

BZA 31-69 - John E. & Deborah E. Pyles request a variance to replace carport within 2 ft. of property line at 1021 N. Ash.

Pos. 750  
11/2/69  
MPP ✓  
C. I. ✓

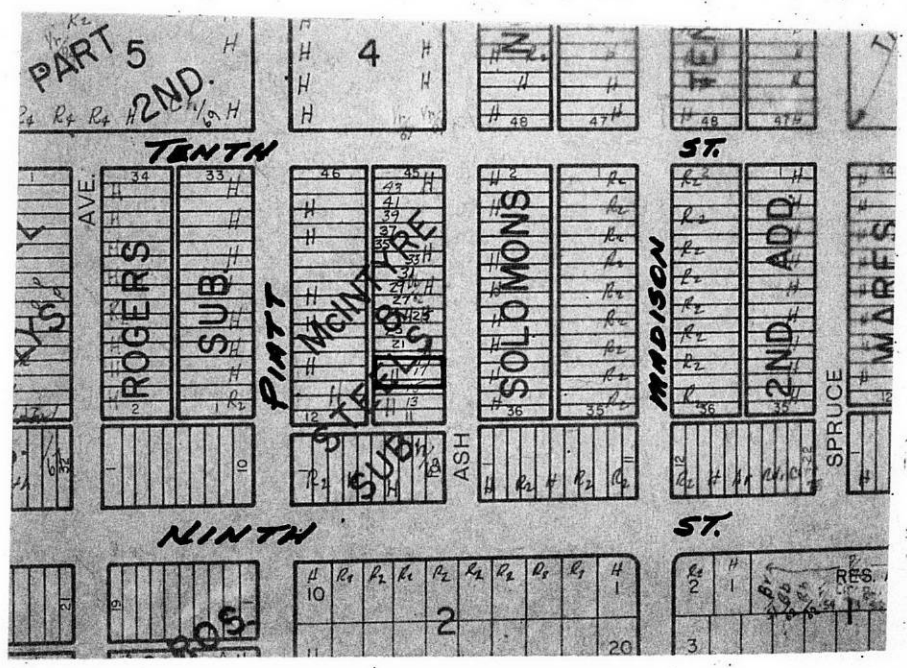
BZA 12-16-69 approved

Map No. 5648  
 Sec. 15  
 Twp. 27  
 Range 1E

BZA 31-69  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.14 ( 50 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: RESIDENTIAL  
 5. Present Land Use is for: SINGLE FAM  
 6. Area (is) (is not) platted.

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



RESOLUTION NO. BZA 31-69

WHEREAS, John E. Pyles and Deborah E. Pyles, 1021 North Ash, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the north property line from 6 feet to 2 feet on property zoned "A" - Two Family, and legally described as follows:

North half of Lot 15, All of Lot 17 and the south half of Lot 19, on Morris, now Ash Street, McIntyre & Steel Subdivision of Tarlton's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1021 North Ash, Wichita, Kansas. Generally located on the west side of Ash Street between 9th and 10th Streets.

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 December 16, 1969, 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 lot in question is only 50 feet wide and it would not be possible to construct a carport wide enough to house a car and still maintain the required 6 foot side yard setback; 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 sufficient space exists between structures for adequate light and air; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as he will be denied a carport for his car; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the same conditions will exist that prevailed before the other carport was removed; 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 space exists between dwellings; and

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the side yard setback adjacent to the north property line from 6 feet to 2 feet on property zoned "A" - Two Family, and legally described as:

North half of Lot 15, All of Lot 17 and the south half of Lot 19, on Morris, now Ash Street, McIntyre & Steel Subdivision of Tarlton's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1021 North Ash, Wichita, Kansas. Generally located on the west side of Ash Street between 9th and 10th Streets.

be approved subject to the following conditions:


1. The approval to reduce the required side yard setback from 6 feet to 2 feet shall be for only that area 14 feet by 26 feet indicated on the plot plan submitted with the application for the unenclosed carport.
2. In no event shall the approval of this request be construed that this variance is granted to allow an enclosed garage to be constructed or shall it be construed as to permit any other addition to the house which would project into the side yard setback of 6 feet.

ADOPTED AT WICHITA, KANSAS, this 16th day of December, 1969.



ALAN B. PHARES, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

John E. Pyles  
1021 North Ash  
Wichita, Kansas

Dear Mr. Pyles:

Subject: Case No. BZA 31-69  
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 16, 1969, in connection with your request for a variance to reduce the required side yard setback adjacent to the north property line from 6 feet to 2 feet on property zoned "A" - Two Family and generally located on the west side of Ash in an area north of 9th Street.

This Resolution reflects the official action of the Board and sets forth the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

Enclosure 1

cc Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk

December 16, 1969

John E. Pyles  
1021 North Ash.  
Wichita, Kansas

Dear Mr. Pyles:

Subject: Case No. BZA 31-69  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on Tuesday, December 16, 1969, your request for a variance to reduce the required sideyard setback adjacent to the north property line from 6 feet to 2 feet on property zoned "A" - Two Family and generally located on the west side of Ash in an area north of 9th Street was considered.

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

1. The approval to reduce the required side yard setback from 6 feet to 2 feet shall be for only that area 14 feet by 25 feet indicated on the plot plan submitted with the application for the unenclosed carport.
2. In no event shall the approval of this request be construed that this variance is granted to allow an enclosed garage to be constructed or shall it be construed as to permit any other addition to the house which would project into the side yard setback of 6 feet.

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.

Page 2 - John E. Pyles  
December 16, 1969

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls  
cc Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 31-69

APPLICANT: John E. Pyles & Deborah E. Pyles, 1021 North Ash,  
Wichita, Kansas

AGENT: Stan Hamilton, Sears Roebuck & Company, 901 Geo.  
Washington Blvd., Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the  
City of Wichita, to reduce the required sideyard set-  
back adjacent to the north property line from 6 feet  
to 2 feet.

GENERAL LOCATION: West side of Ash in an area north of 9th Street

ZONING: Subject property is zoned "A" - Two Family, as are  
those properties to the north, south and east; west is  
"B" - Multiple Family

LAND USE: Subject property is occupied by a single family resi-  
dence as are all surrounding 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 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 owners or residents.
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 repre-  
sented in the application.

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December 16, 1969  
BZA 31-69

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 of the required side yard setback adjacent to the north property line from 6 feet to 2 feet in order to construct an attached unenclosed carport.

In his statement of justification, the applicant points out that the original carport was heavily damaged during the 1968-69 winter and was in need of repair and could have been repaired. However, as a result of his meeting with the City Inspectors Office and Project AMY officials, it was decided that it was best to remove the carport and construct another one in its place.

The applicant further states that when the contractor began repairing his house, the carport was taken down and Sears was contracted to replace it. The footing was placed in the ground by AMY Project's building contractor, Emley Construction Company; however, the footing was placed within 2 feet of the side yard line in violation of the zoning ordinance and a cease and desist order was issued by the building inspector.

It should be pointed out that in viewing the area in the field it appears that the residence to the north would be some 20 feet from the proposed carport in the event this request is approved.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that the lot in question is only 50 feet wide and it would not be possible to construct a carport wide enough to house a car and still maintain the required 6 foot side yard setback.

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December 16, 1969  
EZA 31-69

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent properties in that sufficient space exists between structures for adequate light and air.

HARDSHIP

It is the opinion of the Secretary that the applicant will be burdened by an unnecessary hardship inasmuch as he will be denied a carport for his car.

PUBLIC INTEREST

It is the opinion of the Secretary that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the same conditions will exist that prevailed before the other carport was removed.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance would not be opposed to the general spirit and intent of Title 28 as adequate space exists between dwellings.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance, can be found to exist and it is, therefore, recommended that the request be approved subject to the following conditions:

1. The approval to reduce the required side yard setback from 6 feet to 2 feet shall be for only that area 14 feet by 26 feet indicated on the plot plan submitted with the application for the unenclosed carport.
2. In no event shall the approval of this request be construed that this variance is granted to allow an enclosed garage to be constructed or shall it be construed as to permit any other addition to the house which would project into the side yard setback of 6 feet.

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

November 26, 1969

**NOTICE TO ADJOINING PROPERTY OWNERS**

**Case No. BZA 31-69**

An application has been filed by John E. Pyles & Deborah E. Pyles, 1021 North Ash, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required sideyard setback adjacent to the north property line from 6 feet to 2 feet, on property zoned "A" - Two Family Dwelling, and legally described as follows:

North half of Lot 15, All of Lot 17 and the south half of Lot 19, on Morris, now Ash Street, McIntyre & Steel Subdivision of Tarlton's Addition to Wichita, Sedgwick County, Kansas, commonly known as 1021 North Ash, Wichita, Kansas. Generally located on the west side of Ash Street between 9th and 10th Streets.

This application has been assigned **Case No. BZA 31-69**, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 16, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

*35 Notices mailed Dec 10.*

STAN HAMMILL DIV. 64  
AM7-2211

Sears

# PLOT PLAN

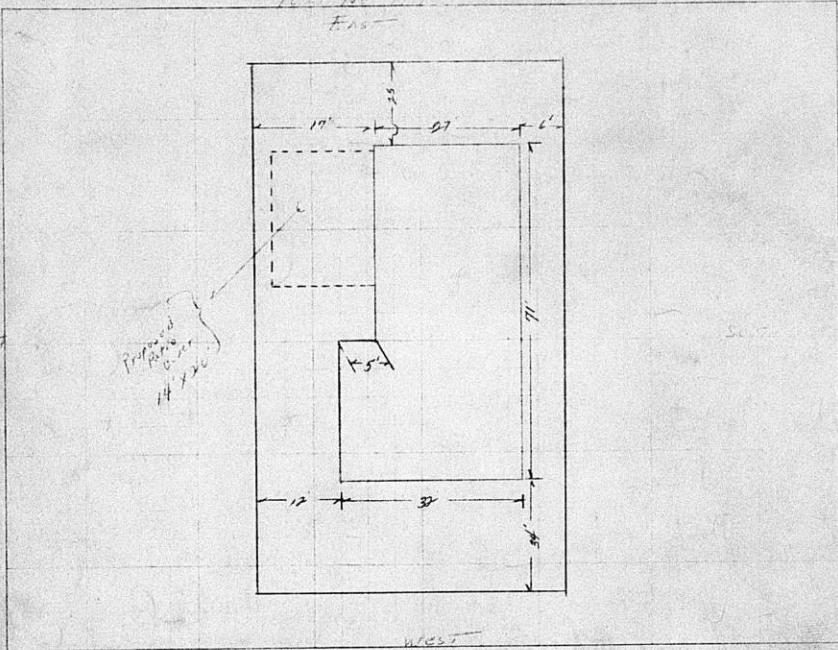
LAWN BUILDINGS

(PATIO COVERS)

PATIO SCREEN AND GLASS ENCLOSURES

(MAKE IN DUPLICATE)

SIZE UNIT: 14' x 26'



## LEGAL DESCRIPTION

DATE: 11-18-67

DATE: 12-16-67

CUSTOMER'S NAME:

John E. Pyles

ADDRESS:

1021 No. Ash - Wichita - Am7-6711

BOARD OF ZONING APPEALS

CASE NO. 31-69

CITY OF WICHITA, KANSAS

FILED 11-10-69

APPLICATION FOR VARIANCE

I. Name of Applicant JOHN E. PYLES & DEBORAH E. PYLES

Mailing Address 1021 N. Ash, Wichita, Kansas. Phone MU 4-7022

Name of Authorized Agent Stan Hamilton of Sears Roebuck & Co.

Mailing Address 901 Geo. Washington Blvd. Wichita, Kansas. Phone AM 5-2211

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

II. The variance requested is to replace a car port within two feet of setback adjacent to the north property line from 6 feet to 2 feet  
Photo attached

for property located 1021 N. Ash, Wichita, Kansas.

and legally described as: North half of Lot 15, All of Lot 17 and the South Half of Lot 19, on Morris, now Ash St., McIntyre & Steel Subdivision of Tarlton's Addition to Wichita, Sedgwick County, Kansas, Commonly known as 1021 N. Ash, Wichita, Kansas. in the City of Wichita; and which is presently zoned "A"

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.

THE LAW OFFICE  
OF JOHN E. PYLES, ATTY.  
2703 E. 13th MU 4-7022  
WICHITA, KANSAS 67214

(Also) 316 MU 4-7555

John E. Pyle  
Applicant  
SEARS, ROEBUCK & CO.  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:30 (a.m. - p.m.), November 10 19 69 together with appropriate fee of \$50.00.

T9-402

Laura Scott  
Signed

THE LAW OFFICE  
OF JOHN E. PYLES, ATTY.  
2703 E. 13th. MU 4-7022  
WICHITA, KANSAS 67214

APPLICATION FOR VARIANCE

The car port was first placed on the house at 1021 N. Ash St., Wichita, Kansas, in the year 1955. The car port stood until the snow and ice of 1969 winter broke it in the middle. It was in need of repairs and could have been repaired.

However at a meeting with the City Inspector's Office and AMY Project, it was decided that it would be best to remove the car port, since it was in repair and code violation, and place another one in its place.

When AMY begin repairing said house, the car port was taken down and Sears was contracted to replace it.

The footing was placed in the ground by AMY Project's Building Contractor, Emley Const. Co. As per attached diagram.

In due course the City Inspector Office demanded the post to be placed 6 feet from the property line rathan than 2 feet as original as per photo.

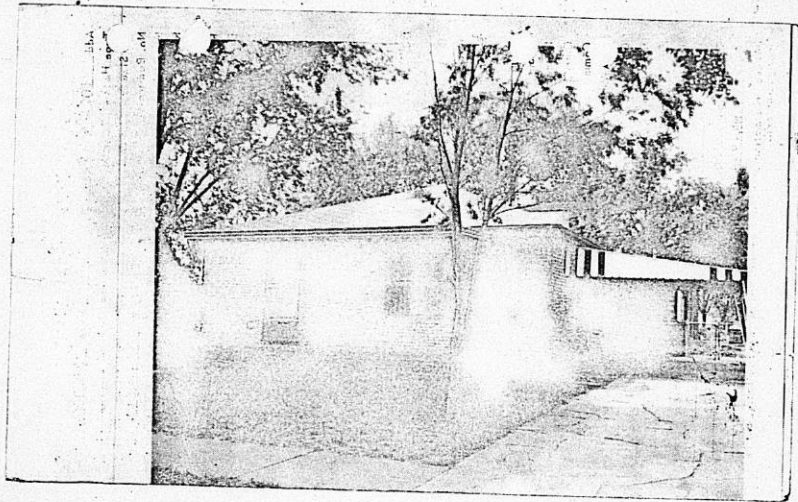
If the posts are placed six (6) feet from the property line, than a car cannot be placed under it.

The Variance should be granted for it complies with the following five conditions.

1. That the Variance requested arises from such condition that is unique because the site is only 50 feet wide and there is no place else to put the car. That this condition has existed since 1955 and the shortness of the building site or lot has existed since the building of the house of 1953.
2. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents.
3. That the strict application of the provision of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That applicant will be denied the right to have a car port over his car.
- b. That applicant will be denied the right of owning a car port.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

(Also) 316 MU 4-7555

1021 Ash



CERTIFICATE OF OWNERSHIP

Guarantee Title Co., Inc. hereby certifies the following to be a true and correct list of the property owners as shown by the last deeds of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

The North Half of Lot 15, all of Lot 17, and the  
South Half of Lot 19, in McINTYRE AND STEEL'S  
SUBDIVISION of Lot 4 (Four), in TARLTON'S  
ADDITION to the City of Wichita, Sedgwick  
County, Kansas,

together with all lots lying within a 200 foot radius thereof.

G U A R A N T E E T I T L E C O. I N C.	----- DESCRIPTION -----	OWNER -----
	In McIntyre and Steele's Subdivision of Lot 4 (Four), in TARLTON'S ADDITION to the City of Wichita, Sedgwick County, Kansas:	
	Lots 1 and 2	✓ Herschel B. Brown and Jurline B. Brown 2030 E. 9th Wichita, Kansas 67214
	Lots 3, 4, and 5	✓ Walter T. Powers 1575 Womer Drive Wichita, Kansas 67203 (Subsequent to the deed to Powers, a quit claim deed was recorded from Leola Warren to Geraldine Crawford and it doesn't appear to fit into title.)
	Lots 6 and 7	✓ Mid Kansas Federal Savings and Loan Association 230 South Market Wichita, Kansas 67202
	Lots 8, 9, and 10	✓ Kansas-Missouri Annual Conference of C.M.E. Church 2046 East 9th Wichita, Kansas 67214
	Lots 11 and 13 and the South Half of Lot 15	✓ Ralph W. Baker and Katie M. Baker 1458 North Volutsia Wichita, Kansas 67214
	North Half Of Lot 15, all of Lot 17, and the South Half of Lot 19	✓ John E. Pyles and Deborah E. Pyles 1021 North Ash Wichita, Kansas 67214
	North Half of Lot 19 and all of Lots 21 and 23	✓ Charles M. Brown and Parilee B. Brown 1031 North Ash Wichita, Kansas 67214
	Lots 25 and 27	✓ Fay Buckner and Lauretta Buckner 1035 North Ash Wichita, Kansas 67214

	Lots 29 and 31	<ul style="list-style-type: none"> <li>✓ Murray Jones and</li> <li>Ella Jones, 1037 N. Ash 67214</li> <li>✓ Cleve Jones, 930 N. Minnesota</li> <li>Wichita, Kansas 67214</li> </ul>
	Lots 33 and 35 and the South Half of Lot 37	<ul style="list-style-type: none"> <li>✓ Prentic Henry and</li> <li>Tremilla B. Henry</li> <li>1049 North Ash</li> <li>Wichita, Kansas 67214</li> </ul>
	Lots 12 and 14 and the South Half Of Lot 16	<ul style="list-style-type: none"> <li>✓ Irvin Thomas Thomson and</li> <li>Lola Irene Thomson</li> <li>1350 South Waco</li> <li>Wichita, Kansas 67213</li> </ul>
G	North Half of Lot 16 and all of Lots 18, 20,	<ul style="list-style-type: none"> <li>✓ Administrator of Veteran</li> <li>Affairs</li> <li>5500 East Kellogg</li> <li>Wichita, Kansas 67218</li> </ul>
U		
A	Lots 24 and 26	<ul style="list-style-type: none"> <li>✓ Ben Schmidt and</li> <li>Dorothy Schmidt</li> <li>2526 Ida</li> <li>Wichita, Kansas 67216</li> </ul>
R		
A	Lots 28 and 30	<ul style="list-style-type: none"> <li>✓ CCL Bus Federal Credit Union</li> <li>8410 West Highway 54</li> <li>Wichita, Kansas 67209</li> </ul>
N		
T	Lots 32, 34, 36, 38 and South Half of Lot 40	<ul style="list-style-type: none"> <li>✓ Milton J. Lantz and</li> <li>Anna Lantz</li> <li>1046 North Piatt</li> <li>Wichita, Kansas 67214</li> </ul>
E		
E	In Solomons 2nd Addition to Wichita, Sedgwick County, Kansas,	
	on Ninth Street	
T	Lots 1 and 2	<ul style="list-style-type: none"> <li>✓ Frank Heine</li> <li>2102 East 9th</li> <li>Wichita, Kansas 67216</li> </ul>
I		
T	Lots 3 and 4	<ul style="list-style-type: none"> <li>✓ Foundation, Inc.</li> <li>c/o Builders, Inc.</li> <li>1000 Parklane</li> <li>Wichita, Kansas 67218</li> </ul>
L		
E	Lots 5 and 6	<ul style="list-style-type: none"> <li>✓ Robert A. Pepper</li> <li>619 Harding</li> <li>Wichita, Kansas 67208</li> </ul>
	on Ash Street	
C	Lots 10, 12, 14 and 16	<ul style="list-style-type: none"> <li>✓ Ralph Epps and</li> <li>Sophia (a/k/a Sophia G. Epps</li> <li>1042 North Ash</li> <li>Wichita, Kansas 67214</li> </ul>
O.,		
I	Lots 18 and 20	<ul style="list-style-type: none"> <li>✓ Walter Breckenridge and</li> <li>Betty N. Breckenridge</li> <li>1036 North Ash</li> <li>Wichita, Kansas 67214</li> </ul>
N		
C.	Lots 22 and 24	<ul style="list-style-type: none"> <li>✓ Lawrence Mack, Jr.</li> <li>1030 North Ash</li> <li>Wichita, Kansas 67214</li> </ul>

Lots 26 and 28

Foundation, Inc.  
c/o Builders, Inc.  
1000 Parklane  
Wichita, Kansas 67218

Lots 30 and 32

✓ Isiah Martin and  
Helen Louise Martin  
1014 North Ash  
Wichita, Kansas 67214

Lots 34 and 36

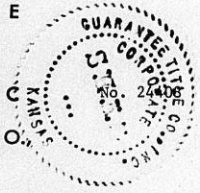
✓ Virgil Webster and  
Cora Webster  
1012 North Ash  
Wichita, Kansas 67214

WITNESS our hand and seal at Wichita, Kansas, this 4th day of November,  
1969, at 7:00 o'clock A.M.

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GUARANTEE TITLE CO., INC.

BY Eva Jean Burrig  
Eva Jean Burrig, Vice President



FORM 223-021

**PAYMENT NOTICE**

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
	1002

Use

Address

Type Due Date  
R-11-C

Comments:

Date 11-10-69 By