 feet inside thereof. The placement of Mr. Belford's garage is therefore in technical violation of Section 28.04.050(3.2) of the Municipal Code of the City of Wichita.
6. The Variance which Mr. Belford has requested arises from a condition which is unique to the property in question and is not ordinarily found in the same zone or district. The requested Variance was created by the acts of the original owners in placing the original garage only 2.5 feet from the rear yard line, and was not created by an action or actions of the applicant.
7. The granting of a permit for the Variance requested will in no way adversely affect the rights of adjacent property owners or residents. The garage does not extend any further into the space of Mr. Belford's neighbor than did the original garage; indeed, the new garage is spaced somewhat further from the rear yard line than was the existing garage. The garage is merely a storage structure the use of which will at all times be peaceful. The placing of the fence between Mr. Belford's property and that of his neighbor has created for many years the custom on both sides of said fence to interpret said fence as the property line between the two lots. The erection by Mr. Belford of his new garage will in no way alter or change that custom, since the new garage is approximately five feet from said fence.
8. If the provisions of Title 28 of the Code of the City of Wichita are strictly enforced against Mr. Belford and this Variance is not granted, Mr. Belford will suffer unnecessary hardship, in that he will then be forced to demolish the structure upon which he spent great sums of money and into which he put a great many hours of labor.

9. The Variance desired will in no way adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. All that is requested is that the garage which Mr. Belford erected be allowed to remain where it is.

10. The granting of the Variance desired will not be opposed to the general spirit and intent of Title 28. Mr. Belford erected the garage in a position which he thought was five feet from the rear yard line. Mr. Belford has not intentionally erected this structure in violation of Section 28.04.050(3.2) of the Municipal Code of the City of Wichita.

THEREFORE, it is respectfully requested that Mr. Belford's Application for a Zoning Variance be granted.

SARGENT & KLENDA

By   
Marc A. Salle  
Attorneys for Ben M. Belford,  
Applicant

WILLIAM L. KORBER  
**BAUGHMAN CO.**  
 S U R V E Y O R S

PHONE 316/262-7271

330 LAURA

WICHITA, KANSAS 67211

State of Kansas )  
 ) SS  
 County of Sedwick)

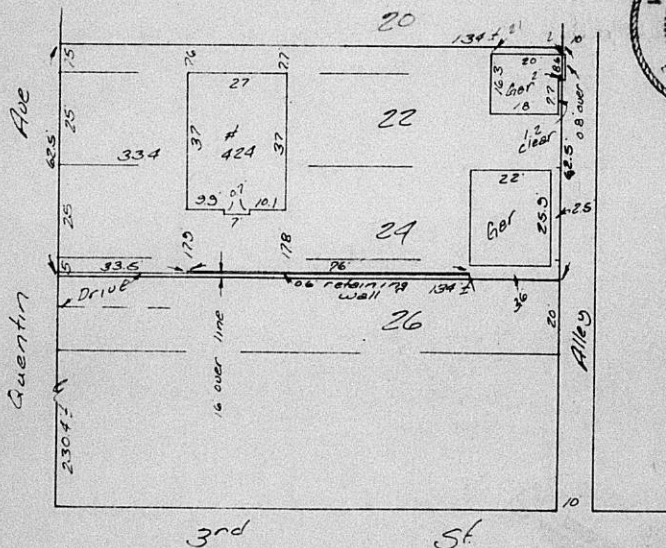
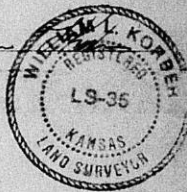
March 20, 1978

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 20th day of March, 1978 survey the south 7.5 feet of Lot 20 and all of Lots 22 and 24 and the north 5 feet of Lot 26 on Quentin in Samuels 2nd Addition to Wichita, Kansas.

On said lot is house No. 424 with a garage which is in the clear of all boundary lines, and a garage which is as shown. 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.

Surveyor



*Robson*

**SARGENT & KLEDA**  
ATTORNEYS AT LAW  
SUITE 1400  
VICKERS-KSB&T BUILDING  
126 NORTH MARKET STREET  
WICHITA, KANSAS 67208

JAMES W. SARGENT  
L. D. KLEDA  
GERALD D. HAAG  
TOM A. FRIEDMANN  
ALEXANDER B. MITCHELL II  
MARC A. SALLE

OF COUNSEL  
CAROLYN SWAIN SIFFORD

TELEPHONE  
AREA CODE 316  
287-0331

June 12, 1978

Office of the Secretary  
Board of Zoning Appeals  
Tenth Floor  
City Hall  
455 North Main  
Wichita, Kansas 67202

Re: Application for Variance  
Ben M. Belford, Applicant

Dear People:

Enclosed you will find an Application for Variance in regard to the above-named applicant. Also enclosed is our draft in the amount of \$50 for the filing fee.

Thank you very much.

Very truly yours,

*Marc A. Salle*  
Marc A. Salle  
FOR THE FIRM

MAS:bc

Enclosures



OWNERSHIP LIST

Lot	Addition	Property Owner
lots 1, 2 & 3 on Central	Samuel's 2nd	✓ Roger L. Krug Linda B. Krug 3903 E. Central 67208
lots 4 & 5, on Central	same	✓ Valerie Lynn Murray 3911 E. Central 67208
lots 6 & 7, on Central	same	✓ Malcolm E. Galvin Jeanne A. Galvin 3915 E. Central 67208
N 67' of Lots 8, 9, 10 & 11, on Central	same	✓ William A. MacPherson Patricia G. MacPherson 537 N. Broadview 67208
S 67' of lots 8, 9, 10 & 11, on Central	same	✓ Dale E. White Mary M. White 447 N. Bluff 67208 <i>mail ret'd no other add found</i>
lot 13 & N 19' of lot 15, on Bluff	same	✓ Letus F. Dodd Bonnie S. Dodd 437 N. Bluff 67208
S 6' of lot 15, lot 17 & N 13' of lot 19, on Bluff	same	✓ David Mark Leiker 435 N. Bluff 67208
S 12' of lot 19, on Bluff	same	✓ John J. Teubner Ramona L. Teubner 431 N. Bluff 67208
lot 21 & N 6' of lot 23, on Bluff	same	same
S 19' of lot 23, lot 25, on Bluff	same	✓ Lyle E. Golden Mary F. Golden 2067 S. Edgemoor Dr. 67218
lots 27, 29 & 31, on Bluff	same	✓ Carrol W. Potter Eloise M. Potter 425 N. Bluff 67208
lots 33 & 35, on Bluff	same	✓ G. W. McMillin Ruth E. McMillin 427 N. Bluff 67208
lots 37 & 39, on Bluff	same	✓ Josephine Elizabeth Spachek 409 N. Bluff 67208
lots 41 & 43, on Bluff	same	D G. W. McMillin Ruth E. McMillin 427 N. Bluff 67208

Lot	Addition	Property Owner
lots 12 & 14, on Bort now Quantin	Samuel's 2nd	✓ H. M. Bruce 440 N. Quantin 67208
S 12½' of lot 16, lot 18 & N 17½' of lot 20, on Bort now Quantin	same	✓ Robert H. Watson, Jr. 428 N. Quantin 67208
N 12½' of lot 16 on Bort now Quantin	same	✓ H. M. Bruce 440 N. Quantin 67208
S 7½' of lot 20, lot 22, 24 & N 5' of lot 26, on Bort now Quantin	same	X J. E. Chipps <i>not in phone book</i> address unknown. <i>not in CD</i>
S 20' of lot 26, lot 28 & N 15' of lot 30, on Bort now Quantin	same	- M. L. Breidenthal <i>mail rec'd 7-3-78</i> ✓ Kathryn M. Breidenthal 709 W. 27th St. S. #202 67217
S 10' of lot 30, lots 32 & 34, on Bort now Quantin	same	✓ Clifford J. Bieberly Joyce Elaine Bieberly 1620 N. Holyoke 67208
lots 36, 38, 40 & 42, on Bort now Quantin	same	✓ Aviation Data Service, Inc. 315 E. Murdock 67214
lots 2 & 4, on Bort now Quantin	Chester Place	✓ Ernest A. Steiner Gertrude Steiner 427 N. Quantin 67208
lots 6 & 8, on Bort now Quantin	same	<i>421 S 4th</i> ✓ Maxine Buser Walter S. Henrion, Jr. <i>not in phone book</i> ✓ Frances Johnston <i>not in phone book</i> address unknown <i>not in SD</i>
lots 10 & 12, on Bort now Quantin	same	✓ William W. Andrews Susan J. Andrews 417 N. Quantin 67208
lots 14 & 16, on Bort now Quantin	same	✓ Herbert R. Baker Donna J. Baker 409 N. Quantin 67208 <i>mail rec'd 7-3-78</i>
lot 18, on Bort now Quantin	same	✓ James O. Frambers Barbara E. Frambers 7024 E. Kellogg #D 67207
lots 1, 3 & N 15' of lot 5, on Roosevelt	same	✓ Robert P. Aylward Mariana W. Aylward 416 N. Roosevelt 67208

lot	Addition	Property Owner
S 5' of lot 5, lot 7, on Roosevelt	Chester Place	Henry E. Hynes ✓ Madeline M. Hynes 410 N. Roosevelt 67208
S 5' of the N 20' of lot 5, on Roosevelt	same	X P. M. Anderson <i>not in</i> address unknown <i>PC</i> <i>not in</i> <i>not in DC A</i>
lot 7 & N ½ of lot 9, on Bort now Quentin	Hilltop Addn.	✓ Raymond Dwight Crisp ✓ Carl R. Graham 3821 E. Central 67208
S ½ of lot 9, lot 11 & N 20' of lot 13, on Bort now Quentin	same	Robert J. Kelleher ✓ JoAnn S. Kelleher 1625 N. Holyoke 67208
S 5' of lot 13, lot 15 & lot 17, on Bort now Quentin	same	✓ Harry L. Najim ✓ Sue Ellen Najim 900 Buffum Ave. 67203
lot 7 & S ½ of lot 9, on Bluff	Small's 2nd	✓ William E. Walker 420 N. Bluff 67208
N ½ of lot 9, lot 11, lot 13 & 15, on Bluff	same	Alys Tatlock ✓ Tom Tatlock 424 N. Bluff 67208
S 74.75' of the E 137' of S ½ of lot 4, block 1	Brooklyn Heights	✓ Thomas G. Kilroy Dian D. Kilroy 1018 Vincent Ln 67206
N 75' of E 137' of S ½ of lot 4, block 1	same	same

We hereby certify the foregoing to be a true and correct list of the property owners of: 200 foot radius of S 7.5' of lot 20, all of lot 22 and lot 24 and the N 5' of lot 26, Samuel's 2nd Addition to Wichita, Kansas, as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 5th day of June 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Gable*  
Vice President

Order No. 265132  
jc

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

June 30, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 26-78

An application has been filed by Ben M. Belford, 424 North Quentin, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 5 feet to 2 1/2 feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The south 7.5 feet of Lot 20, all of Lots 22 and 24 and the north 5 feet of Lot 26 in Samuel's Second Addition to Wichita, Kansas. Generally located on the east side of Quentin in an area between Central and Third Street (424 N. Quentin).

This application has been assigned Case No. BZA 26-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1978, at 1:30 p.m., in the Board Room, 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.

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, 268-4516.

Jack H. Galbraith  
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Important!*  
Notice of Hearing  
Enclosed

NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE  
MUNGER

*Bethy*  
Dale E. White  
Mary M. White  
447 N. Bluff  
Wichita KS 67208



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

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Jack H. Galbraith  
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Betty*



K. M. Breidenthal  
Kathryn M. Breidenthal  
709 West 27th Street, South  
Department 202  
Wichita, Kansas 67217

Important  
Notice of Hearing  
Enclosed

NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE  
CHISHOLM STA



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

June 30, 1978

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WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202



NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE  
SOUTHEAST



James O. Frambers  
Barbara E. Frambers  
7024 E. Kellogg #D  
Wichita, Kansas 67207

Important!  
Notice of Hearing  
Enclosed

Form 223-021

**PAYMENT NOT**

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.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Various Applications</i>	<i>450.00</i>

Name *Wm. A. Salko for Sun M. Bellard*

Address *1400 Vinton - 238 T<sup>th</sup> Bldg*

Type *11-00-00040071-503-000-000* Due Date

Comments:

Date *6-14-78* By *ed*