

BZA 3-72 - Fred L. Hall req.
Variance to reduce front setback
on N side of Denker in area bet.
K-15 and Minnesota

BZA 3-3-72 Affirm

Minnesota

POSTED
1-3-72

MAP ✓

CI ✓

3/21/72

BZA 2-22-72 Approve

Salt mines?

BZA 3-72 - Fred L. Hall req.
Variance to reduce front setback
on N side of Denker in area bet.
K-15 and Minnesota

Map No. 5644
Sec. 3
Twp. 28
Range 1E

BZA- 3-72
SCZ- _____
CU- _____
Filed _____

- AREA DATA:
1. Acres: 0.16 (71 ft. by 104 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
West Single Family 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 _____



Resolution No. BZA 3-72

WHEREAS, Fred L. Hall, 1928 Denker, Wichita, Kansas, by Robert R. Arnold, 305 Century Plaza, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 17 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 2, Jennings Addition to Wichita, Kansas.
Generally located on the north side of Denker in an area
between K-15 and Minnesota.

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 22, 1972, 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 uniqueness exists inasmuch as subject property is screened from view from the property to the east; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance would not adversely affect the adjacent property to the east because their view is already obstructed by the dense growth of hedge that separates the properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which this variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as a portion of the carport will have to be removed thus making the carport too narrow for use; 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 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.

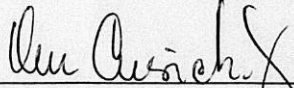
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 front yard setback from 25 feet to 17 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 2, Jennings Addition to Wichita, Kansas.
Generally located on the north side of Denker in an area
between K-15 and Minnesota.

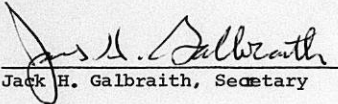
be approved for only that area presently in violation.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1972.



Kenneth M. Cusick, Jr., Chairman

ATTEST:


Jack H. Galbraith, Secretary

March 8, 1972

Mr. Robert R. Arnold
305 Century Plaza
Wichita, Kansas 67202

Subject: Case No. BEA 3-72
Request for Variance

Dear Mr. Arnold:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1972, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 17 feet, on property zoned "AA" Single Family, and generally located on the north side of Denker in an area between K-15 and Minnesota.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:ls

Enclosure

cc Fred L. Hall, 1928 Denker 67216
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

February 24, 1972

Mr. Robert R. Arnold
305 Century Plaza
Wichita, Kansas 67202

Subject: Case No. BZA 3-72
Request for Variance

Dear Mr. Arnold:

At the regular meeting of the Board of Zoning Appeals on February 22, 1972, your request for a variance to reduce the required front yard setback from 25 feet to 17 feet, on property soned "AA" Single Family, and generally located on the north side of Denker in an area between K-15 and Minnesota, was considered.

It was the action of the Board to approve this request for only that area presently in violation.

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 concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:ls

cc Fred L. Hall, 1928 Denker 67216
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 3-72

APPLICANT: Fred L. Hall. 1928 Denker, Wichita, Kansas 67216

AGENT: Robert R. Arnold, 305 Century Plaza, Wichita, Kansas 67202

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 17 feet

GENERAL LOCATION: On the north side of Denker in an area between K-15 and Minnesota

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

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 of 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 required front yard setback from 25 feet to 17 feet in order to allow a carport which was constructed in the front yard setback area to remain.

In his statement of justification, the applicant points out that a building permit was applied for and issued on August 25, 1971, based on a residential plot plan submitted with the application. At the time the permit was issued the applicant was advised by the Office of Central Inspection that a 25 foot setback would have to be maintained from Denker Street which the applicant construed to mean from the curb rather than his property line. The residential plot plan submitted with the request for a building permit indicated a front yard setback of approximately 28 feet.

In viewing the area in the field, it was noted that the application area is separated from the single family home to the east by a dense growth of evergreen hedge which completely hides the carport from the view of that property owner.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness is difficult to justify because of error only and there appears to be nothing unique about the lot size or shape.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the adjacent property to the east because their view is already obstructed by the dense growth of hedge that separates the properties, however, should the hedge ever be removed, then the addition would affect the view of the adjacent owner.

HARDSHIP:

It is the opinion of the Secretary that the applicant will be burdened with a hardship if the variance is not granted, however, this self inflicted hardship is again difficult to justify because of a misunderstanding on the applicant's part.

PUBLIC INTEREST:

It is the opinion of the Secretary that there should be no adverse affect on the public interest inasmuch as the variance request is interiorly located.

Page 3 - Secretary's Report
Case No. BZA 3-72

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of this variance will be opposed to the spirit and intent of the ordinance inasmuch as the structure does not maintain the minimum setback as required of others in this area.

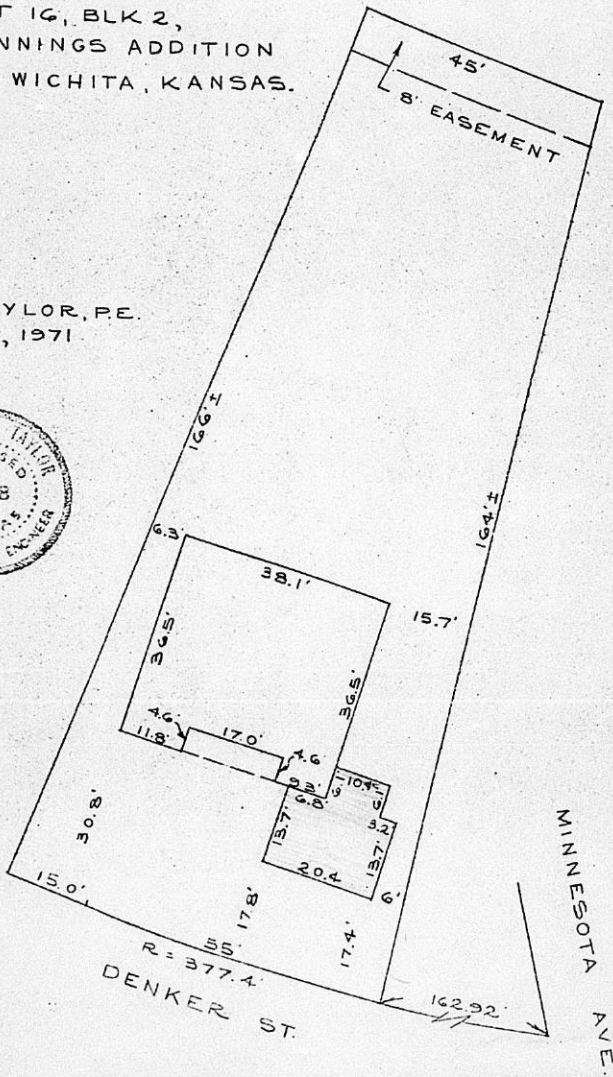
RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance request cannot be found to exist and, therefore, it is recommended that the request not be approved.

SURVEY :

LOT 16, BLK 2,
JENNINGS ADDITION
TO WICHITA, KANSAS.

K. O. TAYLOR, P.E.
DEC. 7, 1971.



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

February 2, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 3-72

An application has been filed by Fred L. Hall, 1928 Denker, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet to 17 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 2, Jennings Addition to Wichita, Kansas.
Generally located on the north side of Denker in an area
between K-15 and Minnesota.

This application has been assigned Case No. BZA 3-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 22, 1972, 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

30 notices mailed 2-2-72

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 3-72

FILED 1-25-72

APPLICATION FOR VARIANCE

I. Name of Applicant FRED L. HALL and MARJORIE HALL
Mailing Address 1928 DENKER 67216 Phone 265-3006
Name of Authorized Agent ROBERT R. ARNOLD
Mailing Address 305 Century Plaza Phone 262-3796
Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is Reduction of front set back from
25 Feet to 17 Feet (SEE ATTACHED STATEMENT).

for property located 1928 DENKER
n. side of Denker to K-15 & Main
and legally described as: Lot 16, Block 2, JENNINGS ADDITION
to Wichita, Kansas

in the City of Wichita; and which is presently zoned AA.

- 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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Fred L. Hall & Marjorie Hall
Applicant
by Robert R. Arnold
Authorized Agent Attest

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4/10 (a.m. - p.m.), Jan 25 1972 together with appropriate fee of \$50.00.

T9-402

Saura Scott, Secretary
Signed

Map 3644

STATEMENT

Applicants obtained permit for addition to residence (shaded area) on August 25, 1971. In making application, a residential plot plan was submitted (See Attachment) and approved. A permit was issued to applicant based upon front set back on the residential plot plan. Applicant was advised by City there was a 25 foot front set back from Denker Street when actually the 25 foot front set back should be counted from front lot line.

Fred L. Hall, one of the applicants, is a disabled cardiac patient and performed construction slowly because of his condition. After erection of the addition, construction was stopped by City Inspector because of alleged violation of front set back. If portion of addition has to be removed, the addition will not serve its intended purpose and applicants will suffer many financial losses for time and materials already invested.

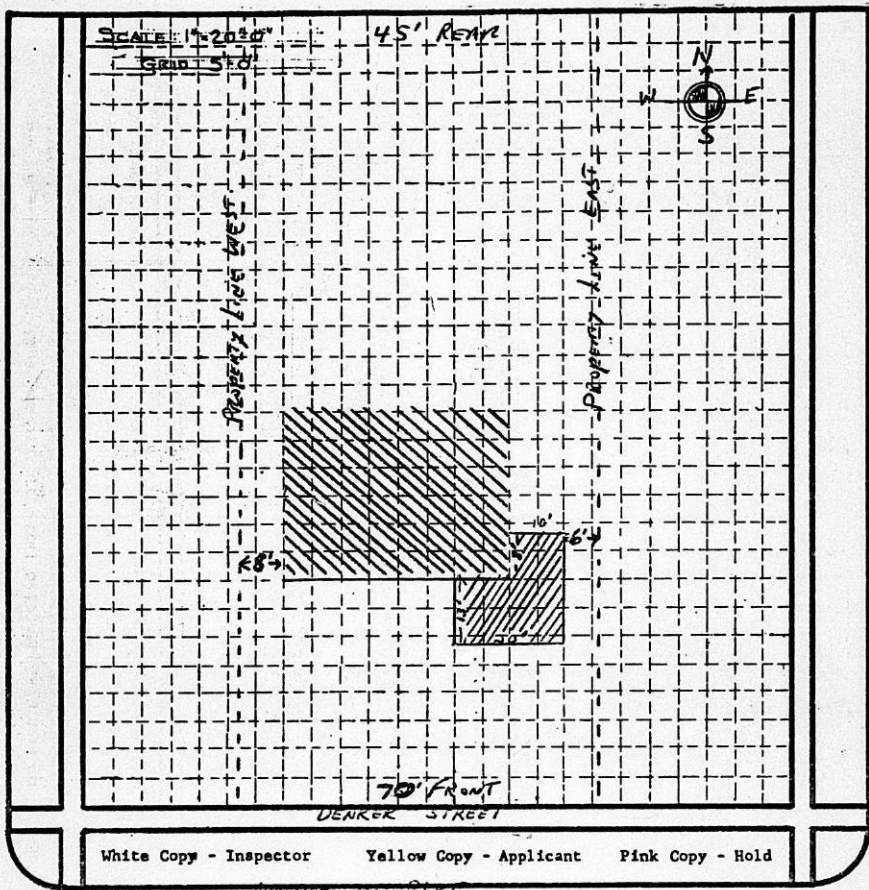
RESIDENTIAL PLOT PLAN

65-1907

ADDRESS: 1928 DENKER ST.

PERMIT NO.: 57878

LOT(s): 16 BLK. 2 OF Jennings ZONING: AA (res)



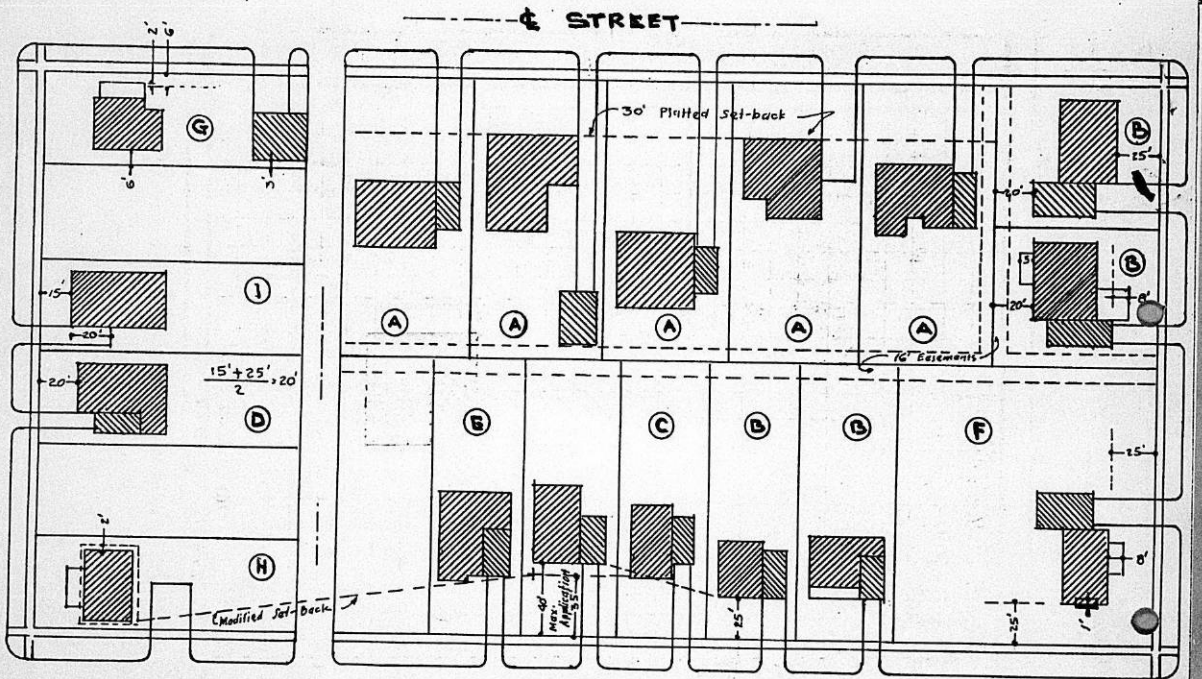
I certify that the above plat complies with applicable zoning setbacks and sub-division covenants and restrictions.

Form No. 41-345 (6/25/71)

Signed:

[Signature]
(Applicant)

Garage Carport Open Parking



		STREET				
		FRONT	REAR	SIDE	ILLUSTRATION	ILLUSTRATION
1.	LOT WITH PLATTED SET-BACK	PER PLAT	20'	6'	A	
2.	LOT WITH CODE SET-BACK	25'	20'	6'	B	
3.	LOT BETWEEN ADJACENT BLDGS	PROJECTED LINE	20'	6'	C	
4.	LOT WITH ONE ADJACENT BLDG.	FORMULA	20'	6'	D	
5.	MODIFIED SET-BACK W/REVERSED FRONT	PROJECTED LINE	20'	6'	E	
6.	DOUBLE FRONTAGE	CODE SET-BACK	20'	6'	F	
7.	PROJECTIONS INTO SET-BACKS					
	CHIMNEYS & BAYS					1'
	PROJECTIONS (FRONT & REAR)					5'
	PROJECTIONS (SIDE)					2'
	EAVES					2'
	PORCHES (FRONT)					8'
	PARKING SLABS (SIDE & REAR ONLY)					1'

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Owners within a 200 foot Radius of:
 Lot 16, Block 2, in Jennings Addition
 to Wichita, Sedgwick County, Kansas.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

PROPERTY	OWNER
Lot 1, Except Beg at the South Corner , Northwest 36', Northeasterly 58', thence Northeasterly 69' to a point 39.18' Westerly from East corner of said Lot, thence Southwesterly 70', thence 80' along Southeast line of said Lot 4, Block 4, Jennings Addition	✓ B. J. Breedlove 220 North Bluff 67208
Beg 51' Northwest of the South Corner of Lot 2, Northeasterly 90.82' to Northeast line of Lot 2, Northwesterly 81.86' more or less to point 58' Northeast of SW line of Lot 1, Southwest to a point in Southwest line of Lot 1, 36' Northwest of South corner of Lot 1, Southwest 75' to Beg. being part of Lots 1 & 2, Blk 4, Jennings Add.	Leon A. Dronhard <i>(and no address)</i> <i>not found</i>
Beg at the East corner of Lot 22, Southwest to South corner of said Lot, Northwest 52.93', Northerly 83' to Northeast line of said Lot, Easterly 50' to beg, Block 4, Jennings Addition.	✓ Larry G. Ebberts 1923 Denker Dr. 67216



DESCRIPTION

OWNER


Beg at a point on South line of Denker St., and 50' Westerly from East corner of Lot 22, Southerly 83' to point 52.93' Westerly from South corner of Lot 22, thence Northwesterly 81.86' to a point 58' Northerly from North Line Dr. thence Northeasterly 69' to a point on South line of Denker St. & 39.18' Westerly from East corner of Lot 1, thence South 70' to beg being part of Lots 1-2-22, Blk 4, Jennings Add.

✓ Gary A. McPherson
1901 Denker Dr. 67216

Beg at the South corner of Lot 2, Northeasterly 104.98', thence along Northeast line of said Lot 52.93', Southwesterly 90.82' to East line of Southeast Drive, thence along Drive 51' to Beg. Block 4, Jennings Addition

George A. Gilchrist
(*See No Record*)

LOT	BLOCK	ADDITION	OWNER
3	4	Jennings Addition	✓ Lester & Dorothy Clear 2726 Southeast Dr. 67216
4	4	" "	✓ Hubert C. & Mae Wadley 1375 S. Kansas Ave 67211
5	4	" "	✓ Donald L & Alma Manis 2736 Southeast Dr. 67216
17	4	" "	✓ Russell L & Freida Sisler 2727 S. Minnesota 67216
18	4	" "	Raymond P. & Kathleen Henderson ✓ 1939 Denker Dr. 67216
19	4	" "	✓ Jack D. & Joanne Bauman 1935 Denker Dr. 67216
20	4	" "	✓ Alice Lucille Hamm & Peggy & H. Clarke Wadley 2658 S. Minnesota 67216
21	4	" "	Robert Vernon Edgar ✓ 1927 Denker St. 67216
12	2	" "	Wm. S. & Audrey J. Wright ✓ 1908 Denker Dr. 67216
13	2	" "	✓ Warren Duane Wadley 1912 Denker Dr. 67216
14 Except E 1'	2	" "	✓ Walter S. & Irma Engle 1918 Denker Dr. 67216
E 1' of 14 & all of Lot 15	2	" "	Jery M. & Beverly Schmeisner ✓ 1922 Denker Dr. 67216
16	2	" "	✓ Fred L. & Marjorie Hall 1928 Denker Dr. 67216
17 & W 5' of 18	2	" "	✓ Nicholas & Patricia Stadler 1215 Catalina St. 67216
18 Exc W 5'	2	" "	✓ K. Hardesty 1938 Denker Dr. 67216


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Company,
inc.



LOT	BLOCK	ADDITION	OWNER
19 & 20	2	Jennings Addition	✓ Wm. S. & Sylvia King 2651 S. Minnesota 67216
21	2	" "	✓ Henry L. & Dellares Harms 2635 S. Minnesota 67216
23	2	" "	✓ Chester & Anne Swaney 1955 Marion Rd. 67216
22	2	" "	✓ James & Margaret Cochran 2633 S. Minnesota 67216
7 & N 12.5' of Lot 8	3	" "	✓ Donald L. & Louise Chambers 2634 S. Minnesota 67216
S 12.5' of Lot 8 & N 25' of Lot 9	3	" "	✓ Wilhelm D & Alice G. Ackerson 2640 S. Minnesota 67216
S 25' of Lot 9 & N 37' of Lot 10	3	" "	✓ Hercul L. & Iva Bradley 2646 S. Minnesota 67216
S 12½' of Lot 10 & all of Lot 11	3	" "	✓ John C. & Carol Goodnight 2652 S. Minnesota 67216
12	3	" "	✓ H. Clarke & Peggy Jo Wadley 2658 S. Minnesota 67216
13	3	" "	Robert W. Stephens ✓ 3005 Carroll Lane Spenard, Alaska 99503.


Fidelity
Title
Company,
inc.

Dated 21st day of January, 1972 at 7:00 A. M.

No. 12343

FIDELITY TITLE COMPANY INC.
By *Mark P. Hawke* S
Vice-Pres FH



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		

DESCRIPTION	AMOUNT
<i>Handwritten description</i>	<i>Handwritten amount</i>

Name *Handwritten name*

Address *Handwritten address*

Type <i>Handwritten type</i>	Due Date <i>Handwritten date</i>
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Comments:

Date <i>Handwritten date</i>	By <i>Handwritten signature</i>
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