

BZA39-64 - R. A. Davenport requests
variance to permit extension across
building setback line at 3296 E. 9th

*Rec'd
9-5-64
E-7*

ACTION

DATE *9-22-64*
BYA COMMITTEE *App*

M.A.P.C.

B.C.C./B. COIC.

October 5, 1964

Mr. Jack H. Greene, Attorney
206 Central Building
Wichita, Kansas

Dear Mr. Greene:

Re: Case No. BZA 39-64

On September 23, 1964, we advised you that the Board of Zoning Appeals had approved your request for a variance of rear yard setback requirements on property generally located on the north side of Ninth Street and in an area between the St. Louis & San Francisco Railroad and Clifton.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before October 2, 1964.

The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JMG:JWE:ber
Attachment

cc: R. A. Davenport
3296 East Ninth

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 3 9 - 6 4

WHEREAS, R. A. Davenport, 3296 East Ninth, Wichita, Kansas, by Jack H. Greene, Attorney, 206 Central Building, Wichita, Kansas, has requested a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, to allow the construction of an addition to a residence to extend to within 5 feet of the rear property line, on property zoned "A" Two Family, and legally described as follows:

The West 158.49 feet of Lot 4, in Block 6, in Frisco Heights 2nd Addition to the City of Wichita, Sedgwick County, Kansas,

generally located on the north side of Ninth Street and in an area between the St. Louis and San Francisco Railroad and Clifton; and

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, in regular meeting, considered said application on the 22nd day of September, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as this is a triangular shaped lot due to the location of the railroad right of way adjacent to the rear of the lot, which would make it difficult to construct an addition if the strict application of the enforcement provisions are observed; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the rights of adjacent property owners inasmuch as there are no houses to the north and west of the applicant's property and no one appeared in opposition; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as the strict enforcement of the ordinance would require 20 feet of rear yard setback area, which would preclude the applicant from fully developing his lot and would prohibit him from making the best use of his property; and

WHEREAS, the Board of Zoning Appeals has found that the variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

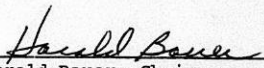
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the request for waiving of that portion of the rear yard setback which will be occupied by the extension of the residence, on property legally described as follows:

The West 158.49 feet of Lot 4, in Block 6, in Frisco Heights 2nd Addition to the City of Wichita, Sedgwick County, Kansas,

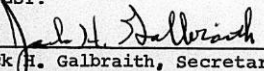
generally located on the north side of Ninth Street and in an area between the St. Louis & San Francisco Railroad and Clifton, be approved, subject to the following:

1. The rear yard setback requirement shall be reduced from 20 feet down to 5 feet, which will allow sufficient room for the construction of the new addition to the existing residential structure as shown on the plot plan on file with the Secretary of the Board of Zoning Appeals.

ADOPTED AT WICHITA, KANSAS, this 22nd day of September, 1964.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

SECRETARY'S REPORT

CASE NO. BZA 39-64

NAME OF APPLICANT: R. A. Davenport, 3296 East 9th Street

AUTHORIZED AGENT: Jack H. Green, Attorney, 206 Central Building

REQUEST: This request is for a variance to allow an addition to an existing house to encroach to within 5 feet of the rear property line. (20 feet is the normal rear yard setback requirement in the "A" Two Family residential district.)

LAND USE: Property in question is single family; north is St. Louis and San Francisco Railroad; east is single family; south is single family and west is St. Louis and San Francisco Railroad.

EXISTING ZONING: Property in question is zoned "A" Two Family; east, south and west is "A" Two Family; north is St. Louis and San Francisco Railroad.

JURISDICTION: The Board has jurisdiction to consider the variance request through the provisions as set out in Section 2.12.590.2, of the Code of the City of Wichita. The Board has authority to grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. A plot plan will be available at the hearing on September 22 for the Board's review.

As indicated in the statement of justification, the applicant wants to construct an addition to an existing single family house which is located on a triangular shaped lot.

UNIQUENESS

It is the opinion of the Secretary that uniqueness can be found to exist on the basis that the existing single family home is located on a triangular shaped lot (the triangle shape is due to the location on the northwest of the St. Louis and San Francisco Railroad adjacent to the rear of the lot), which makes it almost impossible to build the proposed new addition if the strict application of the enforcement provisions of the ordinance are enforced. Consequently, it is the opinion of the Secretary that uniqueness can be found to exist because of the unique shape and odd size of this lot.

ADJACENT PROPERTY

The Secretary is of the opinion that the granting of the variance should in no way adversely affect rights of adjacent property owners inasmuch as there are no houses to the west of the applicant's property.

HARDSHIP

It is the opinion of the Secretary that hardship can be found to exist inasmuch as the enforcement of the normal 20 foot setback requirement would preclude the applicant from fully developing his lot and would prohibit him from making the best use of his property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way affect the public interest.

RECOMMENDATION OF SECRETARY

In view of the foregoing review of this application, it is the opinion of the Secretary that all four conditions necessary for the granting of the variance can be found to exist and therefore, it is recommended that this application be approved, subject to the following requirement:

1. The rear yard setback requirement shall be reduced from 20 feet down to 5 feet, which will allow sufficient room for the construction of the new addition to the existing structure as shown on the plot plan on file with the Secretary of the Board of Zoning Appeals.

September 23, 1964

Mr. Jack H. Greene, Attorney
206 Central Building
Wichita, Kansas

Dear Mr. Greene:

Re: Case No. BEA 39-64 - Request for
variance of rear yard setback

This is to advise you that at its regular meeting on September 22, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the rear yard setback on property generally located on the north side of Ninth Street and in an area between the St. Louis & San Francisco Railroad and Clifton.

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

1. The rear yard setback requirement shall be reduced from 20 feet down to 5 feet, which will allow sufficient room for the construction of the new addition to the existing residential structure as shown on the plot plan on file with the Secretary of the Board of Zoning Appeals.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before October 2, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before the above date, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: R. A. Davenport
3296 East Ninth

Glen Lytle, Superintendent of Central Inspection
Robert G. Finch, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 39-64

NAME OF APPLICANT: R. A. Davenport, 3296 East 9th Street

AUTHORIZED AGENT: Jack H. Green, Attorney, 206 Central Building

REQUEST: This request is for a variance to allow an addition to an existing house to encroach to within 5 feet of the rear property line. (20 feet is the normal rear yard setback requirement in the "A" Two Family residential district.)

LAND USE: Property in question is single family; north is St. Louis and San Francisco Railroad; east is single family; south is single family and west is St. Louis and San Francisco Railroad.

EXISTING ZONING: Property in question is zoned "A" Two Family; east, south and west is "A" Two Family; north is St. Louis and San Francisco Railroad.

JURISDICTION: The Board has jurisdiction to consider the variance request through the provisions as set out in Section 2.12.590.2. of the Code of the City of Wichita. The Board has authority to grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The applicant has submitted a statement of justification which is included as Attachment #1 to this report. A plot plan will be available at the hearing on September 22 for the Board's review.

As indicated in the statement of justification, the applicant wants to construct an addition to an existing single family house which is located on a triangular shaped lot.

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It is the opinion of the Secretary that uniqueness can be found to exist on the basis that the existing single family home is located on a triangular shaped lot (the triangle shape is due to the location on the northwest of the St. Louis and San Francisco Railroad adjacent to the rear of the lot), which makes it almost impossible to build the proposed new addition if the strict application of the enforcement provisions of the ordinance are enforced. Consequently, it is the opinion of the Secretary that uniqueness can be found to exist because of the unique shape and odd size of this lot.

ADJACENT PROPERTY

The Secretary is of the opinion that the granting of the variance should in no way adversely affect rights of adjacent property owners inasmuch as there are no houses to the west of the applicant's property.

HARDSHIP

It is the opinion of the Secretary that hardship can be found to exist inasmuch as the enforcement of the normal 20 foot setback requirement would preclude the applicant from fully developing his lot and would prohibit him from making the best use of his property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way affect the public interest.

RECOMMENDATION OF SECRETARY

In view of the foregoing review of this application, it is the opinion of the Secretary that all four conditions necessary for the granting of the variance can be found to exist and therefore, it is recommended that this application be approved, subject to the following requirement:

1. The rear yard setback requirement shall be reduced from 20 feet down to 5 feet, which will allow sufficient room for the construction of the new addition to the existing structure as shown on the plot plan on file with the Secretary of the Board of Zoning Appeals.

STATEMENT JUSTIFYING APPLICATION FOR ZONING VARIANCE

R. A. DAVENPORT respectfully submits to the Planning Commission of the City of Wichita that the variance application from the requirement of 20' rear yard set back (The Code of the City of Wichita, Kansas, 28.04.050 Rear Yard 3.1) filed herewith on the following described real property:

The West 158.49 ft of Lot 4, in Block 6,
in Frisco Heights 2nd Addition to Wichita

is justified for the following reasons:

A. That such variance will allow the construction of a new addition to the existing one family dwelling house situated on said property which consists of an odd shaped triangular lot. Such new construction will enhance the appearance and value of said dwelling and make it more inhabitable.

B. That such variance will not adversely affect the rights of adjacent property owners or residents in that the following conditions exist.

1. Contiguous to such property on the North is the Santa Fe Railroad easement which is approximately 100' in width and which separates captioned property from the Maple Grove Cemetery.
2. No interruption of utility service will be caused any adjacent property owners for the reason that the utilities in this area are situated in the street and in fact there are no utility easements on subject property.
3. There are no dwelling houses east or north of said caption property.

C. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant-property owner for the following reasons:

1. That the irregular shape of this lot causes the sideline and rearline of said property to be one and the same.

2. That enforcement of a 20' setback line (normally enforced as a rear set back line) would cause the said applicant-owner

i. to be precluded from fully developing said lot.

ii. to be prohibited from making the best use of such property to-wit: The further development of his existing house.

iii. An economical loss by being prohibited from developing such property.

D. Such variance will not adversely affect public health, safety, morals, order, convenience, prosperity or general welfare. In fact the contrary is true. The existing house which was built in July, 1963 is an outstanding example of excellent architectural design and quality construction and enhances the neighborhood and surrounding areas. The new addition contemplated by said owner at a cost in excess of \$6,000.00 will increase the quality of the existing house and benefit the neighborhood and surrounding areas.

Very truly yours,

R. A. Davenport

BY Jack H. Greene
Jack H. Greene, his attorney

SECRETARY'S REPORT

CASE NO. BZA 39-64

NAME OF APPLICANT: R. A. Davenport, 3296 East 9th Street

AUTHORIZED AGENT: Jack H. Green, Attorney, 206 Central Building

REQUEST: This request is for a variance to allow an addition to an existing house to encroach to within 5 feet of the rear property line. (20 feet is the normal rear yard setback requirement in the "A" Two Family residential district.)

LAND USE: Property in question is single family; north is St. Louis and San Francisco Railroad; east is single family; south is single family and west is St. Louis and San Francisco Railroad.

EXISTING ZONING: Property in question is zoned "A" Two Family; south and west is "A" Two Family; north is St. Louis and San Francisco Railroad.

JURISDICTION: The Board has jurisdiction to consider the variance request through the provisions as set out in Section 2,12,590,2, of the Code of the City of Wichita. The Board has authority to grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

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Page 2 - Secretary's Report
Case No. BZA 39-64

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UNIQUENESS

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ADJACENT PROPERTY

The Secretary is of the opinion that the granting of the variance should in no way adversely affect rights of adjacent property owners inasmuch as there are no houses to the west of the applicant's property.

HARDSHIP

It is the opinion of the Secretary that hardship can be found to exist inasmuch as the enforcement of the normal 20 foot setback requirement would preclude the applicant from fully developing his lot and would prohibit him from making the best use of his property.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance should in no way affect the public interest.

RECOMMENDATION OF SECRETARY

In view of the foregoing review of this application, it is the opinion of the Secretary that all four conditions necessary for the granting of the variance can be found to exist and therefore, it is recommended that this application be approved, subject to the following requirement:

1. The rear yard setback requirement shall be reduced from 20 feet down to 5 feet, which will allow sufficient room for the construction of the new addition to the existing structure as shown on the plot plan on file with the Secretary of the Board of Zoning Appeals.

Attachment #1 - Statement of Justification

[REDACTED] AIA
Room 401 City Building Annex
104 South Main
Wichita, Kansas

20

September 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-64

An application has been filed by R. A. Davenport, 3296 East Ninth, Wichita, Kansas, by Jack H. Greene, attorney, 206 Central Building, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of the 20-foot rear yard setback requirement to 5 feet, on property zoned "A" Two Family, and legally described as:

West 158.49 feet of Lot 4, Block 6, Frisco Heights 2nd Addition, in the City of Wichita, Sedgwick County, Kansas. General [REDACTED] Railroad Station.

This application has been assigned Case No. BZA 39-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 22, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

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

September 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 39-64

An application has been filed by R. A. Davenport, 3296 East Ninth, Wichita, Kansas, by Jack H. Greene, attorney, 206 Central Building, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of the 20-foot rear yard setback requirement to 5 feet, on property zoned "A" Two Family, and legally described as:

West 158.49 feet of Lot 4, Block 6, Frisco Heights 2nd Addition, in the City of Wichita, Sedgewick County, Kansas. Generally located on the north side of Ninth Street and in an area between the St. Louis & San Francisco Railroad and Clifton.

This application has been assigned Case No. BZA 39-64, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 22, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

CASE NO. BZA 39-64

NOTICES MAILED SEPTEMBER 3, 1964 FOR MEETING SEPTEMBER 22, 1964

Leo L. & Glenda M. Ross
151 North Roosevelt

R. A. Davenport
3296 East Ninth

Jack H. Greene
206 Central Building

Richard A. and Rosemary Davenport
3296 East 9th

Eldee S. and Ruth L. Jones
3505 East Lewis

Grace C. DeWitt
646 Beverly Drive

Cyril B. and Ruth E. Hellman
949 North Rutan

Floyd and Ruby L. Blockyou
945 North Rutan

Carl A. and Nita Snider
939 North Rutan

Roscoe E. and Gertrude Southard
940 North Rutan

John R. and Gwendolyn M. Sisk
946 North Rutan

J. Kenneth and Willa Deene Asper
950 North Rutan

Elmer J. and Quetona M. Denning
929 Buffum

William Charles & Helen Beachler
945 North Vassar

Roy A. and Virgie B. James
939 North Vassar

Maple Grove Cemetery CO.
1000 North Hillside

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza 639-64
FILED 9-1-64

APPLICATION FOR VARIANCE

I. Name of Applicant R. A. Davenport
Mailing Address 3296 E. Ninth Phone MU-57115
Name of Authorized Agent Jack H. Greene
Mailing Address 206 Central Bldg. Phone FO-38246
Relationship of applicant to property is that of attorney
(owner, tenant, lessee, other)

II. The variance requested is permission to build new addition to
existing house across existing 20 foot set back line on a DM
triangular lot. TO A POINT FIVE FEET WITHIN BOUNDARY
LINE
for property located at 3296 E. Ninth

and legally described as: The west 158.49 ft of Lot 4, in Block 6,
in Frisco Heights 2nd Addition to Wichita

in the City of Wichita; and which is presently zoned AA.
(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

R. A. Davenport
Applicant
Jack H. Greene
Authorized Agent, his attorney

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
7:30 (a.m. - p.m.), Sept 1, 1964, together with
appropriate fee of \$50.00.

T21-402

B Showers
Signed

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant R. A. Davenport

Mailing Address 3296 E. Ninth Phone MU-57115

Name of Authorized Agent Jack H. Greene

Mailing Address 206 Central Bldg. Phone FO-38246

Relationship of applicant to property is that of attorney
(owner, tenant, lessee, other)

II. The variance requested is permission to build new addition to
existing house across existing 20 foot set back line on a

triangular lot. TO A POINT FIVE FEET WITHIN BOUNDARY LINE JH.

for property located at 3296 E. Ninth

and legally described as: The west 158.49 ft of Lot 4, in Block 6,
in Frisco Heights 2nd Addition to Wichita

in the City of Wichita; and which is presently zoned AA.

(Give metes and bounds description below if appropriate):

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 appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

R. A. Davenport

Applicant

Jack H. Greene
Authorized Agent, his attorney

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

STATEMENT JUSTIFYING APPLICATION FOR ZONING VARIANCE

R. A. DAVENPORT respectfully submits to the Planning Commission of the City of Wichita that the variance application from the requirement of 20' rear yard set back (The Code of the City of Wichita, Kansas, 28.04.050 Rear Yard 3.1) filed herewith on the following described real property:

The West 158.49 ft of Lot 4, in Block 6,
in Frisco Heights 2nd Addition to Wichita

is justified for the following reasons:

A. That such variance will allow the construction of a new addition to the existing one family dwelling house situated on said property which consists of an odd shaped triangular lot. Such new construction will enhance the appearance and value of said dwelling and make it more inhabitable.

B. That such variance will not adversely affect the rights of adjacent property owners or residents in that the following conditions exist.

1. Contiguous to such property on the North is the Santa Fe Railroad easement which is approximately 100' in width and which separates captioned property from the Maple Grove Cemetery.
2. No interruption of utility service will be caused any adjacent property owners for the reason that the utilities in this area are situated in the street and in fact there are no utility easements on subject property.
3. There are no dwelling houses east or north of said caption property.

C. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant-property owner for the following reasons:

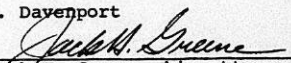
1. That the irregular shape of this lot causes the sideline and rearline of said property to be one and the same.
2. That enforcement of a 20' setback line (normally enforced as a rear set back line) would cause the said applicant-owner
 - i. to be precluded from fully developing said lot,
 - ii. to be prohibited from making the best use of such property to-wit: The further development of his existing house.
 - iii. An economical loss by being prohibited from developing such property.

D. Such variance will not adversely affect public health, safety, morals, order, convenience, prosperity or general welfare. In fact the contrary is true. The existing house which was built in July, 1963 is an outstanding example of excellent architectural design and quality construction and enhances the neighborhood and surrounding areas. The new addition contemplated by said owner at a cost in excess of \$6,000.00 will increase the quality of the existing house and benefit the neighborhood and surrounding areas.

Very truly yours,

R. A. Davenport

BY


Jack H. Greene, his attorney

STATEMENT JUSTIFYING APPLICA-
TION FOR ZONING VARIANCE

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1. Contiguous to such property on the North is the Santa Fe Railroad easement which is approximately 100' in width and which separates captioned property from the Maple Grove Cemetery.
2. No interruption of utility service will be caused any adjacent property owners for the reason that the utilities in this area are situated in the street and in fact there are no utility easements on subject property.
3. There are no dwelling houses east or north of said caption property.

C. Strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant-property owner for the following reasons:

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Very truly yours,

R. A. Davenport

BY Jack H. Greene
Jack H. Greene, his attorney

OWNERSHIP LIST

<u>LOT</u>	<u>STREET BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
4 (W 158.49')	6	Frisco Heights 2nd	✓ Richard A. Devenport and Rosemary Devenport 3296 E. 9th
4 (W. 131.51' of E. 191.51')	6	"	Reymond J. Dorman and Reva M. Dorman -owner Robert March & Eva Inez March -Contract Purchasers
4 (W. 45' of E. 60')	6	"	Poling Investment, Inc. <i>no address</i>
4 (E. 15')	6	"	✓ Leo L. Ross and Glenda M. Ross 151 N. Roosevelt
3 (W. 35')	6	"	Same
11	Holyoke	Hyde & Ellis	✓ Eldee S. Jones and Ruth L. Jones 3505 E. Lewis
12	"	"	Same
13	"	"	✓ Grace C. DeWitt <i>646 Beverly drive</i>
14	"	"	Same
15	"	"	Same
16	Rutan	"	✓ Cyril B. Hellman and Ruth E. Hellman 949 N. Rutan
17	"	"	Same
18	"	"	✓ Floyd Blockyou and Ruby L. Blockyou 945 N. Rutan
19	"	"	Same
20	"	"	✓ Carl A. Snider and Nita Snider 939 N. Rutan
41	"	"	✓ Roscoe E. Southard and Gertrude Southard 940 N. Rutan

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<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
42	Ruten	Hyde & Ellis	✓ John R. Sisk and Gwendolyn M. Sisk 946 N. Ruten
43	"	"	Same
44	"	"	✓ J. Kenneth Asper and Willa Deene Asper 950 N. Ruten
45	"	"	Same
46	Vassar	"	✓ Elmer J. Denning and Quetona M. Denning 929 Buffum
47 (N. 22')	"	"	Same
47 (S. 3')	"	"	✓ William Charles Beechler and Helen Beechler 945 N. Vassar
48	"	"	Same
49 (N. 22')	"	"	Same
49 (S. 3')	"	"	✓ Roy A. James and Virgie B. James 939 N. Vassar
50	"	"	Same
NW 1/4 Sec. 14-27-1 E. lying W. of Railroad Right of Way, except the N. 792.66 ft.			✓ Maple Grove Cemetery Co. 1000 N. Hillside

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of the West 153.49 ft. of Lot 4, Block 6, in Frisco Heights 2nd Addition to Wichita, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, this 26th day of August A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J. R. M. Mason

Vice President.

Order No. 117183
(KPB)

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.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Pa Application</i>	<i>50⁰⁰</i>

Name *Jack Greene*

Address *406 Central Bldg.*

Type *R-712* Due Date

Comments:

Date *9-1-64* By *L. Showers*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1