

BZA 5-66 - Dave Stucker & Kenron  
Awning & Window Corp. request vari-  
ance of setback lines at 2420 Som-  
erset

Ron

Bza 3-22-66-App

5350

R E S O L U T I O N   N O .   B Z A   5 - 6 6

WHEREAS, Dave Stucker, 1019 East Second, Wichita, Kansas, as agent for Kenron Awning and Window Corporation, 1019 East Second, Wichita, Kansas, requests a variance of a side yard setback from the required 6 feet to 5 feet, pursuant to section 2.12.590.2, Code of the City of Wichita, so that a portion of the required setback area may be utilized in the construction of a carport, on property zoned "AA" Single family residential, and legally described as:

Lot 7, Block 2, Builders 7th Addition, in the City of Wichita, Sedgwick County, Kansas.  
Generally located on the east side of Somerset in an area between 24th and 25th Streets North;  
and

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, in regular meeting, consider said application on March 22, 1966; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such 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 homes in this area were all constructed with somewhat the same side yard setbacks, 9 feet on one side and 15 feet on the other, which creates a problem for the homeowner in attempting to construct a usable garage or carport on one side without violating the setbacks as required in the ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect adjacent property owners or residents inasmuch as it is for only one foot and a 5-foot side yard setback would still exist; further, the house to the north is 9 feet from the property line and this would still provide 14 feet between structures; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented inasmuch as the driveway already exists in this location and the only logical place on the lot for a carport is adjacent to the north side of the house; 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 an adequate side yard of 5 feet would still be provided; and

WHEREAS, the Board of Zoning Appeals has determined that the variance desired will not be opposed to the general spirit and intent of Title 28, Code of the City of Wichita.

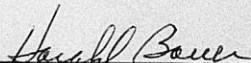
WHEREAS, each of the five conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the request for a variance of the side yardsetback requirement from 6 feet to 5 feet, on property legally described as:

Lot 7, Block 2, Builders 7th Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Somerset in an area between 24th and 25th Streets North,

be approved, provided, however, that there shall be no eave or overhanging of roof line into the 5-foot side yard and, further, that the variance be granted for only that portion necessary for the construction of the carport, more specifically described as follows: Beginning at the northwest corner of the house; thence north 10 feet; thence east 35 feet; thence south 20 feet; thence west to the east side of the house.

DATED AT WICHITA, KANSAS, this 22nd day of March, 1966.

  
Harold Bauer, Chairman

ATTEST:

  
Robert A. Lakin  
Assistant Secretary

April 25, 1966

Mr. Dave Stucker  
Kenron Awning & Window Corporation  
1019 East Second  
Wichita, Kansas

Dear Mr. Stucker:

Re: Case BZA 5-66 - Request for a  
variance of side yard setback  
requirements

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the above numbered case, which was heard by the Board on March 22, 1966, which Resolution has been signed by the Chairman and Secretary.

As indicated in our letter of March 25, 1966, we are enclosing a copy of this Resolution for your information and files. A copy has also been provided the Central Inspection Division, and you may now obtain the appropriate permit from that Division with respect to the construction of a carport on property generally located on the east side of Somerset in an area between 24th and 25th Streets north.

Very truly yours,

Robert A. Lakin  
Assistant Secretary

RAL:W:ber  
Enclosure

cc: Glen Lytle, Superintendent  
of Central Inspection

Ralph Eberly  
City Clerk

March 25, 1966

Mr. Dave Stucker  
Kenron Awning & Window Corporation,  
1019 East Second  
Wichita, Kansas

Dear Mr. Stucker:

Re: Case BZA 5-66 - Request for a variance of side yard setback requirements on property generally located on the east side of Somerset in an area between 24th and 25th Streets North

At its regular meeting on March 22, 1966, the Board of Zoning Appeals considered the above-captioned variance request. The action of the Board was to grant the variance of the side yard setback from the required 6 feet to 5 feet, provided, however, that there shall be no eave or overhang of roof line into the 5-foot side yard and, further, that the variance be granted for only that portion necessary for the construction of the carport.

A Resolution setting forth the official action of the Board will be prepared and mailed to you as soon as possible.

If you have any question concerning this matter, please call.

Very truly yours,

Robert A. Lakin  
Assistant Secretary

RAL:EW:ber

cc: Glen Lytle, Superintendent  
of Central Inspection

Ralph Eberly  
City Clerk

SECRETARY'S REPORT

CASE NO. BEA 5-66

APPLICANT: Kenron Awning & Window Corporation, 1019 East Second

AGENT: Dave Stucker, 1019 East Second

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the side yard setback along the north property line of property in an "AA" Single family dwelling district from 6 feet to 5 feet.

ZONING: Subject property and all surrounding property is zoned "AA"

LAND USE: Existing on subject property and all surrounding property is single family.

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).

COMMENTS BY THE SECRETARY

The applicant states in his letter of justification that he intends to construct a carport adjacent to the north side of his home. The proposed carport is 10 feet in width and the distance between the

side property line and the house is 15 feet. In the "AA" district, the required minimum side yard is 6 feet and, therefore, the 10-foot carport would reduce the required setback to 5 feet, one foot in violation.

A 10-foot width for the carport would provide better circulation for getting into, out of and around a vehicle.

#### UNIQUENESS

It is the opinion of the Secretary that this is a unique situation in that the homes in this area were all constructed with somewhat the same side yard setbacks. Generally speaking, 9 feet is provided on one side and 15 feet on the other. This creates a problem for the homeowner in attempting to construct a usable garage or carport on one side without violating the setbacks as required in the ordinance.

It should be pointed out that if the homes were originally built 6 feet from the one side property line instead of 9 feet, this problem would not exist. The applicant is not proposing to overbuild on this lot, but is caught in a situation with too great a setback on one side and not quite enough on the other.

#### ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of this variance would not adversely affect the adjacent property owners inasmuch as it is for only one foot and a 5-foot side yard setback would still exist. Also, the house to the north is 9 feet from the property line and this would still provide 14 feet between structures.

#### HARDSHIP

It is the opinion of the Secretary that the applicant would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the driveway already exists in this location and the only logical place on the lot for a carport is adjacent to the north side of the house.

#### PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on the public interest inasmuch as an adequate side yard of 5 feet would still be provided.

Page 3 - Case No. BZA 5-65  
Secretary's Report

SPIRIT AND INTENT

It is the opinion of the Secretary that the variance request is not opposed to the spirit and intent of the zoning ordinance.

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all five conditions necessary to the granting of the variance of the 6-foot side yard setback have been found to exist and, therefore, it is recommended that the side yard variance from 6 feet to 5 feet along the north property line be granted for only that portion necessary to construct the carport.

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

February 25, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 5-66

An application has been filed by Dave Stucker, 1019 E. Second, Wichita, Kansas, and Kenron Awning and Window Corporation, 1019 East Second, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting variance of setback requirements from 6 feet to 5 feet adjacent to the north property line, on property zoned "AA" and legally described as follows:

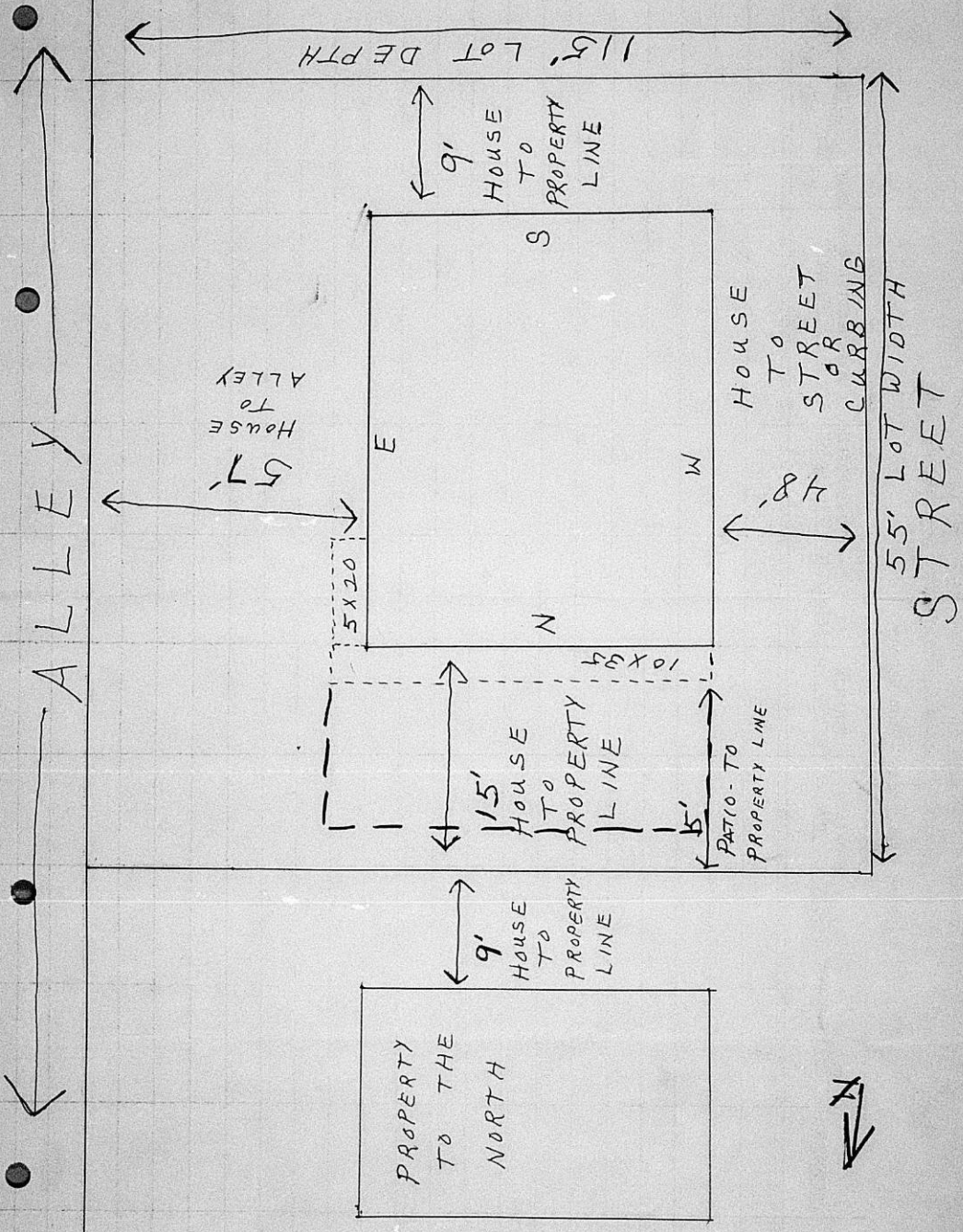
Lot 7, Block 2, Builders 7th Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Somerset in an area between 24th and 25th Streets North.

This application has been assigned Case No. BZA 5-66, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 22, 1966, at 2 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

28 Notices Mailed 2-28-66 + 7 to P.C.

PHINAS CAREY  
2420 SOMERSET



ALLEY

115' LOT DEPTH

57'  
HOUSE  
TO  
ALLEY

5x20

E  
S  
N  
W

9'  
HOUSE  
TO  
PROPERTY  
LINE

HOUSE  
TO  
STREET  
CURBING

48'

55' LOT WIDTH  
STREET

15'  
HOUSE  
TO  
PROPERTY  
LINE

10x50

5'  
PATIO-TO  
PROPERTY LINE

9'  
HOUSE  
TO  
PROPERTY  
LINE

PROPERTY  
TO THE  
NORTH



BOARD OF ZONING APPEALS

CASE NO. 5-66

CITY OF WICHITA, KANSAS

FILED 2-23-66

**APPLICATION FOR VARIANCE**

1. Name of Applicant Kenron Awning and Window Corporation  
 Mailing Address 1019 East Second Phone AM4-7311  
 Name of Authorized Agent Dave Stucker  
 Mailing Address 1019 E. 2nd Phone am47311  
 Relationship of applicant to property is that of Contractor  
 (owner, tenant, lessee, other)

II. The variance requested is that we install a patio cover on the North  
side of the house (open on all sides) to be within 5 ft. of the property  
line instead of 6 ft. of the property line.

for property located 2420 Somerset -- Wichita, Kansas  
E & of Somerset in an area between 24th & 25th  
 and legally described as: Lot 7 Block 2 Builders 7th Addition  
to City of Wichita--Sedgwick County Kansas.

in the City of Wichita; and which is presently zoned residential <sup>AA</sup>  
 (Give metes and bounds description below if appropriate):

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 here-with tendered;
- c. That he has been advised of his right to appeal of the deci-sion of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

KENRON AWNINGS AND WINDOW CORPORATION

Applicant

Dave Stucker  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,  
4:15 (a.m. ~~(p.m.)~~), 2-23, 1966, together with  
 appropriate fee of \$50.00.

Jack Galbreath, S.P.  
 Signed (ma)



# Kenron

AWNING & WINDOW CORPORATION

MANUFACTURERS AND DISTRIBUTORS

1019 EAST 2nd STREET  
WICHITA, KANSAS  
AM 4-7311

February 25, 1966

WE DESIRE A VARIANCE FROM 6 Feet to 5 feet and offer the following as justification of the 5 required conditions:

1. That a unique condition arises in that the existing dwelling is located 15 feet from the North property line and the car port to be installed is 10 feet in width making it necessary for the 1 foot variance.
2. There will be no adverse affects as the car port will be open rather than enclosed.
3. The strict application of the ordinance will constitute a hardship on the owners as they do not have a garage and desire to keep their car under a roof.
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but rather will be a benefit to the neighborhood.
5. That the degree of variance request is not opposed to the spirit and intent of the zoning ordinance.



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CLEVELAND • DAYTON • COLUMBUS • YOUNGSTOWN • MANSFIELD • INDIANAPOLIS • OMAHA • SYRACUSE • ROCHESTER



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Builder's 7th contd.  
Block 2.

Beg. SW/cor. Lot 11,  
N 55.9', E to pt. on  Administrator of Veterans Affairs,  
E/1 60' N of SE/cor, 5500 East Kellogg  
S 60' to beg.

Beg. 60' N of SE/cor  
Lot 11, N 60', W 105',  Donald R. Whitesell and Wilma Jean  
o pt on W/1 Lot 11, 2407 Garland  
115.9' N of SW/cor  
Lot 11, S. 60', E  
105' to beg.

Block 3.

Lot 11  Charles M. Hund and Anna Mae  
2401 Somerset

Lot 12  Julius J. Freund and Kathryn  
2407 Somerset

Lot 13  Donald H. Smith and Rita M.  
2413 Somerset

Lot 14  Lester Black and Betty J.  
2419 Somerset

Lot 15  James L. Overman and E. Kathleen  
2425 Somerset

Lot 16  Jesse Chavez and Evangeline S.  
2431 Somerset

Lot 17  Edna Pumphrey and J. Brooks  
2437 Somerset

Gray Addition

Lot 8  Val Berry and Lola  
2406 Garland

Lot 9  Charles W. Platt and Mirian M.  
2412 Garland

Lot 10  Roy E. Feedback and Elizabeth Irene  
2418 Garland

Lot 11  Elbert B. Lister and Elsie Marie  
2424 Garland

Lot 12  Donald E. Trant and Norma L.  
2430 Garland *Notice Returned*

28

WITNESS our Hand and Seal this the 24th day of February, 1966  
at 7:00 o'clock A.M.

CALLAHAN GUARANTEE TITLE CO. Inc.,  
By *Nellie M. Pectinger*  
Vice-President.

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	<u>Plan.</u>	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Application	
Law Insurance	\$50.00

Name: Karen Fleming & Windeed  
 Address: 1019 East Second  
 Type: R-712 Due Date: \_\_\_\_\_  
 Comments: \_\_\_\_\_  
 Date: 2-23-66 By: M. A. Armitage

**THE CITY OF WICHITA, KANSAS**  
 BOARD OF ZONING APPEALS  
 104 SOUTH MAIN  
 WICHITA, KANSAS 67202

EH 582  
 403  
 3-1-66

Moved, left no address  
 No such number  
 Moved, not forwardable  
 Addressee unknown

Do old E. Trant and Norma L.  
 2430 Garland  
 Wichita, Kansas

5-66

WICHITA MAR 2 1966 KANS.

WICHITA FEB 28 1966 KANS. PD. 618092 U.S. POSTAGE 05

RECEIVED MAR 8 1966 METROPOLITAN PLANNING

RETURN TO WRITER