

BZA 1-75 - David M. Reed requests
variance of rear yard setback
from 15 ft. to 6 ft. for SW
corner of Mentor and Elizabeth.

Mentor
B.C.C./B. CO. C.

POSTED
1-26-75

C.I.V.
MAYOR
4-3-75

ACTION

DATE

BZA COMMITTEE Approved 2-25-75

M.A.P.C. _____

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

BZA 1-75 - David M. Reed requests
variance of rear yard setback
from 15 ft. to 6 ft. for SW
corner of Mentor and Elizabeth.

D2105
 11-27-74
 1-16-75 revoked

Map No. 5346
 Sec. 30
 Twp. 27
 Range 1E

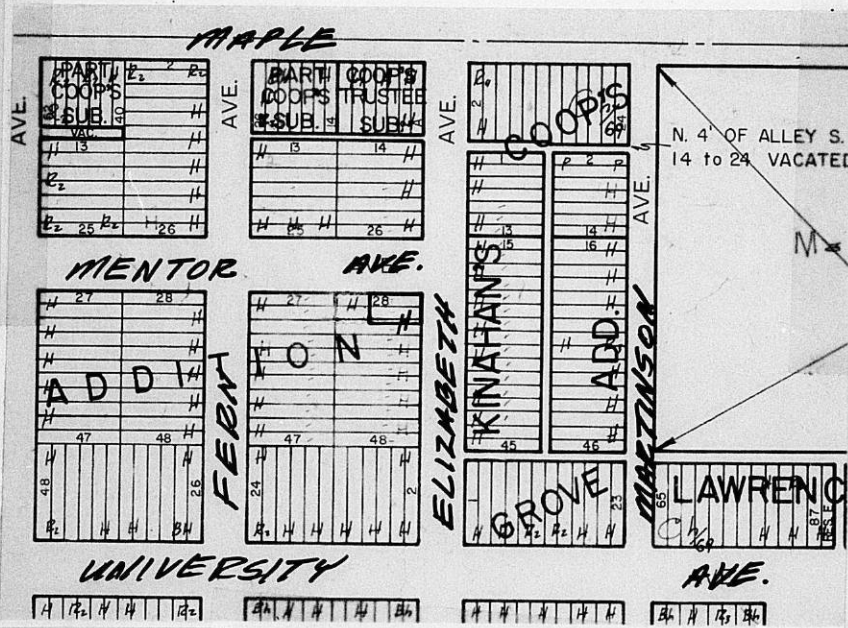
BZA- 1-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.12 (55 ft. by 100 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 if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, MIN - LOS ANGELES
 LOANIN CO. - HOUSTON, TX U. S. A.

S
 No. 2153C

Nov 12, 1974

RESOLUTION NO. BZA 1-75

WHEREAS, David M. Reed, 503 South Elizabeth, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 6 feet on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lots 28 and 30, except the west 50 feet, and the north 5 feet of Lot 32, except the west 50 feet, on Elizabeth Avenue, University Place Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Mentor and Elizabeth.

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 February 25, 1975, 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 subject property is not of sufficient depth to allow for the proposed construction due to the fact that the rear 50 feet of the platted lots has been previously split off in separate ownership; 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 proposed garage would maintain slightly greater setbacks, from both property lines that adjoin other properties, than did the old detached garage which existed for many years; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the applicant would not be able to build and would therefore be deprived of the convenience of a garage; 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 due to the fact that this request 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 four previous conditions have been found to exist; and

Resolution No. BZA 1-75
Page Two

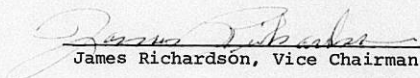
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 rear yard setback from 15 feet to 6 feet on property zoned the "RB" Four Family Dwelling District and legally described as:

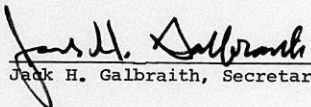
Lots 28 and 30, except the west 50 feet, and the north 5 feet of Lot 32, except the west 50 feet, on Elizabeth Avenue, University Place Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Mentor and Elizabeth.

be approved for only that portion of the rear yard as shown on the applicant's submitted plot plan.

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1975.


James Richardson, Vice Chairman

ATTEST:


Jack H. Galbraith, Secretary

March 19, 1975

David M. Reed
503 South Elizabeth
Wichita, Kansas 67213

Subject: Case No. BZA 1-75
Request for Variance

Dear Mr. Reed:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 25, 1975, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 6 feet on property zoned the "RB" Four Family Dwelling District and generally located on the southwest corner of Mentor and Elizabeth.

This Resolution reflects the official action of the Board to approve your request. It is forwarded to you for your information and files.

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

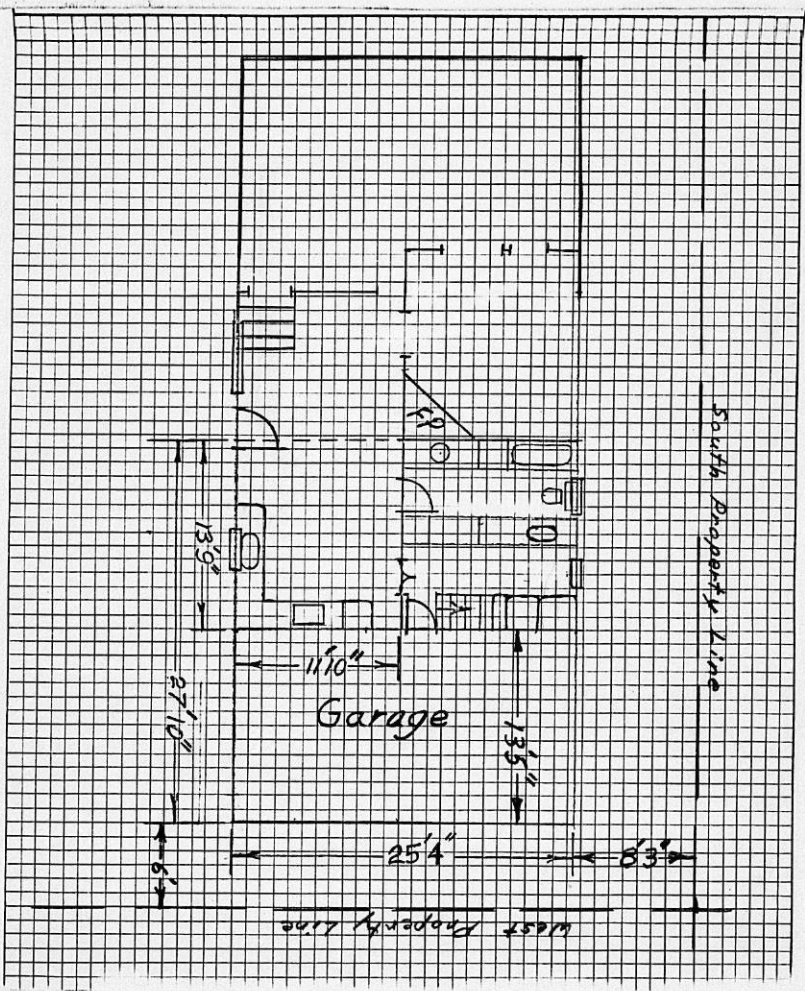
Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Robert Feldner, Supt. of Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Central Inspection

Handwritten notes at the top of the page, possibly describing the project or location.

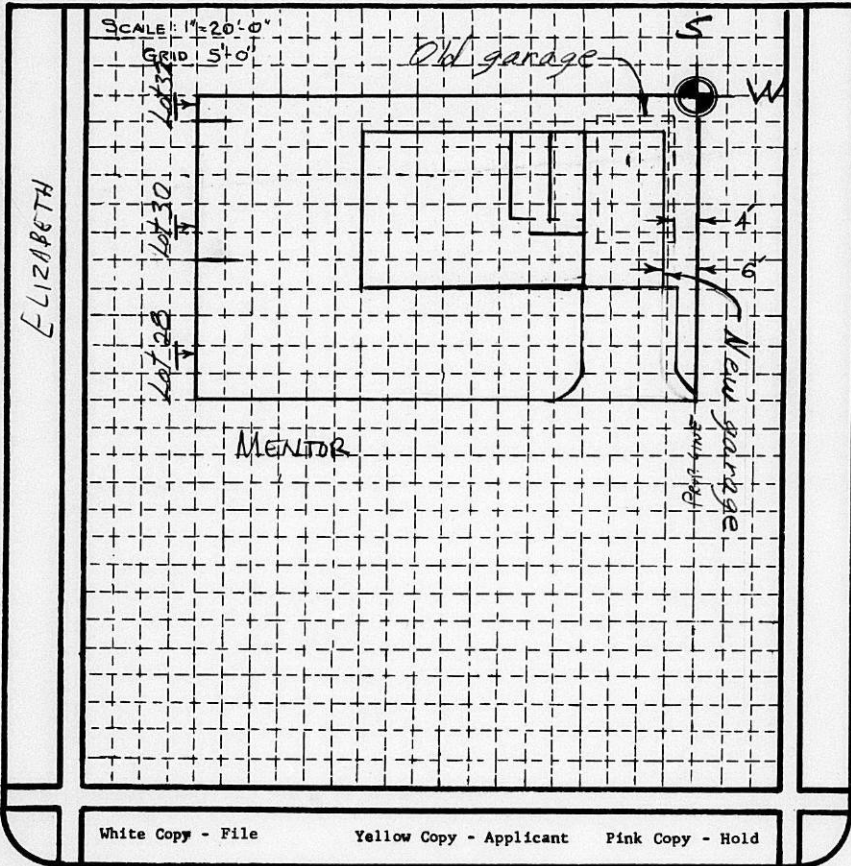


RESIDENTIAL PLOT PLAN

ADDRESS: 503 So. Elizabeth
E. 90 Ft. Lots 29830

PERMIT NO.:

LOT(s): NS Ft. of 32 BLK. 500 OF University Place Add. ZONING:



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. KA-345 (6/25/71)

Signed:

Carl M. Reed
(Applicant)

Garage Carport Open Parking

February 25, 1975

David M. Reed
503 South Elizabeth
Wichita, Kansas 67213

Subject: Case No. BZA 1-75
Request for Variance

Dear Mr. Reed:

At the regular meeting of the Board of Zoning Appeals on February 25, 1975, your request for a variance to reduce the required rear yard setback from fifteen to six feet on property zoned the "RB" Four Family Dwelling District and generally located on the southwest corner of Elizabeth and Mentor, was considered.

It was the action of the Board to approve this request for only that portion of the rear yard as shown on your submitted plot plan.

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

JHG:LDfjs

cc: Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 1-75

APPLICANT: David M. Reed, 503 South Elizabeth, Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 15 feet to 6 feet.

GENERAL LOCATION: Southwest corner of Elizabeth and Mentor.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District as are all surrounding properties.

LAND USE: Subject property is developed as a single family residence 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 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.)

Secretary's Report
Case No. BZA 1-75
Page Two

COMMENTS BY THE SECRETARY

The applicant is requesting a variance of the required rear yard setback from 15 feet to 6 feet for the purpose of constructing a 19x28 foot attached garage to the rear of his home.

The applicant has submitted a plot plan which shows the proposed garage would extend approximately 19 feet into the rear yard, leaving a rear yard of 6 feet. Subject property is located on a corner in an older part of the city and was originally platted in lots 150 feet in depth, however, the west 50 feet of the property has been split off in separate ownership and has been developed as a single family residence fronting on Mentor. Subject property is 50 feet wide by 100 feet deep and fronts on Elizabeth, with a rear yard that adjoins the side yard of the property fronting Mentor. The house on this adjoining property comes within 4 feet of the common property line.

In his statement of justification, the applicant states that he is remodeling and rebuilding the back part of his house and in the process is desirous of replacing an old detached garage by constructing an attached garage to the rear of his home. The old detached garage has recently been torn down and removed from the property, but its location on the property was four feet from the rear (west) property line and four feet from the south property line, with two feet separating the main house and garage. This old garage had existed over the years as a non-conforming structure, but under the non-conforming use regulations in the Zoning Ordinance, the applicant could not reconstruct the garage where it was previously located. The proposed attached garage would come within six feet of the rear (west) property line and within eight feet of the side (south) property line. The required rear yard setback required by ordinance in this zoning district is fifteen feet, therefore the applicant would be unable to build a garage on his property without benefit of a variance.

Our office was first contacted by the applicant on November 19, 1974, after he had been denied a building permit by Central Inspection based on the fact that he could not maintain the required 15 foot rear yard. We furnished him with the necessary information with which to file an application for variance. At that time he expressed displeasure at the length of time involved before his case could be heard (January 28, 1975 meeting). Approximately one week later, on November 27,

Secretary's Report
Case No. BZA 1-75
Page Three

1974, Central Inspection issued the applicant a building permit (#D2105) to remodel the rear of his home, for which a plot plan was not required. On January 16, 1975 a representative of Central Inspection made an inspection of the property and observed that footings and foundation for an attached garage had been poured. The inspector, by letter of January 17, 1975, notified the applicant to cease further construction at that location and again informed him that a variance must be granted by the Board of Zoning Appeals before a proper permit could be issued for the construction of his proposed garage. The applicant subsequently filed the application which is now under consideration.

UNIQUENESS

It is the opinion of the Secretary that uniqueness may exist inasmuch as subject property is not of sufficient depth to allow for the proposed construction due to the fact that the rear 50 feet of the platted lots has been previously split off in separate ownership.

ADJACENT PROPERTY

It is the opinion of the Secretary that it is difficult to determine if the granting of the variance would have an adverse effect on adjacent property owners, but that the proposed garage would maintain slightly greater setbacks, from both property lines that adjoin other properties, than did the old detached garage which existed for many years.

HARDSHIP

It is the opinion of the Secretary that the strict application of the zoning ordinance may constitute unnecessary hardship upon the applicant inasmuch as the applicant would not be able to build and would therefore be deprived of the convenience of a garage.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as this request is interiorly located.

Secretary's Report
Case No. BZA 1-75
Page Four

SPIRIT AND INTENT

It is the opinion of the Secretary that if the previous four conditions necessary to the granting of the variance can be found to exist the granting of the variance would not be opposed to the spirit and intent of Title 28 (Zoning Ordinance).

RECOMMENDATION

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application to reduce the rear yard setback from 15 feet to 6 feet be approved for only that portion of the rear yard as shown on the applicant's submitted plot plan.

CERTIFIED

January 17, 1975

Mr. David Reed
503 South Elizabeth
Wichita, Kansas 67213

Dear Mr. Reed:

As per our telephone conversation on Thursday, January 16, this letter will serve as notice that permit D2105 was issued in error and is therefore revoked (Section 302 (e) of the Uniform Building Code).

In order to obtain a proper permit, a variance must be granted by the Board of Zoning Appeals.

You are notified to cease further construction at this address until a valid permit has been issued by this department.

Sincerely,

Jack Kirkby
Inspector

JK:ml

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

February 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 1-75

An application has been filed by David M. Reed, 503 South Elizabeth, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback from 15 feet to 6 feet on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lots 28 and 30, except the west 50 feet, and the north 5 feet of Lot 32, except the west 50 feet, on Elizabeth Avenue, University Place Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Mentor and Elizabeth.

This application has been assigned Case No. BZA 1-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 25, 1975, 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

20 Notices to Adjacent Property Owners and
9 Notices to MAPC members mailed on 2-3-75.

BOARD OF ZONING APPEALS

CASE NO. 1-75

CITY OF WICHITA, KANSAS

FILED 1-20-75

APPLICATION FOR VARIANCE

✓ I. Name of Applicant David M Reed

Mailing Address 503 So. Elizabeth Phone 263-5110

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 build garage

Vary rear yard from 15' to 6'

six feet from west property line and
eight feet two inches from South prop. line
for property located 503 So. Elizabeth

and legally described as: ~~Lot 28830~~ Lots 28830

N. 5 ft. of 32,500 blk. of University
Place Addition except for the west 50 feet

in the City of Wichita; and which is presently zoned Residential
RB

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.

David M Reed
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:30 (a.m.) - p.m.), 1/20 19 75 together with appropriate fee of \$50.00.

Larry Nelson
Signed

I request a variance to the zoning ordinance that states that an attached garage has to be fifteen feet from the rear property line.

The detached garage when I bought the property was four feet from the property line with passenger side of the garage closest to the property line.

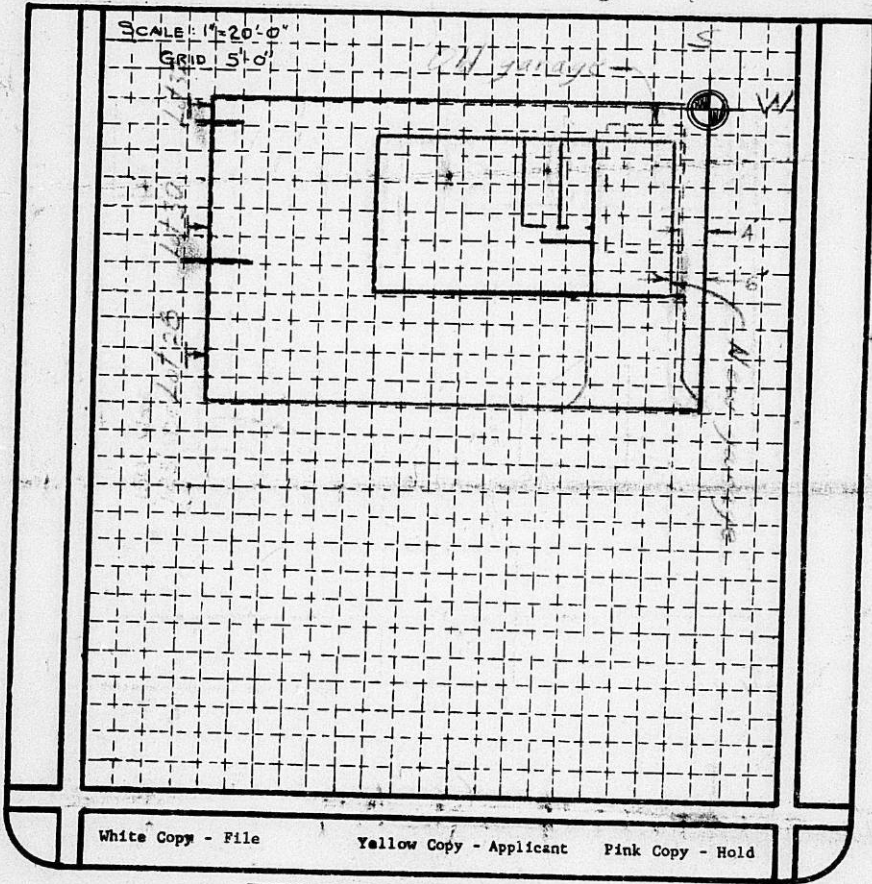
I want to attach the garage to my house and therefore make it six feet instead of four feet from the property line while I am remodeling and rebuilding part of my house. The width of the garage will remain the same, fourteen feet.

RESIDENTIAL PLOT PLAN

ADDRESS: 503 So. Elizabeth
E. 90 ft Lots 28 & 30

PERMIT NO.: _____

LOT(s): N 5 ft. of 32 BLK. 500 OF University Place Add. ZONING: _____



I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. KA-345 (6/25/71)

Signed: _____

(Applicant)

Garage Carport Open Parking

OWNERSHIP LIST

Lot	Street	Addition	Property Owner
20	Elizabeth	University Place Addition	✓ Ray A. Chipman, Jr. & Ruth A. 2129 South Water 67213
22	Same	Same	✓ Same
24	Same	Same	✓ Alvin Allen and Marie 429 S. Elizabeth 67213
26	Same	Same	✓ Same
28exc W 50'	Same	Same	<i>applicant</i> ✓ David M. Reed & Anita Eileen 503 S. Elizabeth 67213
30exc W 50'	Same	Same	✓ Same
N 5' 32exc W 50'	Same	Same	✓ Same
S20' 32	Same	Same	✓ Thomas L. Payne & Wanda R. 509 S. Elizabeth 67213
34	Same	Same	✓ Same
36	Same	Same	✓ Richard J. Gray 2904 Bennett 67217
38	Same	Same	✓ Same
40	Same	Same	✓ John J. Kerwin 951 S. Bleckley Drive 67218
42	Same	Same	✓ Same
44	Same	Same	✗ Teresa K. Hemphill Address Unknown
46	Same	Same	✗ Same
48	Same	Same	✗ Same
E50' 19,21 23,25	Fern	Same	✓ Gerard J. Kerschen & Shirley 1516 Mentor 67213
E 50' " of W 100' 21,23,25		Same	✓ Bert J. Stephens & Rhoda M. 1522 Mentor 67213

Lot	Street	Addition	Property Owner
W50' 23,25	Fern	University Place Addition	✓ J. E. Hume & Mildred K. Hume 1219 Patricia 67208
27	Same	Same	✓ Maxine R. Leroy 502 South Fern 67213
29	Same	Same	✓ Same
31	Same	Same	✓ Robert L. Hutson & Lois C. 506 South Fern 67213
33	Same	Same	✓ Same
N3'1½"			
35	Same	Same	✓ Same
35exc "	"	"	
N3'1½"			✓ Marion E. Sims & Philomena L. 512 S. Fern 67213
37	Same	Same	✓ Same
39	Same	Same	✓ Esther E. Revert Startzman Thelma R. Revert 514 S. Fern 67213
41	Same	Same	✓ Same
43	Same	Same	✓ Orville Robert Turner 524 S. Fern 67213
45	Same	Same	✓ Same
47	Same	Same	✓ Same
7	Elizabeth	Coops Grove Addition	✓ Method V. Farnik & Marie 424 S. Elizabeth 67213
N17'			
9	Same	Same	✓ Same
S9'	Same	Same	✓ Kenneth R. Kelly & Rose L. 426 S. Elizabeth 67213
lot 9			
11,13	"	Same	✓ Same
15	Same	Kinahan's Addition	✗ Wilbur E. Palmer & Opal B. Address Unknown
17	Same	Same	✗ Same
19	Same	Same	✓ Ronald L. Branda & Carole J. 430 S. Elizabeth 67213
21	Same	Same	✓ Same

Lot	Street	Addition	Property Owner
23	Elizabeth	Kinahan's Addition	X Dorothy Youngkin Bell Address Unknown
25	Same	Same	X Same
27	Same	Same	X Clyde W. Watt & Nina B. Watt Address Unknown
29	Same	Same	X Same
31	Same	Same	X Arthur Clarence Means Amelia A. Means Address Unknown
33	Same	Same	X Same
35	Same	Same	✓ Louis A. Nuessen & Edith E. 518 S. Elizabeth 67213
37	Same	Same	X Same
39	Same	Same	✓ Winslow Wesely 522 S. Elizabeth 67213
41	Same	Same	X Same

Lot	Street	Addition	Property Owner
W 50' 28 & 30	Elizabeth	University Place Addition	✓ Andrew Everett Mendenhall Joyce M. Mendenhall 1509 Mentor Ave. 67213
W 50' N 5' 32	Same	Same	✓ Same

Order No. 221117
wh

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lots 28 and 30, except the West 50 feet, and the North 5 feet of Lot 32, except the West 50 feet, on Elizabeth Avenue, University Place Addition, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 17th day of January, 1975 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 221117
wh

267-8371

Form 3-021

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
224	500.00

Name

Address

Type

Due Date

Comments

Date

By