

BZA 4-72 - R&R, Inc. req. Variance  
of front setback on E side of  
Gentry Dr. in area south of 24th  
Street North

POSTED  
1-21-72

BZA 2-22-72 *Sherry*



RESOLUTION NO. BZA 4-72

WHEREAS, R & R, Inc., 2314 Charlotte, Wichita, Kansas, by Eugene Reynolds, 2314 Charlotte, 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 38 feet to 31 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 23, Block B in Replat of Blocks C and D and Part B, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Gentry Drive in an area south of 24th Street North.

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 the variance does not arise from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and was created by an action or actions of the applicant, inasmuch as the agent for the applicant admitted that the violation was created by their own actions; 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 a sufficient front yard will be maintained to provide a feeling of open space; 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 house and basement would have to be completely restructured; 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 request is interiorly located; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 inasmuch as uniqueness cannot be found to exist; and

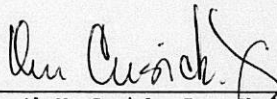
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have not been found to exist.

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 38 feet to 31 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 23, Block B in Replat of Blocks C and D and Part B, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Gentry Drive in an area south of 24th Street North.

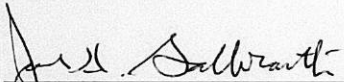
be denied.

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



Kenneth M. Cusick, Jr., Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

May 4, 1972

Mr. Eugene Reynolds  
R & R, Inc.  
2314 Charlotte  
Wichita, Kansas 67220

Subject: Case No. 4-72  
Request for Variance

Dear Mr. Reynolds:

Enclosed are two copies of the minutes of the Board when they considered your request on the above captioned case.

You were previously forwarded a copy of the resolution reflecting the official action of the Board in denying the request.

If we can furnish you additional information, please call.

Sincerely,

Jack H. Galbraith  
Secretary

JHG:ls  
Enclosures 2

March 8, 1972

Mr. Eugene Reynolds  
2314 Charlotte  
Wichita, Kansas 67220

Subject: Case No. BZA 4-72  
Request for Variance

Dear Mr. Reynolds:

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 38 feet to 31 feet, on property zoned "AA" Single Family, and generally located on the east side of Gentry Drive in an area south of 24th Street North.

This resolution reflects the official action of the Board to deny 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 R & R, Inc., 2314 Charlotte 67220  
Robert Feldner, Superintendent of Central Inspection  
Joe Connelly, Central Inspection  
Ralph Eberly, City Clerk

February 24, 1972

Mr. Eugene Reynolds  
M & R, Inc.  
2314 Charlotte  
Wichita, Kansas 67220

Subject: Case No. BZA 4-72  
Request for Variance

Dear Mr. Reynolds:

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 18 feet to 31 feet, on property zoned "AA" Single Family, and generally located on the east side of Gentry Drive in an area south of 24th Street North, was considered.

It was the action of the Board to deny your request.

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 Carthur Paul Criss, 2400 Gentry 67220  
John W. Beach, 2342 Gentry Drive 67220  
Curtis Terrlinger, 2250 North Roosevelt 67220  
Roy K. Varenhorst, 2401 Gentry Drive 67220  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

NORTHEAST HEIGHTS RESIDENTS ASSOCIATION

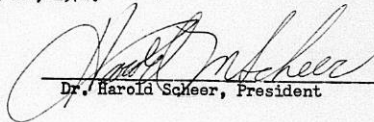
EZA Case # 472

To the Board of Zoning Appeals:

RESOLVED, that the Board of the Northeast Heights Residents Association supports the petition of residents of Schreck Estates and Mona Lynn Estates in opposition to the application for a variance to reduce the required front yard setback from 38 feet to 31 feet on property zoned "AA", single family, and legally described as Lot 23, Block B, in Replat of Blocks C and D, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas.

RESOLVED, that the Board adamantly opposes the granting of such variance and petitions the Board of Zoning Appeals to enforce both the spirit and the letter of the Building Code in this case and in other cases arising in the Northeast Heights area.

Adopted by the Board on February 21, 1972.

  
Dr. Harold Scherer, President

We the undersigned property owners, whose property lies within a 200 foot radius of Lot 23, Block B, in Replat of Blocks C and D and part D, Second addition to Schrek Estates, Wichita, Sedgwick County, Kansas, petition the Board of Zoning Appeals not to allow a variance to reduce the required front yard setback from 38 feet to 31 feet on property zoned "AA", single family, and legally described as the above mentioned Lot 23. This violation of Section 2. 12. 590 B, Code of the city of Wichita has a direct devaluing effect on adjoining properties and shows flagrant disrespect for the precedents of the neighborhood. We ask that the above mentioned section of the Code of the city of Wichita be enforced.

Lot Number	Name and Address
13	L.O. Breckenridge 2407 No. Bluff
13	Nancy Breckenridge 2407 N. Bluff
22	C.P. Criss 2400 Gentry
22	Doris Criss 2400 Gentry
25	Evan J. Kearney 2334 Gentry
	Nelva Kearney 2334 Gentry
12	Leonard H. Wesley Jr. 2401 N. Bluff
10	Loy K. Joubert 2401 Gentry
	Frank Harris 2335 Gentry
10	Grace C. Vandenberg 2401 Gentry
20	Wade B. Bonser 7 2420 Gentry
20	Blanche O. Banks 2420 Gentry
6	Augustine Gray 2420 N. Lovell

Lot Number

Name and Address

21 Elma F Hiebert  
2412 Gentry  
Wichita, Ks. 67220

26 Kennell Jackson Sr 2326 Gentry 67220

26 Laura Jackson 2326 Gentry 67220

12 Alpha Lee Harris 2335 Gentry 67220

11 Hays Oberholt 2325 N Bluff 67220

9 Liza L. Costley 2313 N. Bluff

9 Dan L. Costley 2313 N Bluff

4 Dwight Winters 2348 N Roosevelt

24 John W Beach 2342 Gentry

24 Beth Beach 2342 Gentry

SECRETARY'S REPORT  
CASE NO. BZA 4-72

APPLICANT: R. & R, Inc., 2314 Charlotte, Wichita, Kansas 67220

AGENT: Eugene Reynolds. 2314 Charlotte, Wichita, Kansas 67220

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 38 feet to 31 feet

GENERAL LOCATION: On the east side of Gentry Drive in an area south of 24th Street North

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 house under construction; to the north, south, east and west are single family residences.

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 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 front yard setback from 38 feet to 31 feet in order to complete construction of a single family dwelling on subject property.

In his statement of justification the applicant points out that the footings and basement were poured and inspected by Central Inspection, the house was framed, roofed and the windows installed before being notified they were in violation inasmuch as the residences on either side set back a distance of 38 feet thereby requiring the house under construction to maintain a front yard setback of not less than 35 feet under the terms of the zoning ordinance.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness can be found to exist in instances such as this where homes are constructed behind the front yard setback line required by ordinance or by a setback on a recorded plat such as the 30 foot platted setback in this case.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent properties inasmuch as a sufficient front yard will be maintained to provide a feeling of open space.

HARDSHIP:

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance were not granted inasmuch as the house and basement would have to be completely restructured.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance should in no way affect the public interest inasmuch as the variance request is interiorly located.

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 application does meet the four previous requirements.

Page 3 - Secretary's Report  
Case No. BZA 4-72

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary for the granting of the variance be found to exist and, therefore, it is recommended that the variance be granted to reduce the front yard setback to 31 feet.

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 4-72

An application has been filed by R & R, Inc., 2314 Charlotte, 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 38 feet to 31 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 23, Block B in Replat of Blocks C and D and Part B, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas. Generally located on the east side of Gentry Drive in an area south of 24th Street North.

This application has been assigned Case No. BZA 4-72, 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

23 notices mailed 2-2-72

BOARD OF ZONING APPEALS

CASE NO. 4-72

CITY OF WICHITA, KANSAS

FILED 1-28-72

APPLICATION FOR VARIANCE

I. Name of Applicant ✓ R & R Inc.  
Mailing Address 2314 Charlotte - Wichita, Kansas <sup>67220</sup> Phone 686-8292  
Name of Authorized Agent ✓ Eugene Reynolds  
Mailing Address 2314 Charlotte <sup>67220</sup> Phone 686-8292  
Relationship of applicant to property is that of contractor  
(Owner, Tenant, Lessee, Other)

II. The variance requested is Property line set back  
to reduce the <sup>required</sup> front yard setback from 38 feet  
to 31 feet

for property located 2350 North Gentry 2 side of  
Gentry Ave in area s. of 24th

and legally described as: Lot 23, Block B in Replat of Blocks C & D and  
part B, Second Addition to Schreck Estates, Wichita, Sedgwick County, 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.

Applicant R & R Inc.

Eugene Reynolds  
Authorized Agent Eugene Reynolds

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:30 (a.m. - p.m.), Jan 28 1972 together with appropriate fee of \$50.00.

T9-402

Map # 5750

D. Lynn Shurkey  
Signed

Board of Zoning Appeals - City of Wichita

VARIANCES:

- Paragraph 1. The City Ordinance only calls for a twenty five foot set back and due to the fact the houses vary from twenty five to thirty eight feet in the block, and the sub division map calls for a thirty feet set back, and property in question has a set back of thirty one foot, eight inches, we feel this should not jeopardize the adjacent properties.
- Paragraph 2. We feel like the granting of permit for this house will not affect the rights of adjacent property owners, particularly the one to the south, because his porch extends several feet in front of this property, and the one to the north is set back thirty eight feet which is far more than the City Ordinance or the plat requires.
- Paragraph 3. We had the footings poured and inspected by the City inspector. We had the basement poured and inspected. ~~xxxxxxx~~ The house was framed, roofed and windows installed before the City inspector notified us there was a violation. This would definitely create a hardship and business expense to change.
- Paragraph 4. We feel there is no adverse effects to public safety, health, morals or general welfare of any property owners within the required 200' radius.
- Paragraph 5. We do not know of any reason why the desired variance would be opposed since we are within sub division requirements.

R & R Inc.

CERTIFICATE OF OWNERSHIP

-----

GUARANTEE TITLE CO. Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds of Sedgwick County, Kansas, of the following descibed real estate, together with all property lying within 200 feet radius thereof.

Lot 23, Block B, in Replat of Blocks C & D & Part B,  
Second Addition to Schreck Estates, Wichita, Sedgwick  
County, Kansas.

DESCRIPTION	OWNER/OWNERS/ADDRESS		
<u>Replat of Blocks C &amp; D &amp; Part B, Second Addition to Schreck Estates Block B</u>			
Lot 9	✓ Dan L. Costly and Lavita A.	2313 No. Bluff	67220
Lot 10	✓ Oliver Canidy and Corean <i>returned 2-24-72</i>	2319 No. Bluff	67220
Lot 11	✓ Don E. Osterhout and Hazel L.	2325 No. Bluff	67220
Lot 12	✓ Leonard H. Wesley, Jr. and Betty Jane	2401 N. Bluff	67220
Lot 13	✓ Lorenza O. Breckenridge and Nancy E.	1957 No. Lorraine	67220
Lot 14	✓ Ninth Street Church of God c/o Rev. Alton B. Summers	2413 No. Bluff	67220
Lot 15	✓ Michael C. Anderson and Fairy D.	2421 E. 27th St. North Apt. C	67219
Lot 20	✓ Wade Benjamin Banks, Jr. and Blanche M.	2420 Gentry Drive	67220
Lot 21	✓ Elma F. Hiebert	2412 Gentry Drive	67220
Lot 22	✓ Carthur Paul Criss and Doris Jean	2400 Gentry Drive	67220
Lot 23	✓ Raymond L. Reid and Jacqueline C. <i>returned 2-24-72</i>	2350 No. Gentry	67220
Lot 24	✓ John W. Beach and Edna Beth	2342 Gentry Drive	67220
Lot 25	✓ Evan J. Fearey and Leona Darlene	2334 Gentry Drive	67220
Lot 26	✓ Vernell Jackson and Laura L.	2326 Gentry Drive	67220

Mona Lynn Estates, an Addition to Wichita

Block D

Lot 4	✓ Dwight V. Winters and Virginia	2348 No. Roosevelt	67220
Lot 5	✓ Charles W. London and Vera A.	626 Gouverneur Road	67207
Lot 6	✓ Augustine Ray	2420 No. Roosevelt	67220
Lot 9	✓ Robert J. Phye and Barbara J.	2425 Gentry Drive	67220
Lot 10	✓ <u>Roy K. Varenhorst and Janice C.</u>	2401 Gentry Drive	67220
Lot 11	✓ Calvary Baptist Church c/o Rev. Willy G. Williams	2349 Gentry Drive	67220
Lot 12	✓ Theodore Franklin Harris and Orpha Glee	2335 Gentry Drive	67220

WITNESS our Hand and Seal this the 26th day of January, 1972  
at 7:00 o'clock A.M.

GUARANTEE TITLE CO. Inc.

By *Nedie M. Postinger*  
Vice-President.

Order No. 36132

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>Large House</i>	<i>100.00</i>

Name *J. & K. Co.*

Address *1114*

Type *1-17-73*

Due Date

Comments:

Date *1-23-72*

By *LS*

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

February 2, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

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This application has been assigned Case No. BZA 4-72, 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

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

RETURN  
TO  
WRITER



*House Under Cont.*  
*2007 2/5/72*  
Raymond L. Reid and Jacqueline  
2350 North Gentry  
Wichita, Kansas 67220



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

February 2, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

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Jack H. Galbraith  
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

RETURN  
TO  
WRITER



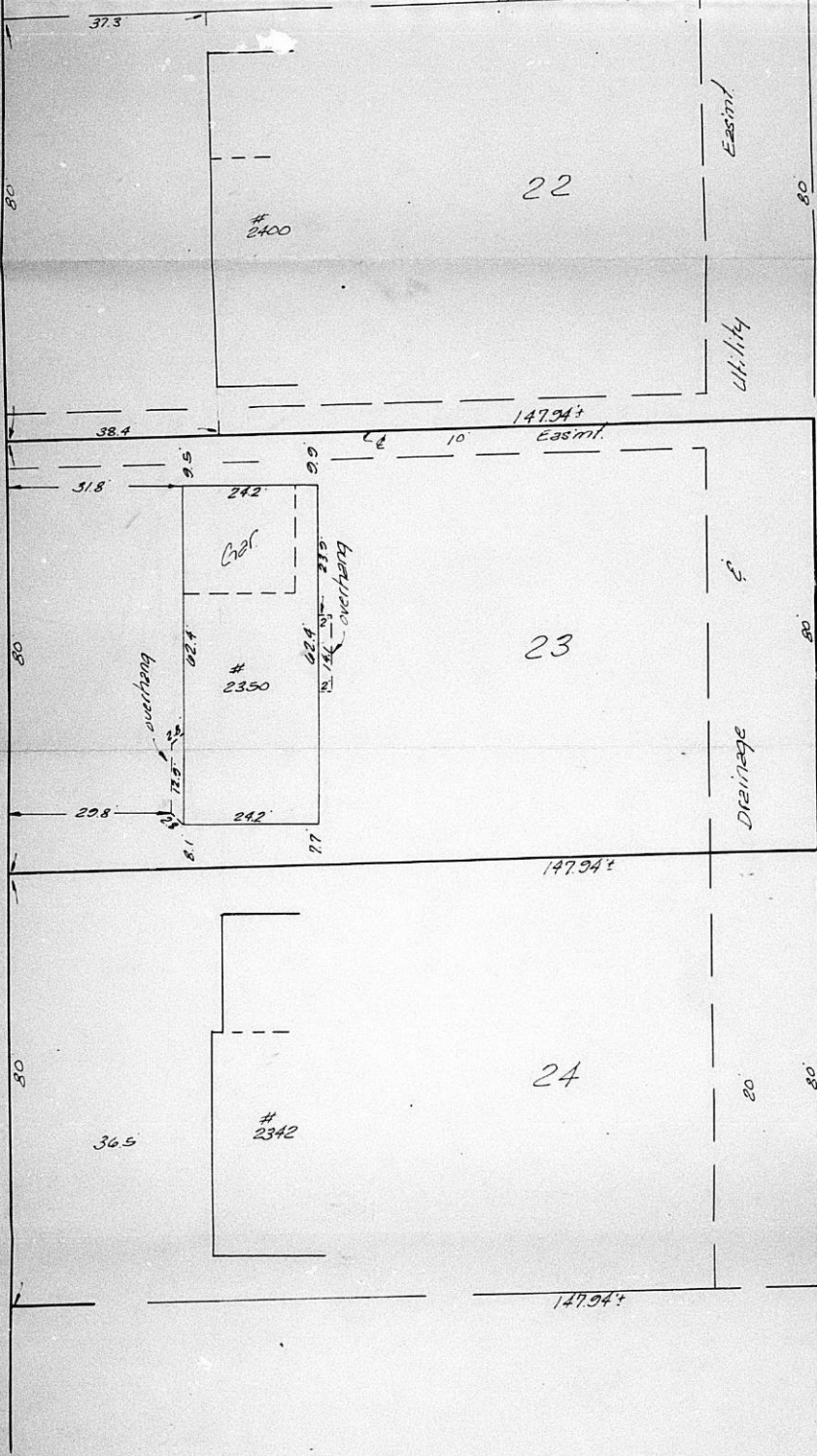
Oliver Canidy and Corean  
2319 North Bluff  
Wichita, Kansas 67220

*House Under Const.*  
*204/2/72*





Drive



Gentry

Lot 23, Block B, Replat of Blocks C and D and part of B, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas.

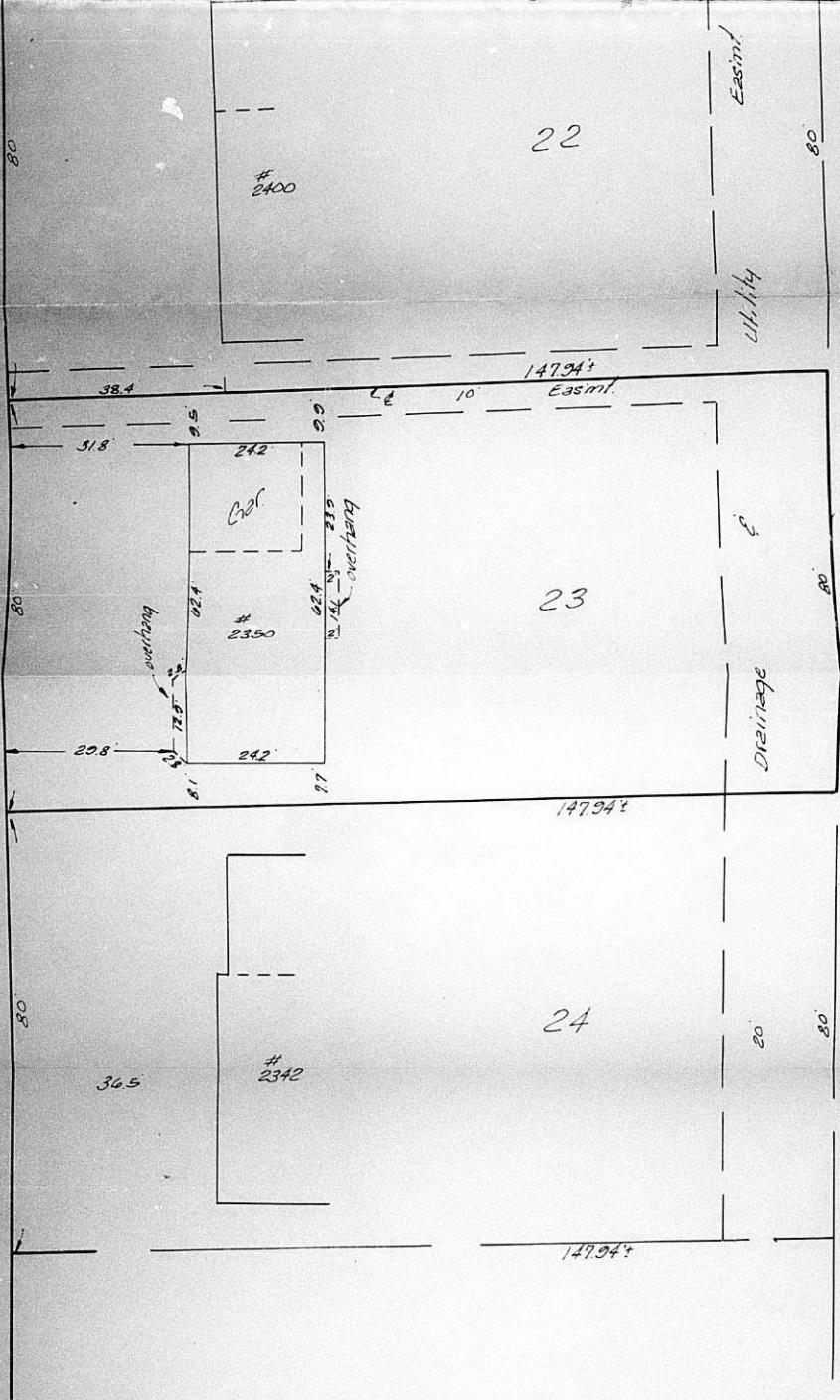


R. & R. Inc.



DRIVE

Gentry



Lot 23, Block B, Replat of Blocks C and D and part of B, Second Addition to Schreck Estates, Wichita, Sedgwick County, Kansas.

R. & R. Inc.

Baughman Co. 1-26-72

