

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

Case No. BZA 4-80 - Stephen G. Tillman - requests a variance to reduce south side line setback restriction from 6' to 4.3' to permit enclosure of existing screened porch and building.

200' CI 3-12-80
200' MAPD 3-12-80
200' 1/4 Sec 3-12-80
Record

POSTED
2-11-80

BZA
4-80

ACTION

COMMITTEE APPROVED DATE 2-26-80

M.A.P.C. _____

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

Case No. BZA 4-80 - Stephen G. Tillman - requests a variance to reduce south side line setback restriction from 6' to 4.3' to permit enclosure of existing screened porch and built-in

WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN

BZA 4-80



BAUGHMAN COMPANY, P.A.

SURVEYORS

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
County of Sedgwick)

SS

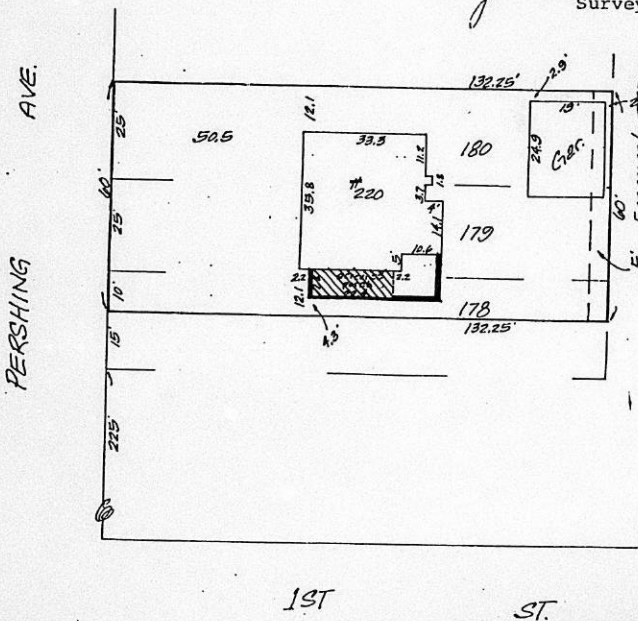
October 23, 1979

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 23rd day of November, 1979 survey the north 10 feet of Lot 178, all of Lots 179 and 180 on Pershing Avenue in East Lawn Addition to Wichita, Kansas.

On said lot is house No. 220 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

John E. Lundblade
Surveyor



BZA 4-80

March 10, 1980

Robert Hall, Attorney
P. O. Box 1179
Wichita, Kansas

Re: Case No. BZA 4-80
Request for Variance

Dear Mr. Hall:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1980, in connection with your request for a variance to reduce south side line setback restriction from 8' to 4.3' to permit enclosure of existing screened porch and building addition on property zoned the "A" Two-family Dwelling District and generally located on the East side of Pershing in an area between 1st and 2nd Streets (220 N. Pershing).

This Resolution reflects the official action of the Board to approve your request, and sets out the condition of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Stephen G. Tillman, 220 N. Pershing, Wichita
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 4-80

WHEREAS, Stephen G. Tillman, 220 N. Pershing, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce south side line setback restriction from 6' to 4.3' to permit enclosure of existing screened porch and building addition on property zoned the "A" Two-family Dwelling District and legally described as follows:

North 10 feet of Lot 178, Lot 179 and Lot 180 on Pershing Avenue in East Lawn Addition to Wichita, Sedgwick County, Kansas. Generally located on the East side of Pershing in an area between 1st and 2nd Streets (220 N. Pershing).

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 26, 1980, 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 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 inasmuch as the screened porch has existed for many years and its enclosure and the proposed new construction will maintain the same setback that presently exists; 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 the same feeling of open space that presently exists would not be substantially reduced; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the existing screened porch would have to be completely reconstructed to comply with the required 6' side yard just to reduce it 1.7'; 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 due to the fact that this 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 (Zoning Ordinance) inasmuch as the four previous conditions can 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 has been found to exist.

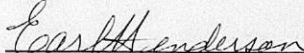
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce south side line set back restriction from 6' to 4.3' to permit enclosure of existing screened porch and building addition on property zoned the "A" Two-family Dwelling District and legally described as:

North 10 feet of Lot 178, Lot 179 and Lot 180
on Pershing Avenue in East Lawn Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the East side of Pershing between
1st and 2nd Streets (220 N. Pershing)


be approved subject to the following condition:

1. Approval shall be for only that area indicated on the submitted plot plan occupied by the existing screened porch and the additional 12.8' adjacent on the east.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

February 26, 1980

Robert Hall, Attorney
P. O. Box 1179
Wichita, Kansas

Re: Case No. BZA 4-80
Request for Variance

Dear Mr. Hall:

At the regular meeting of the Board of Zoning Appeals on February 26, 1980, your request for a variance to reduce the south side line setback restriction from 6' to 4.3' to permit enclosure of existing screened porch and building addition on property zoned "A" Two-family and generally located on the east side of Pershing in an area between 1st and 2nd Streets (220 N. Pershing) was considered.

It was the action of the Board to approve your request subject to the following condition:

1. Approval shall be for only that area indicated on the submitted plot plan occupied by the existing screened porch and the additional 12.8' adjacent on the east.

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.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Stephen G. Tillman, 220 N. Pershing, Wichita, Ks.

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 21, 1980

TO Glen Lytle, Special Assistant for Zoning
FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 4-80 (220 North Pershing)

CPO Council "C" cancelled its February 18 meeting at which the captioned case would have been discussed. Therefore, no CPO recommendation on the case will be available for the Board of Zoning appeals consideration on February 26.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:rs

Noted:

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

FEB 21 1980

METROPOLITAN PLANNING

ROUTE Lytle

RE: AGENDA ITEM NO 7

SECRETARY'S REPORT
CASE NO. BZA 4-80

APPLICANT: Stephen G. Tillman, 220 N. Pershing, Wichita, Kansas.

AGENT: Robert Hall, P. O. Box 1179, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce south side line setback restriction from 6' to 4.3' to permit enclosure of existing screened porch and building addition.

GENERAL LOCATION: East side of Pershing in an area between 1st and 2nd Streets (220 N. Pershing).

ZONING: Subject property is zoned "A" Two-family. Properties to the north, south, east and west are zoned "AA" Single-family.

LAND USE: Subject property is occupied by a single-family home as are all surrounding properties.

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).

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BZA AGENDA
2-26-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required sideyar setback adjacent to the south property line from 6' to 4.3' for a tract of land occupied by a single-family residence located on the east side of Pershing in an area between 1st and 2nd Streets.

The existing residence currently has an attached screened porch extending to a point 4.3' north of the south line of the applicant's property. The applicant states that the porch was built at the time the residence was constructed, approximately forty-five to fifty years ago. He now seeks to enclose the screene porch presently existing and to additionally enclose, by new construction on the east end of said porch, an area of approximatel 12.8' x 12.8'.

UNIQUENESS:

It is the opinion of the Secretary that this may be somewhat of a unique situation inasmuch as the screened porch has existed for many years and its enclosure and the proposed new construction will maintain the same setback that presently exists.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners or residents inasmuch as the same feeling of open space that presently exists would not be substantially reduced.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicant inasmuch as the existing screened porch would ha to be completely reconstructed to comply with the required 6' side yard just to reduce it 1.7'.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as this request is interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the Board can deter that the four previous conditions can be found to exist, the granti of the variance would not be opposed to the spirit and intent of the zoning ordinance.

RECOMMENDATION:

If the Board finds all five of the conditions necessary for th granting of a variance to exist, it is the recommendation of the

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BZA 4-80
2-26-80

Secretary that the variance be approved subject to the following condition:

1. Approval shall be for only that area indicated on the submitted plot plan occupied by the existing screened porch and the additional 12.8' adjacent on the east.

BZA CASE NO. 480

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

26 NOTICES SENT TO ADJOINING PROPERTY OWNERS

38 TOTAL NOTICES SENT 2-6-80

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 4-80

An application has been filed by Stephen G. Tillman, 220 North Pershing, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce south side line set back restriction from 6' to 4.3' to permit enclosure of existing screened porch and building addition on property zoned the "A1" ~~One~~-family Dwelling District and legally described as follows: ~~two~~

North 10 feet of Lot 178, Lot 179 and Lot 180
on Pershing Avenue in East Lawn Addition to
Wichita, Sedgwick County, Kansas. Generally
located at 220 North Pershing.

This application has been assigned case No. BZA 4-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 26, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 4-80

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Stephen G. Tillman

Mailing Address 220 North Pershing Phone 686-3362

Name of Authorized Agent Robert Hall

Mailing Address P. O. Box 1179 Phone 262-3723

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce south side line set back
restriction from 6 feet to 4.3 feet to permit enclosure of existing

screened porch and building addition as outlined in red on plat
attached. (See addendum attached.)
for property located 220 North Pershing, Wichita, Kansas

and legally described as: north 10 feet of Lot 178, Lot 179

and Lot 180 on Pershing Avenue in East Lawn Addition to

Wichita, Kansas

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

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Stephen G. Tillman
Applicant

Robert Hall
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 1:30 (a.m. - p.m.), JAN 28 19 80 together with appropriate fee of \$50.00.

T9-402

[Signature]
Signed

ADDENDUM STATEMENT

Applicant makes this statement to support and justify the variance hereby requested. The Wichita Municipal Code Section 28.04.040A2.2 provides for a side yard on each side of a major building or additions to major buildings of not less than 6 feet in width. The existing residence currently has an attached screened porch extending to a point 4.3 feet north of the south line of applicant's property. This screened porch was built at the time the residence was constructed, approximately forty-five to fifty years ago.

Applicant seeks to enclose the screened porch presently existing and to additionally enclose, by new construction on the east end of said screened porch, an area of approximately 12.8 feet x 12.8 feet.

The variance requested arises from a unique situation regarding the existing structure and the desire to further utilize such existing structure, and was not created by any action or actions of the applicant.

The granting of the permit for the variance will not adversely affect the right of adjacent property owners or residents as the proposed use by the owner will not cause any structure to be placed upon the property which will further encroach upon the south property line.

Unless the variance sought in this application is granted, Title 28 of the Code of the City of Wichita shall impose an unnecessary hardship upon the applicant.

The variance requested herein will not adversely affect the health, safety, morals, order, convenience, prosperity or general welfare of adjacent property owners or the public in general.

Applicant submits that the granting of the variance herein requested will not be contrary to the general spirit and intent of Title 28 of the Code of the City of Wichita.

In accordance therewith, applicant submits that this application will meet the requirements of Section 2.12.590B of the Code of the City of Wichita.

WILLIAM L. KORBER

JOHN E. LUNDBLADE

JAMES E. JORDAN



BAUGHMAN COMPANY, P.A.

SURVEYORS

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

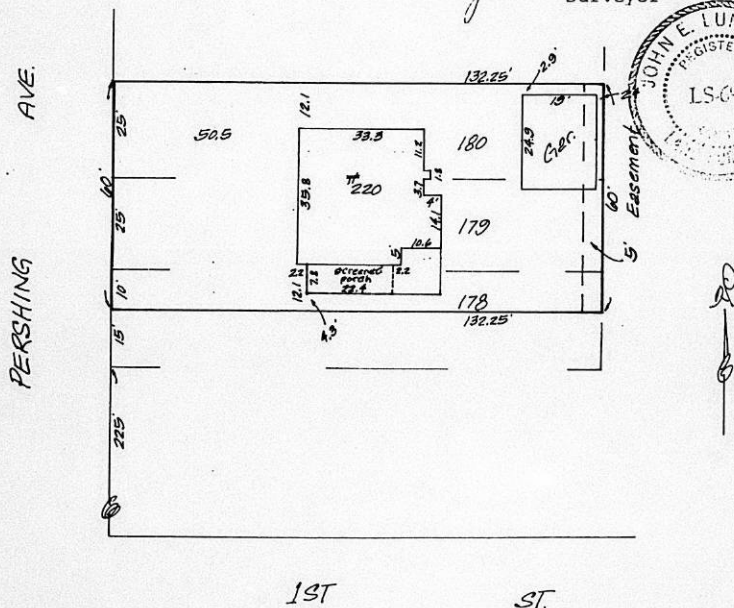
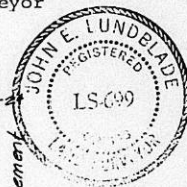
October 23, 1979

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 23rd day of November, 1979 survey the north 10 feet of Lot 178, all of Lots 179 and 180 on Pershing Avenue in East Lawn Addition to Wichita, Kansas.

On said lot is house No. 220 with a detached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

John E. Lundblade
Surveyor



OWNERSHIP LIST

Lot	Addition	Property Owner
lots 5,6,7,8 Pershing	Pershing Terrace Addition	✓ Andrew John Focht and Joyce Chappell Focht 245 North Pershing 67208
lots 9,10,11,12 Pershing	Same	✓ Stephen K. Lester and Pamela M. Lester 235 North Pershing 67208
lots 13 and 14 N½ lot 15, Pershing	Same	✓ Mildred V. Burnham 229 North Pershing 67208
S½ lot 15, all lots 16 and 17 Pershing	Same	✓ David E. Norris and Anne M. Norris 211 North Pershing 67208
lots 18,19,20 Pershing	Same	✓ Lois M. Tasset 207 North Pershing 67208
lots 21,22,23, Pershing	Same	✓ Bruce B. Fitts and Bonita McMillan Fitts 205 North Pershing 67208
lot 55 and S 5' lot 56, Dellrose	East Lawn Addition	✓ James S. Crawford Jr. and Nan Crawford 208 North Dellrose 67208
north 20 ft lot 56, all lot 57, south 15 ft lot 58, Dellrose	Same	✓ Walter I. Androes and Jo Ellen Androes 212 North Dellrose 67208
north 10 ft lot 58, lots 59 & 60 Dellrose	Same	✓ Roger J. Nyenhuis and Sharon May Nyenhuis 216 North Dellrose 67208
lots 61,62 and S 10 ft lot 63 Dellrose	Same	✓ Laurence S. O'Hara and Grace L. O'Hara 6302 East 9th St. 67208
north 15 ft lot 63, Dellrose	Same	✓ Robert D. Fulks & Sue A. 224 North Dellrose 67208
lot 125 Dellrose	Same	✓ Eddie F. Quinn & B. Joette 251 North Dellrose 67208
lots 126,127 and N 12½ ft lot 128 Dellrose	Same	✗ Estate of Lee M. Rumph deceased
South 12½ ft lot 128, all 129 & 130, Dellrose	Same	✓ Francis Dean Severt and Patricia J. Severt 235 North Dellrose 67208

Lot	Addition	Property Owner
lots 131,132 N 12½ ft lot 133, Dellrose	East Lawn Addition	✓ William P. D. Wilson Jr. Patricia G. Wilson 231 North Dellrose 67208
S 12½ ft lot 133, all lots 134 & 135 Dellrose	Same	✓ Lloyd Edison Arnold and Shirley Ana Arnold 215 N. Dellrose 67208
lots 136 and 137, Dellrose	Same	✓ Wilbur C. Skaer and Virginia Skaer 211 N. Dellrose 67208
lots 138 & 139 Dellrose	Same	✓ Lee H. Woodard & Nancy H. 207 N. Dellrose 67208
lots 140 & 141 Dellrose	Same	✓ Loren W. Anderson & Mary P. 205 North Dellrose 67208
lots 142 & 143 Dellrose	Same	✓ Claude E. Mann & Alma F. 201 North Dellrose 67208
north 15 ft lot 171, all lots 172,173,174,175 Pershing lot 176 except beg. at NE corner, thence south 17 ft, thence west 23 ft, thence S 2 ft, thence west to west line said lot 176 thence north to NW corner said lot, thence east to beginning	Same	✓ John Robert Barrier and Mary Ellen Barrier 216 North Pershing 67208
lot 170 and South 10 ft lot 171 Pershing	East Lawn Addition	✓ Martin E. Updegraff & Cheri M. 200 North Pershing 67208
The south 15 feet of lot 178, all of lot 177 and that part of lot 176 described as: Beg. at the NE corner of said lot, thence south 17 feet, thence west parallel to the north line of said lot 23 feet; thence south 2 feet; thence west parallel to north line of said lot to west line thereof; thence north to NW corner of said lot; thence East to pob; all on Pershing Avenue in East Lawn Additionto Wichita		✓ Fred E. Meisinger and Dorothy C. Meisinger 218 North Pershing 67208

Lot	Addition	Property Owner
north 10 ft lot 178, all lots 179,180 Pershing	East Lawn Addition	Stephen G. Tillman and Nancy J. Tillman 220 North Pershing 67208
lots 181,182 S 10 ft lot 183, Pershing	Same	Joseph C. Lukens II and Susan Fischer-Lukens 230 N. Pershing 67208
N 15 ft lot 183 all lot 184, S 20 ft lot 185 Pershing	Same	James G. Beasley and Mary J. Beasley 236 N. Pershing 67208
N 5 ft lot 185 all 186,187 S 5 ft lot 188 Pershing	Same	William M. Nye and Marvel M. Nye 240 N. Pershing 67208
N 20 ft lot 188 Pershing	Same	R. P. Buchan & Zelda M. 244 N. Pershing 67208

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: The north 10 feet of lot 178, all of lots 179 and 180 on Pershing, East Lawn Addition to Wichita

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 15th day of January, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 284772
wh

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 021 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec.	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY BZA CASE	100.00

NAME STEPHEN TILLMAN

ADDRESS 220 N. PERSHING WK.

FUND 13-01-010-40071-003-01-000

DUE DATE

COMMENTS

DATE 11-4-80

BY [Signature]