

Case No. BZA 26-83 - Ernie Doyan, Sr.,  
610 Fabrique, Wichita, Kansas, request  
3 variances to (1) reduce the required  
rear yard from 20' to 7.33'; (2)  
reduce the required side yard on the  
north from 6' to 0'; and (3) reduce  
the required front yard from 25' to

*Posted*  
*5-17-83*

**ACTION**

BZA 26-83 Approved in Part 5-31-83  
DATE

SENIOR LABEL ADD  
6

5846A

POSTED 5-7-84  
SLOT 5-22

RECORDED

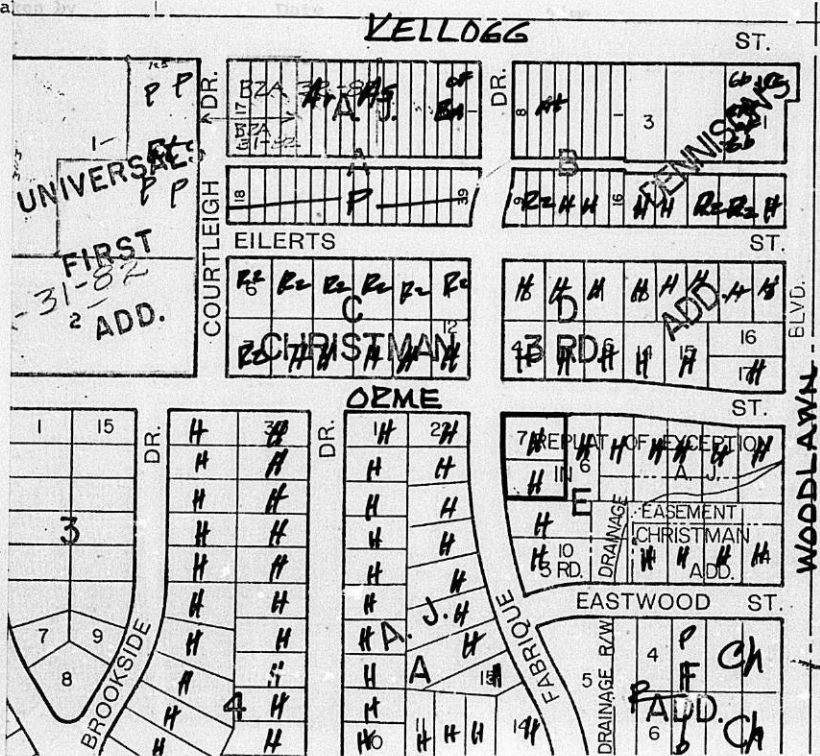
Map No. 5846  
 Sec. 25  
 Twp. 27  
 Range 1E

BZA- 26-83  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.39 ( 115 ft. by 150 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East \_\_\_\_\_ South \_\_\_\_\_  
 West \_\_\_\_\_ North \_\_\_\_\_
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: \_\_\_\_\_
6. Area (is) (is not) platted.

PHOTO DATA  
 Ta \_\_\_\_\_



LOS ANGELES COUNTY AND LOGAN, OH  
 MAP RECORDED, TX. COUNTY GROUP, CA  
 U.S.A.

Shirley  
 No. 2,153C

November 18, 1983

Mr. Ernie Doyan, Sr.  
610 Fabrique  
Wichita, Ks. 67218

Re: BZA 26-83 - Request for Variances

Dear Mr. Doyan:

Enclosed herewith is a copy of the Resolution setting forth the official action of the Board of Zoning Appeals on May 31, 1983. As you will note, the action was pending completion of a replat of the property within 120 days. The plat of Ernie and Laurie Addition was recently recorded and therefore effectuates the variances to reduce the front yard setback from 25 feet to 23 feet and to reduce the rear yard setback from 20 feet to 7.33 feet. Both variances apply only to the house known as 610 Fabrique and located on Lot 2, Ernie and Laurie Addition to Wichita, Sedgwick County, Kansas.

Please be advised that the release of this Resolution will now authorize Central Inspection to issue a permit for the construction of the addition to the dwelling that was constructed without benefit of a permit. In accordance with discussions with your agent Keith Parker, and Sam Mobley of Central Inspection, you should now be able to bring the building into compliance with the building code by the installation of foundations and any other requirements Central Inspection deem necessary for you to comply.

If you have any questions on this matter, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

cc: Keith Parker, 239 Pattie, Suite 2, Wichita 67211  
Robert Feldner, Superintendent of Central Inspection (2)  
Donald Gisick, City Clerk

RESOLUTION NO. BZA 26-83

WHEREAS, Ernie Doyan, Sr., 610 Fabrique, Wichita, Kansas, requests three variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required rear yard from 20 feet to 7.33 feet; (2) reduce the required side yard on the north side of Lot 8 from 6 feet to 0 feet; and (3) reduce the required front yard from 25 feet to 23 feet on Lot 8 on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 7 and 8, Block E of a replat of the exception in A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Fabrique and south of Orme (610 Fabrique).

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 May 31, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said requests for the variances under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals in consideration of the variance request to reduce the required side yard on the north side of Lot 8 considered the facts presented; and

WHEREAS, the Board of Zoning Appeals has found that the variance does not arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; but has been created by an action or actions of the property owner or the applicant; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents unless some provision is made to provide for adequate separation of the two dwellings; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant can resolve the side yard requirement in the replatting of the property with appropriate side yards; 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 reduction of the side yard on the north side of Lot 8 will not interfere with any easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the ordinance is required to provide adequate separation between structures; 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 not 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 from 6 feet to 0 feet be denied; and

WHEREAS, the Board of Zoning Appeals in consideration of the variance request to reduce the required rear yard from 20 feet to 7.33 feet considered the facts presented; 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 location of the structure is adjacent to existing open space and not any structures; 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 structure is not adjacent to another structure and should not interfere with the required light and air to the property on the east; 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 owners represented in the application inasmuch as the applicant would be required to remove the addition that extends into the required yard; 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 projection into the easement is minimal and the easement contains only above ground utilities; 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 adequate separation of structures will be maintained to provide light and air to all 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 rear yard setback from 20 feet to 7.33 feet be approved subject to the following condition:

1. The applicant shall successfully vacate that portion of the utility easement necessary to clear all portions of the structure from the easement by the replatting of the property.

AND, WHEREAS the Board of Zoning Appeals in consideration of the variance request to reduce the required front yard from 25 feet to 23 feet considered the facts presented; 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 area was platted with a large sewer easement extending at an angle across the front yards which creates somewhat of a restriction on each property that does not permit the houses to be located in a straight line with the north to south direction; 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 average depth of the front yard exceeds the 25' requirement and also where it adjoins the adjacent properties; 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 owners represented in the application inasmuch as the removal of a portion of the front of the house to comply with the 25' requirement would not be conducive to maintaining a good appearance to the house; 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 applicant will be required to vacate that portion of the easement occupied by the structure; 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 average front yard setback exceeds the minimum and that portion that does extend closer than 25' is located near the center of the property; 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.

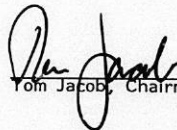
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25 feet to 23 feet on the residence at 610 Fabrique and on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 8, Block E of a replat of the exception in A. J. Christmas Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Fabrique and south of Orme (610 Fabrique).

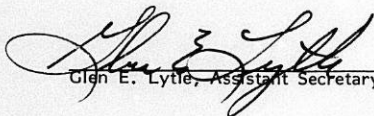
be approved subject to the following conditions:

1. The applicant shall successfully vacate that portion of the utility easement necessary to clear all portions of structure from the easement thru the replat process.
2. The release of the Resolution authorizing the two variances shall be subject to the completion of all vacations necessary.
3. The replat shall be completed and recorded within 120 days or this resolution shall be determined null and void.

ADOPTED AT WICHITA, KANSAS, this 31st day of May, 1983.

  
Tom Jacob, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

June 3, 1983

Mr. Robert Kaplan, Attorney  
430 North Market  
Wichita, Ks. 67202

Re: Case No. BZA 26-83 - Request for Variances

Dear Mr. Kaplan:

At the meeting of the Board of Zoning Appeals on May 31, 1983, the Board considered your client's requests for three separate variances on the property located at 610 Fabrique. The action of the Board was to grant two of the variances and to resolve the other by the replatting of the present two lots into two lots having established 6 foot side yards on each property at the common property line. The Board granted 120 days for the completion and recording of the new plat.

It is suggested that the replatting process will also give you the opportunity to remove or reduce those portions of the utility easements into which the structure has been constructed. It should be noted that no portion of any structure shall extend into or over any easement, this would include any eaves or appurtenances to the structure.

Until such time that the plat is completed and recorded, the Resolution effectuating the action of the Board will be withheld.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Ernie Doyan, 610 Fabrique, Wichita 67218  
Keith Parker, 239 Pattie, Suite 2, Wichita 67211  
Robert Feldner, Superintendent of Central Inspection (2)  
Sam Mobley, Centrai Inspection  
Donald Gisick, City Clerk

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE May 23, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Interim CP Coordinator

SUBJECT BZA 26-83 on the east side of  
Fabrique and south of Orme Street  
610 Fabrique

CPO Council "G" considered the captioned case at their May 16th meeting and voted 8-0 to recommend that the three variances to (1) reduce the required side yard from 6' to 0' on the north; (2) reduce the required rear yard from 20' to 7.33'; and (3) reduce the required front yard setback from 25' to 23' be denied.

Keith Parker was present representing the applicant. Approximately ten property owners were present and spoke in opposition to the granting of the variances.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on May 31st.

*Shirley Mast*

Shirley Mast  
Interim CP Coordinator

RECEIVED

MAY 24 1983

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 26-83

APPLICANT: Ernie Doyan, Sr., 610 Fabrique, Wichita, Kansas.

AGENT: Keith E. Parker, 239 Pattie, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required side yard from 6' to 0' on the north; (2) reduce the required rear yard from 20' to 7.33'; and (3) reduce the required front yard setback from 25' to 23'.

GENERAL LOCATION: On the east side of Fabrique and south of Orme Street (610 Fabrique).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is developed with a One-family Dwelling as are all adjacent properties.

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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting three separate variances in order to legalize the construction of the expansion of a One-family Dwelling on a lot that would not accommodate the additions in conformance with the required setbacks of the zoning ordinance. The construction of the various additions created violations of the side yard on the north, the front yard to the west and the rear yard to the east. In addition to the violations of the setbacks of the "AA" One-family Dwelling District, the additions were constructed to extend into easements located to the west, south and east.

It should be noted that all this construction took place without benefit of permits. The applicant states that the contractor who built these additions has since gone broke and left the state. It should be further noted that the applicant has refused to advise Central Inspection who did the work and proceeded to complete the construction without permits even after the work was red tagged contrary to the notice to stop work.

This construction was first brought to Central Inspection's attention by complaint of the adjoining property owner who was having the addition constructed within inches of his property line. This was in process last fall and has taken until now to file the variance requests. The applicant was advised that it would be extremely difficult to grant a variance of a required side yard setback from 6' to 0' when the adjacent property owner was objecting to such a variance.

The applicant has subsequently purchased the property to the north and can now assure that a 12' separation can be provided between the structures and has granted an easement which can be used for maintenance of the property. This can certainly be justification as uniqueness to the property.

It is difficult to justify any construction in violation of the regulations when it is known that the applicant is not ignorant of the

laws requiring permits to be obtained prior to any construction. The applicant has caused the Central Inspection numerous hours of undue time by violating the setbacks on his property.

The front yard violation is less than two feet and is only a corner of the house so it not major. The rear yard is, however, a violation that far exceeds a minor adjustment and extends into a utility easement that contains all overhead utilities. This yard is partly adjacent to an open space and to the rear yard of the house to the rear. It does not interfere with the required open space of any existing structures.

In order to grant each of the variances it will be necessary to find each of the five conditions as required by the statutes to exist. For each requested variance, conditions may be established to assure compliance with those deemed appropriate by the Board.

-----  
In regards to the first variance request to reduce the required side yard adjacent to the north property line from 6' to 0', the following is submitted for consideration by the Board:

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the applicant has acquired the property to the north and will be able to assure that a 12' separation can be maintained between the houses.

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 separation will be the same as is required by the zoning ordinance for other structures in the same zoning district.

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 applicant would be required to remove that portion of the house at a great expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the addition does not interfere with any easements along this yard line.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the separation between structures will be maintained by a greater requirement for a setback on the house to the north.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. A 12' side yard adjacent to the south property line of Lot 7, Replat of Exception of Christman Third Addition to Wichita, Sedgwick County, Kansas shall be maintained.
2. The applicant shall dedicate and record with the Register of Deeds of Sedgwick County a maintenance access easement of not less than 6' along the south line of Lot 7 for the benefit of the owners of Lot 8.

-----  
In regards to the second variance to reduce the required rear yard from 20' to 7.33', the following is submitted as possible justification for granting the variance by the Board:

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to find uniqueness to this property, however, if any does exist it is due to the location of this rear yard adjacent to existing open space and not the adjacent structures.

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 addition is not immediately adjacent to another structure and should not interfere with the required light and air of the house to the east.

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 applicant would be required to remove the addition to the rear that extends into the required yard.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the projection into the existing utility easement is minimal and the easement contains only above ground utilities that can be more easily maintained.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate separation will be maintained to provide light and air to all properties.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The applicant shall successfully vacate that portion of the utility easement necessary to clear all portions of the structure from the easement.

-----  
In regards to the third variance requested, to reduce the required front yard from 25' to 23', the following are submitted for the Board's consideration:

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the area was platted with a large sewer easement extending at an angle across the front yards which creates somewhat of a restriction on each property that does not permit the houses to be located in a straight line with the north to south direction.

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 average depth of the front yard exceeds the 25' requirement and also where it adjoins the adjacent properties.

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 removal of a portion of the front of the house to comply with the 25' requirement would not be conducive to maintaining a good appearance to the house.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the applicant will be required to vacate that portion of the easement occupied by the structure.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the average front yard setback exceeds the minimum and that portion that does extend closer than 25' is located near the center of the property.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The applicant shall successfully vacate that portion of the utility easement necessary to clear all portions of structure from the easement.
2. The release of the Resolution authorizing the three variances shall be subject to the completion of all vacation applications necessary and the recording of said documents.

BZA CASE NO. 26-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

22 NOTICES SENT TO ADJOINING PROPERTY OWNERS

34 TOTAL NOTICES SENT 5-11-83

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Ernie Doyan, Sr., 610 Fabrique, Wichita, Kansas, requesting three variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting three variances to (1) reduce the required rear yard from 20' to 7.33'; (2) reduce the required side yard on the north from 6' to 0'; and (3) reduce the required front yard from 25' to 23' on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 7 and 8, Block E of a replat of the exception in A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Fabrique and south of Orme (610 Fabrique).

This application has been assigned Case BZA 26-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 26-83

CITY OF WICHITA, KANSAS

FILED 5-3-83

APPLICATION FOR VARIANCE

I. Name of Applicant ERNE BOYON SR.  
 Mailing Address 610 Fabrique Phone \_\_\_\_\_  
 Name of Authorized Agent KEITH E. PARKER.  
 Mailing Address 239 Pattie Phone 263-8261  
 Relationship of applicant to property is that of \_\_\_\_\_  
 (Owner, Tenant, Lessee, Other)

II. The variances requested are (1) to reduce the required side yard from 6 feet to 0 feet; (2) to reduce the required rear yard from 20 feet to 125 feet; and (3) to reduce the required front yard setback from 25 feet to 25 feet.

for property located on the east side of Fabrique and south of Orma (610 Fabrique).

and legally described as: LOT 8 <sup>and</sup> south 6' of  
Lot 7 Block E. of a replat of  
N.W. Christian Church add. to Wichita  
Sedgwick Co. Ks.

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. 36-596); 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.

Applicant \_\_\_\_\_

Authorized Agent Keith E. Parker

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 pm, May 3, 1983, together with appropriate fee of 225.00.

Signed H. Lytle

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 3		Replat of exception in A.J. Christman 3rd Add.	Larry J. Nail, Jr. 6325 E. Orme Wichita, Kansas 67218
Lot 4		"	Wendell B. & Alberta L. Bagley 6319 E. Orme Wichita, Kansas 67218
Lot 5		"	Garnett E. & Joyce A. Tate 6313 E. Orme Wichita, Kansas 67218
Lot 6		"	<del>E.B. (deceased)</del> Ethel Dodd 6307 E. Orme Wichita, Kansas 67218
Lot 7		"	Ernest H. & Laurie Doyon 610 Fabrique Wichita, Kansas 67218
Lot 8		"	Ernest Henry & Laura J. Doyon 610 Fabrique Wichita, Kansas 67218
Lot 9		"	Joseph L. & Sarah J. Lyons 618 Fabrique Wichita, Kansas 67218
Lot 10		"	Winnie M. Lovett 624 Fabrique Wichita, Kansas 67218
Lot 11		"	<sup>returned 5-16-83</sup> <del>Lawrence J. &amp; Roberta J. Perkins</del> 1625 Womer Dr. Wichita, Kansas 67203
Lot 12		"	Philip A. & Anita L. Dunbar 6328 Eastwood St. Wichita, Kansas 67218
Lot 11	C	A.J. Christman 3rd Add.	Margaret Faye Miller 2802 Red Gum Gap Longview, Texas 75605
Lot 12	C	"	J. L. Wohler Cecelia J. Wohler 6234 E. Orme Wichita, Kansas 67218

Lot	Block	Addition	Property Owner
Lot 1	D	A.J. Christman 3rd Add.	Leonard R. & Jo M. Mercer 6315 Eilerts Wichita, Kansas 67218
Lot 2	D	"	John & Carol A. Slaybaugh 6307 E. Orme Wichita, Kansas 67218
Lot 3	D	"	Neva D. Harter 451 Waverly Wichita, Kansas 67218
Lot 4	D	"	Charles G. & Dorothy M. Wittenborn 6302 E. Orme Wichita, Kansas 67218
Lot 5	D	"	V.R. & Elaine Lockwood 6308 E. Orme Wichita, Kansas 67218
Lot 6	D	"	Bertha Bauer 6316 E. Orme Wichita, Kansas 67218
Lot 1	C	"	<del>Al O. Juhasz</del> <del>address unknown</del>
Lot 17	A	A.J. Christman 2nd Add.	R.E. & Ruby K. Arbogast 629 Fabrique Wichita, Kansas 67218
Lot 18	A	"	N.F. & Reta M. Cain 623 Fabrique Wichita, Kansas 67218
Lot 19	A	"	Salvatore A. & Christina C. Scimeca 617 Fabrique Wichita, Kansas 67218
Lot 20	A	"	Gulven M. & Bertha Kreutziger 611 Fabrique Wichita, Kansas 67218
Lot 21	A	"	Roger D. & Catherine L. Gatton 607 Fabrique Wichita, Kansas 67218
Lot 22	A	"	Andrew M. & Iva L. Short 601 Fabrique Wichita, Kansas 67218

Page 3

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 8 and the South 6 feet of Lot 7, Block E,  
Replat of A.J. Christman Third Addition to  
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 3rd day of May, 1983, at 7:00 o'clock A.M.

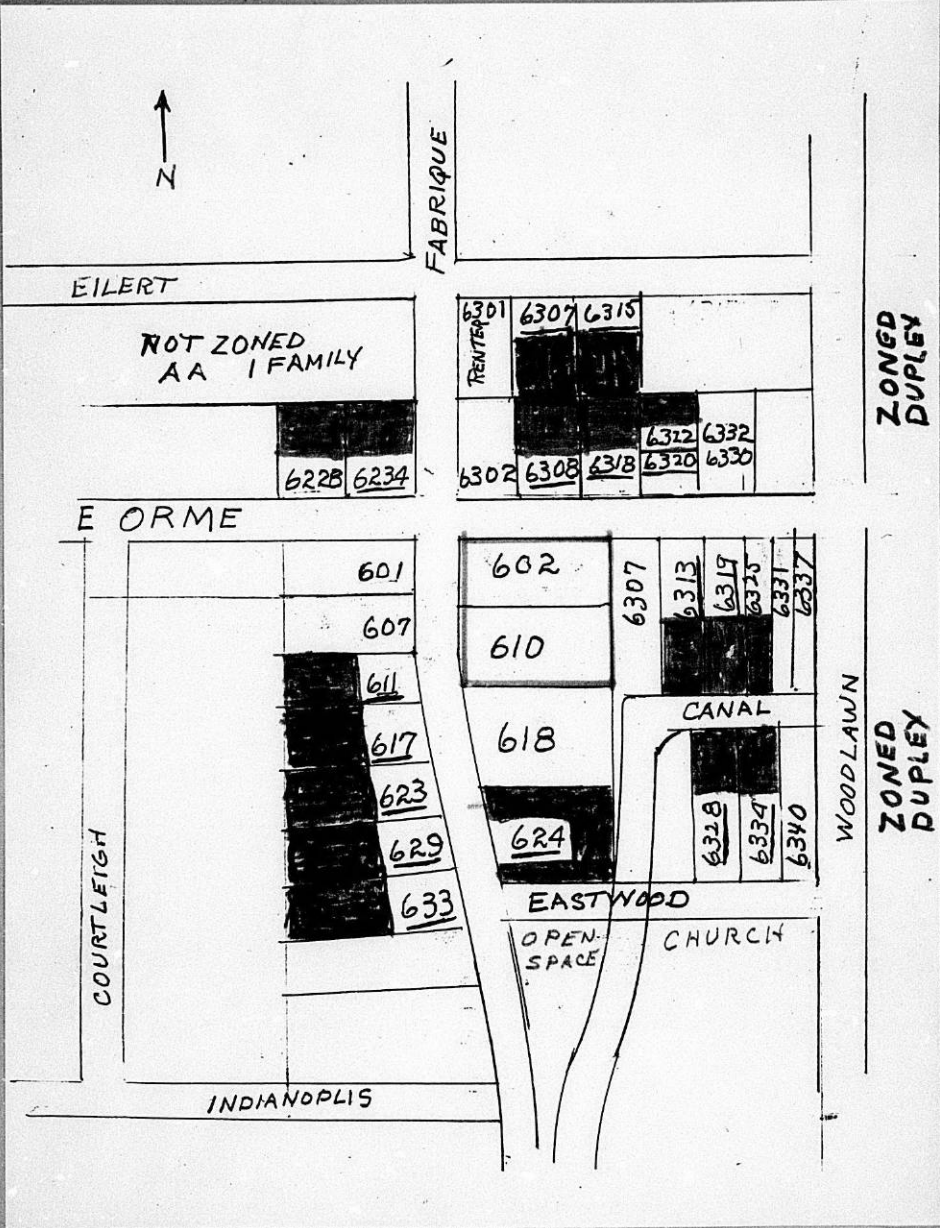
THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*

Vice President

Order No: 319661  
cf



PETITION

To the members of the Board of Zoning Appeals of Wichita, Kansas

The signers of this petition are real estate owners within a relatively close proximity of the location concerned herein, 610 Fabrique.

It is the express purpose of this petition to allow the signers here of to express their opposition to the granting of any of the "VARIANCES" to the local building laws and/or codes that have been or may be requested by the owner, Mr. E. Doyon, of the real estate located at 610 Fabrique, in Wichita, or a legal representative of said owner. In as much as the additions made to the house at said location were made by a contractor, they were made without the proper application for the required building permit or permits. Even though a contractor did the work, the basic responsibility remains with the property owner, Mr. E. Doyon.

It is evident and a matter of record that proper or final inspection of the project herewith involved was never made by the city inspection department. It is our belief that it would be to the best interests of the City of Wichita, and contrary to the interests of the signers hereof for any person to seek and/or be allowed a variance of or to existing laws in order to legalize violations of said laws.

We, the signers hereof, ask of said Zoning Board that any and all VARIANCES REQUESTED PERTAINING TO THE 610 FABRIQUE location in behalf of Mr. Doyon, be rejected and that any and all recommendations for approval of VARIANCES, as presented in the MAPD Secretaries Report concerning BZA case #26-83 610 Fabrique, be withdrawn and rejected.

NAME	ADDRESS
<i>J. W. Miller</i>	<i>6234 E. Orme</i>
<i>Mrs J. L. Fisher</i>	
<i>Jo Merced</i>	<i>6315 Eilberta</i>
<i>Howard C. Myers</i>	<i>6315 Eilberta</i>
<i>Carol A. Sharpbaugh</i>	<i>6307 Eilberta</i>
<i>John P. Shybaugh</i>	<i>6307 Eilberta</i>
<i>W. K. Lockwood</i>	<i>6308 E. ORME</i>
<i>Edgine Lockwood</i>	<i>" " "</i>
<i>Lucy M. Doyle</i>	<i>6320 E. Orme</i>
<i>Edwin Zimmerman</i>	<i>6322 E. Orme</i>
<i>Ursula B. Bagley</i>	<i>6319 E. Orme</i>
<i>Alberta L. Bagley</i>	<i>6319 E. Orme</i>
<i>John M. Kille</i>	<i>6228 E Orme</i>
<i>Joyce A. Tate</i>	<i>6313 E. Orme</i>

All signatures hereon are in compliance to and with paragraph 3 of the letter of 5-16-83 File #A-7156 from Fredrick A. Linde, of the WICHITA COMMUNITY GRIEVANCE OFFICE.



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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Ernie Doyan, Sr., 610 Fabrique, Wichita, Kansas, requesting three variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting three variances to (1) reduce the required rear yard from 20' to 7.33'; (2) reduce the required side yard on the north from 6' to 0'; and (3) reduce the required front yard from 25' to 23' on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 7 and 8, Block E of a replat of the exception in A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Fabrique and south of Orme (610 Fabrique).

This application has been assigned Case BZA 26-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary



Architects • Planners • Commercial Consultants  
**Keith Parker Associates**



May 11, 1983

Mr. Glen Lytle  
Board of Zoning Appeals  
Metropolitan Area Planning Department  
455 North Main, City Hall  
Wichita, Kansas 67202

Re: 610 Fabrique  
Wichita, Kansas

Dear Mr. Lytle:

The above referenced property owner requests variance of set-back lines as follows and shown on previously submitted survey drawing:

Front yard from 25' to 23'  
Rear yard from 20' to 7.33'

The north set-back line (side yard) 6 foot requirement can be met with a document of the boards choice. The owner of this property also owns the north property.

The contractor for this addition constructed this work without permits and has since gone broke and left the state.

The removal of these additions would be serious hardship on the current owner.

We respectfully request a variance for the above as stated.

Sincerely,

KEITH PARKER ASSOCIATES

Keith E. Parker, A.I.A.

KEP:ep

RECEIVED

MAY 11 1983  
METROPOLITAN PL  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 26-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Ernie Doyan, Sr., 610 Fabrique, Wichita, Kansas, requesting three variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting three variances to (1) reduce the required rear yard from 20' to 7.33'; (2) reduce the required side yard on the north from 6' to 0'; and (3) reduce the required front yard from 25' to 23' on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 7 and 8, Block E of a replat of the exception in A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Fabrique and south of Orme (610 Fabrique).

This application has been assigned Case BZA 26-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-021      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
	375 <sup>00</sup>

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 DATE \_\_\_\_\_ BY \_\_\_\_\_

WICHITA - SEDGWICK COUNTY  
**W S C**  
 BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

26-83

PER 25X 15132341 05/13/83  
 RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

Lawrence J. & Roberta J. Perkins  
 1625 Womer Drive  
 Wichita, Ks. 67203



**RECEIVED**

MAY 16 1983  
 METROPOLITAN PLANNING  
 ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

\*

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

Roll # 2