

BZA 4-73 Steve Marks requests
variance to reduce frontyard set-
back from 25 ft to 17 ft at the
corner of Shelton & 21st St.

*Posted
3-21-73*

ACTION

DATE 4-24-73

BZA COMMITTEE Denied

M.A.P.C. _____

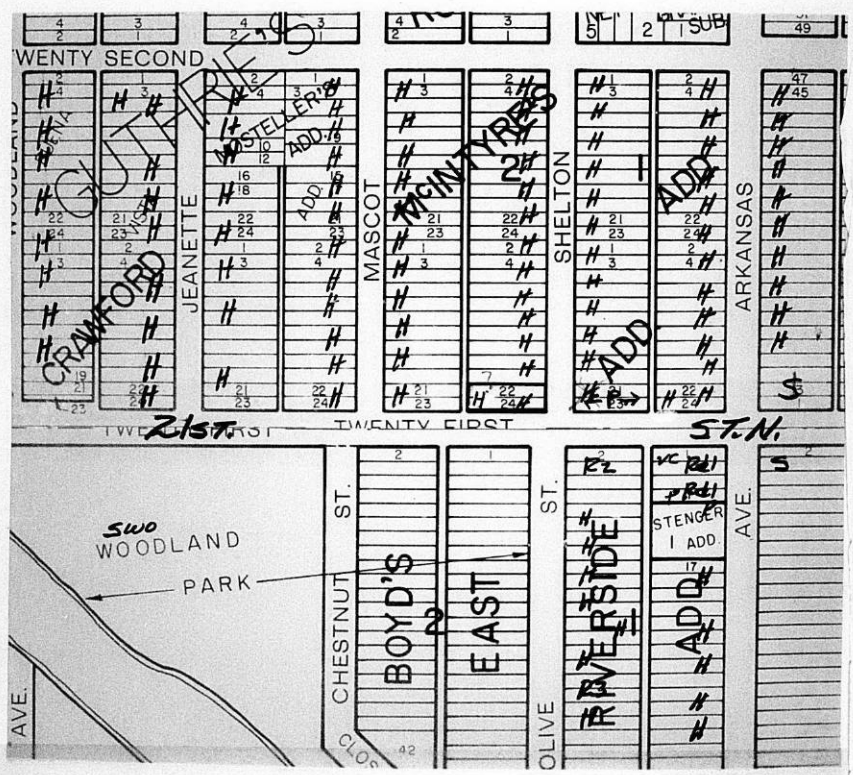
B.C.C./B. CO. C. _____

Map No. 5450
 Sec. 5
 Twp. 27
 Range 1E

BZA- 4-73
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.15 (50 ft. by 135 ft.)
 2. Adjoining Zoning: E B S AA W AA N AA
 3. Land Use: East Parkway South RECREATION PARK
 West SINGLE FARM North SINGLE FARM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: SINGLE FARM
 6. Area (is) (~~is not~~) platted. Horsedwale

PHOTO DATA:
 Taken by _____ Date _____ Time _____



May 22, 1973

Mr. Steve Marks
609 East Douglas
Wichita, Kansas 67202

Subject: Case No. BEA 4-73 - Request for Variance

Dear Mr. Marks:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1973, in connection with your request to reduce the required front yard setback from 25 feet to 18 feet, on property zoned the "AA" Single Family Dwelling District, and generally located at the Northwest corner of Shelton and 21st Street.

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:rv

enclosure

cc: David Dirksen, 2134 Shelton, 67203
Stan Hendrix, 2617 Wellington Place 67204
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 4-73

WHEREAS, Steve Marks, 609 East Douglas, Wichita, Kansas, 67202, 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 18 feet, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lots 22 and 24, on Shelton Avenue, in Crawford's Addition to Wichita, Sedgwick County, Kansas.
Generally located at the Northwest corner of Shelton and 21st Street.

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 April 24, 1973, 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 requested 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; inasmuch as the applicant has sufficient lot area to construct the desired space for closet and storage use onto the west side of the existing house; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property maintains the required setback; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as there is sufficient lot area to construct the desired space for closet and storage use onto the west side of the existing house; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the application area lies within a model cities area where the neighborhood in being upgraded to conform to City codes; 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 the four previous conditions cannot be found to exist; and

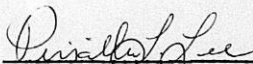
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have not been found to exist.

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 25 feet to 18 feet, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:


Lots 22 and 24, on Shelton Avenue, in Crawford's Addition to Wichita, Sedgwick County, Kansas.
Generally located at the Northwest corner of Shelton and 21st Street.

be denied.

ADOPTED AT WICHITA, KANSAS, this 24th day of April, 1973.


Priscilla L. Lee, Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 25, 1973

Robert Feldner, Supt of Central Inspection

Jack H. Galbraith, Chief Planner

Case No. BZA 4-73 - Request for Variance

The attached copy of the letter to the applicant on the above captioned BZA case reflects that the Board of Zoning Appeals denied his request for a variance of a front yard setback to enclose his porch. Inasmuch as we observed in the field that the enclosure of the porch had been started, I wanted you to be aware of the Board's action so that your office can take whatever steps are necessary to see that the home remains in compliance with the City Code.

If you have any questions, please call.

JHG:rw

April 25, 1973

Mr. Steve Marks
609 East Douglas
Wichita, Kansas 67202

Subject: Case No. BEA 4-73 - Request for Variance

Dear Mr. Marks:

At the regular meeting of the Board of Zoning Appeals on April 24, 1973, your request for a variance to reduce the required front yard setback from 25 feet to 18 feet, on property zoned the "AA" Single Family Dwelling District, and generally located at the Northwest corner of Shelton and 21st Street was considered.

It was the action of the Board to deny this 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, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

cc: David Dirksen, 2134 Shelton, 67203
Stan Hendrix, 2617 Wellington Place 67204
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 4-73

APPLICANT: Steve Marks, 609 East Douglas, Wichita, Kansas, 67202

AGENT: None

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 18 feet.

GENERAL LOCATION: Northwest corner of 21st Street North and Shelton.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as are those properties adjacent to the north, south and west. The property to the east is zoned the "B" Multiple Family Dwelling District.

LAND USE: Subject property contains two single family homes. To the west and north are single family homes; to the south is Woodland Park; and the property to the east is utilized as parking for a grocery store.

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).

COMMENTS BY THE SECRETARY:

The applicant is remodeling his house and has requested a variance of the required front yard setback in order to enclose the front porch to provide additional closet and storage space for his family. An open unenclosed porch may extend into a required front yard setback for a distance not exceeding 8 feet. Since the applicant's house is situated approximately 27 feet from the property line, the front porch extends approximately 6 feet into the required 25 foot front yard setback. Thus, the applicant requests a variance to reduce the required front yard setback from 25 feet to 18 feet.

Uniqueness:

It is the opinion of the Secretary that it is difficult to find uniqueness in this case although the existing house is located in an older part of town in which non-conforming setbacks are not uncommon due to the construction of the buildings prior to existing setback requirements. Uniqueness may exist in that the house is directly to the west of a parking lot for a commercial business.

Adjacent Property:

Although it is difficult to determine, it is the opinion of the Secretary that the granting of the variance will not have an adverse affect on adjacent property as the only property that could be affected is to the north and there would appear to still be adequate open space and no sight conflict.

Hardship:

It is the opinion of the Secretary that, if a hardship can be found to exist in the event the variance were not granted, it would be because the applicant and his family would be deprived of the convenience of additional closet and storage space.

Public Interest:

It is the opinion of the Secretary that the granting of this variance will not have an adverse affect upon the public interest.

Page 3 - Secretary's Report
BZA Case No. 4-73

Spirit and Intent:

It is the opinion of the Secretary that, if the granting of the variance is found not to be opposed to the spirit and intent of Title 28, it would be because an adequate front yard setback will still remain.

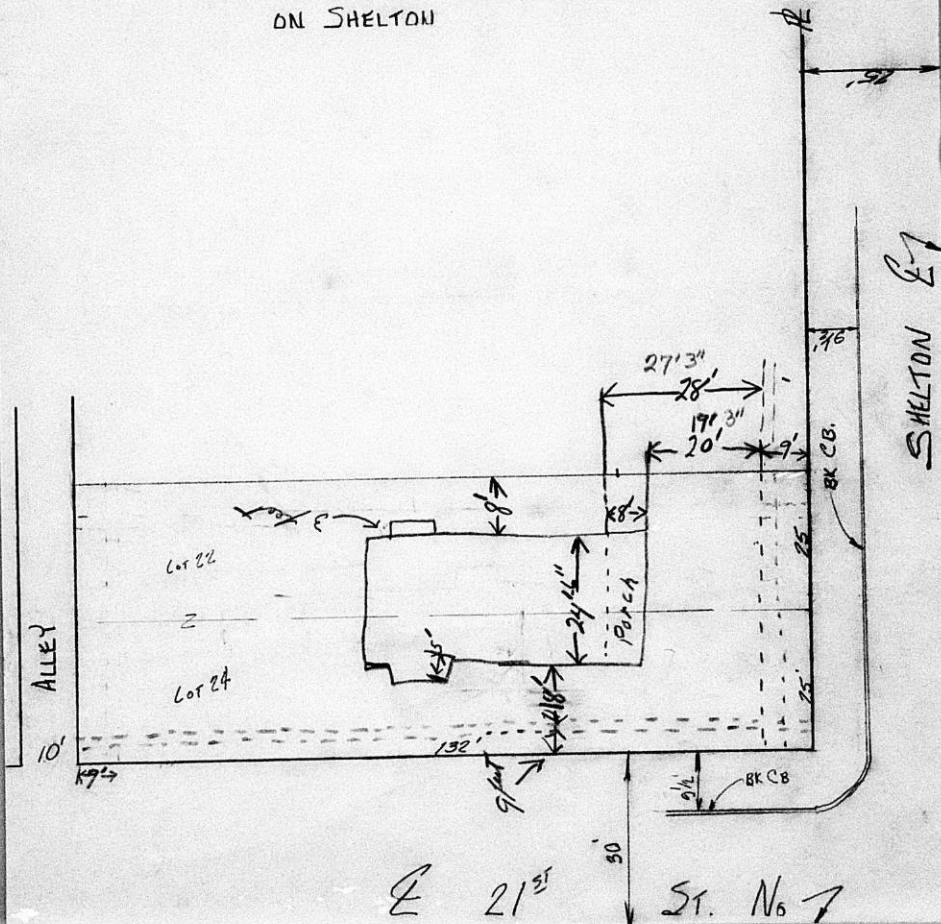
RECOMMENDATION:

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 front yard setback from 25 feet to 18 feet be approved only for that area (approximately 24 feet 6 inches by 8 feet) presently occupied by the front porch, and subject to the applicant's constructing said enclosure to the standards contained in the City codes.

LEGAL

LOTS 22 & 24 CRAWFORD ADDN
ON SHELTON

1" = 20'



April 20, 1973

Board of Zoning Appeals

Room 402

104 S. Main

Wichita, Kan. 67202

Regards to case # B Z A 4-73

We the undersigned do not wish the required front yard setback changed from 25 feet to 18 feet in our area.

1: This is and has been a city code that all residents can not be nearer to the street than 25 feet. Keeping this in mind all our homes have been built to keep a uniform appearance.

2: By boxing in this porch there will be a very definite traffic hazard. Since 21 Street is a thru traffic this makes or will make a blind intersection.

3: There is a small house which sits on the back of the lot, this house is now occupied. This also is in violation of the zoning for this area which is A A single family dwelling district.

Arvids Reinholdts

Alma Reinholdts

2305 Shelton

Ethie L. Maghees

2217 Shelton

Oltha Lee Hill

Rosa Hill

2221 Shelton

Ben Reeves

Mrs Ben Reeves

2218 Shelton

Grace M. Grundy

2210 Shelton

Pearl Shipman 2 of 2 pages

2201 Mascot

Howard L. West & Gloria West

2213 Mascot

Robert L. Bartlett

Mrs. Robert L. Bartlett

2212 Mascot

Kathleen C. Burditt

2220 Mascot

David Dirksen

Martha A. Dirksen

2134 Shelton

230 Juan Rubalcaba

Armandia Rubalcaba

3) There is a small house which sits on the back of the lot, this house is now occupied. This also is in violation of the zoning for this area which is A A single family dwelling district.

Averick Reinhold's

Alma Reinhold's

2305 Shelton

Eddie L. Magness

2217 Shelton

Oltha Lee Hill

Rosa Hill

2221 Shelton

Ben Reeves

Mrs Ben Reeves

2218 Shelton

Grace W. Grundy

2210 Shelton

Pearl Dupinaw 242 page

2201 Mascot

Kessell West & Gloria West

2213 Mascot

Robert L. Bartlett

Mrs. Robert L. Bartlett

2212 Mascot

Kathleen C. Burditt

2220 Mascot

David Dirksen

Martha A. Dirksen

2134 Shelton

230 Juan Rubalcaba

Amanda Rebeca

2304 Jackson

D L Hanu

2216 Mascot

John Laner

2214 Mascot

Lamp Lane

6330 Elberta

Laura Shaffer

Elizabeth Shaffer

2202 Mascot

Mrs Helen L. Mc Ginnis

2222 Shelton

IMPORTANT MESSAGE

FOR Jack
DATE 4/23 TIME 3:25 ^{A.M.} ~~P.M.~~

WHILE YOU WERE AWAY

MR. Joe Magnus
OF _____
PHONE No. TE-8-5341

TELEPHONED	PLEASE CALL HIM
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE Called for supplies
for BZA 4-73

SIGNED Duby

April 18, 1973

Mr. Stan Hendrix, Chairman
Waco Finn Model Cities Council
2617 Wellington Place
Wichita, Kansas 67204

Dear Mr. Hendrix:

By the enclosed notice, this will advise you of a variance request filed in the Waco Finn Model Cities Council area. We would appreciate any comments you have on this request or if you desire, please feel welcome to attend the Board of Zoning Appeals meeting.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LS:rw
cc: Dean Smith, CDA Coordinator

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

April 13, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 4-73

An application has been filed by Steve Marks, 609 East Douglas, Wichita, Kansas, 67202, 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 18 feet, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lots 22 and 24, on Shelton Avenue, in Crawford's Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of Shelton and 21st Street.

This application has been assigned Case No. BZA 4-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 24, 1973, 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

17 notices to Property Owners sent 4.13.73
8 Notices sent to Plug. Comms "

BOARD OF ZONING APPEALS

CASE NO. 4-73

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant STEVE MARKS
Mailing Address 609 East Douglas ⁶⁷²⁰² Phone 263-9084
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce required front
yard setback from 25 feet to 18 feet
pursuant to 2.12.590.B
for property located 2201 Shelton

and legally described as: Lots 23 and 24, on Shelton
Avenue, in Crawford's Addition to 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.

STEVE MARKS
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals _____ (a.m. - p.m.), 3:15 19 73
together with appropriate fee of \$50.00.

Continued page 2

Lot	Block	Addition	Property Owner
W 100' of lots 1 & 3	1	Boyd's East Riverside Addition	✓ Charles T. Schoenhofer & Peggy H. Schoenhofer 7811 Pagent Lane Wichita, Kansas, 67206
2, 4, 6 & 8	1	"	✓ Juan Rubalcaba & Armandina Rubalcaba, 2304 Jackson Wichita, Kansas, 67204
10 & 12	"	"	✓ David Dirksen & Martha Agnes Dirksen, 2134 Shelton Wichita, Kansas, 67203
1, 3, 5, 7, 9 & 11, 2, 4, 6, 8, 10 & 12	2	"	✓ Board of Park Commissioners City Building, Wichita, Kansas, 67202

The Security Abstract and Title Company, Inc, hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 22 and 24, on Shelton Avenue, in Crawford's Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds of record in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 14th day of March, 1973 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable
Vice-President

Order No. 200005
ct

Form 25-321

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
BZA	450.00

Name

Address

Type

Due Date

Comments:

Date

By

March 14, 1972

By: [Signature]