

BZA 7-69 - Marvin E. Turner requests
variance of rear yard setback on
property zoned "AA" and located on
SE corner Alturas and Washington.

POSTED
5-1-69
MAPP
CI

ACTION

BZA COMMITTEE Approved DATE 5-27-69
M.A.P.C. _____
B.C.C./B. CO. C. _____

Map No. 5543
Sec. 9
Twp. 28
Range 1E

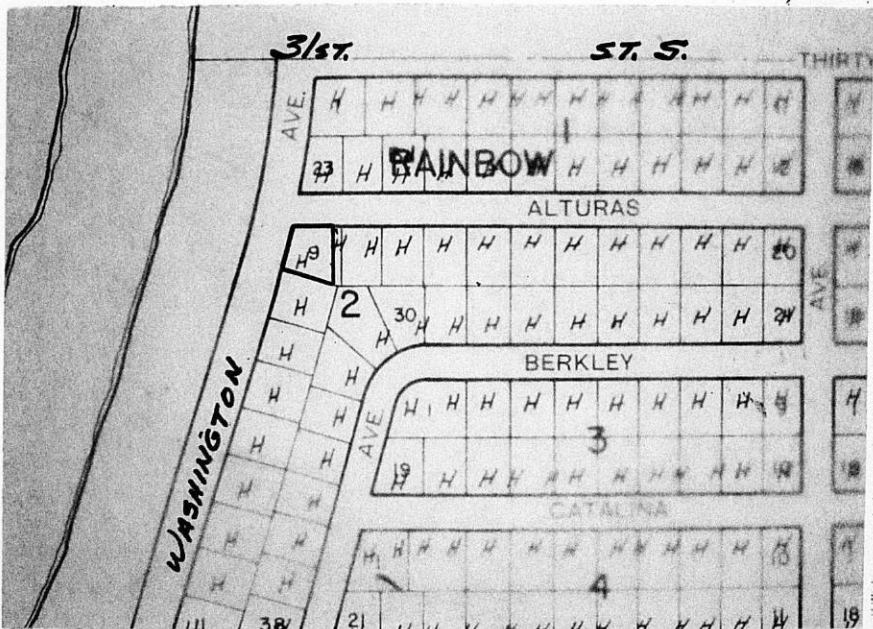
DZA 7-69
SCZ-
CU-
Filed

AREA DATA:

1. Acres: 0.1 (86 ft. by 91 ft.)
2. Adjoining Zoning: E S W N
3. Land Use: East SINGLE FAM South SINGLE FAM
West ARKANSAS RIVER North SINGLE FAM
4. Sketch Plan Land Use is for:
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by Date Time



RESOLUTION NO. BZA 7-69

WHEREAS, Marvin E. Turner, 3302 South Washington, Wichita, Kansas, by Allied Building Contractors, Inc., 640 North Main Street, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard setback from 20 feet to 7 feet adjacent to the east property line on property zoned "AA" Single Family, and legally described as follows:

Lot 9, except East 18 ft., in Block 2, Rainbow First Addition, Wichita, Sedgwick County, Kansas.
Generally located on the southeast corner of Alturas and Washington.

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 May 27, 1969, 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 property is located on a corner lot and if the house were faced to the north only a 6 foot side yard would be required adjacent to the east property line; 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 sufficient space would still exist between structures for light and air; 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 applicant would be deprived of additional facilities which are needed so as to provide better living conditions for his family; 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; 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 application does meet the four previous requirements; 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 been found to exist.

Resolution No. BZA 7-69
Page 2

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 rear yard setback from 20 feet to 7 feet adjacent to the east property line on property zoned the "AA" Single Family District and legally described as:


Lot 9, except East 18 ft., in Block 2, Rainbow First Addition, Wichita, Sedgwick County, Kansas.
Generally located on the southeast corner of Alturas and Washington.

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

June 6, 1969

Mr. Marvin E. Turner
3302 South Washington
Wichita, Kansas 67216

Subject: BZA 7-69 - Request for
Variance

Dear Mr. Turner:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1969, in connection with your request for a variance to reduce the rear yard setback from 20 feet to 7 feet adjacent to the east property line on property zoned "AA" Single Family, located at the southeast corner of Washington and Alturas.

This Resolution reflects the official action of the Board to approve 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:so

Attachment

cc: Mr. Harold Perry, Allied Bldg. Contractors, Inc., 640 N. Main
Mr. Laurence S. Holmes, 455 North Main
Mr. Robert B. Feldner, Supt. of Central Inspection
Mr. Ralph Eberly, City Clerk

May 28, 1969

✓ Mr. Marvin E. Turner
3302 South Washington
Wichita, Kansas 67216

Subject: BZA 7-69 - Request for
Variance

Dear Mr. Turner:

At the regular meeting of the Board of Zoning Appeals on May 27, 1969, your request for a variance to reduce the rear yard setback from 20 feet to 7 feet adjacent to the east property line on property zoned "AA" Single Family, located at the southeast corner of Washington and Alturas, was considered.

It was the action of the Board to approve the request.

A resolution setting forth the official action of the Board is being prepared and will be forwarded to you as soon as the signatures of the Chairman and the Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:SM

cc: Mr. Harold Perry, Allied Bldg. Contractors, Inc. 640 N. Main,
Wichita, Kansas 67214
Mr. Laurence S. Holmes, 455 Brown Bldg., Wichita, Ks. 67202
Mr. Robert B. Feldner, Supt. of Central Inspection
Mr. Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 7-69

APPLICANT: Marvin E. Turner, 3302 South Washington, Wichita, Kans.

AGENT: Allied Bldg. Contractors, Inc. 640 North Main Street,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required rear yard
setback from 20 feet to 7 feet adjacent to the east
property line.

GENERAL LOCATION: Southeast corner of Alturas and Washington.

ZONING: Subject property is zoned "AA" Single-family as are all
surrounding properties.

LAND USE: Subject property is occupied by a single family resi-
dence as are those properties to the north, south and
east with the Arkansas River to the west.

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 ordinari-
ly 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 ad-
versely affect the rights of adjacent property owners or resi-
dents.
3. That the strict application of the provisions of Title 28 of
which variance is requested will constitute unnecessary hard-
ship 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 requesting a variance to reduce the required rear yard setback adjacent to the east property line from 20 feet to 7 feet. The existing residence is located on a corner lot and the area into which any addition can be added is very limited due to a 25 foot front yard setback being required from both streets.

The applicant, in his statement of justification, points out that he is requesting the variance in order to provide an additional bedroom, bathroom and a basement recreational room. This will provide the space needed by his family which has increased over the years and has outgrown the original structure.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the applicant's property occupies a corner lot and if the house were faced to the north only a 6 foot side yard would be required adjacent to the east property line.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent properties in that sufficient space would still exist between structures for adequate light and air.

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 applicant would be deprived of additional facilities which are needed so as to provide better living conditions for his family.

Page 3 - Secretary's Report
Case No. BZA 7-69

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 application does meet the four previous requirements.

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 recommended that the variance be granted to reduce the rear yard setback from the east property line from 20 feet to 7 feet.

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

May 7, 1969

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 7-69

An application has been filed by Marvin E. Turner, 3302 South Washington, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required rear yard setback adjacent to the east property line from 20 feet to 7 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 9, except the east 18 feet, in Block 2, Rainbow First Addition to Wichita, Sedgwick County, Kansas.
Generally located on the southeast corner of Alturas and Washington.

This application has been assigned Case No. BZA 7-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 27, 1969, 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

*24 Notices
mailed 5-7-69*

APPLICATION FOR VARIANCE

I. Name of Applicant Marvin E. Turner
Mailing Address 3302 So. Washington -67216 Phone Ly 1-4406
Name of Authorized Agent Allied Bldg. Centre, Inc.
Mailing Address 640 No. Main St. 2nd fl. -67214 Phone AM 7-5367
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other)

II. The variance requested is reduction of 20' rear yard setback to 7 feet.

for property located SE corner of Arthur + Washington

and legally described as: Lot 9, except the East 18' thereof, Block 2, Pinko 1st Add.

in the City of Wichita; and which is presently zoned AA.
(Give metes and bounds description below if appropriate):

See legal description

- 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 appeal of the decision 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.

Marvin Turner
Mary Turner
Applicant
Allied Bldg. Centre, Inc.
Authorized Agent
Ray A. Perry

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
1:00 ~~(P.M.)~~ (P.M.), 4-29, 1969, together with appropriate fee of \$50.00.

H. L. Shirkley
Signed Planner II J

SURVEYS FOR
CITY LOTS
BUSINESS PROPERTIES
FARMS
OIL WELLS
SUBDIVISIONS

OFFICE OF
CLYDE M. BAUGHMAN
Civil Engineer & Surveyor
Registered Professional Engineer

TOPOGRAPHICAL MAPPING
DRAINAGE
CITY PLATS AND MAPS
CITY PLAT BOOK

252 EAST BELLEGG

WICHITA 2, KANSAS

PHONE 67-741

State of Kansas

25 November, 1954

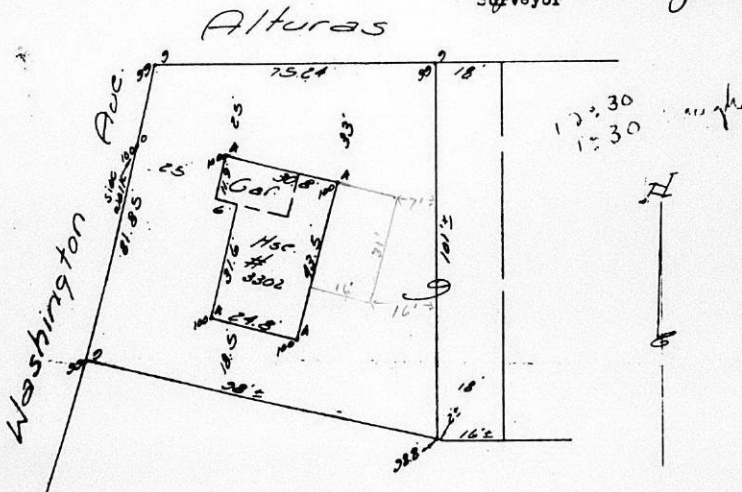
County of Sedgwick

I, Clyde M. Baughman, Surveyor in aforesaid county and state do hereby certify that I did on this 25th day of November, 1954, survey lot 9, except the east 18 feet thereof, block 2, Rainbow First Addition to Wichita, Kansas.

On said lot is house number 3302 with attached 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 mortgage title insurance. Referring to VA letter 4052-4B, Serial #67, the above property is built in accordance with approved drainage principles.

Clyde M. Baughman
Surveyor



BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant _____

Mailing Address _____ Phone _____

Name of Authorized Agent _____

Mailing Address _____ Phone _____

Relationship of applicant to property is that of _____
(owner, tenant, lessee, other)

II. The variance requested is _____

for property located _____

and legally described as: _____

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

(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 herewith tendered;
- c. 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;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Marvin Sumner

Mary Sumner
Applicant

Richard Kelly Curtis, Jr.
Authorized Agent
by Hal Perry

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

City of Wichita
Board of Zoning Appeals

April 29, 1969

To whom it may concern;

@ I feel 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; because of the shape of the lot and that it is located on a corner, and the adjoining streets, which have caused the lot to be shaped so peculiar as to limit the normal amount of footage, and all the adjacent properties do not have this condition, and would have the proper amount of footage permitting a room addition of this size to be built.

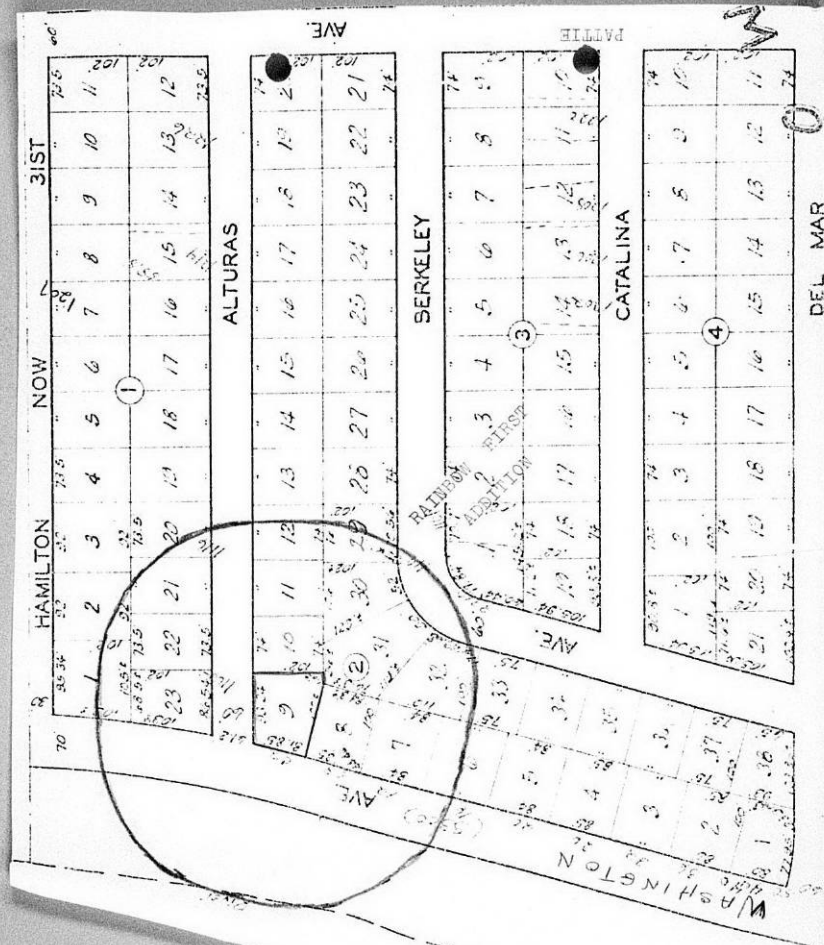
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; because in addition to the seven (?) foot set-back there is eighteen foot setback at the rear (east) and eighteen feet on the south, and twenty five feet on the North.
- C. The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardships upon the property owner represented in the application; because there is need for an addition bedroom, bathroom, and a basement, and a recreational room due to the size of their family, and their desire to remain in this location without having to buy in a higher rent and tax area.

III

- d) ~~That~~ It is the opinion of the Applicant and the Authorized Agent that the variance desired will not adversely affect the public health, safety, morals, order, conveniences, prosperity, or general welfare; and
- e) that granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance)

Thank You

cc: Bill Carter, Inc.
By Harold Perry

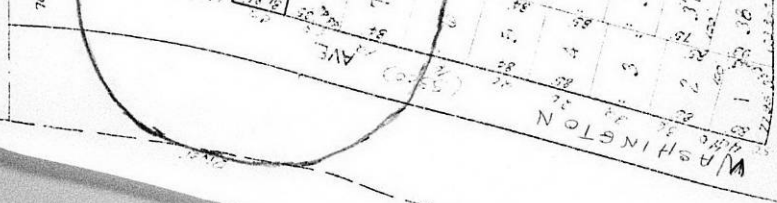


HAMILTON			NOW					31ST		
1	2	3	4	5	6	7	8	9	10	11
12	13	14	15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	31	32	33

ALTURAS										
1	2	3	4	5	6	7	8	9	10	11
12	13	14	15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	31	32	33

SERKELEY										
1	2	3	4	5	6	7	8	9	10	11
12	13	14	15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	31	32	33

CATALINA										
1	2	3	4	5	6	7	8	9	10	11
12	13	14	15	16	17	18	19	20	21	22
23	24	25	26	27	28	29	30	31	32	33



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property located within a radius of 200 ft of:
 Lot 9, except East 18 ft., in Block 2, Rainbow
 First Addition, Wichita, Sedgwick County, Kansas.

OK for legal


 Fidelity
 Title
 Company,
 Inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
		<u>RAINBOW FIRST</u>	
1	1		✓ Grant I. Gates & Elsie S. Gates, ux 815 N. Erie 67214
2 (W 61')	1		✓ Charles R. King & Audrey B. King, ux 1105 E 31st St. S. 67216
2 (E 31')	1		✓ Donald T. Jepsen & Betty Lee Jepsen, ux 1109 E. 31st St. S. 67216
20 (E 58.8')	1		✓ Adm. of Veterans Affairs 5500 E. Kellogg 67218
20 (W 14.7') & E 44.1' of 21	1		✓ Lawrence P. Manny & Kathleen A. Manny, ux 1116 Alturas 67216
21 (W 29.4') & E - 29.4' of Lot 22	1		✓ David Wong & Phyllis B. Wong, ux 67216 1112 Alturas



LOT	BLK	ADDITION	OWNER
22 (W 44.1' & E 14.7' of Lot 23)	1	<u>RAINBOW FIRST</u>	✓ Federal National Mortgage Association Washington, D. C.
23 (exc E 14.7')	1		∅ Fed. Natl. Mtg. Assoc.
6 (S 48')	2		✓ Duane Compton & Jane Compton, ux 3320 S. Washington 67216
6 (N 36' & S 30' of 7)	2		✓ Marie Dyer, sgle. 3316 S. Washington 67216
7 (N 54' & S 12' of 8)	2		✓ Marvin Louis Jones, Jr. & Barbara K. Jones, ux 1819 Wassall 67216
8 (exc S 12')	2		✓ Frances J. Dugan 3308 S. Washington 67216 <i>Return 5-12-69</i>
9 (exc E 18')	2		✓ Marvin E. Turner & Mary Agnes Turner, ux 3302 S. Washington 67216
9 (E 18' & W 42' of 10,)	2		✓ Verl D. Eckman & Betty M. Eckman, ux 1107 Alturas 67216
10 (E 32' & W 28' of 11)	2		∅ Adm. of Veterans Affairs 5500 E. Kellogg 67218
11 (E 46' & W 14' of 12)	2		✓ Ignatius Unrein & Hedwig Unrein, ux 1117 Alturas 67216
12 (exc W 14')	2		x Harold L. Ragland & Ida Ragland, ux No Address Available

Dated at Wichita, Kansas this 29th day
of April, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elsie M. Farrell Sec. OEM

Tracer # 94370

Form 277-321

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		

150.00

DESCRIPTION AMOUNT

B3 A application

Name _____

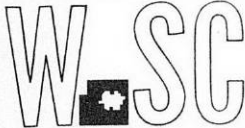
Address 3302 So Washington

Type R71C Due Date _____

Comments: _____

Date 4-29-69 By Joyce Smith

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



REASON CHECKED

Unclaimed Refused

Unknown

Insufficient address

Moved, Left no address

No sure post office in state

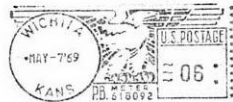
Do not return in this envelope

Viola, Mo. 67149

Frances J. Dugan

3308 S. Washington

Wichita, Kansas 67216



Important! Notice of Hearing Enclosed