

BZA 1-67 - Ben & Rachel Beshler re-
quest Variance to permit retaining of
breezeway roof on the west side of
Euclid in an area south of 29th St.

DATE 8-28-67
Eya COMMITTEE Approved

M.A.P.C. _____

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

RESTED
1-12-67
P.C.
151

ACTION

Bza COMMITTEE Approved DATE 2-28-67

M.A.P.C. _____

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

BZA 1-67 - Ben & Rachel Beehler re-
quest Variance to permit retaining of
brezeaway roof on the west side of
Euclid in an area south of 29th St.

March 15, 1967

Mr. and Mrs. Ben Beehler
3009 Euclid
Wichita, Kansas

Dear Mr. and Mrs. Beehler:

Re: Case No. BZA 1-67 - Request
for a Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1967, in connection with your application for Variance of the setback requirements on property zoned "AA" Single Family Residential and located on the west side of Euclid in an area south of 29th Street. This Resolution reflects the official action of the Board and sets out the conditions of approval.

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

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kgg

Attachment

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 1-67

WHEREAS, Ben and Rachel Beehler, 3009 Euclid, Wichita, Kansas, request a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to reduce the side yard setback from the required 6 feet to 3 feet on property legally described as follows:

Lot 27, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid in an area south of 29th Street South.

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 consider said application on February 28, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "AA" Single Family Residential; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such a condition which is unique and not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant inasmuch as the connecting structure is merely a roof and adequate circulation is still provided between the house and garage, and further, that if the garage may set 3 feet from the side property line when detached and in the rear half of the lot, there does not appear to be adequate justification to require the garage to setback 6 feet when simply tied to the main structure by a roof; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as the house and garage are to remain where they were originally constructed and the patio roof or covered walkway is a minimum of 14 feet from any property line; 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 the applicant would be deprived of the convenience and protection of the patio roof and covered walkway which for all practical purposes adversely affects no one; and

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

WHEREAS, the Board of Zoning Appeals found that the granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance); and

WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita, necessary to be present before a variance can be granted, have been found to exist; and

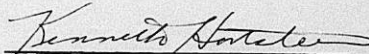
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that this request for a variance of the side yard setback from 6 feet to 3 feet on property zoned "AA" Single Family Residential and legally described as:

Lot 27, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid in an area south of 29th Street South.

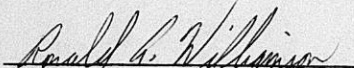
be approved subject to the following conditions:

1. The variance reducing the sideyard setback from 6 feet to 3 feet on the north property line being approved for only that area where the garage exists and that any enlargements, expansions, or additions shall maintain the required 6 foot sideyard setback.
2. The breezeway or patio shelter connecting the house and garage shall remain open and unenclosed.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1966.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

March 2, 1967

Mr. and Mrs. Ben Beehler
3009 Euclid
Wichita, Kansas

Dear Mr. and Mrs. Beehler:

Re: Case No. BZA 1-67 - Request
for variance of the side yard
setback from 6 feet to 3 feet

At the regular meeting of the Board of Zoning Appeals on February 28, 1967, your request for a variance of the sideyard setback on property zoned "AA" Single Family Residential and located on the west side of Euclid in an area south of 29th Street, was considered.

It was the action of the Board to approve a variance of the sideyard setback from the required 6 feet to 3 feet subject to:

1. The variance reducing the sideyard setback from 6 feet to 3 feet on the north property line being approved for only that area where the garage exists and that any enlargements, expansions, or additions shall maintain the required 6 foot sideyard setback.
2. The breezeway or patio shelter connecting the house and garage shall remain open and unenclosed.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy thereof as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson
Assistant Secretary

RAW:kkg
cc: Glen Lytle, Supt. of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 1-67

APPLICANT: Ben and Rachel Beehler, 3009 Euclid, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to permit the reduction of the side yard setback from 6 feet to 3 feet

GENERAL LOCATION: West side of Euclid in an area south of 29th Street

ZONING: Subject property and all surrounding property is "AA" Single family

LAND USE: Subject property and all surrounding property is developed single family

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, 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 owner or the applicant.
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 represented in the application.
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 sideyard setback from the required 6 feet to 3 feet. The situation, briefly, is that the applicant originally had a single-family dwelling with a detached garage on the site. The detached garage was in the rear half of the lot, and therefore, by ordinance a three foot sideyard setback was required. Recently the applicant connected the house and garage with a fiberglass roof structure so that he could have a covered walk way to his garage as well as a shelter over part of his patio. By connecting the garage with the house, the garage is no longer a detached structure but is part of the main structure and the six foot sideyard setback is then required. It should be emphasized that the connecting structure is a roof only and that both sides have remained unenclosed.

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique inasmuch as the connecting structure is merely a roof and adequate circulation is still provided between the house and garage, and further, that if the garage may set 3 feet from the side property line when detached and in the rear half of the lot, there does not appear to be adequate justification to require the garage to setback 6 feet when simply tied to the main structure by a roof.

ADJACENT PROPERTY

It is the opinion the Secretary that the granting of the variance would not adversely affect the adjacent properties inasmuch as the house and garage are to remain where they were originally constructed and the patio roof or covered walkway is a minimum of 14 feet from any property line.

HARDSHIP

It is the opinion of the Secretary that an unnecessary hardship would be placed upon the applicant if the variance were not granted inasmuch as the applicant would be deprived of the convenience and protection of the patio roof and covered walkway which for all practical purposes adversely affects no one.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of Title 28 inasmuch as the garage will still maintain the setback as required for detached structures located in the rear half of the lot.

RECOMMENDATION

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

1. The variance reducing the sideyard setback from 6 feet to 3 feet on the north property line being approved for only that area where the garage exists and that any enlargements, expansions, or additions shall maintain the required 6 foot sideyard setback.
2. The breezeway or patio shelter connecting the house and garage shall remain open and unenclosed.

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

January 9, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-67

An application has been filed by Ben and Rachel Beehler, 3009 Euclid, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to permit the reduction of the side yard setback from 6 feet to 3 feet, on property zoned "AA" Single Family Residential and legally described as follows:

Lot 27, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid in an area south of 29th Street South.

This application has been assigned Case No. BZA 1-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 28, 1967, 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

Dec. 23, 1966
3009 Euclid
Wichita, Kansas

Board of Zoning Appeals
City of Wichita, Kansas

Gentlemen -

about two years ago the double detached garage was one of the most deciding factors in our purchase of this nice little brick home at 3009 Euclid. We planned to slightly enlarge the garage as soon as we could afford to do so. This would provide a place for our woodworking hobbies.

In May of this past year we applied for that permit and made the enlargement. We were elated with our extra "roominess" and looked forward to Ben's really enjoying it when he shall be forced to retire in a couple of years from now.

Our remaining drawback was the lack of overhead weather protection when going from house to garage. This loomed as a real nuisance in our estimation. We envied the patio roofs of several of our neighbors until this fall when we discovered Fiberglass paneling!! Isn't it great? We stumbled upon a very good bargain and learned that we could put it up ourselves for less than \$100⁰⁰. — and I guess that's

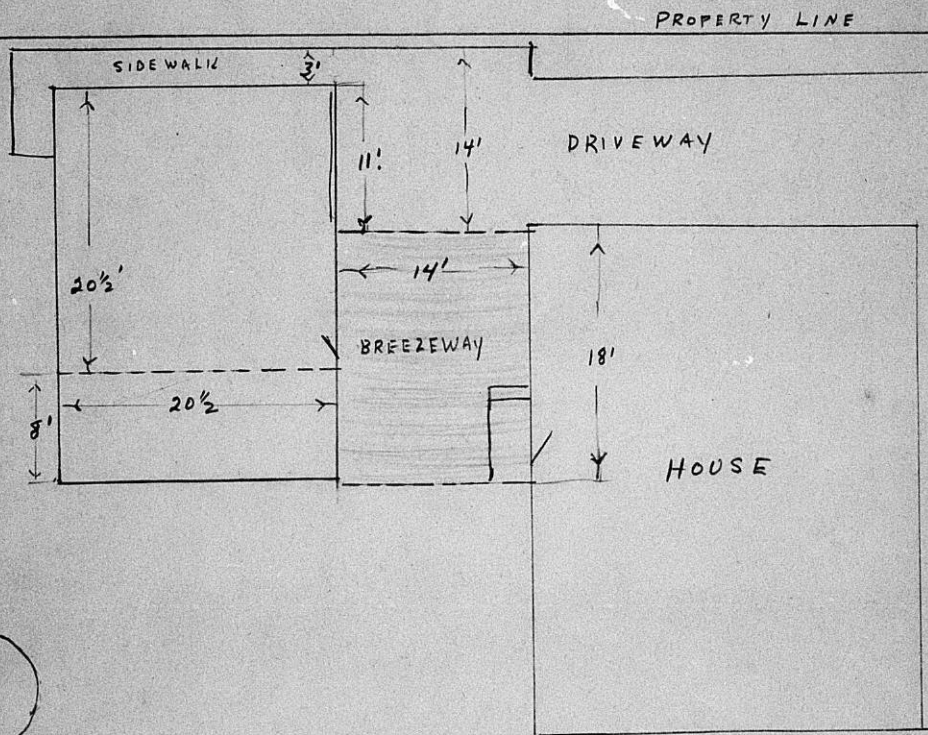
where our story starts. Anyway that's where our ignorance, neglect, and misconceptions all took effect at once: - we figured if the construction costs were under 100⁰⁰ we wouldn't need a permit, especially if we did the work ourselves (I've nursed that ignorant nation for 15 yrs.!!) And we couldn't see why we'd need a "building" permit since we would be putting up no foundations, walls, nor uprights!! (I wonder what percent of Wichita homeowners are as uneducated in that area as I am!!) It never did enter our minds that we would be doing something against the zone laws because we'd been "studying" the breezeway + patio roofs all around in our neighborhood. They did it, we told ourselves, and it was a great improvement! We wanted to copy the best!!

Hell, we know now that we were "zone wrong! Can you do anything to help us? This breezeway roof is just about the nicest thing that's happened to our new home. It's such a convenience + protection that we would suffer a hardship if we'd have to tear it down now. Ben did such a fine job on it that we

sincerely believe it's worth trying to
save if there's the slightest possibility
of doing so.

We are proud of our home and neigh-
borhood and would wish to be the last
to downgrade it. However we honestly
believe that aside from the roof's now
being a necessity to us, it is an im-
provement rather than an impairment
to the neighborhood and do hope that
you can in some way grant us the
privilege of keeping it.

Thanking you very kindly
Ben + Rachel Beehler



SCALE — $\frac{1}{8}'' = 1'$

APPLICATION FOR VARIANCE

I. Name of Applicant BEN ^{AND} OR RACHEL BEEHLER
Mailing Address 3009 EUCLID Phone WH-2-2098
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other)

II. The variance requested is to retain breezeway roof

for property located 3009 Euclid on W side
of Euclid in area S of 29th St. So.
and legally described as: LOT 27 BLOCK 19
2nd ADDITION TO SOUTHWEST VILLAGE

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
 - 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;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Rachel Beehler
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeal
2:30 (a.m. - (p.m.)), Jan 6, 1967, together with
appropriate fee of \$50.00.

Ronald L. Williamson
Signed

OWNERSHIP LIST

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
14	18	Second Addition to Southwest Village	✓ William A. Wilson and Dorothy Wilson 2940 Hiram 67217
15	18	"	✓ Hubert C. Beauchamp and Melba F. Beauchamp 2946 Hiram 67217
16	18	"	X Charles Lee Isaac and Wilma B. Isaac <i>no address found</i>
17	18	"	✓ Robert L. Hull, Jr. and Reba Lucille Hull 2939 Euclid 67217
25	16	"	✓ Leon Trammell and Veta Trammell 3021 Hiram 67217
26	16	"	✓ Harold B. Vokach and Delores J. Vokach 3015 Hiram 67217
27	16	"	✓ Lucian K. McCafferty Jr. and Barbara J. McCafferty 3009 Hiram 67217
28	16	"	✓ Gordon Roy Steinkrauss and Judith M. Steinkrauss 2005 W. 29th St. So. 67217
1	19	"	✓ Administrator of Veteran Affairs 5500 E. Kellogg 67218
2	19	"	✓ Darel E. De Selms and Bonnie J. De Selms 3010 Hiram 67217
3	19	"	✓ Beuford A. Titus and Beverly M. Titus 3016 Hiram 67217
4	19	"	✓ Clarence E. Fraley and Carolyn M. Fraley 3022 Hiram 67217
5	19	"	✓ Wayne G. Irland and Ruth V. Irland 3028 Hiram 67217
6	19	"	✓ Charles M. Stewart and Mary E. Stewart 3034 Hiram 67217

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
23	19	Second Addition to Southwest Village	Richard E. Wright and ✓ Alma F. Wright 3033 Euclid 67217
24	19	"	✓ Harvey J. Whitaker and Beverly R. Whitaker 3027 Euclid 67217
25	19	"	✓ Lawrence Kenneth Harris and LaVeta Mae Harris 3021 Euclid 67217
26	19	"	✓ Charles Albert Bartlett Jr. and Mary E. Bartlett 3015 Euclid 67217
27	19	"	✓ Ben Beehler and Rachel Beehler 3009 Euclid 67217
28	19	"	X L. E. Moore <i>no address found</i>
1	22	"	✓ Robert H. Snell and June G. Snell 1917 W. 29th St. S. 67217
2	22	"	Billy Jr. Lee and Donna Lee 3010 Euclid 67217
3	22	"	D Administrator of Veterans Affairs 5500 E. Kellogg
4	22	"	✓ Lloyd J. Porter and Lola M. Porter 3022 Euclid 67217
5	22	"	✓ Lowell L. Grunning and Barbara A. Grunning 3028 Euclid 67217
6	22	"	✓ Troy L. Hampton and Clara L. Hampton 3034 Euclid 67217 67217
25	22	"	✓ Charles H. Breazeal 3021 S. Glenn & Administrator of Veteran Affairs D 5500 E. Kellogg
26	22	"	✓ George A. Kohler and Edith E. Kohler 3015 S. Glenn 67217
27	22	"	✓ Virgil L. Strong and Donna Jo Strong 3009 S. Glenn 67217

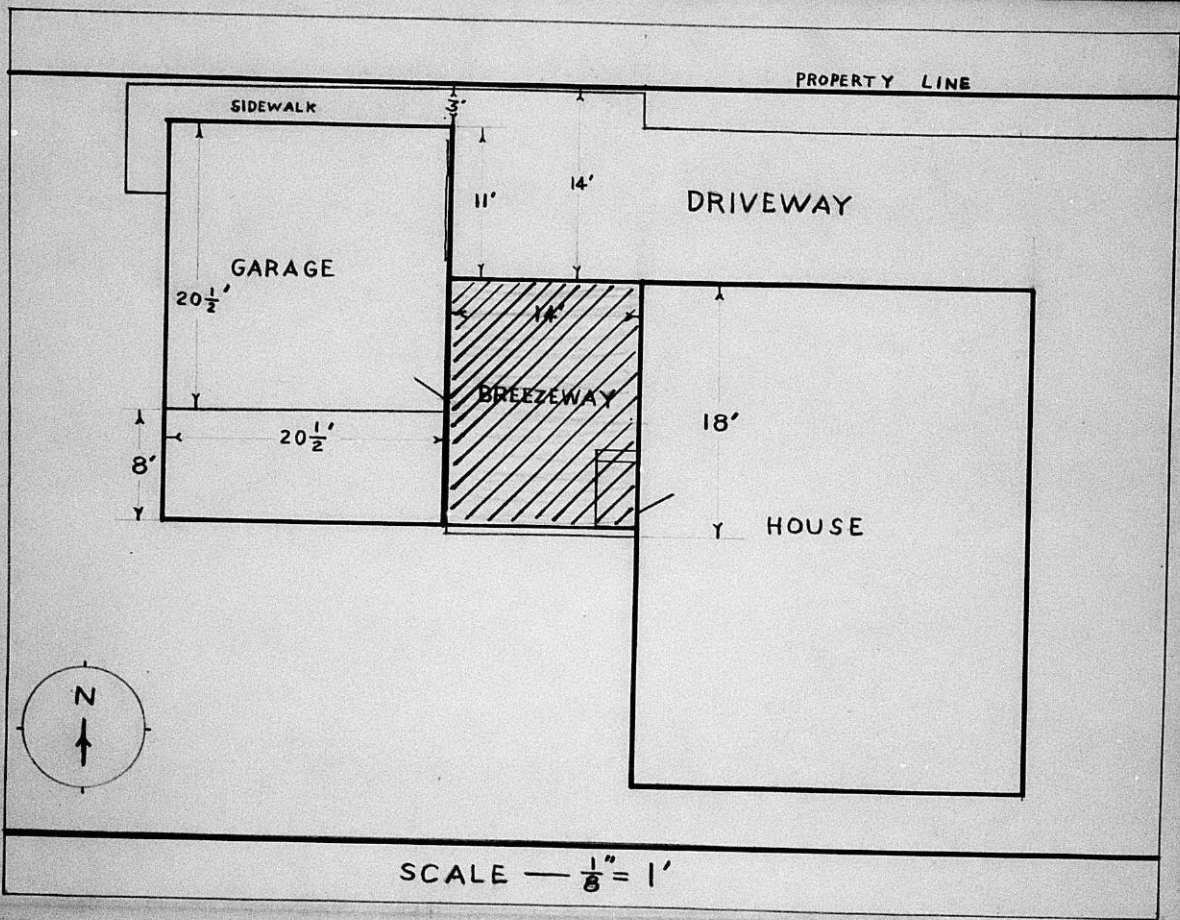
<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
28	22	Second Addition to Southwest Village	Kenneth Edwin Treat and Patricia Mae Treat 1903 W. 29th St. S. 67217
14	23	"	Raymond F. Snapp 2940 Euclid 67217
15	23	"	Martin P. Breth and Lela W. Breth 6715 Rockwood Road 67206

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of Lot 27, Block 19, in Second Addition to Southwest Village, Wichita, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 21st day of December A. D. 1966 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By  Vice President.

Order No. 140184
(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		

\$30.⁰⁰

DESCRIPTION	AMOUNT
<i>BZA Application</i>	

Name: *Rachel Debler*

Address: *3009 Euclid*

Type: *R-713* Due Date: *1-6-67*

Comments:

Date: *1-6-67* By: *Jilteyott*

Map no. 5344

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W AA N AA
3. Land Use: East Single Family South Single Family
West Single Family North Single Family
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: Single Family
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____

