

Case No. BZA 26-79 - Cecil Davis requests exception to permit a mobile home on property zoned "AA" and gen. located on the south side of Crystal Drive approx. 175' west of Clifton (3501 Crystal

*Posted  
6-7-79*

ACTION

*BZA  
76-79* COMMITTEE *denied 6-26-79*

DATE

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

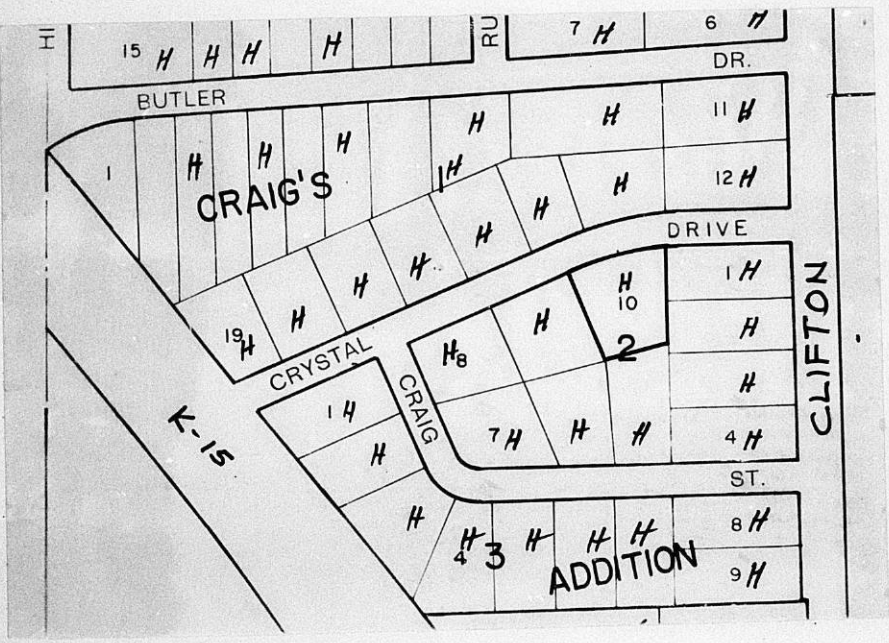
B.C.C./B. CO. C. \_\_\_\_\_

✓  
 P No. 5743  
 C. 11  
 P. 28  
 nge 7E

BZA- 26-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

EA DATA:  
 Acres: 0.64 ( 160 ft. by 175 ft.)  
 Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 Land Use: East SINGLE FAM South SINGLE FAM  
 West SINGLE FAM North SINGLE FAM  
 Sketch Plan Land Use is for: \_\_\_\_\_  
 Present Land Use if for: SINGLE FAM  
 Area (is) (is not) platted.

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



SHIMODA  
 No. 2153C  
 HASTING ST. LOS ANGELES  
 LOGAN CH. - AMERSON, TX U. S. A.

BZA 26-79



July 6, 1979

Cecil Davis  
3501 Crystal Drive  
Wichita, Kansas 67216

Re: Case No. B2A 26-79  
Request for Exception

Dear Mr. Davis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 26, 1979, in connection with your request for an exception to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District and generally located on the south side of Crystal Drive approximately 175 ft. west of Clifton (3501 Crystal Drive).

This Resolution reflects the official action of the Board to deny this request. 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:bbc  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 26-79

WHEREAS, Cecil Davis, 3501 Crystal Drive, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 10, Block 2, Craig Addition to Sedgwick County, Kansas. Generally located on the south side of Crystal Drive approximately 175 ft. west of Clifton (3501 Crystal Drive).

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 June 26, 1979, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District subject to the conditions outlined in Section 28.04.182.3, Code of the City of Wichita.

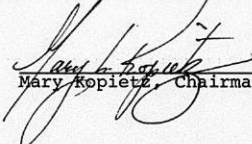
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 10, Block 2, Craig Addition to Sedgwick County, Kansas. Generally located on the south side of Crystal Drive approximately 175 ft. west of Clifton (3501 Crystal Drive)

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1979.

ATTEST:

  
Mary Koplitz, Chairman

  
Jack H. Galbraith, Secretary

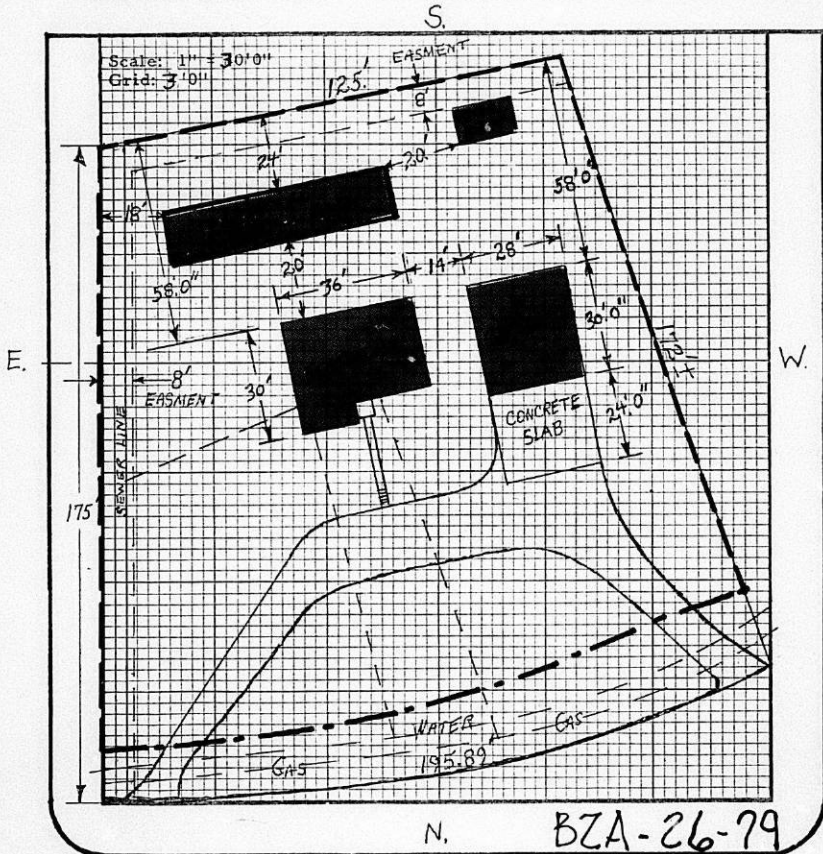


RESIDENTIAL PLOT PLAN

ADDRESS: 3501 CRYSTAL DR.

PERMIT NO. \_\_\_\_\_

LOT(S): 10 BLK. 2 OF CRAIG ADDITION ZONING \_\_\_\_\_



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

Signed: Cecil Davis  
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

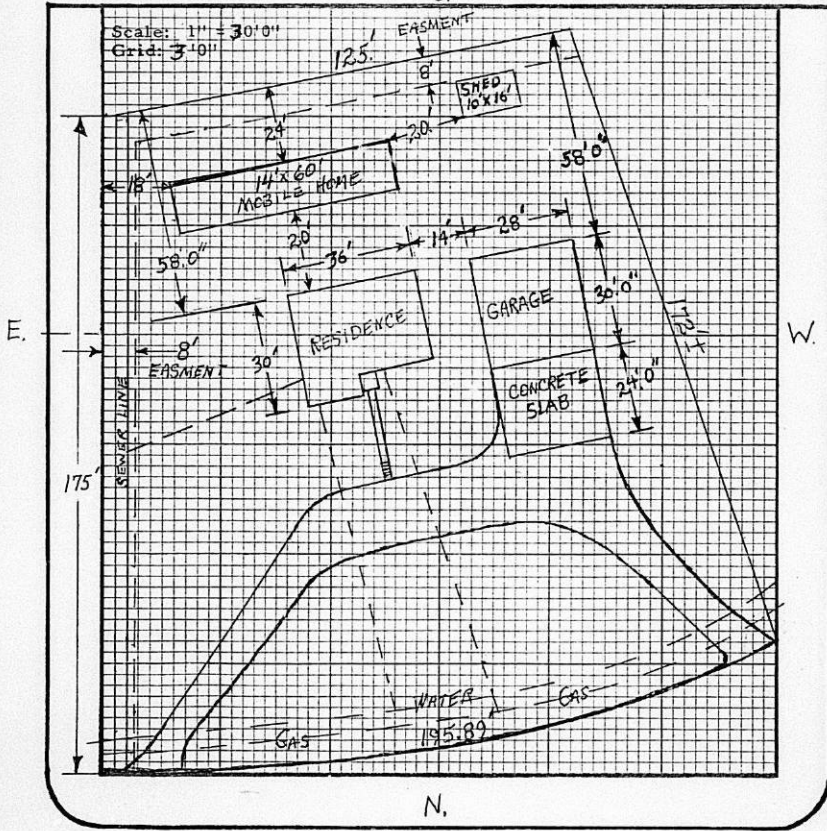
Form No. KA-345 (2/76)

RESIDENTIAL PLOT PLAN

ADDRESS: 3501 CRYSTAL DR. PERMIT NO. \_\_\_\_\_

LOT(S): 10 BLK. 2 OF CRAIG ADDITION ZONING \_\_\_\_\_

S.



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

Signed: Cecil Davis  
(Applicant)

White Copy - File

Yellow Copy - Applicant

Pink Copy - Hold

Form No. KA-345 (2/76)



June 27, 1979

Cecil Davis  
3501 Crystal Drive  
Wichita, Kansas 67216

Re: Case No. BZA 26-79  
Request for Exception

Dear Mr. Davis:

At the regular meeting of the Board of Zoning Appeals on June 26, 1979, your request for an exception to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District and generally located on the south side of Crystal Drive approximately 175 ft. west of Clifton (3501 Crystal Drive) was considered.

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

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:bbc

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk  
Robert W. McCune, 3500 Craig 67216  
Max Lighty, 3225 Navajo Lane 67216  
H. L. Boyles, 3516 Craig 67216

**THE CITY OF WICHITA**

OFFICE OF

DATE June 22, 1979

TO Jack Galbraith, Chief Planner

FROM Dennis L. Bishop, CPO Administrative Aide

SUBJECT BZA 26-79 (Generally Located on the  
South Side of Crystal Drive)

On June 21, Council D met with the applicant and twenty neighbors concerning his temporary hardship request.

After hearing from both sides, the Council took formal action to recommend that the request captioned above be denied due to the number of residents opposed to the variance. The Council further expressed that members sympathize with the applicant, but felt that other solutions are available.

Please provide this information to the Board of Zoning Appeals when they consider this request.

*Dennis L. Bishop*  
Dennis L. Bishop  
CPO Administrative Aide

DLB:jw

Notes: *Sarah Gilbert*  
Sarah Gilbert  
Assistant CP Coordinator





SECRETARY'S REPORT  
CASE NO. BZA 26-79

APPLICANT: Cecil Davis, 3501 Crystal Drive, Wichita,  
Kansas

AGENT: Same

REQUEST: Exception pursuant to Section 2.12.500.C,  
Code of the City of Wichita, to permit the  
placement of a mobile home on a temporary  
basis.

GENERAL  
LOCATION: On the south side of Crystal Drive approx-  
imately 175 feet west of Clifton.

ZONING: The property is zoned "AA" Single Family  
Dwelling District as are the adjacent  
properties in all directions.

LAND USE: Existing property is occupied by a single  
family dwelling as are all the adjacent  
properties. On the east side of Clifton  
there is a large mobile home park.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the placement of a mobile home on his property which is zoned the "AA" Single Family Dwelling District.

The Board of Zoning Appeals has the authority to permit as an exception, the placement of a mobile home on any property in any district on a temporary basis, provided that the applicant can show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of the permit.

The applicant states that his 84 year old mother is suffering from allergies to the extent that it is impossible to isolate her from same in their home. It is requested that the exception be granted so that a mobile home may be placed on the applicant's property in order that she may be cared for in an environment free from as many of the allergens as possible. A site plan submitted with the application indicates that a mobile home can be located on the property in accordance with the setback requirements of the ordinance.

Case No. DZA 26-79  
BZA AGENDA  
6-26-79  
Page 2

RECOMMENDATION:

If the Board determines that there is a hardship in this case and that the hardship cannot reasonably be alleviated without the granting of this exception, the following conditions are suggested as conditions of approval:

1. The mobile home may remain on the property as long as it is occupied by the applicant's mother. When the mother no longer occupies the mobile home, it shall be removed from the property.
2. The applicant shall report annually, during the first week of January, to the Central Inspection Division, as to whether or not the mobile home is still occupied by his mother.
3. The location of the mobile home shall conform to all height and setback requirements of the "AA" Single Family Dwelling District and the requirements of Title 26 of the City Code.



BZA CASE NO. 26-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPC

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 6-6-79

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

June 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-79

An application has been filed by Cecil Davis, 3501 Crystal Drive, Wichita, Kansas, pursuant to Section 2.12.500.0, Code of the City of Wichita, requesting an exception to permit the establishment of a mobile home on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 10, Block 2, Craig Addition to Sedgwick County, Kansas. Generally located on the south side of Crystal Drive approximately 175 ft. west of Clifton (3501 Crystal Drive).

This application has been assigned case No. BZA 26-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 26, 1979, 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



BOARD OF ZONING APPEALS

CASE NO. 26-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant CECIL DAVIS ✓

Mailing Address 3501 CRYSTAL DR 67216 Phone (316) 684-4638

Name of Authorized Agent NA

Mailing Address NA Phone \_\_\_\_\_

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

II. Application is made for an exception as provided in Section

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of a temporary location of a

✓ mobile home as a hardship on property zoned

✓ "AA", located on the south side of Crystal Drive approx.

OK 175' west of Clifton and legally described as: Lot 10,

Block 2, Craig Addition to Sedgwick County,

Kansas

\_\_\_\_\_, in the City of Wichita.

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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. 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.

Applicant Cecil Davis

Authorized Agent NA

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 415 (room) - p.m.), May 29, 1979, together with appropriate fee of \$50.00

Signed [Signature]

WICHITA KANS  
MAY 25, 1979

BOARD OF ZONING APPEALS  
455 N. MAIN  
WICHITA, KS, 67202

SUBJECT: REQUEST FOR VARIANCE AND/OR EXCEPTION OF ZONING  
ORDINANCE TITLE 28 (REF: 28.04.182.3) PER CHAPTER  
26.04 SECTION 26.04.090. FOR MOBILE HOME LOCATION.

THE PURPOSE OF THIS REQUEST IS TO MAKE IT POSSIBLE TO PROVIDE  
CARE AND ASSISTANCE FOR MY 84 YR. OLD MOTHER Mrs. MABEL L. JOSEPH.

IN ADDITION TO HER AGING SHE IS SERIOUSLY AFFLICTED BY ALLERGENS. THE  
PRINCIPAL ONES ARE, HOUSE DUST, MANY FABRIC LINTS, AND CERTAIN GRASS AND  
TREE POLLENS. THESE AND OTHER IRRITANTS CAUSE A BURNING SENSATION,  
SWELLING, AND INFLAMMATION IN HER NOSTRILS, THROAT, AROUND AND IN  
HER EYES, AND CAUSES PERIODS OF BLURRED VISION. HER PROBLEMS ARE  
FURTHER COMPOUNDED BY THE FACT SHE IS ALLERGIC TO THE MEDICATIONS  
ADMINISTERED TO ELEVATE OR CONTROL THE ALLERGIES.

WE NEED SEPERATE FACILITIES FOR MOTHER IN WHICH EFFORTS TO  
CONTROL THE ALLERGENS, ELIMINATION OF FABRICS TO WHICH SHE IS  
ALLERGIC, SPECIAL AIR FILTERS, ETC, CAN BE MADE. THERE IS NO  
WAY WE CAN CONTROL THESE IN OUR HOME.

CC: FILE

TO WHOM IT MAY CONCERN:

IN LAY TERMS MR. DAVIS'S ASSEMENT  
OF HIS MOTHERS CONDITION AS STATED ABOVE  
IS ACCURATE.

IF THERE ARE FUTHER QUESTIONS REGARDING  
THIS MATTER PLEASE FEEL FREE TO CALL ME.

*J. Loeffler MD*  
JAMES A. LOEFFLER  
PHONE 685-5375 MD.

Thank you  
Cecil Davis.  
3501 CRYSTAL DRIVE  
WICHITA KANS 67216  
PHONE 684-4638



OWNERSHIP LIST

Lot	Addition	Property Owner
East 172 ft of lot 10, Block 1	Craig's Addition	<del>Ronald Wayne Jackson and Sheila A. Jackson 3401 Butler 67216</del>
lot 10 except east 172 ft, Block 1	Same	<del>Administrator of Vet. Affairs 5500 East Kellogg 67218</del>
lot 11, Block 1	Same	<del>Richard Dean Wiley and Allie L. 3403 South Clifton 67216</del>
lot 12 except east 144 ft, Block 1	Same	<del>Wallace E. Johnson &amp; Florine N 3500 Crystal Drive 67216</del>
East 144 ft lot 12 Block 1	Same	<del>Bonnie Truett and Diane R. Truett 3506 Crystal Drive 67216</del>
lot 13, Block 1	Same	<del>Julia Louise Mehle 3434 Crystal Drive 67216</del>
lot 14, Block 1	Same	<del>Algen W. Keck and Frances O. Address Unknown</del>
lot 15, Block 1	Same	<i>listings</i> <del>Lewis R. Clyne &amp; Donna P. 3418 Crystal 67216</del>
lot 16, Block 1	Same	<del>Delbert E. Minard &amp; Helen I. 3400 Crystal Drive 67216</del>
lot 1, Block 2	Same	<del>Lester Budd Urschel Jr. and Sharon Glenette Gott 3437 South Clifton 67216</del>
lot 2, Block 2	Same	<del>David M. Costello &amp; Mary S. 3447 South Clifton 67216</del>
lot 3, Block 2	Same	<del>Jewell E. Andrews 3457 South Clifton 67216</del>
lot 4, Block 2	Same	<del>John M. Meyer and Eileen 3524 Craig 67216</del>
lot 5, Block 2	Same	<del>Barbara Kay Boyles and Harry Lawrence Boyles 3516 Craig Street 67216</del>
lot 6, Block 2	Same	<del>Robert W. McCune &amp; Juanita J. 3500 Craig Street 67216</del>
lot 7, Block 2	Same	<del>Ospar E. Foster and Mary C. 3422 Craig Street 67216</del>
lot 8, Block 2	Same	<del>C. W. Underwood &amp; Virginia B. 3401 Crystal Drive 67216</del>



## SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

Lot	Addition	Property Owner
lot 9, Block 2	Craig's Addition	<del>Robert L. Goyer &amp; Cynthia R. Address Unknown</del>
lot 10, Block 2	SaMe	W. Cecil Davis & Martha M. 3501 Crystal Drive 67216

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: [Lot 10, Block 2,  
Craig Addition to Sedgwick County, Kansas]

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 22nd day of May, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Gable*

Vice President

Order No. 277080  
wh



FORM 20-1

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
124 6 1 + 2 = 1	
20 5 2 + 2 = 2	

NAME Cecil Davis

ADDRESS 451 South 14th

FUND 113 00-00-0-014 0- DUE DATE 5-1-59

COMMENTS

DATE May 29 1959 BY [Signature]