

BZA 4-67 - Charles A. Bartlett, Jr.,
requests Variance to permit waiver of
setback on the west side of Euclid in
an area between 29th & 30th St. South

B.C.C./B. CO. C. C. *Approved*

5844

POSTED

2-21-67

P.C.
431

ACTION

Bza COMMITTEE _____

DATE

3-28-67

M.A.P.C. _____

B.C.C./B. CO. C. *Approved*

BZA 4-6-67 - Charles A. Bartlett, Jr., requests Variance to permit waiver of setback on the west side of Euclid in an area between 29th & 30th St. South

April 6, 1967

Mr. Everett C. Fettis
120 South Market, Suite 504
Wichita, Kansas 67202

Dear Mr. Fettis:

Re: Case No. BZA 4-67 - Request for
a Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 28, 1967, in connection with your application for Variance of the setback requirements on property zoned "AA" Single Family Residential and generally located on the west side of Euclid between 29th and 30th Streets South. 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:Kkg
Attachment

cc: Ralph Eberly, City Clerk
Glen Lytle, Superintendent of Central Inspection
Charles A. Bartlett, Jr., 3015 Euclid, Wichita

R E S O L U T I O N N O . B Z A 4 - 6 7

WHEREAS, Charles A. Bartlett, Jr., 3015 Euclid, Wichita, by Everett C. Fettis, 120 South Market, Suite 504, Wichita, Kansas, requests a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to reduce the sideyard setback from 6 feet to 3 feet on property legally described as follows:

Lot 26, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid between 29th and 30th Streets 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 March 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 carport is in the rear half of the lot, is unenclosed for the most part and adequate circulation is still being provided around the structure; 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 carport is in the rear half of the lot and if detached, could be placed three feet from the side 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 construction is of such a nature that it could not easily be changed and still serve as a carport. If the front 3 feet of the carport were removed, it would conform to the ordinance, however, the carport would then be too short and would not provide adequate protection for the auto; 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 of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance) inasmuch as the carport will still maintain the setback as required for detached structures located in the rear half of the lot; and


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

Lot 26, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid between 29th and 30th Streets South.

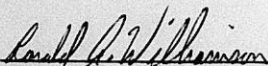
be approved subject to the following:

1. The variance reducing the sideyard setback from 6 feet to 3 feet on the north property line being approved for only that portion where the carport is now in violation and that any enlargements or additions shall maintain the required 6 foot setback.
2. The carport shall remain open and unenclosed in order to provide adequate circulation around the dwelling portion of the structure.

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


Kenneth Hartstein, Chairman

ATTEST:


Ronald A. Williamson
Assistant Secretary

March 30, 1967

Mr. Everett C. Fettis
120 South Market, Suite 504
Wichita, Kansas

Dear Mr. Fettis:

Re: Case No. BZA 4-67 - Request for
Variance of the sideyard setback

At the regular meeting of the Board of Zoning Appeals on March 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 between 29th and 30th Streets South, was considered.

It was the action of the Board to approve a variance of the sideyard setback from the required six feet to 3 feet for an existing carport adjacent to the north property line 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 portion where the carport is now in violation and that any enlargements or additions shall maintain the required 6 foot setback.
2. The carport shall remain open and unenclosed in order to provide adequate circulation around the dwelling portion of the structure.

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:kkq

cc: Ralph Eberly, City Clerk

Glenn Lytle, Superintendent of Central Inspection
Charles A. Bartlett, Jr., 3015 Euclid, Wichita

Ronald A. Williamson
Assistant Secretary

SECRETARY'S REPORT

CASE NO. BZA 4-67

APPLICANT: Charles A. Bartlett, Jr., 3015 Euclid, Wichita

AGENT: Everett C. Pettis, 120 South Market, Suite 504, Wichita

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the required six (6) foot sideyard setback to three (3) feet for an existing carport adjacent to the north property line

GENERAL LOCATION: West side of Euclid between 29th and 30th Streets South

ZONING: Subject property and all surrounding property is "AA" Single Family Residential

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

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 effect 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).

March 21, 1967

COMMENTS BY THE SECRETARY

The applicant is requesting a variance of the sideyard setback from 6 feet to 3 feet for an existing carport. The applicant constructed the carport in 1960 and attached it to a rear corner of the dwelling, and therefore, the carport, by ordinance, became a part of the main structure. The north side of the carport is only 3 feet from the north property line whereas main structures are required to maintain a six foot sideyard setback.

In order for the carport to be in conformance with the ordinance it must either be detached and at least 3 feet from the dwelling or if attached, must maintain a six foot sideyard setback. It should be pointed out that the carport is unenclosed except for the rear ten feet which is utilized as a storage area.

UNIQUENESS

It is the opinion of the Secretary that this situation is somewhat unique inasmuch as the carport is in the rear half of the lot, is unenclosed for the most part and adequate circulation is still being provided around the structure.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent property inasmuch as, the carport is in the rear half of the lot and if detached, could be placed three feet from the side 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 construction is of such a nature that it could not easily be changed and still serve as a carport. If the front 3 feet of the carport were removed, it would conform to the ordinance, however, the carport would then be too short and would not provide adequate protection for the auto.

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 carport 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 granted 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 portion where the carport is now in violation and that any enlargements or additions shall maintain the required 6 foot setback.
2. The carport shall remain open and unenclosed in order to provide adequate circulation around the dwelling portion of the structure.

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

March 14, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 4-67

An application has been filed by Charles A. Bartlett, Jr., 3015 Euclid, Wichita, by Everett C. Fettis, 120 South Market, Suite 504, Wichita, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a variance to reduce the required six (6) foot sideyard setback to three (3) feet for an existing carport adjacent to the north property line on property zoned "A" Single Family Residential and legally described as follows:

Lot 26, Block 19, in Second Addition to Southwest Village, Wichita, Kansas. Generally located on the west side of Euclid between 29th and 30th Streets South.

This application has been assigned Case No. BZA 4-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 28, 1967, 2:00 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

Mailed 30 - 3-14-67

APPLICATION FOR VARIANCE

I. Name of Applicant Charles A. Bartlett, Jr.
Mailing Address 3015 Euclid Phone WH 3-7645
Name of Authorized Agent Everett C. Fettis
Mailing Address Suite 504 - 120 S. Market Phone AM 7-7251
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is waiver of a six (6) foot setback on an
already constructed carport

for property located 3015 Euclid - on the West side of
Euclid bet 29th & 30th Streets South
and legally described as: Lot 26, Block 19, 2nd addition to
Southwest Village, Sedgwick County, Kansas

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

Charles A. Bartlett Jr.
Applicant
Everett C. Fettis
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeal
(a.m. - p.m.), 2-13, 1967, together with
appropriate fee of \$50.00.

B. Rathke
Signed

STATEMENT

Applicant understands that due to the fact he connected his open carport to the right corner of his house that the Ordinance requires the carport be set back six feet from the side property line, whereas if it had not been connected three feet would have been required.

Applicant did obtain a building permit from the City to construct the carport with enclosed storage space at the rear of the carport. What he failed to understand was that it had to be separate from his residence and not connected in any manner. Consequently he has now, at some considerable expense, constructed the carport and has used it for several years. He obtained the building permit on June 7, 1960. An inspection of nearby property in the neighborhood led to the discovery of this error by the Building Inspection Department.

We submit that strict application of the provisions of Title 28, from which variance is requested, would constitute unnecessary hardship on the owner for the reason that the construction was done because of a misunderstanding and that he would be required to destroy a valuable addition to his property in order to comply with strict application of the ordinance, which we think unjustified under the circumstances.

We further feel that this variance will not adversely effect the public health, safety, morals, order, convenience, prosperity, or general welfare, nor will it be opposed to the general spirit and intent of Title 28.

Inquiry from the Inspection Department shows that the reason for this requirement is a matter of fire protection. The carport itself is open and we think creates no serious fire hazard as to operation of fire equipment, which we presume was intended by the Ordinance.

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
15	18	Second Addition to Southwest Village	✓ Hubert C. Beauchamp and Melba F. Beauchamp 2946 Hiram 67217
16	18	"	X Charles Lee Isaac and Wilma B. Isaac <i>no address</i>
1	19	"	✓ Administrator of Veterans Affairs 5500 E. Kellogg 67218
2	19	"	✓ Dareld E. DeSelms and Bonnie J. DeSelms 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
7	19	"	X William Lee Tucker and Mary Ellen Tucker <i>no address</i>
22	19	"	✓ Billy M. McKinzey and Dora M. McKinzey 3039 Euclid 67217
23	19	"	✓ 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

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
26	19	Second Addition to Southwest Village	✓ 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</i>
1	22	"	✓ Robert H. Snell and June G. Snell 1917 West 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 <i>3034 Euclid</i> 67217
25	22	"	✓ Charles H. Breazeal 3021 S. Glenn 67217
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
15	23	"	Martin P. Breth and Lela W. Breth 1918 W. 29th St. S. 67217 <i>net. 3-23-67</i> <i>6715 Rockwood Rd.</i>

Page 3

We hereby certify the foregoing to be a correct list
of property owners within a radius of 200 feet of:

Lot 26, 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 8th day of
February, A. D. 1967 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Kenneth P. Brown*

Vice President.

Order No. 141032.
(KPB)

---KB---

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Exp. app</i>	<i>50.00</i>

Name *Charles A. Bartlett*

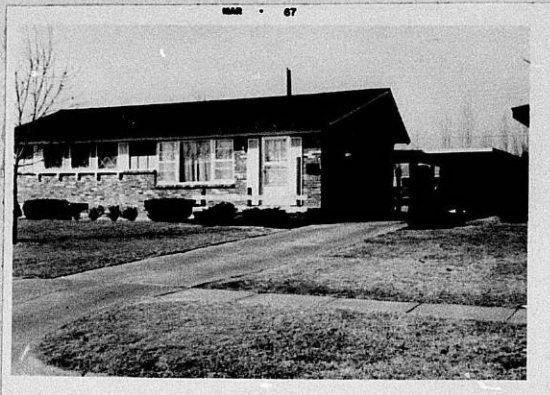
Address *2113 Euclid*

Type _____ Due Date *2-13-67*

Comments:

R-712

Date *2-13-67* By _____



1



2.

Map No. 53
Sec. _____
Twp. _____
Range _____

AREA DATA:

1. Acres: _____
2. Adjoining _____
3. Land Use _____
4. Sketch P _____
5. Present _____
6. Area (is _____

PHOTO DATA:

Taken by _____

