

Passed by
2/26/80
5148 D

ACTION

BZA
26-80
COMMITTEE Approved DATE 7-22-80

M.A.P.C. _____

B.C.C./B. CO. C. _____

Case No. BZA 26-80 - Troy E. & Frances J. Majors - requests an exception to permit the establishment of a mobile home on a temporary basis on property zoned the "A" Two-family Dwelling

Map No. 57480
 Sec. 14
 Twp. 27
 Range 1E

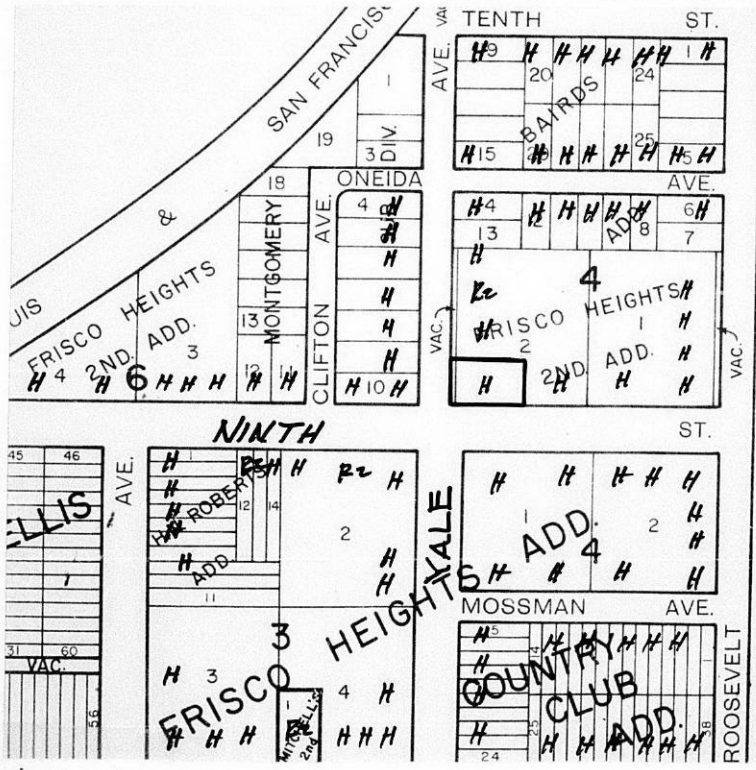
BZA- 26-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.25 (84 ft. by 130 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 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 _____



July 28, 1980

Troy E. & Frances J. Majors
3604 East 9th
Wichita, Kansas

Re: Case No. BZA 26-80
Request for Exception

Dear Mr. & Mrs. Majors:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1980, in connection with your request for an exception to permit the placement of a mobile home on a temporary basis on property zoned "A" Two-family Dwelling District and generally located on the northeast corner of 9th and Yale.

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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

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

RESOLUTION NO. BZA 26-80

WHEREAS, Troy E. & Frances J. Majors, 3604 East 9th, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the placement of a mobile home on a temporary basis on property zoned the "A" Two-family Dwelling District and legally described as follows:

The south 84 feet of the west 130.7 feet of Lot 2, Block 4, Frisco Heights 2nd Addition to Wichita and 10 feet of vacated Yale Avenue. Generally located on the northeast corner of Yale and 9th Street (3604 East 9th).

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 22, 1980, 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 placement of a mobile home on a temporary basis on property zoned the "A" Two-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 be approved to place a mobile home on a temporary basis on property zoned the "A" Two-family Dwelling District and legally described as follows:

The south 84 feet of the west 130.7 feet of Lot 2, Block 4, Frisco Heights 2nd Addition to Wichita and 10 feet of vacated Yale Avenue. Generally located on the northeast corner of Yale and 9th Street (3604 East 9th).

subject to the following conditions:

1. The mobile home may remain on the property only as long as it is occupied by the applicant's mother, Mrs. Sadie Frazier, and upon termination of occupancy, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division as to the occupancy of the mobile home.
3. The mobile home shall conform to all setback requirements of the "A" Two-family Dwelling District and all the requirements as set forth in the Mobile Home regulations (Title 26 of the City Code).
4. The applicant shall install a 5 to 6 foot wood screening fence around the rear yard area, and shall be located on the east property line from the garage to a point approximately 15 feet north of the south property line, thence west to a point immediately south of the east side of the house, thence north to the house. Said fence shall be installed within 90 days of the placement of the mobile home on the site.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

July 24, 1980

Troy E. & Frances J. Majors
3604 East 9th
Wichita, Kansas

Re: Case No. BZA 26-80
Request for Exception

Dear Mr. & Mrs. Majors:

At the regular meeting of the Board of Zoning Appeals on July 22, 1980, your request for an exception to permit the placement of a mobile home on a temporary basis on property zoned "A" Two-family Dwelling District and generally located on the northeast corner of 9th and Yale was considered.

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

1. The mobile home may remain on the property only as long as it is occupied by the applicant's mother, Mrs. Sadie Frazier, and upon termination of occupancy, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division as to the occupancy of the mobile home.
3. The mobile home shall conform to all setback requirements of the "A" Two-family Dwelling District and all the requirements as set forth in the Mobile Home regulations (Title 26 of the City Code).
4. The applicant shall install a 5 to 6 foot wood screening fence around the rear yard area, and shall be located on the east property line from the garage to a point approximately 15 feet north of the south property line,

thence west to a point immediately south of the east side of the house, thence north to the house. Said fence shall be installed within 90 days of the placement of the mobile home on the site.

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

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE July 16, 1980

TO Glen Lytle, Special Assistant for Zoning
FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 26-80: 3604 East Ninth

CPO Council "I" reviewed the captioned case at its July 15, 1980 meeting, and voted 7-0 to recommend approval of the zoning exception to permit the temporary placement of a mobile home at 3604 East Ninth, subject to the conditions proposed in the MAPD staff comments.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is heard on July 22.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:rs

RECEIVED

JUL 17 1980

METROPOLITAN PLANNING

ROUTE Lytle

SECRETARY'S REPORT
CASE NO. BZA 26-80

APPLICANT: Troy E. & Frances J. Majors, 3604 East 9th,
Wichita, Kansas

AGENT: None

REQUEST: Exception pursuant to Section 28.04.182.3, Code
of the City of Wichita to permit the placement
of a mobile home on a temporary basis.

GENERAL LOCATION: On the northeast corner of 9th and Yale.

ZONING: Subject property and all surrounding properties
are zoned the "A" Two-family Dwelling District.

LAND USE: Subject property is occupied by a single-family
home as are all adjacent properties.

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 their property zoned the "A" Two-family Dwelling District. The Board of Zoning Appeals has authority to grant the request, provided the applicant can show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this exception.

The applicant states that this request is being made so that her mother can be located in close proximity so that she may be cared for by the applicant. The applicant's mother is 80 years of age and needs close supervision. The applicant is the only member of her immediate family living in Wichita.

The applicant further states that their home has only 3 bedrooms and they have 3 teenaged children still at home. There is only one bathroom in their home and it is located up a flight of 18 steps which is an almost impossible task for her mother to climb.

The applicant indicates that they intend to build a fence around that portion of lot on which the mobile home would be located, to help screen it from view.

Page 2
BZA 26-30
BZA AGENDA
7-22-30

RECOMMENDATION:

If the Board determines that there is a hardship that cannot reasonably be alleviated without the granting of the exception, it is then the recommendation of the Secretary that the exception be granted subject to the following conditions:

1. The mobile home may remain on the property only as long as it is occupied by the applicant's mother, Mrs. Sadie Frazier, and upon termination of occupancy, it shall be removed from the property.
2. The applicant shall report annually, during the first two weeks of January, to the Central Inspection Division as to the occupancy of the mobile home.
3. The mobile home shall conform to all setback requirements of the "A" Two-family Dwelling District and all the requirements as set forth in the Mobile Home regulations (Title 26 of the City Code).

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

July 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-80

An application has been filed by Troy E. & Frances J. Majors, 3604 East 9th, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a mobile home on a temporary basis on property zoned the "A" Two-family Dwelling District and legally described as follows:

The south 84 feet of the west 130.7 feet of Lot 2, Block 4, Frisco Heights 2nd Addition to Wichita and 10 feet of vacated Yale Avenue. Generally located on the northeast corner of Yale and 9th Street (3604 East 9th).

This application has been assigned case No. BZA 26-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1980, 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. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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

BZA CASE NO. 26-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

19 NOTICES SENT TO ADJOINING PROPERTY OWNERS

31 TOTAL NOTICES SENT 7-2-80

BOARD OF ZONING APPEALS

CASE NO. 26-80

CITY OF WICHITA, KANSAS

FILED 6-16-80

APPLICATION FOR EXCEPTION

I. Name of Applicant Frances J. Majors
Mailing Address 3604 E. 9th, Wichita, Kansas Phone 683-0504
Name of Authorized Agent _____
Mailing Address _____ 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 mobile home on a temporary basis

on property zoned "A" two-family dwelling district,
located on the northeast corner of Yale and 9th Street
(3604 E. 9th) Wichita, Kansas 67208-

and legally described as: The south 84 feet of the west 130.7
feet of Lot 2, Block 4, Frisco Heights 2nd Addition to Wichita.
And 10 feet of vacated Yale Avenue.

_____, in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.590 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- 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 Frances J. Majors

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:67 (a.m.-p.m.), June 16, 1980 together with appropriate fee of 75.00.

Signed Alan Lytle

The City of Wichita
Department of Housing and Zoning

The attached application is for a permit to place a small mobile home on our property as temporary housing for my 80-year-old widowed mother, Mrs. Sadie Frazier. She currently lives alone in west Wichita (905 N. Clara), six miles from my home, and I am the only member of her immediate family living in Wichita. Mrs. Frazier suffers from progressive hardening of the arteries, high-blood pressure, and a pronounced hearing loss. In February of this year, she slipped and fell after dark on her front porch, suffering a concussion and a severe fracture of her right arm. No one saw her fall, and when she regained consciousness and managed to get into her house, she found that her phone was temporarily out of order. She eventually was able to get to a neighbor's house and was then taken to the hospital. Because it is dangerous for her to continue to live alone, we wish to move her to our property.

However, our 3-bedroom house will not accommodate her because we have three teenaged children still at home. Also, we have only one bathroom, which is reached by an 18-step staircase; it is very difficult for my mother to climb these stairs. We have mutually agreed that a small mobile home on our property is the only solution available to us for housing my mother. We plan to build a fence around that portion of our lot on which the trailer will be located, to help screen it from view. And we are asking that this exception to the City zoning ordinance be granted to us only for the duration of our need for housing Mrs. Frazier.

Frances J. Majors

Frances J. Majors

June 16, 1980

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____

Date 5-25-80

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate)

New Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

Frances J. Majors
Signature of Applicant

Signature of Owner

Legal Description of Proposed Park: _____

The south 84 feet of the west 130.7 feet of Lot 2, Block 4,
Frisco Heights 2nd Addition to Wichita. And 10 feet of vacated
Yale Ave.

Owner: Troy Edwin Majors and Frances J. Majors

Address: 3604 E. 9th, Wichita KS 67208 Tel: 683-0504

If Applicable:
Name of Park: _____

Address: _____ Tel: _____

Name of Operator: _____

Address: _____ Tel: _____

Number of Spaces: Mobile Home 1 House Trailer _____

Water: City Sewage: City Fuel: Public

Private _____ Private _____ Private _____

Electricity:

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:

No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____

No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.

Include: Park dimensions.

Number, location and size of spaces.

Location and size of buildings, sewers, water lines, gas lines,
sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours,
drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: _____ Electricity: _____

A P P R O V A L

WICHITA-SEDGWICK COUNTY HEALTH DEPT. CENTRAL INSPECTION DIVISION

By _____ By JL

Date _____ Date 5-25-80

KA-247

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200 foot radius of and including the following described property, viz:

The South 84 feet of the West 130.7 feet of Lot Two (2), Block Four (4), in FRISCO HEIGHTS SECOND ADDITION to the City of Wichita, Sedgwick County, Kansas together with 10 feet of vacated Yale Avenue adjacent thereto.

NOTE: Addresses are furnished as a courtesy.

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>BAIRD'S ADDITION</u>		
East 93.3 feet of Lot 11	✓ Virginia Hedges Aldenifer & Edith W. Hedges 3615 Oneida Avenue Wichita	67208
West 10.7 feet of Lot 11 & East 49.5 feet of Lot 12	✓ Robert A. Hood & Anna L. 3611 Oneida Avenue Wichita	67208
West .07 feet of Lot 12 & East 59.3 of Lots 13 & 14	✓ Willard L. Anderson & Rosemary M. 306 So. Clifton Wichita	67218
West 60.7 feet of Lots 13 & 14	✓ Jerry B. Lindenbaum & Sharon 1102 No. Crestway Wichita	67208
<u>FRISCO HEIGHTS ADDITION</u>		
<u>Block 3</u>		
North 118.65 feet of East 130.7 feet of Lot 2	✓ M.L. Hays 945 No. Yale Wichita	67208

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>Block 4</u>		
Lot 1, except East 75 feet & except S.149.5 feet	✓ Forrest J. Robinson & Betty Jean 940 No. Yale Wichita	67208
East 75 feet of North 132.5 feet of Lot 1	✓ Wallace D. Ellington & Hilda F. 3619 E. 9th Wichita	67208
West 50 feet of North 127.075 feet of West 115.35 feet of Lot 2	✓ Daniel A. Tuckwood & Judith K. 3625 E. 9th Wichita	67208
East 65.35 feet of North 127.075 feet of West 115.35 feet of Lot 2	✓ Franklin C. Berry 3629 E. 9th Wichita	67208
<u>FRISCO HEIGHTS</u> <u>SECOND ADDITION</u>		
<u>Block 4</u>		
North 50 feet of West 130 feet of Lot 2	✓ Floyd Schroeder & Donna L. 1523 No. Sabin Ave. Wichita	67212
South 50 feet of North 100 feet of West 130.7 feet of Lot 2	✓ Garrett W. Morrison & Margaret Pegram 1016 No. Yale Wichita	67208
North 50 feet of South 180 feet of of West 130.7 feet of Lot 2	<i>Dup.</i> ✓ Garrett W. Morrison & Margaret Pegram 1016 No. Yale Wichita	67208
Beginning at a point 84 feet North of South- west Corner of Lot 2, thence East 130.7 feet thence North 46 feet, thence West 130.7 feet, thence South 46 feet to Point of Beginning.	✓ Bernard Joseph Frey & Mary R. Unknown	

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
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FRISCO HEIGHTS
2ND ADDN. (CONT.)

Block 4 (Cont.)

South 84 feet of West 130.7 feet of Lot 2 & 10 feet of vacant Yale Ave. adj.	<i>Dup.</i> Troy Edwin Majors & Frances J. 3604 E. 9th Wichita	67208
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East 100 feet of Lot 2	✓ Clarence Unrau & Frieda M. 3618 E. 9th Wichita	67208
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West 110.7 feet of Lot 1	✓ Thomas R. Thorp & Sarah H. 3620 E. 9th Wichita	67208
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MONTGOMERY'S SUB.

Lot 6, except South 6 feet	✓ Michael J. Day 1017 No. Yale Wichita	67208
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Lot 7 & South 6 feet of Lot 6	✓ Glen Johnston & Margaret E. 1103 Fultz <i>Returned 7-7-80</i> Wichita <i>Parcel 6: 10117, Yale Ave.</i> 67217 67208	
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Lot 8	✓ Glovina Ilus Obley a/k/a Glovina Ilus Churchill 1009 No. Yale Wichita	67208
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Lot 9	✓ Jeaneen Brose 1007 No. Yale Wichita	67208
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West 47.6 feet of Lot 10 & a tract described as follows: Beginning at Southwest Corner of said Lot 10, West 25 feet to Center line Clifton Ave. now vacant; thence North 56 feet along said Center line Clifton Ave. East 25 feet to North- west corner of Lot, South along West line of said Lot to Point of Beginning.	✓ Shirley D. Stubbs 340 So. Broadway Wichita	67202
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-4-

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>MONTGOMERY'S SUB</u> (CONTINUED)		
East 96.2 feet of Lot 10	✓ James L. Williams & Leanne S. 1001 No. Yale Wichita	67208

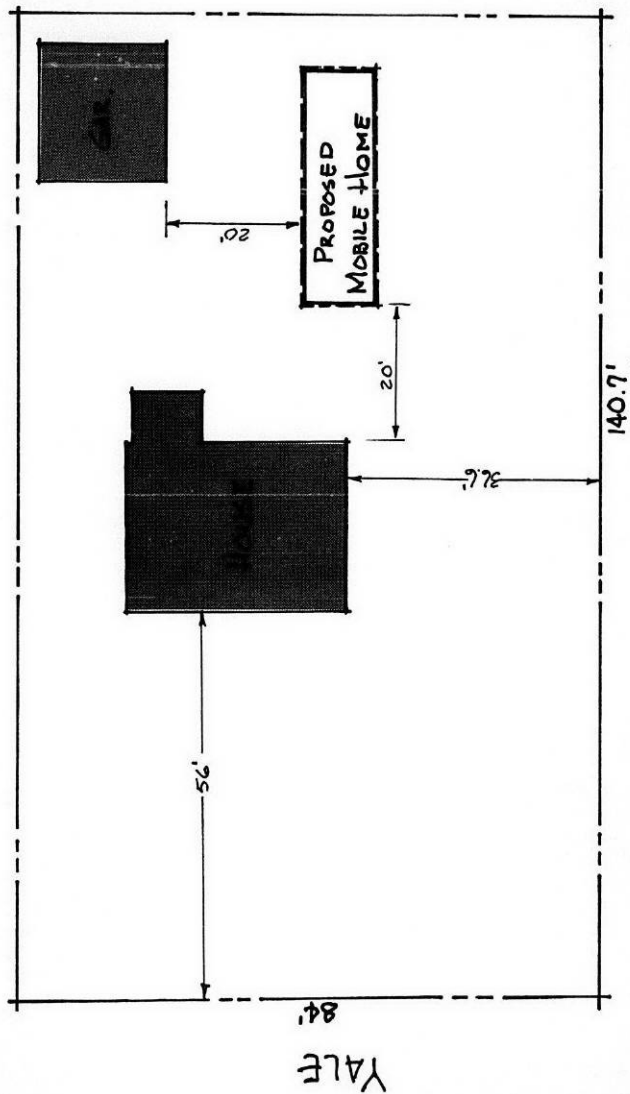
Dated this 27th day of May, 1980

No. 5196

GUARANTEE TITLE COMPANY, INC.

By:

Lynnie L. Douthett
Vice-President



BZA 26-80

9TH STREET

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 1 J21 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		
DESCRIPTION		AMOUNT	
NAME			
ADDRESS			
FUND		DUE DATE	
COMMENTS			
DATE		BY	

WICHITA - SEDGWICK COUNTY



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

ADMIT
UNPAID
RETURN

ADDRESSEE UNKNOWN

*resent to
Glen E. Johnston
1011 N. Maple Ave.
67208
7-7-80*

JCH 03 160207N1 07/02/80

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Glen & Margaret E. Johnston
1103 Fultz
Wichita, Kansas 67217

*1716-MS
7-3*

