

POSTED  
1-27-71  
C.N.  
C.I. 5-3-71  
MAR-5-3-71

BZA 1-71 - L W Cline requests  
VARIANCE to reduce side yard set-  
back from 6 ft to 3 ft on W side  
of Rutan N of Waterman

BZA 2-23-71 Approved

Map No. 5747  
 Sec. 23  
 Twp. 27  
 Range 1E

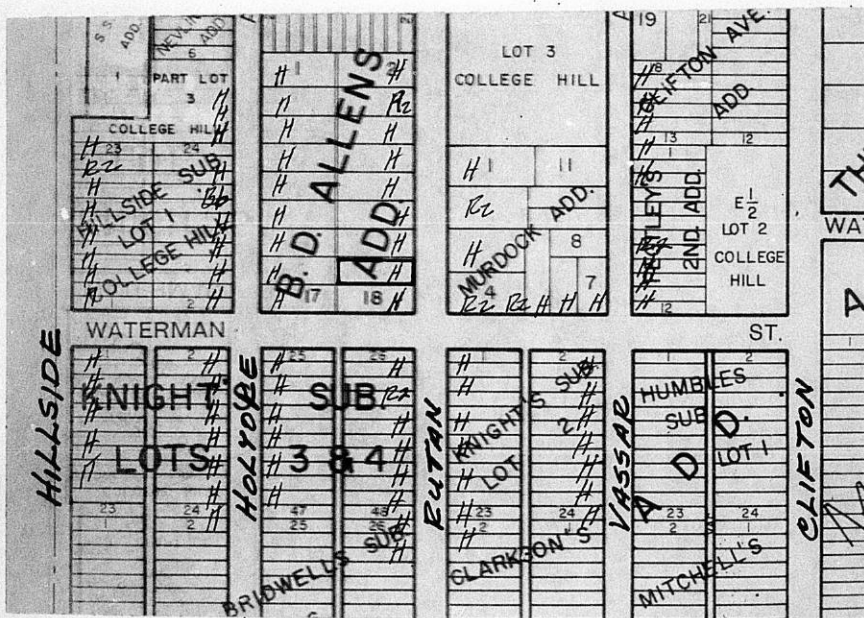
BZA 1-71  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.15 ( 48 ft. by 140 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: \_\_\_\_\_
5. Present Land Use is for: \_\_\_\_\_
6. Area (is) (is not) platted. \_\_\_\_\_

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 1-71

WHEREAS, L. W. Cline, 251 South Rutan, Wichita, Kansas, by Jerald Stockdale, 14200 East 77th North, Wichita, Kansas, requests 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 south property line from 6 feet to 3 feet, on property zoned "AA" Single Family, and legally described as follows:

The south 48 feet of Lot 16, B. D. Allen's Addition to Wichita, Kansas. Generally located on the west side of Rutan in an area north of Waterman.

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 March 23, 1971, 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 garage, even if detached, would be in violation of the side yard setback requirement due to its construction prior to the existing requirement of a 6 foot side yard setback for accessory structures when not located on the rear half of the lot; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the house and garage are to remain where they originally were constructed and the breezeway is some 15 feet from the south 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 and his wife would be deprived of the convenience and protection afforded by the breezeway; 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 variance requested is interiorly located; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the same side yard setback will be maintained that presently exists; and


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

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


The south 48 feet of Lot 16, B. D. Allen's Addition to Wichita, Kansas. Generally located on the west side of Rutan in an area north of Waterman.

be approved for only that area occupied by the existing garage.

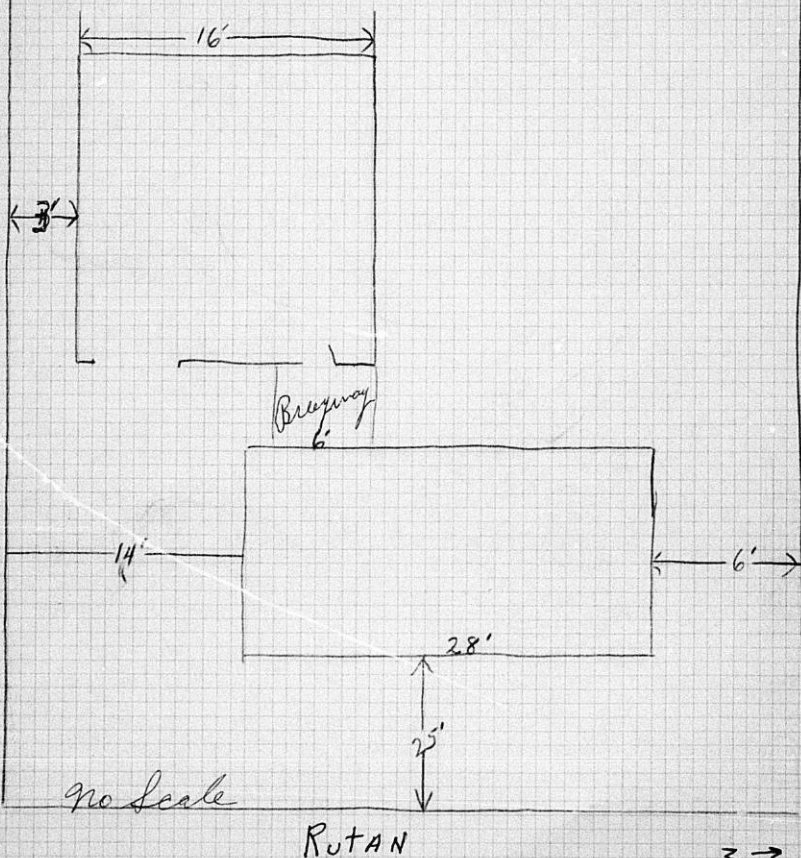
ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1971

  
\_\_\_\_\_  
Ted A. Kendall, Chairman

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

L.W. Cline  
25150. RUTAN  
5048' OF LOT 16  
B DALLENS ADD.  
48' X 140'



March 25, 1971

Mr. Jerald Stockdale  
14200 East 77th Worth  
Wichita, Kansas 67228

Subject: Case No. BEA 1-71  
Request for Variance

Dear Mr. Stockdale:

Enclosed is a copy of the Resolution adopted by the Board of Zoning Appeals on March 23, 1971, in connection with your request for a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet, on property zoned "AA" Single Family and generally located on the west side of Rutan in an area north of Waterman.

This Resolution reflects the official action of the Board to approve your request for that area occupied by the existing garage. 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  
Chief Planner

JHG:ls

Enclosure

cc L. W. Cline, 251 South Rutan 67218  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

March 24, 1971

Mr. Jerald Stockdale  
14200 East 77th Street North  
Wichita, Kansas 67228

Subject: Case No. BEA 1-71  
Request for Variance

Dear Mr. Stockdale:

At the regular meeting of the Board of Zoning Appeals on March 23, 1971, your request for a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet, on property zoned "AA" Single Family, and generally located on the west side of Rutan in an area north of Waterman, was considered.

It was the action of the Board to approve this request for only that area occupied by the existing garage.

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.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHS:ls

cc L. W. Cline, 251 South Rutan 67218  
Robert Feldner, Superintendent of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

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

March 1, 1971

NOTICE TO ADJACENT PROPERTY OWNERS

Case No. BZA 1-71

An application has been filed by L. W. Cline, 251 South Rutan, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet, on property zoned "AA" Single Family and legally described as follows:

The south 48 feet of Lot 16, B. D. Allen's Addition, to Wichita, Kansas. Generally located on the west side of Rutan in an area north of Waterman.

This application has been assigned Case No. BZA 1-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 23, 1971 (inasmuch as the City Offices were closed on February 23, 1971 because of inclement weather), 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

21 Notices Mailed 3-1-71

March 1, 1971

Mr. L. W. Cline  
251 South Rutan  
Wichita, Kansas 67218

Subject: Request for Variance  
Case No. BZA 1-71

Dear Mr. Cline:

Inasmuch as the City Offices were not opened on February 23, 1971, because of inclement weather, the regularly scheduled meeting of the Board of Zoning Appeals was not held. Therefore, Case No. BZA 1-71 will be readvertised and re-scheduled for the next regular meeting of the Board on March 23, 1971, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls  
cc Jerald Stockdale, 14200 East 77th North, Wichita 67228

SECRETARY'S REPORT  
CASE NO. BZA 1-71

APPLICANT: L. W. Cline, 251 South Rutan, Wichita, Kansas

AGENT: Jerald Stockdale, 14200 East 77th North, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet

GENERAL LOCATION: On the west side of Rutan in an area north of Waterman

ZONING: Subject property is zoned "AA" Single Family as are those properties to the north and south; west is "AA" and "A" Two Family; east is "A".

LAND USE: Subject property is occupied by a single family residence as are those properties to the north, south, east and west.

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 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 opposed to the general spirit and intent of Title 28 (zoning ordinance).

Comments by the Secretary:

The applicant is requesting a variance of the side yard setback adjacent to the south property line from 6 feet to 3 feet. The situation, briefly, is that the applicant originally had a single family dwelling with a detached garage. An unenclosed breezeway has been constructed connecting the garage to the house which makes the garage a part of the main structure and, therefore, requires a 6 foot side yard setback.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the garage, even if detached, would be in violation of the side yard setback requirement due to its construction prior to the existing requirement of a 6 foot side yard setback for accessory structures when not located on the rear half of the lot.

ADJACENT PROPERTY:

It is the opinion of 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 originally were constructed and the breezeway is some 15 feet from the south 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 and his wife would be deprived of the convenience and protection afforded by the breezeway.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the variance requested is interiorly located.

Page 3 - Secretary's Report  
Case No. BZA 1-71

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 inasmuch as the same side yard setback will be maintained that presently exists.

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, therefore, it is recommended that the request to reduce the side yard setback from 6 feet to 3 feet adjacent to the south property line be approved for only that area occupied by the existing garage.

Jack H. Galbraith  
Secretary

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

February 3, 1971

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-71

An application has been filed by L. W. Cline, 251 South Rutan, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet, on property zoned "AA" Single Family, and legally described as follows:

The south 48 feet of Lot 16, B. D. Allen's Addition to Wichita, Kansas. Generally located on the west side of Rutan in an area north of Waterman.

This application has been assigned Case No. BZA 1-71, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 23, 1971, 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

*21 Notices Mailed 2-3-71*

*Anthony Building & Remodeling Contractor, INC.*

14200 EAST 77th N. WICHITA, KANSAS 67228 (316) 744-0117

January 18, 1971

COMMERCIAL  
CONSTRUCTION Board of Zoning Appeals  
Room 401 - City Annex Building  
GENERAL  
REMODELING 104 South Main  
Wichita, Kansas

ROOM  
ADDITIONS

Re: Justification for Application for Variance  
of L. W. Cline - 251 South Rutan  
ANTHONY BUILDING & REMODELING CONTRACTORS, INC.

ALL TYPES  
OF SIDING

Gentlemen:

PATIO  
ENCLOSURES

The variance requested in the above referenced application is covered under 28.04.040 of the City code, under Section 2 (side yard) and specifically 2.2 thereunder, which provides in part a side yard of not less than 6 feet from any major building or additions thereto.

The present building was built prior to the City Ordinance and is only 3 feet from the property line contrary to the aforementioned City Ordinance.

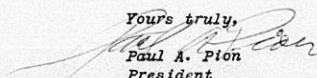
The applicant has improved his home by building a breezeway as per the drawing Mr. Stockdale left with you on this date.

This application meets the requirements of Section 2.12.590.B as follows:

1. The variance requested arises from such condition which is unique to the property in question in that the house was built with a three foot side yard from the South side of the house to the property line prior to the City Ordinance in which the variance is requested.
2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in this application.
4. The variance desired will not adversely affect the public in any way (health, safety, morals, order, convenience, prosperity, or general welfare).
5. Granting the variance desired will not be opposed to the general spirit and intent of Title 28. This breezeway has in fact improved Mr. Cline's home, as these are two elderly people, and this improvement was needed.

We humbly request that you allow the above variance, as your denial of such would cause undue hardship on the owners.

Yours truly,

  
Paul A. Pion  
President

FAP:cs



BOARD OF ZONING APPEALS

CASE NO. 1-71

CITY OF WICHITA, KANSAS

FILED 1-18-71

APPLICATION FOR VARIANCE

I. Name of Applicant L. W. Cline

Mailing Address 251 So. Ruten <sup>67218</sup> Phone \_\_\_\_\_

Name of Authorized Agent Jerald Stockdale

Mailing Address 14200 E 77th NO <sup>67228</sup> Phone SH 4-0117

Relationship of applicant to property is that of OWNER  
(Owner, Tenant, Lessee, Other) <sup>262 8773</sup>

II. The variance requested is to leave Roof between House & Garage with 4' side line on Garage.

for property located 251 So Ruten

and legally described as: So 48' of lot 16 B. D. Allen's Add.

on the west side of Ruten in area n. of Waterman  
in the City of Wichita; and which is presently zoned "AA"

- III. The applicant herein, or his authorized agent, acknowledges:
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
  - b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 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.

L. W. Cline  
Applicant

Jerald Stockdale  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 8:30 (a.m. - ~~p.m.~~), Jan 18 1971 together with appropriate fee of \$50.00.

T9-402

Carole L. Newby  
Signed

5747

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
7	Holyoke	B. D. Allen's Add.	Rose Kavanaugh Address unknown <i>none found</i>
9	"	"	✓ Charles E. Kelley & Mae E. Kelley 240 S. Holyoke, Wichita, 67218
N 40' of 11	"	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg, Wichita, 67218
S 10' of 11 & N 30' of 13	"	"	✓ William D. Carter & Dorothy J. Carter, 246 S. Holyoke Wichita, 67218
S 20' of 13 & N 20' of 15	"	"	✓ J. Arthur Combs and Dorothea Virginia Combs, 248 S. Holyoke Wichita, 67218
S 30' of 15 & N 10' of 17	"	"	✓ Hattie M. Ray 250 S. Holyoke Wichita, 67218
17 exc. N 10'	"	"	✓ Robert L. Woods and Rebah E. Woods 252 S. Holyoke, Wichita, 67218
8	Rutan	"	T. R. Atkinson & Jeanette K. Atkinson, Address unknown <i>none found</i>
10	"	"	✓ James L. Briggs and Rosetta C. Briggs, 237 S. Rutan, Wichita, 67218
12	"	"	✓ Daisy L. Hayes, 1929 E. Orme Wichita, 67211
14 & N 2' of 16	"	"	Olive M. Goering and Jim R. Goering, Address unknown <i>none found</i>
S 48' of 16	"	"	✓ Lowell W. Cline and Joan Cline 251 S. Rutan, Wichita, 67218
18	"	"	✓ Richard L. Rogers and Frances Rogers, 255 S. Rutan Wichita, 67218
1		Murdock Addition	William Hemstead Miller and Doris Mae Miller, Address unknown <i>none found</i>
2 exc S 8'		"	✓ Mamie B. Wettig 242 S. Rutan, Wichita, 67218
S 8' of 2 all of 3	"	"	✓ Jewell J. Gist and Dorothy P. Gist 248 S. Rutan, Wichita, 67218
4	"	"	✓ R. W. Womer, 120 Lynwood Blvd Wichita, Kansas, 67218

Continued page 2

Lot	Street	Addition	Property Owner
1 & N 9' of 3	Rutan	Knight's Sub of lot 2, Blk 1, Grandview Add.	✓ A. E. Leaper and Mildred Eleanor Leaper, 302 S. Rutan, Wichita, 67218
S 16' of 3 N 17' of 5	"	"	Ruth L. Reed Address unknown <i>none found</i>
S 8' of 5 all of 7	"	"	Grace C. Ricker Address unknown <i>none found</i>
25 & 27	Holyoke	Knights Sub of lots 3 & 4, Blk 2, in Grand- view Addition	✓ Russell Cabtree ✓ 302 S. Holyoke, Wichita. 67218
29 & 31	"	"	Grace M. Wilson & C. D. Wilson Address unknown <i>none found</i>
26 & 28	Rutan	"	✓ Arnold A. Adams & Alberta Fisher Adams, 301 S. Rutan, Wichita, 67218
30 & 32	"	"	Elizabeth B. Stegman Address unknown <i>none found</i>
2 & 4	Holyoke	Hillside Subdivision of Lot 1, College Hill Add	✓ John S. McGuigan and Cecelia M. McGuigan, 257 S. Holyoke Wichita, 67218
6 & 8	"	"	✓ E. E. Kardatzke & Vera L. Kardatzke, 2482 Coolidge Wichita, 67204
10 & 12	"	"	✓ J. S. Wright, Address unknown <i>241 S. Holyoke, 67218</i>
14 & 16	"	"	✓ Betty M. Hout 241 S. Holyoke, Wichita, 67218

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners, within a 200 foot radius of Lot 16, B. D. Allen Addition to Wichita, Kansas, as shown by the last deeds on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 24th day of August, 1970 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Cartie Simmons*  
*act* Vice-President

Order No. 173018

Form 273-021

**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
BZA Variance	750 <sup>00</sup>

Name Ronald Stockdale

Address 74200 E 20th North

Type AA-407103 Due Date

Comments:

Date 1-18-71 By le