

D-6
Posted
12-1-65

ACTION

DATE 12-28-65
By COMMITTEE _____

M.A.P.C. _____

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

ALL 42-43 - Robert G. ...
quests exception to permit ...
home on the west side of Lorraine
between 18th and Stadium Drive

January 14, 1966

Mr. Robert Joseph Dillon
1901 North Lorraine
Wichita, Kansas

Dear Mr. Dillon:

Re: Case No. BZA 43-65

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above-numbered case, which was heard by the Board on December 28, 1965, and which resolution has been signed by the Chairman and Secretary.

As indicated in our letter of January 5, 1966, we are now enclosing a copy of this Resolution for your information. A copy has also been provided the Central Inspection Division for their files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

R E S O L U T I O N N O . B Z A 4 3 - 6 5

WHEREAS, Robert Joseph Dillon requests an Exception, as provided in Section 28.04.180, Code of the City of Wichita, Kansas, to allow a mobile home to be located on property legally described as follows:

Lots 42 and 44, Block 3, College Terrace Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Lorraine between Stadium Drive and 18th Street; 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 did, in regular meeting, consider said application on December 28, 1965; and

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

WHEREAS, the property is zoned "A" Two Family Residential; and

WHEREAS, Section 28.04.180, Code of the City of Wichita authorizes the Board of Zoning Appeals to permit a mobile home on any property in any district, except the "AA" One Family Dwelling District, subject to such use being on a temporary basis and that hardship exists which cannot be alleviated without the granting of this exception, providing the location of the mobile home shall conform to all lot area, height and setback requirements of the district in which located and shall comply with all off-street parking requirements; and


WHEREAS, the Board considered the reasons submitted by the applicant in support of the finding of hardship, and determined that a hardship does not exist in this instance inasmuch as there are two homes located on the south of subject property owned by Mr. Dillon's mother, one of which is large enough for the applicant and his family and his mother to live together.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that this request for an exception to allow a mobile home to be located on property zoned "A" and legally described as:

Lots 42 and 44, Block 3, College Terrace Addition, in the City of Wichita, Sedgwick County, Kansas; generally located on the west side of Lorraine between Stadium Drive and 18th Street;

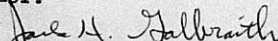
be denied.

ADOPTED AT WICHITA, KANSAS, this 28th day of December, 1965.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

January 5, 1966

Mr. Robert Joseph Dillon
1901 North Lorraine
Wichita, Kansas

Dear Mr. Dillon:

Case No. BEA 45-65

This is to advise you that at its regular meeting of December 28, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to allow a mobile home to be located on property zoned "A" Two Family and located generally on the west side of Lorraine between Stadium and 18th Street.

It was the decision of the Board to deny this request inasmuch as it did not find that a hardship exists in this case. This is a condition which must be found to exist before such an exception can be approved in an "A" zoning classification.

A resolution setting forth the official action of the Board is being prepared for the signatures of the Chairman and Secretary and a copy thereof will be mailed to you soon.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHS:Wiber

cc: Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

DATE: JAN 41-42

APPLICANT: Robert Joseph Dillon, 1901 North Lorraine

GENERAL LOCATION: West side of Lorraine between Stadium and 18th Street

LAND USE: Subject property is vacant. To the north, south, east and west is single family.

ZONING: Subject property and all surrounding property is zoned "A" Two-Family.

REQUEST: Exception, as provided in Section 28.04.182.3, Code of the City of Wichita, to allow a mobile home to be located on said property for a temporary period of time.

[REDACTED] Board has jurisdiction to consider the request under [REDACTED] outlined in Section 28.04.182.3, Code of the City of Wichita. Before the exception can be granted the Board must find that a hardship exists which cannot be alleviated without granting this permit.

The applicant in his statement of justification has indicated that he desires the exception to permit the mobile home in order to provide for his mother who is an invalid and must receive constant care. However, when viewing the property in the field, it was noted that the mobile home was already parked on the lot although it could not be determined whether it had been hooked up.

In viewing the application further, it has been discovered that the applicant's mother owns the next two lots adjacent to the south on which two single family houses are located. This does bring up the question as to whether a hardship exists and by the brief statement of the applicant, which is attached, there does not appear to be a justifiable hardship.

Since the applicant's mother does own two houses immediately adjacent to the lot in question, it does not appear logical that sufficient hardship exists to justify the granting of the exception. Certainly the applicant's mother could occupy one of the dwellings and, therefore, eliminate the unnecessary intrusion of a mobile home into this residential area.

RECOMMENDATION

Based on the above comments and the applicant's brief statement of justification, the Secretary cannot find that a hardship exists and, therefore, recommends that the application not be approved.

**Page 2 - Secretary's Report
Case No. BEA 43-65**

However, in the event that the applicant produces further information to substantiate that a hardship can be found to exist, the Secretary would recommend that the exception be approved, subject to the following conditions:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mr. Dillon. Whenever Mr. Dillon's mother no longer occupies the mobile home, it shall be removed from the lot.
2. The location of such mobile home shall conform to all lot area, height and setback requirements of the "A" Two family zoning district.

SECRETARY'S REPORT

CASE NO. BZA 43-65

APPLICANT: Robert Joseph Dillon, 1901 North Lorraine

GENERAL LOCATION: West side of Lorraine between Stadium and 18th Street

LAND USE: Subject property is vacant. To the north, south, east and west is single family.

ZONING: Subject property and all surrounding property is zoned "A" Two Family.

REQUEST: Exception, as provided in Section 28.04.182.3, Code of the City of Wichita, to allow a mobile home to be located on said property for a temporary period of time.

JURISDICTION: The Board has jurisdiction to consider the request under the provisions outlined in Section 28.04.182.3, Code of the City of Wichita. Before the exception can be granted the Board must find that a hardship exists which cannot be alleviated without granting this permit.

COMMENTS BY THE SECRETARY

The applicant in his statement of justification has indicated that he desires the exception to permit the mobile home in order to provide for his mother who is an invalid and must receive constant care. However, when viewing the property in the field, it was noted that the mobile home was already parked on the lot although it could not be determined whether it had been hooked up.

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

36

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 43-65

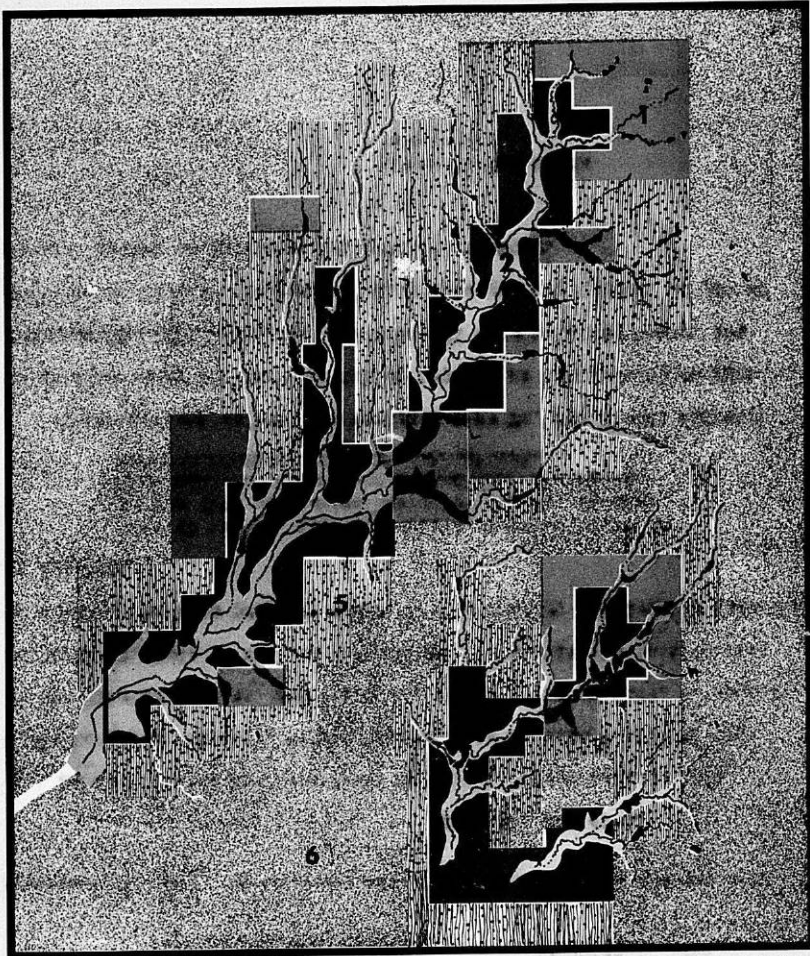
An application has been filed by Robert Joseph Dillon, 1901 North Lorraine, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an exception as provided in Section 28.04.182.3, Code of the City of Wichita, to permit the installation of a mobile home on property zoned "A" Two Family, and legally described as follows:

Lots 42 and 44, Block 3, College Terrace Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Lorraine between Stadium Drive and 18th Street.

This application has been assigned Case No. BZA 43-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 28, 1965, 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

21 Notices Mailed December 2, 1965, plus 7 to Planning Commissioners



THE COMBINED EFFORT

MAP 4A-7

- | | | | |
|---|--|---|-----------------------|
|  | AGRICULTURAL ZONING WITH DEFERRED TAXATION |  | FLOOD PLAIN ZONING |
|  | ACQUIRED PUBLIC PARK LAND |  | INTENSE URBANIZATION |
|  | OPEN SPACE TYPE DEVELOPMENT |  | CONSERVATION EASEMENT |

SOURCE: WSCMAPD - 1965

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

December 2, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 43-65

An application has been filed by Robert Joseph Dillon, 1901 North Lorraine, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, ~~requesting an exception~~ as provided in Section 28.04.182.3, Code of the City of Wichita, to permit the installation of a mobile home on property zoned "A" Two Family, and legally described as follows:

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. Bya 65-43

CITY OF WICHITA, KANSAS

FILED 11-30-65

APPLICATION FOR EXCEPTION

I. Name of Applicant Robert Joseph Dillon

Mailing Address 1901 North Lorraine, Wichita, Kansas Phone MU 40452

Name of Authorized Agent N/A

Mailing Address N/A Phone

Relationship of applicant to property is that of Son of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.182.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Mobil Home

on property zoned

"A" Two-Family, located 1905 North Lorraine, Wichita, Kansas on West side
of Lorraine bet. 18th & and legally described as:
Stadium Drive

Lots 42 and 44, Block 3, College Terrace Addition to the City of Wichita,

Known as 1905 North Lorraine, in the City of Wichita.

(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

Applicant Robert J. Dillon
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:00 (a.m.) - p.m.), November 30, 1965, together with appropriate fee of \$50.00.

Signed Belshovers & Galbraith

November 28, 1965

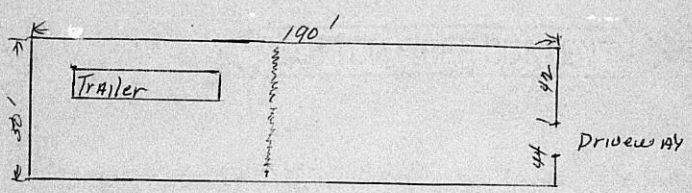
Gentlemen:

The reason I am applying for the rezoning of the mentioned lots known as 1905 North Lorraine, is due to the fact my Mother is a complete invalid and my wife and I are going to take care of her, as I am her only child.

Your kind attention would be greatly appreciated.

Robert J. Dillon
Yours truly,

N



$\frac{1}{4}'' = 10'$

W.

North Side All wooden Fence
West Side All wooden Fence

E

Proposed Allwooden Fence

S

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
36	2	College Terrace Add.	Luther R. Fitchpatrick Sarah L. Fitchpatrick Address unknown <i>no address found</i>
38 & 40	"	"	Robert L. Alford Jewellean Alford 1913 N. Chautauqua
42 & 44	"	"	Maude Schiefelbein 1907 N. Chautauqua
46 & 48	"	"	Paul Baker Lavennia Baker 1901 N. Chautauqua
25, 27, 29 & 31	3	"	Ernest M. Smith Elizabeth Ann Smith 1924 N. Chautauqua
33 & 35	"	"	Ernest R. Esterline Rose S. Esterline 1017 Denmark
37 & 39	"	"	Erylne Johnson 1912 N. Chautauqua
41, 43, 45 & 47	"	"	Charles Schiefelbein 1902 N. Chautauqua
26 & 28	"	"	Administrator of Veterans Affairs Affairs, 5500 E. Kellogg
30 & 32	"	"	Arthur Bryant Ruth Lee Bryant 1921 N. Lorraine
34 & 36	"	"	Administrator of Veterans Affairs, 5500 E. Kellogg
38 & 40	"	"	Ervin Hollingsworth Lela Hollingsworth 1911 N. Chautauqua
42, 44, 46 & 48	"	"	Evelyn Ruth Spaur 1901 N. Lorraine
25 & 27	4	"	Administrator of Veterans Affairs, 5500 E. Kellogg
29 & 31	"	"	Lewis Allen Nutter 5726 Kenawee
33 & 35	"	"	Robert W. Hunt Bobbie Ruth Hunt 1914 N. Lorraine
37, 39, 41 & 43,	4	"	Robert D. Watson Lillian Watson 1910 N. Lorraine

Continued page 2

Lot	Block	Addition	Property Owner
45 & 47	4	College Terrace Add.	✓ Charles C. McCollister 2124 Park Place
34 & 36	"	"	✓ John S. Brown Mary Brown 130 N. Crestway
38 & 40	"	"	X Marjorie C. Miville Address unknown <i>no address found</i>
42, 44, 46 & 48	"	"	✓ Charles C. McCollister 2124 Park Place
49, 51, 53 & 55	5	"	✓ Lawrence E. Black Sarah M. Black 1501 N. Hydraulic
49, 51, 53 & 55	6	"	✓ Kenneth L. Myers Ellen Myers 1429 N. Holyoke
50 & 52	"	"	✓ B. J. Gamble Juanita M. Gamble 1857 N. Lorraine
54 & 56	"	"	✓ Andrew B. Carson Doris M. Carson 1855 N. Lorraine

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 42 & 44, Block 3, College Terrace Addition to Wichita, Sedgwick County, Kansas, as shown by the deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 29th day of November, 1965 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Samuel G. Brown

Vice-President

Order No. 130796

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
<i>Sanitation</i>	<i>50.00</i>

Name _____

Address _____

Type *2-7123* Due Date _____

Comments: _____

Date *4-20-65* By *Edward*

*

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

Roll # 1