

CASE NO. 13-51



RESOLUTION 13-51

WHEREAS, Floyd L. Durham, owner of the property known as 2742 Jackson, has received a building permit for the construction of a one-family residence at that location; and

WHEREAS, through an error, the building was constructed maintaining only a five and one half foot side yard on the south rather than a six foot side yard as required under Section 16, paragraph 5 (b) of the Zoning Ordinance; and

WHEREAS, the variance arises from a condition which is not uniform over the "A" zoning district as the encroachment of six inches does not affect the requirement of open spaces; and

WHEREAS, the granting of the variance will not adversely affect the rights of adjacent property owners inasmuch as the property owners within two hundred feet of the property in question have signed a waiver of notice and consent to the existing construction; and

WHEREAS, the variance desired is not against the public interest as the error occurred unintentionally and not as a malicious violation of the Ordinance; and

WHEREAS, the strict application of the terms of this ordinance will constitute unnecessary hardship on the property owner as he cannot receive title to his property unless the variance is granted; and

NOW, THEREFORE BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that the variance be granted allowing a five and one-half foot side yard on the south of a one-family dwelling located at 2742 Jackson.

ADOPTED at Wichita, Kansas, this twenty-ninth day of May, 1951.

\_\_\_\_\_  
G. W. Herrman, Chairman

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Conlee Smith

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J. Lisle Morris

ATTEST:

\_\_\_\_\_  
J. Thomas Via, Acting Secretary

May 22, 1951

Board of Zoning Appeals  
Wichita, Kansas

Ref: The newly constructed one  
family residence at 2742  
Jackson, Wichita, Kansas.  
Legally described as: Lots  
14 and 16 on Jackson Ave.,  
in McTaggart's Addition to  
the City of Wichita, Sedgwick  
County, Kansas.

Gentlemen:

The undersigned hereby appeals to the Zoning Board of Appeals for permission for a variance of (6) six inches from the side yard set back requirement as stated in Section 16, paragraph 5 of the Zoning ordinance which requires a 6 foot side yard set back and request that such permission be granted notwithstanding that under circumstances existing on subject property, a sideyard of 5½ feet on the south would be provided in lieu of a 6' sideyard as required by said ordinance.

This discrepancy in locating the house on this property was not known to the undersigned builder and owner until the house was complete and the strict application of the terms of this ordinance will constitute an extreme hardship in this case.

The undersigned hereby requests that the dwelling be allowed to stand as it is now constructed.

Signed:

Floyd L. Durham  
Floyd L. Durham

Imogene Durham  
IMOGENE DURHAM

May 22, 1951

Board of Zoning Appeals  
Wichita, Kansas

Gentlemen:

The undersigned, owners of the property set opposite their names, which property is within a 200 foot radius of 2742 Jackson, Wichita, Kansas, hereby waive any notice from the Board of Zoning Appeals of the appeal of Floyd L. Durham for permission for a variance from the side yard setback requirement as stated in Section 16, paragraph 5 of the Zoning Ordinance which requires a 6 foot side yard set back, and consent that such permission be granted notwithstanding that under these circumstances a side yard of 5½ feet on the south would be provided in lieu of a 6 foot side yard as required by said ordinance.

The undersigned consent to the said construction of the dwelling as it now stands and request that the appeal of Floyd L. Durham be allowed.

Description of Property  
(All in McTaggart Addition- Jackson Ave.)

Owner

Lots 1-3-5-7-9-11	<u>Nora A. Turner</u>
Lots 13-15-17-19	<u>John Murrell</u>
Lots 21-23	<u>Nellie C. Mousse</u> <u>out of town</u>
Lots 25-27-29-31	<u>Thomas S. Melling</u>
Lots 2-4-6-8	<u>D. S. Bishop</u>
Lots 10-12-14-16	<u>Floyd L. Durham</u>
Lots 18-20	<u>Imogene Durham</u> <u>Fred Miller</u> <u>Raymond Cooley</u>
Lots 22-24	<u>Quencer F. Carpenter</u> <u>Floyd L. Durham</u>
Lots 26-28-30-32 (Waco Ave.)	<u>Imogene Durham</u> <u>William L. Graham</u>
Lots 1-3-5-7	<u>Earl M. Trammell</u>
Lots 9-11	<u>Jessie L. Trammell</u> <u>Earl M. Trammell</u>
Lots 13-15	<u>Jessie L. Trammell</u> <u>out of town - live at</u> <u>Oklahoma City.</u>
Lots 17-19	<u>Earl M. Trammell</u>
Lots 21-23	<u>Jessie L. Trammell</u>
Lots 25-27	<u>Bert F. Cooper</u> <u>Ray M. Cooper</u>
Lots 29-31	<u>Main City</u>