

BZA 11-70 - Jen Rentals, Inc. request
VARIANCE to reduce rear yard setback
from 15 ft. to 12 ft. on east side
of Hillside, north of Lincoln

POSTED
4-28-70
MAY 1 ✓
6-18-70

5-26-70 Approved

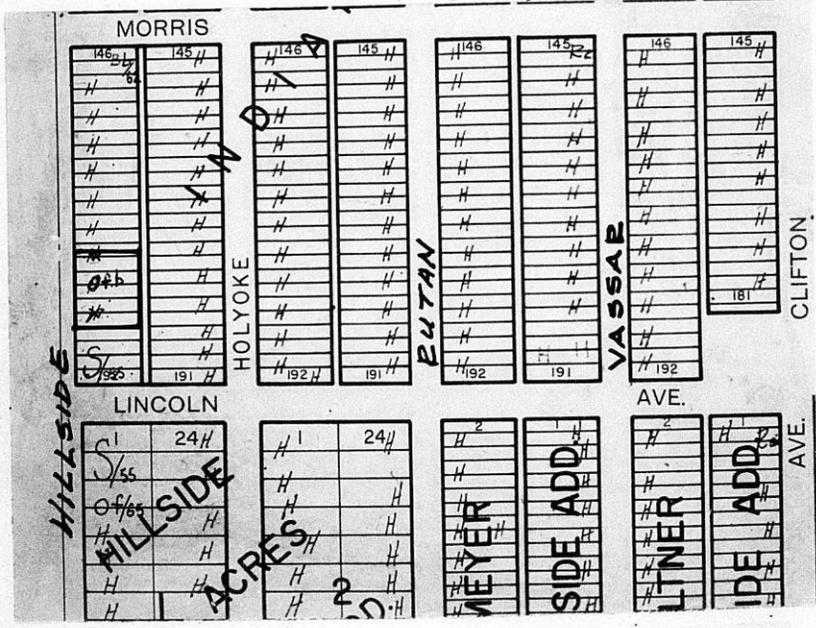
BZA 7-28-70 Approved

Map No. 5746
 Sec. 26
 Twp. 27
 Range 1E

EZA 1170
 SCZ-
 CU-
 Filed

- AREA DATA:
1. Acres: 0.4 (130 ft. by 130 ft.)
 2. Adjoining Zoning: E S W N
 3. Land Use: East SINGLE FAN South SERVICE STATION
 West DRUG STORE North SINGLE FAN
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: _____
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 11-70

WHEREAS, Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas, by Robert H. Nelson, Suite 630-200 West Douglas, Wichita, Kansas, requests a rehearing of a variance request originally considered by the Board of Zoning Appeals on June 23, 1970, as provided for in Article VIII of the Rules and Regulations of the Board of Zoning Appeals, to reduce the required rear yard setback from 15 feet to 12 feet on property zoned "BB" Office District, and legally described as follows:

The South 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

WHEREAS, the applicant has submitted a statement in writing justifying the rehearing; and

WHEREAS, proper notice of the rehearing 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 July 28, 1970, consider said application for rehearing; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a rehearing under the provisions of Article VIII of the Rules and Regulations of the Board of Zoning Appeals; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider the 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 unforeseen circumstances necessitates the building be enlarged to provide adequate office space for the lessee's employees; 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 building will be 90 feet from the north property line and 41 feet from the south property line; 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 will not be able to construct a building large enough to serve the needs of the lessee; 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 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 sufficient open space will remain to provide for adequate amounts of light and air; 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; and

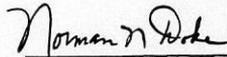
WHEREAS, the Board of Zoning Appeals has determined that the applicant has submitted sufficient evidence justifying the rehearing.

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 15 feet to 12 feet on property zoned "BB" Office District, and legally described as follows:

The south 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

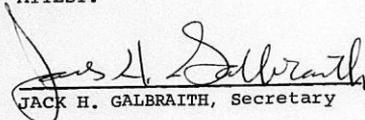
be approved and that the original Resolution adopted by the Board of Zoning Appeals on May 26, 1970, be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

August 11, 1970

Mr. Robert H. Nelson
Suite 630-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA 11-70
Request for Variance

Dear Mr. Nelson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 28, 1970, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 12 feet on property zoned "BB" Office District and generally located on the east side of Hillside in an area north of Lincoln.

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:ls

cc Jen-Rentals, Inc., 127 South Edgemoor
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

July 29, 1970

Mr. Robert H. Nelson
Suite 630-200 West Douglas
Wichita, Kansas 67202

Subject: Case No. BZA 11-70
Request for Variance

Dear Mr. Nelson:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 28, 1970, your request for a variance to reduce the required rear yard setback from 15 feet to 12 feet on property zoned "BB" Office District and generally located on the east side of Hillside in an area north of Lincoln, was reconsidered.

It was the action of the Board to approve this request as recommended in the Secretary's Report.

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. Golbraith
Secretary

JHG:ls

cc Jen-Rentals, Inc., 127 South Edgemoor
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
REQUEST FOR REHEARING
CASE NO. BZA 11-70

APPLICANT: Jen-Rentals, Inc., 127 South Edgemoor, Wichita,
Kansas

AGENT: Robert H. Nelson, Suite 630, 200 West Douglas, 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 15 feet to 12 feet

GENERAL LOCATION: On the east side of Hillside in an area
north of Lincoln

ZONING: Subject property is zoned "BB" Office District; north
is "BB"; east is "A"; south is "LC"; west is "RB" and
"LC".

LAND USE: Subject property is occupied in part by an office
building; north is undeveloped; east is single family;
west are offices; south is service station.

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 appli-
cation.

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:

On May 26, 1970, the Board of Zoning Appeals considered a request for a variance of the required rear yard setback from 15 feet to 12 feet for the area contained in this request. Action of the Board was to approve the request for only that portion which was in violation.

As provided for in Article VIII of the Rules and Regulations of the Board of Zoning Appeals, a request for a rehearing has been filed by the applicant. The statement of justification for this rehearing points out that subsequent to the original hearing, the lessee of said building, to-wit: State Farm Insurance Companies, has been changed to a larger office requiring approximately 15 additional employees. As a result thereof, it is necessary to expand the present building to the south so as to accommodate the lessee's additional employees. It is further pointed out that the foregoing facts could not have been presented at the original hearing for the reason that they were not at that time known.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation in that unforeseen circumstances necessitates the building be enlarged to provide adequate office space for the lessee's employees.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent properties in that the building will be 90 feet from the north property line and 41 feet from the south property line.

HARDSHIP:

It is the opinion of the Secretary that the applicant will be burdened by an unnecessary hardship if the variance is not granted inasmuch as the applicant will not be able to construct a building large enough to serve the needs of the lessee.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not affect the public interest inasmuch as the 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 sufficient open space will remain to provide for adequate amounts of light and air.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and that the applicant has shown sufficient cause to justify this rehearing and, therefore, it is recommended that the variance be granted to reduce the rear yard setback from 15 feet to 12 feet and that the original resolution adopted by the Board on May 26, 1970 be declared null and void.

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

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-70

In accordance with Article 8 of the Rules and Regulations of the Board of Zoning Appeals, a request for rehearing has been filed by Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas on the above captioned BZA case which requests a variance to reduce the required rear yard setback from 15 feet to 12 feet, on property zoned "BB"-Office District, and legally described as follows:

The south 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

As you will recall, this case was considered by the Board at their regular meeting of May 26, 1970 and approved for only that area on which the building under consideration encroached. This request for rehearing would enable the building to be extended to the south property line.

This case will be reconsidered by the Board of Zoning Appeals at its meeting on Tuesday, July 28, 1970, 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

31 Notices Mailed 7-8-70

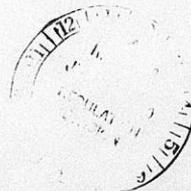
REQUEST FOR REHEARING

CASE NO. BZA 11-70

COMES NOW Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas, by Robert H. Nelson, its attorney, and requests a rehearing on the application heretofore filed before the Board of Zoning Appeals wherein the petitioner requested a variance as to the rear yard set-back from 15 feet to 12 feet.

The original petition requested that the said variance be granted on the south 130 feet of Lot 1, Block 1, Wade and David's First Addition. The matter was presented to the Board of Zoning Appeals on said petition and the recommendations of the Staff and the Staff recommended that said variance be granted as to "only that portion presently in violation." That at the time of the hearing, the building was in process of construction and has now been completed. That subsequent to the hearing, the lessee of said building, to-wit: State Farm Insurance Companies, has been changed to a larger office requiring approximately 15 additional employees. This fact was not known at the time of the original hearing. As a result thereof, it is necessary to expand the present building to the south so as to accomodate the lessee's additional employees and as a result, the rear yard set-back line should apply to the south 130 feet and not only as to that portion of the present building as set forth in the Staff's report.

The above facts could not have been presented at the previous hearing for the reason that they were not at that time known.



WHEREFORE, your petitioner, Jen-Rentals, Inc., requests a re-hearing before said Board of Zoning Appeals as to the remaining portion of the south 130 feet of said property being granted a variance in accordance with the variance heretofore granted.

JEN-RENTALS, INC.

BY Robert H. Nelson
Its Attorney and Agent

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

ROBERT H. NELSON, being first duly sworn, upon oath alleges and states that he is attorney for the petitioner herein; that he is duly authorized to make this verification; that he has read the foregoing petition for rehearing, knows the contents thereof and that all the statements therein contained are true and correct.

Robert H. Nelson
Robert H. Nelson

Subscribed and sworn to before me this 6th day of July, 1970.

Kay Davis
Notary Public



REQUEST FOR REHEARING

CASE NO. BZA 11-70

COMES NOW Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas, by Robert H. Nelson, its attorney, and requests a rehearing on the application heretofore filed before the Board of Zoning Appeals wherein the petitioner requested a variance as to the rear yard set-back from 15 feet to 12 feet.

The original petition requested that the said variance be granted on the south 130 feet of Lot 1, Block 1, Wade and David's First Addition. The matter was presented to the Board of Zoning Appeals on said petition and the recommendations of the Staff and the Staff recommended that said variance be granted as to "only that portion presently in violation." That at the time of the hearing, the building was in process of construction and has now been completed. That subsequent to the hearing, the lessee of said building, to-wit: State Farm Insurance Companies, has been changed to a larger office requiring approximately 15 additional employees. This fact was not known at the time of the original hearing. As a result thereof, it is necessary to expand the present building to the south so as to accommodate the lessee's additional employees and as a result, the rear yard set-back line should apply to the south 130 feet and not only as to that portion of the present building as set forth in the Staff's report.

The above facts could not have been presented at the previous hearing for the reason that they were not at that time known.

WHEREFORE, your petitioner, Jen-Rentals, Inc., requests a re-hearing before said Board of Zoning Appeals as to the remaining portion of the south 130 feet of said property being granted a variance in accordance with the variance heretofore granted.

JEN-RENTALS, INC.

BY Robert H. Nelson
Its Attorney and Agent

STATE OF KANSAS)
) SS:
SEDGWICK COUNTY)

ROBERT H. NELSON, being first duly sworn, upon oath alleges and states that he is attorney for the petitioner herein; that he is duly authorized to make this verification; that he has read the foregoing petition for rehearing, knows the contents thereof and that all the statements therein contained are true and correct.

Robert H. Nelson
Robert H. Nelson

Subscribed and sworn to before me this 6th day of July, 1970.

Lays Davis
Notary Public



My commission expires:

RESOLUTION BZA 11-70

WHEREAS, Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas, by Robert H. Nelson, Suite 630, 200 West Douglas, 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 15 feet to 12 feet, on property zoned "BB"-Office District, and legally described as follows:

The south 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

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 26, 1970, 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 applicant was required to establish a 25 foot setback rather than the 20 foot setback as required by the zoning ordinance; 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 building will be 90 feet from the north property line and 64 feet from the south property line; 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 will not be able to construct as deep a building as originally planned; 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 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 sufficient open space will remain to provide for adequate amounts of light and air; and

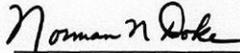
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 15 feet to 12 feet, on property zoned "BB"-Office District, and legally described as follows:

The south 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

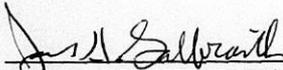
be approved for only that portion presently in violation.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1970.



NORMAN N. DOKE, Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

June 12, 1970

Mr. Robert H. Nelson
Suite 630 - 200 West Douglas
Wichita, Kansas 67202

Dear Mr. Nelson:

Subject: Case No. BZA 11-70
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 26, 1970, in connection with your request for a variance to reduce the required rear yard setback from 15 feet to 12 feet, on property zoned "BB"-Office District and generally located on the east side of Hillside in an area north of Lincoln.

This Resolution reflects the official action of the Board to approve your request for only that portion presently in violation. 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

cc Jen-Rentals, Inc., 127 South Edgemoor, 67218
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

May 26, 1970

Mr. Robert H. Nelson
Suite 630 - 200 West Douglas
Wichita, Kansas 67202

Dear Mr. Nelson:

Subject: Case No. BZA 11-70
Request for Variance

At the regular meeting of the Board of Zoning Appeals on Tuesday, May 26, 1970, your request for a variance to reduce the required rear yard setback from 15 feet to 12 feet, on property zoned "BB"-Office District and generally located on the east side of Hillside in an area north of Lincoln, was considered.

It was the action of the Board to approve this request as recommended in the Secretary's Report.

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

JHG:ls

cc Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 11-70

APPLICANT: Jen-Rentals, Inc., 127 South Edgemoor, Wichita, Kansas

AGENT: Robert H. Nelson, Suite 530, 200 West Douglas, 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 15 feet to 12 feet

GENERAL LOCATION: On the east side of Hillside in an area north of Lincoln

ZONING: Subject property is zoned "BB"-Office District; north is "DB"; east is "A"; south is "LC"; west is "RB" and "LC"

LAND USE: Subject property is occupied in part by an incompleated office building; north is undeveloped; east is single family, west are offices; south is service station.

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:

Upon the recent approval of the "BB"-Office District and the platting of subject property, the applicant developed plans to construct a building 80 feet in depth. During the platting, the applicant was required to dedicate 20 feet of additional street right-of-way for Hillside and establish a 25 foot front building setback whereas only a 20 foot setback is required by ordinance. Upon the issuance of a building permit, the applicant discovered a 15 foot rear yard setback requirement. Rather than redesign the building, the applicant has filed for a variance from 15 feet to 12 feet. Construction has begun and has continued at the applicant's risk of having to remove that part of the building which is in violation.

UNIQUENESS:

The Secretary is of the opinion that uniqueness does exist inasmuch as the applicant was required to establish a 25 foot setback rather than the 20 foot setback as required by the zoning ordinance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent properties in that the building will be 90 feet from the north property line and 64 feet from the south property line.

HARDSHIP:

It is the opinion of the Secretary that the applicant will be burdened by an unnecessary hardship if the variance is not granted inasmuch as the applicant will not be able to construct as deep a building as originally planned.

PUBLIC INTEREST:

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

Page 3 - SECRETARY'S REPORT
Case No. BZA 11-70

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 sufficient open space will remain to provide for adequate amounts of light and air.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to 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 15 feet to 12 feet for only the portion presently in violation.

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

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-70

request for re-hearing
An application has been filed by Jen-Rentals, Inc., 127 South Edgemoor, 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 from 15 feet to 12 feet, on property zoned "BB"-Office District, and legally described as follows:

The south 130 feet of Lot 1, Block 1, Wade and David's 1st Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of Lincoln.

This application has been assigned Case No. BZA 11-70 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1970, 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

31 Notices Mailed 5-6-70

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

AREA 316
262-3777

AUSTIN M. COWAN (1885-1849)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

ROGER M. SHERWOOD

RICHARD L. HONEYMAN

LARRY A. WITHERS

April 22, 1970

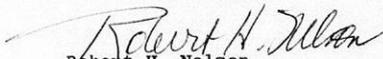
Board of Zoning Appeals
City Annex Building
Wichita, Kansas

Re: Application for Variance
Wade and David First Addition

Dear Mr. Shirkey:

Enclosed herewith are two copies of plot plan which I
desire to have filed in connection with the petition heretofore
filed for a variance in the backyard setback line.

Yours very truly,



Robert H. Nelson
OF KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:cdb
Enclosure

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

AREA 316
262-3777

AUSTIN M. COWAN (1885-1948)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

ROGER M. SHERWOOD

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

April 13, 1970

Board of Zoning Appeals
City Building Annex
Wichita, Kansas 67202

Re: Application for Variance
of setback on Wade and David's Addition
Lot 1

Gentlemen:

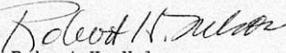
In support of the application for variance on behalf of the applicant we wish to state as follows:

The property in question is located on the east side of Hillside north of Lincoln. The applicant proposes to build a building on said property 64 feet from the south line of said lot and the building will extend approximately 64 feet north and south making a total of approximately 128 feet from the south line of Lot 1 of said addition. At the time the property was zoned to a BB classification, a replat was required. As a result thereof, the City required a 20 foot dedication for additional half street right of way adjacent to Hillside and the 8 foot utility easement on the east line of said property was required to be increased to 10 feet. In addition thereto, the City required a 25 foot building setback from Hillside. As a result thereof, the present building which is to be 80 feet in depth, to be constructed on said property, cannot be constructed due to the fact that there is now a 15 foot back yard setback in the BB classification. The applicant is requesting that the 15 foot back yard setback be changed to a 12 foot back yard setback which will permit the construction of the 80 foot building. The plans have been drawn, an application has been filed with the City for a building permit, and it would necessitate a considerable amount of effort, work and time to redraft the plans to conform to the present City requirements. If the 15 foot back yard setback is reduced to 12 feet in depth then this will permit the construction of the building as it is now planned. This request is being made pursuant to Section 2.12.50.2 of the Code of the City of Wichita.

Board of Zoning Appeals
April 13, 1970
Page Two

We want to call to the attention of the Board, the alley immediately to the rear to the property in question has previously been vacated and is not in existence. Wherefore, your applicant requests the Board to grant the variance reducing the back yard setback from 15 feet to 12 feet for the South 130 feet of said Lot.

Respectfully submitted,



Robert H. Nelson
of KAHRN, NELSON, FANNING, HITE & KELLOGG
Attorneys for Applicant

RHN/jj

Enc.

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

CASE NO. 11-70

FILED 4-14-70

APPLICATION FOR VARIANCE

I. Name of Applicant JEN-RENTALS, INC.

Mailing Address 127 S. Edgemoor, Wichita, Ks. Phone _____

Name of Authorized Agent Robert H. Nelson

Mailing Address Suite 630 - 200 W. Douglas, Wichita Phone 262-3777

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

II. The variance requested is to reduce the required rear yard setback from
~~the 15 foot back yard setback~~ to 12 feet for the

south 130 feet of Lot 1, Block 1, Wade and David's Addition to

a back yard setback of 12 feet, the City of Wichita, Sedgwick County, Kansas

in an area
for property located on the east side of Hillside North of Lincoln

and legally described as: the south 130 feet of
Lot 1, Block 1, Wade and David's 1st

Addition to the City of Wichita, Sedgwick County, Kansas

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

(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.

Jan Rentals Inc
Applicant

Robert H Nelson
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
10 (a.m. - p.m.), April 14, 19 70, together with
appropriate fee of \$50.00.

T9-402

C. Lynn Shurkey
Signed (by the)

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, Sedgwick County, Kansas, of:

The South 130 Feet of Wade & David's 1st Addition
to the City of Wichita, Sedgwick County, Kansas,

together with all lots lying within a 200 foot radius thereof.

DESCRIPTION	OWNER/OWNERS/ADDRESS
<u>G</u> Wade & David's 1st.	
<u>U</u> Lot 1	Jen-Rentals, Inc. 127 So. Edgmoor 67218
<u>A</u> <u>Indiana Subdivision</u>	
<u>R</u> <u>Hillside Ave.</u>	
<u>A</u> Lots 158-160	Forrest G. Ramsey and Ruth 814 South Hillside 67218
<u>N</u> Lots 162-164	Charles D. Whitcher and Rosalea A. 816 South Hillside 67218
<u>T</u> Lots 186-188-190- <u>E</u> and 192	Triangle Facilities, Inc. c/o Continental Oil Co. Drawer 1267, Ponca City, Okla. 74601
<u>E</u> <u>Holyoke Ave.</u>	
<u>T</u> Lots 157-159	Willard L. Bentley (deceased) Ollie M. Bentley Ollie M. Bentley now Robbins 817 South Holyoke 67218
<u>I</u> Lots 161 & N 20' <u>T</u> of Lot 163	John T. Ramsey and Janice L. 819 South Holyoke 67218
<u>L</u> S 5' of Lot 163, <u>E</u> all of 165 & N 15' of Lot 167	James J. Welding and Ila May 4736 Nighthart, New Orleans, La. 70127
<u>C</u> S 10' of Lot 167, all of Lot 169, & N 7½' of Lot 171	Otis Wendell Brooks and Lillian Juanita Brooks 827 So. Holyoke 67218
<u>O.,</u> S 17½' of Lot 171, and all of Lot 173	Jen-Rentals, Inc. 127 So. Edgmoor 67218
<u>I</u> <u>Holyoke Ave.</u>	
<u>N</u> Lots 175 and 177	Bertha E. Veal, Znobia J. Cook and Wallace H. Cook 835 South Holyoke 67218
<u>C.</u> N 12½' of Lot 181, all of Lot 179	William M. Nichols & Vivian L. 841 South Holyoke 67218

Indiana Sub. continued-
Holyoke Ave.

	S/2 of Lot 181, all of 183	✓ J. L. Kendall and B. E. Kendall	843 So. Holyoke 67218
	Lots 185-187 and N 9' of Lot 189	✓ Joanna E. Hudiburgh, Anna S. and Margaret Hudiburgh	845 So. Holyoke 67218
G	Lot 189, exc. N 9' and all of 191	✓ Raymond E. Evans, Jr. and Norvella Kay Evans	847 So. Holyoke 67218
U	Lots 166-168	✓ Wayne & Daphyne Bradley	826 South Holyoke, 67218
A	Lots 170-172	✓ Bertha Fletcher	5710 Roeland Drive, Mission, Kansas. 66205
R	Lots 174-176	✓ Wallace H. Cook and Znobia	832 South Holyoke 67218
A	Lots 178 and 180	✓ B. D. Jacobs and Alta May	842 South Holyoke 67218
N	Lots 182 and 184	✓ Lang F. and Flora S. Bowman	844 South Holyoke 67218
T	Lots 186 and 188	✓ Clyde Daniels and Kathryn	2921 E. Lincoln 67211
E	Lot 190	✓ M. Eleanor Turner and Katherine M. Bauer	848 South Holyoke 67218
I	<u>Hillside Acres</u>		
T	<u>Block 1</u>		
L	Lot 1	✓ John W. Morgan and Fern E.	151 So. Vine 67213
E	Lot 24	✓ N. K. Jensen and Annie L.	901 So. Holyoke 67218
	<u>Womers 2nd</u>		
C	<u>Reserve A.</u>	✓ Board of Park Commissioners	204 South Main, 67202
O.,	<u>Second Sunnyside Addition</u>		
	<u>Hillside Avenue</u>		
	Lots 59 and 61	✓ Uldric E. Bullock and Ruby M.	821 So. Hillside 67211
I	Lots 63-65	✓ H. H. Bond and Nettie	823 South Hillside 67211
N	Lots 67-69	✓ Hobart M. Marshall and Vera	825 South Hillside 67211
C.	Lots 71 and 73	✓ Genevieve Lange	831 South Hillside 67211
	Lots 75 and 77	✓ Wm. B. Hershberger & Rhoda M.	835 South Hillside 67211

Second Sunnyside Addition continued

Hillside Avenue

✓ Lloyd N. Moss and Marguerite

837 South Hillside
67211

Lots 83-85-87-89-
91-93-95

✓ Eloise Morris McMurtry,
Carolyn Morris Kauffman,
Mary Margaret Morris Boyd

c/o Mae Morris,
136 So. Pershing
67218

G
U
A
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A
N
T

WITNESS our Hand and Seal this the 9th day of April, 1970

at 7:00 o'clock A.M.

T



GUARANTEE TITLE CO. Inc.

By *Nellie M. Festinger*
Vice-President.

T
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C
O.,
I
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C.

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
BZA	\$ 50 ⁰⁰

Variance
 Name: [Handwritten Name]
 Address: 220 West Douglas
 Type: A-21-C
 Due Date: [Handwritten Date]

Comments:

Date: 4-14-70 By: [Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1