

BZA 2-67 - Paul & Irma Stotts request
Exception to permit location of garage
in "E" zoning at the southwest
corner of Burton and Osage

5897

CS
PI

PIARD

ACTION

DATE

By COMMITTEE *Approved* *2-28-67*

M.A.P.C. _____

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

March 15, 1967

Mr. and Mrs. Paul Stotts
303 South Osage
Wichita, Kansas

Dear Mr. and Mrs. Stotts:

Re: Case No. BZA 2-67 - Request for
an Exception

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 an Exception to permit the location of a garage for residential purposes on property zoned "E" Light Industrial and generally located on the southwest corner of Burton and Osage. 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

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 2-67

WHEREAS, Paul and Irma Stotts, 303 South Osage, Wichita, Kansas, request an exception as provided in Section 28.04.170.3, Code of the City of Wichita to permit the installation of a garage for residential purposes on property zoned "E" Light Industrial and legally described as follows:

Lots 32, 34, and 36 on Osage Avenue, in Supplemental Plat of Taylor Brothers Addition to the City of Wichita, in Sedgwick County, Kansas. Generally located on the southwest corner of Burton and Osage.

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 28, 1967, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the installation of a garage for residential purposes in an "E" Light Industrial district if it first finds that a hardship exists and if the request can meet the conditions outlined in Section 28.04.170.3, Code of the City of Wichita; and

WHEREAS, the Board determined that a hardship does exist inasmuch as the applicant does not have the protection or convenience of a garage.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved for the installation of a garage for residential purposes on property zoned "E" Light Industrial and legally described as follows:

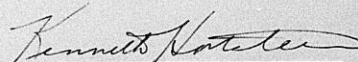
Lots 32, 34, and 36 on Osage Avenue, in Supplemental Plat of Taylor Brothers Addition to the City of Wichita, in Sedgwick County, Kansas. Generally located on the southwest corner of Burton and Osage.

subject to the following:

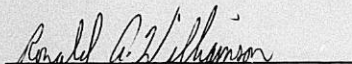
1. The garage shall maintain all the setbacks required by ordinance.

2. The garage floor area shall not exceed 40% of the existing floor area of the present structure on the site.
3. When ever the time limit for the nonconforming use status of the original building terminates, the nonconforming use status of the garage shall also terminate.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

March 2, 1967

Mr. and Mrs. Paul Stotts
303 South Osage
Wichita, Kansas

Dear Mr. and Mrs. Stotts:

Re: Case No. BZA 2-67 - Request for
an exception to the zoning ordi-
nance to permit installation of
a garage for residential purposes
in an "E" Light Industrial zone

At the regular meeting of the Board of Zoning Appeals on February 28, 1967, your request for an exception to permit the location of a garage for residential purposes on property zoned "E" Light Industrial, and being located on the southwest corner of Burton and Osage, was considered.

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

1. The garage shall maintain all the setbacks required by ordinance.
2. The garage floor area shall not exceed 40% of the existing floor area of the present structure on the site.
3. Whenever the time limit for the nonconforming use status of the original building terminates, the nonconforming use status of the garage shall also terminate.

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,

RAW:kkg

Ronald A. Williamson
Assistant Secretary

Case No. BZA 2-67

Page 2

March 2, 1967

cc: Mr. James Schammerhorn
7820 Southwest Boulevard
Wichita, Kansas

Mr. Ralph E. Hetsel
318 South Handley
Wichita, Kansas

Glen Lytle, Superintendent
Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 2-67

APPLICANT: Paul and Irma Stotts, 303 South Osage, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.170.3, Code of the City of Wichita to permit the installation of a garage for residential purposes on property zoned "E" Light Industrial

GENERAL LOCATION: Southwest corner of Burton and Osage

LAND USE: Subject property as well as all surrounding property is single-family

ZONING: Subject property and that to the north, south, and east is "E" Light Industrial, to the west is "C" Commercial

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.3, Code of the City of Wichita. The Board may grant the exception to permit the construction of the garage up to 40% of the existing floor area of the residential structure on the site when a hardship can be found to exist.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the placement of a garage on subject property which is zoned "E" Light Industrial. The Board must first approve an exception prior to the expansion, enlargement, or construction of any residential use located in an industrial district.

The Board may approve the request if it first finds that a hardship does in fact exist, however, the enlargement or expansion may only be for a maximum of 40% of the existing floor area of the present structure on the site.

The applicant points out in his statement of justification that he is selling the property across the street on the northwest corner of Burton and Osage, but is retaining the garage. He is planning to move into the house on the southwest corner of Burton and Osage which has no garage and therefore desires the permission of the

Board to move the garage across the street so that his car, truck, tools, etc., may be kept inside. The Board has in the past determined that to not have the protection and convenience of a garage is sufficient justification to fulfill the condition of finding that a hardship exists.

The single-family dwelling on subject property consists of approximately 1767 square feet, 40% of which is 706 square feet. The proposed garage is 24' x 20' or 480 square feet.

RECOMMENDATION

It is the opinion of the Secretary that a hardship does exist inasmuch as the applicant does not have the protection or convenience of a garage. Therefore, it is the recommendation of the Secretary that the exception to permit the applicant to construct a garage for residential purposes on property zoned "E" Light Industrial be approved subject to the following conditions:

1. The garage shall maintain all the setbacks required by ordinance.
2. The garage floor area shall not exceed 40% of the existing floor area of the present structure on the site.
3. Whenever the time limit for the nonconforming use status of the original building terminates, the nonconforming use status of the garage shall also terminate.

BOARD OF ZONING APPEALS
Room 401 City Building Annex
104 South Main
Wichita, Kansas

January 9, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 2-67

An application has been filed by Paul & Irma Stotts, 303 South Osage, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an exception to permit the installation of a garage for residential purposes on property zoned "E" Light Industrial and legally described as follows:

Lots 32, 34, and 36 on Osage Avenue, in Supplemental Plat of Taylor Brothers Addition to the City of Wichita, in Sedgewick County, Kansas. Generally located on the southwest corner of Burton and Osage.

This application has been assigned Case No. BZA 2-67, 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza 2-67
FILED 1-16-67

APPLICATION FOR EXCEPTION

I. Name of Applicant Paul & Irma Stotts
Mailing Address 303 So. Osage Phone am78854
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.170.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the ~~installation or construction~~
bt/ moving of garage from 223 So. Osage to 303 So. Osage
_____ on property zoned
industrial, located 303 So. Osage SW corner of
Burton & Osage and legally described as:
Supplemental Plat of
Taylor Bros. Addition lots # 32, 34, 36 known as 303 So. Osage
_____, 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 Paul Stotts Irma Stotts
Authorized Agent _____

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 1135 (a.m. P.M.), Jan 16, 19 67, together with appropriate fee of \$50.00.

Signed Ronald G. Williamson

Board Of Zoning Appeals

Gentleman:

I would like special permission to move a garage from 223 So. Osage across the street to 303 So. Osage.

The garage is being used at present for my car, truck and other possessions a man has when he takes care of his own car repairs, yards and repair jobs on rental property.

We are selling the property at 223 So. Osage to the Calvary Bible Church.

We do not have a garage on the property at 303 So. Osage we have three lots at 303 So. Osage and am sure we can comply with City Codes in regard to distant from house and property lines.

By not being able to move garage to 303 So. Osage we will not have inside place for truck, car, and other possessions stored in garage at present time.

We retained the garage in sale of 223 So. Osage so we would have a place for the above possessions. But find we will need special permission to move garage.

We are asking for this request be granted in our behalf if refused it will be necessary for use to sell property at 303 So. Osage and move where a storage place will be available that would be a hardship at the present. We like this location and do not wish to move.

Thank you for your time.

Paul Stotts
Ima Stotts

OSAGE

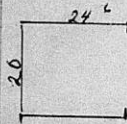
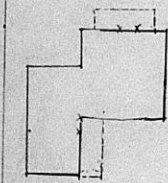
Taylor Bros. addition
Lots 32-34-36
Known as 363 So. Osage



223 So. Osage

SIDE WALK

25' 25'



SIDE WALK

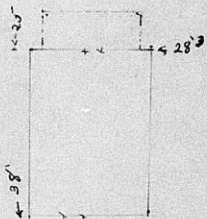
ALLEY

BURTON

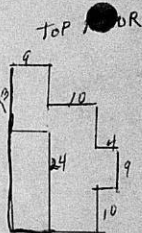
363 So. Osage

25' 25' 25'

SIDE WALK



PROPOSED SITE



TOOL HOUSE

SIDE WALK

ALLEY

1664
385
1448 sq. ft.


OWNERSHIP LIST

<u>LOT</u>	<u>STREET</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
24	Osage	Suppl. Plat of Taylor Brothers	✓ Vera Faye Greeno 311 S. Osage 67213
26	"	"	D Same
28	"	"	✓ Ralph E. Hetsel and Loretta W. Hetsel 318 S. Handley 67213
30	"	"	D Same
32	"	"	✓ Paul Stotts and Irma Stotts
34	"	"	Paul Stotts and Irma Stotts 303 S. Osage 67213
36	"	"	D Same
23 (N½)	"	"	✓ Roy E. Carlson 312 S. Dodge 67213
25	"	"	Same
27	"	"	D Same
29	"	"	✓ Arlena C. Buchanan and Helen Lee McMullon 306 S. Osage 67213
31	"	"	D Same
33	"	"	Lester A. Young and Irene E. Young 715 Burton 67213
35	"	"	D Same
Res (W. 54' of N. 150')		"	✓ Floyd I. Dugan and Lois L. Dugan 819 Burton 67213
Res (E. 36' of N. 150')		"	✓ James Schammerhorn 7820 Southwest Boulevard 67213
Res (S. 50' of N. 200')		"	✓ Mineva Moore Hetsel 328 S. Handley 67213
1	"	West Wichita	D Paul Stotts and Irma Stotts 303 S. Osage 67213
2	Handley	"	✓ Calvary Bible Church 220 S. Handley 67213

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of Lots 32, 34, and 36, on Osage Avenue, in Supplemental Plat of Taylor Brothers Addition to the City of Wichita, in Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 9th Day of January, A. D. 1967, at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By



Vice President.

Order No. 140418.
(KPB)

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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		

\$50.00

DESCRIPTION	AMOUNT
<i>BZA Application</i>	

Name *Paul & Lynn Statts*

Address *303 S. Osage*

Type *R-712* Due Date *1-16-66*

Comments:

Date *1-16-66* *Patteyatt*



1.



2.



3.

Map No. 5447
 Sec. _____
 Twp. _____
 Range _____

AREA DATA:
 1. Acres: _____
 2. Adjoining Zoning _____
 3. Land Use: East _____
 West _____
 4. Sketch Plan Land _____
 5. Present Land Use _____
 6. Area (is) (is no) _____

PHOTO DATA:
 Taken by _____



Map No. 5447
 Sec. _____
 Twp. _____
 Range _____

B&A 2-67
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

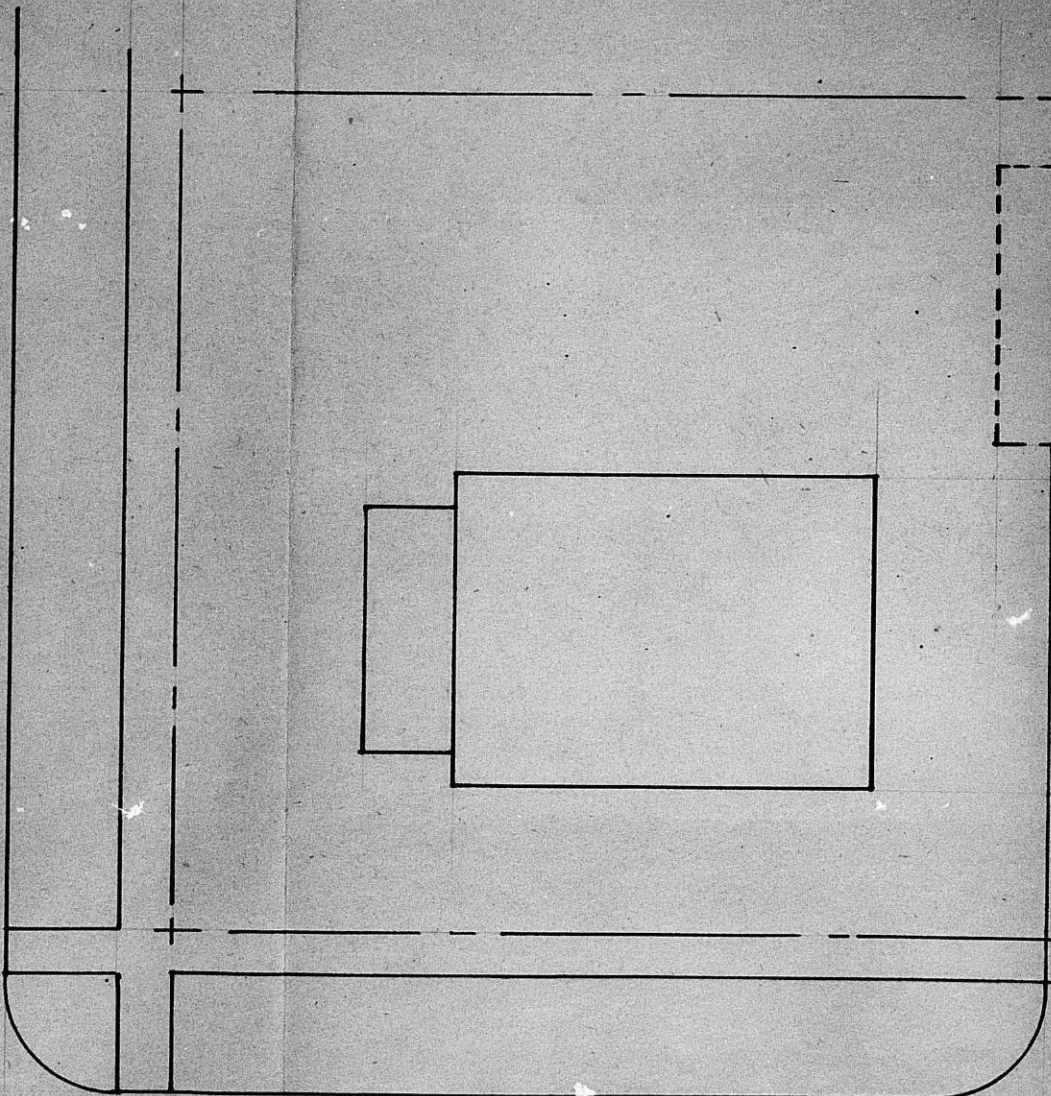
1. Acres: 0.24 (140 ft. by 75 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Single family South Single family
 West Single family North Single family
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: Single family
6. Area (is) (is not) platted.

PHOTO DATA:

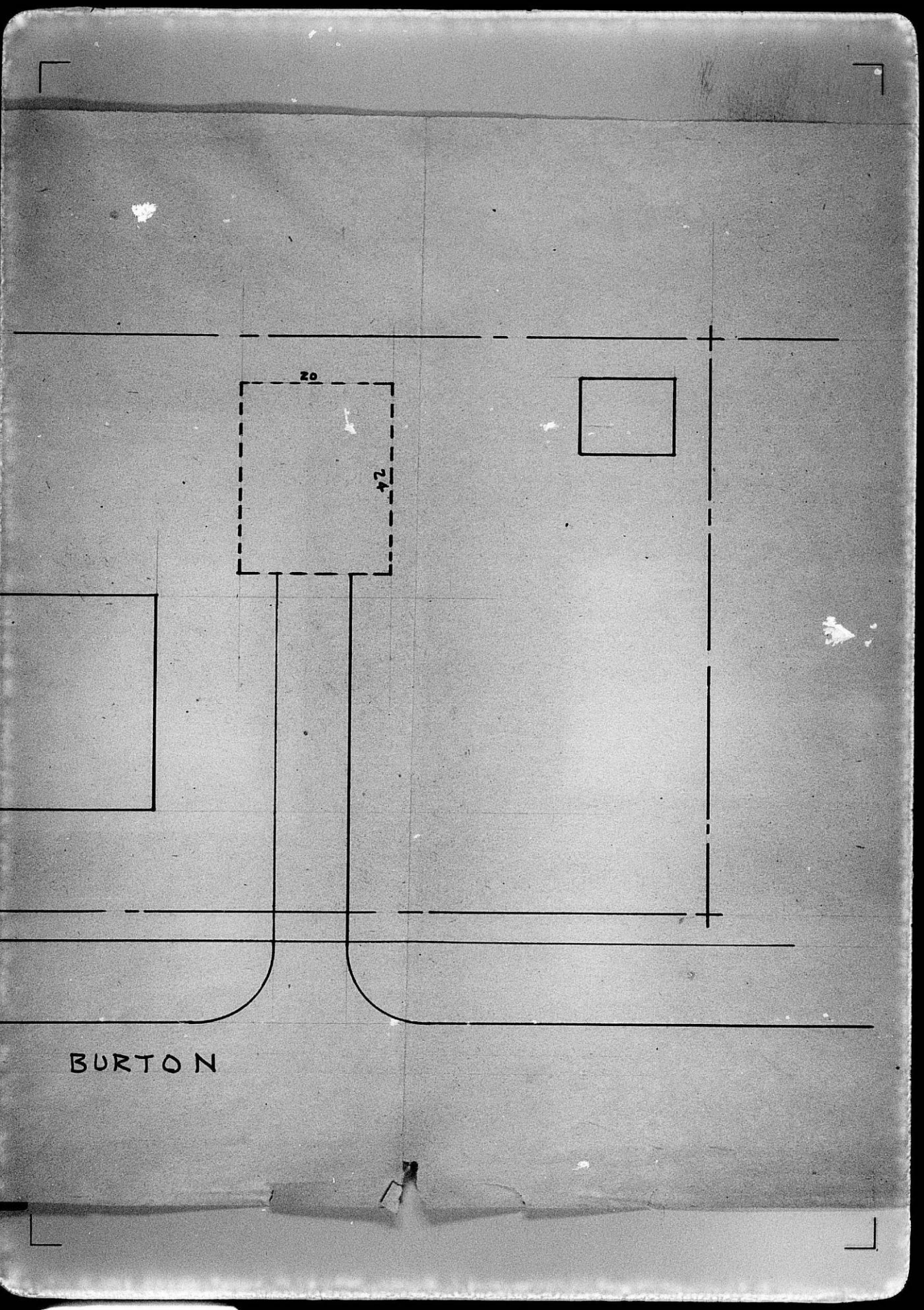
Taken by _____ Date _____ Time _____



OSAGE



BURTON



BURTON