

EZA 13-63 - Initiated by Planning
Commission - exception to install
mobile home on NE cor. St. Clair &
Irving.

ACTION

COMMITTEE Byrd DATE 6-25-63

M.A.P.C. _____

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

R E S O L U T I O N N O . 1 3 - 6 3

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission, on behalf of Glenn H. Covell, 1050 South St. Clair, Wichita, Kansas, initiated an application for an exception as provided in Section 28.04.180.A.17 of the Code of the City of Wichita, Kansas, to allow a mobile home to be located on the property located at the northeast corner of St. Clair and Irving, and legally described as:

Lots 46 and 48 on Lincoln Street (now Irving),
Garfield Addition, in the City of Wichita,
Sedgwick County, Kansas; 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 the 25th day of June, 1963; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590, Code of the City of Wichita, and Section 1, Ordinance No. 27-189; and

WHEREAS, the property is zoned "RB" Four Family; and

WHEREAS, Section 1, Ordinance No. 27-189, City of Wichita, authorizes the Board of Zoning Appeals to permit a mobile home on any property in any district, except the "AA" One Family Dwelling District, subject to such use being on a temporary basis and that hardship exists which cannot be alleviated without the granting of this exception, providing the location of the mobile home shall conform to all lot area, height and setback requirements of the district in which located and shall comply with all off-street parking requirements; and

WHEREAS, the Board has determined that hardship exists which cannot be alleviated without the granting of this permit, inasmuch as the applicant (Glenn H. Covell) does not have room in his own home for his mother-in-law, whose assistance is needed in caring for his wife who has arthritis; further, the property is so situated that it is unfeasible and very difficult to construct another permanent dwelling for housing purposes.


NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for an exception to allow a single mobile home to be located on property legally described as:

Lots 46 and 48 on Lincoln Street (now Irving),
Garfield Addition, in the City of Wichita,
Sedgwick County, Kansas,

be approved and the Superintendent of Central Inspection be authorized to issue the appropriate permit, subject to the following:

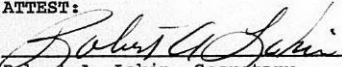
1. The mobile home may remain on subject property only as long as the applicant's mother-in-law occupies the mobile home.
2. When the mother-in-law no longer occupies the mobile home, it shall be removed from the lot.
3. The setbacks for the mobile home shall be the same as those set out in the "A" Two Family District.
4. The owner of the property shall file with the Superintendent of Central Inspection, on the first Monday of each year, a statement as to the name and relationship of the occupant of the mobile home.

ADOPTED this 25th day of June, 1963.



E. B. Law, Chairman

ATTEST:



Robert A. Lakin, Secretary

July 9, 1963

Mr. Glenn H. Covell
1050 South St. Clair
Wichita, Kansas

Dear Mr. Covell:

Subject: BZA 13-63

On June 28, 1963, we advised you that the Board of Zoning Appeals had approved subject application which was initiated by the Planning Commission on your behalf, to allow a mobile home to be located on property legally described as

Lots 46 and 48, on Lincoln Street (nor Irving),
Garfield Addition, in the City of Wichita,
Sedgwick Courty, Kansas, generally located at the
northeast corner of St. Clair and Irving.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before July 5, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber

Attachment

cc: Glen Lytle, Superintendent
Central Inspection

June 28, 1963

Mr. Glenn H. Covell
1050 South St. Clair
Wichita, Kansas

Dear Mr. Covell:

Subject: BZA 13-63

This is to advise you that at its regular meeting of June 25, 1963, the Board of Zoning Appeals of the City of Wichita, considered the above case, which was initiated by the Planning Commission on your behalf, to allow a mobile home to be located on property legally described as:

Lots 46 and 48, on Lincoln Street (now Irving), Garfield Addition, in the City of Wichita, Sedgwick County, Kansas,

and generally located at the northeast corner of St. Clair and Irving.

After discussion, it was the action of the Board of Zoning Appeals to approve this application, subject to the following:

1. The mobile home may remain on subject property only as long as it is occupied by your mother-in-law.
2. When your mother-in-law no longer occupies the mobile home, it shall be removed from the lot.
3. The setbacks for the mobile home shall be the same as those set out in the "A" Two Family District.
4. The owner of the property shall file with the Superintendent of Central Inspection, on the first Monday of each year, a statement as to the name and relationship of the occupant of the mobile home.

Page 2 - Mr. Glenn H. Covell
June 28, 1963

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 5, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before July 5, 1963, the decision of the Board shall be final and the Superintendent of Central Inspection will be in a position to issue an appropriate permit.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber

Board of Zoning Appeals

June 28, 1963

C. H. Funk, City Clerk

Robert A. Lakin, Secretary

BZA Case No. 13-63

Attached is a copy of BZA Resolution No. 13-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on June 25, 1963, and an appeal may be filed in your office on or before July 5, 1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:ber

Attachment

SECRETARY'S REPORT

CASE BZA NO. 13-63

GENERAL DESCRIPTION

The area involved in this case is located at the northeast corner of St. Clair and Irving. The property in question is currently occupied by a single family dwelling and mobile home.

To the north of subject property there are single family dwellings, a two family dwelling and a church. To the south are single family dwellings.

The property in question is currently zoned "RB" Four Family. Existing zoning to the north, east, south and west is "A" Two Family. (See Attachment #1). For plot plan see Attachment #3.

REQUEST

This case has been initiated by the Planning Department at the request of the Planning Commission. The request is for an exception as provided in Section 28.04.180.A.17 of the Code of the City of Wichita, to allow a mobile home to be located on the property. The exception is within the jurisdiction of the Board of Zoning Appeals provided the following conditions and requirements have been found to exist:

- A. The Board of Zoning Appeals shall determine a reasonable time limit to be attached to each individual case.
- B. The applicant shall show due cause that a hardship exists and that this hardship cannot be alleviated without the granting of this permit.

- C. The location of such home shall conform to all lot area, height and setback requirements of the district in which located and the off-street parking requirements of this Chapter.
- D. The Board of Zoning Appeals may include additional conditions as it deems necessary to include, but not limited to extraordinary setbacks, landscaping and utility installation.

HISTORY

This same case was before the Board of Zoning Appeals in December of last year, at which time the applicant requested a "Variance" to allow the trailer to be put on the lot. The Secretary suggested and the Board agreed that this was a "use variance" and as such the Board of Zoning Appeals had no jurisdiction.

The Board did suggest to the applicant, however, that he might apply for "RB" Four Family zoning where mobile homes are allowed as a use by right. The applicant took the Board's advise and applied for "RB" zoning. In view of the fact that the Planning Commission felt a hardship existed and that the applicant needed immediate relief, the Planning Commission recommended to the Board of City Commissioners that the "RB" zoning be granted. However, the Planning Commission also recognized that this was spot zoning, and instructed the staff to initiate an appropriate Board of Zoning Appeals case at such time as an amendment to the Zoning Ordinance was in effect which would allow mobile homes in the "A" District. If the Board of Zoning Appeals approves such a request, the staff would initiate on their behalf, a zone change from "RB" back to "A".

COMMENTS BY THE SECRETARY

The statement of justification included with the original request for variance is also included as Attachment #2 to this report.

The applicant maintains in his statement of justification that the placing of the trailer on his property was necessary to accommodate his wife's mother who is caring for his wife who has arthritis. He has also implied that hardship can be found to exist on the basis that he does not have enough room in his own home to accommodate his mother-in-law so must use the mobile home for this purpose. It was also suggested by the applicant that his property is so situated that it would be unfeasible and very difficult to construct another permanent dwelling for housing purposes; so therefore, it is imperative that he be allowed to keep the trailer on the lot. He also points out that he will keep the trailer on the lot only as long as it is occupied by his mother-in-law.

The Secretary concurs with the applicant in that hardship exists because of his wife's arthritic condition and the need for additional housing space.

Based upon the foregoing review and history of this case, it is the recommendation of the Secretary that this application be approved, subject to the following conditions and requirements:

- A. The mobile home may remain on subject property only as long as the applicant's mother-in-law occupies the mobile home.

Page 4 - Secretary's Report
Case No. BZA 13-63

- B. When the mother-in-law no longer occupies the mobile home, it shall be removed from the lot.
- C. The setbacks for the trailer shall be the same as those set out in the "A" Two Family District (Section 28.04.050).
- D. The owner of the property shall file with the Superintendent of Central Inspection, on the first Monday of each year, a statement as to the name and relationship of the occupant of the mobile home.

Attachment #1 - Map

Attachment #2 - Statement of Property Owner

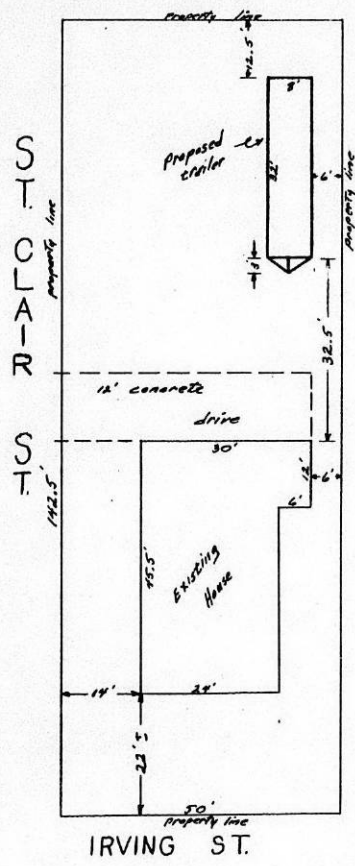
The statement I am submitting is as follows:

As a property owner and resident of 1050 South St. Clair, I wish to appeal for a variance in the zoning code regarding to placing of a mobile home on this property. As there are a number of mobile homes in this vicinity at the present time, is one of my reasons for my appeal, along with other reasons. Also, I have contacted and got the full consent of my neighbors and property owners for asking for this variance. As this property is so situated to accommodate a mobile home but does not warrant another permanent dwelling.

Due to approaching retirement on a small pension, I would like approval of the city planning board to permit a 36 ft. 1958 model mobile home to be located on my lots according to sketch. I will sign an agreement not to use these facilities for any other purpose than for the relative in this case. When at which time it is no longer occupied by this relative I will willfully dispose of these facilities. The relative in question is my wife's mother. Also my wife is the victim of arthritis and some help from her mother is needed. And I might add that this relative is well loved throughout this neighborhood for her help with children and people needing her help or assistance. I have complied with all city code and building requirements on every building improvement that I have made, on my home or in my line of work. And I will continue to do so. But would appreciate and be grateful for this consideration in regard to placing this mobile home for my mother-in-law, who has been twice widowed by cancer, and needs us, as much as we need her.

S/ Glenn H. Covell
1050 S. St. Clair

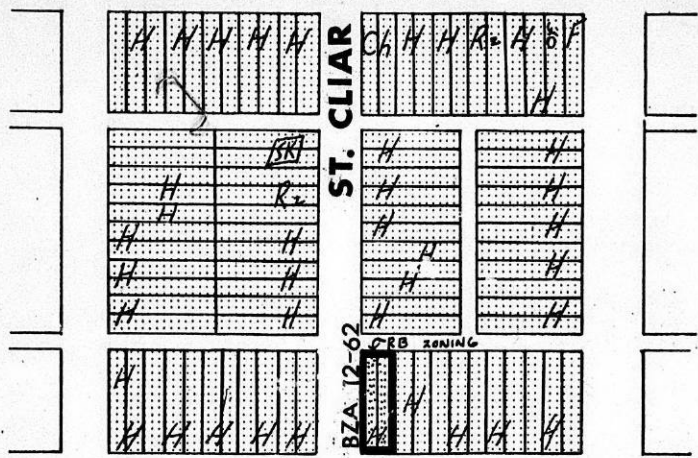
BZA 13-63
Attachment #2



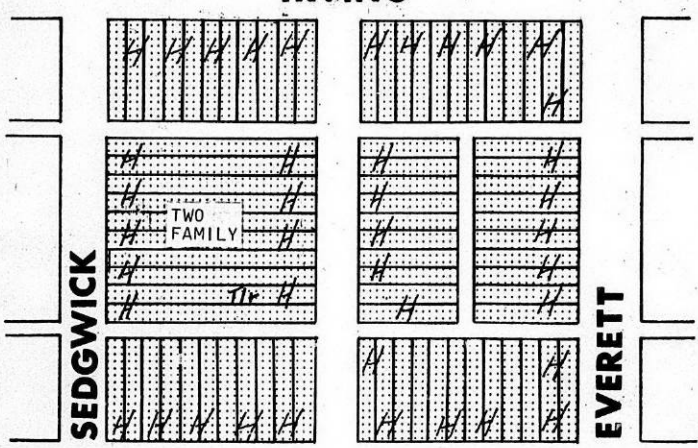
ATTACHMENT #3

BZA 13-63

● **MCCORMICK** ●



IRVING



BZA 13-63 **ATTCH #1**
LAND USE - ZONING

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

June 13, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case BZA 13-63

An application has been filed by the Metropolitan Area Planning Commission, on behalf of Glenn H. Covell, 1050 South St. Clair, Wichita, Kansas, requesting an Exception as provided in Section 28.04.180.A.17 (Ordinance No. 27-189), Code of the City of Wichita, to permit the installation of a mobile home on property zoned "RB" and legally described as:

Lots 46 and 48 on Lincoln Street (now Irving),
Garfield Addition, in the City of Wichita,
Sedgwick County, Kansas. Generally located at
the northeast corner of St. Clair and Irving.

This application has been assigned Case No. BZA 13-63. A hearing will be held by the Board of Zoning Appeals on Tuesday, June 25, 1963, 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.

Robert A. Lakin
Secretary

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BZA No. 13-63 - Notices mailed June 5, 1963

Cecil D. & Doma Merrill
1039 South St. Clair

Roy H. & Kathleen E. McMillan
2218 Irving

Irwin C. & Louise M. Ohmie
1028 South St. Clair

Jess H. & Blanche H. Bradshaw
306 North Madison Avenue

Leon S. Eitel
7814 Southwest Boulevard

Glenn Harvey Covell
Virginia Lee Covell
1050 South St. Clair

Raymond A. & Hazel I. Masterson
137 North Charles Street

Leo F. & Charlotte H. Kerstine
2308 Irving Street

William R., III & Lois Ann Atkison
500 South Topeka Avenue

Helen Lohkamp
Robert T. Lohkamp
2316 Irving Street

Frank C. & Arneeda Lux Schrader
1101 Everett Avenue

O. C. Frey
1738 Lexington Road

Keith D. & Mildred U. Bell
131 South Meridian Avenue

Lawrence & Elizabeth V. Gilliland
2225 Irving

William E. Dreasher
2229 Irving

E. Lucille Hodson
945 Buffum Avenue

Fred H. & Carolee M. Marsh
2307 Irving

William Alex Scott
2315 Irving

Fred P. & Ione M. Christiansen
1055 Everett Avenue

James E. & Christian Hart
2212 Irving

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 13-63
FILED 5-13-63

APPLICATION FOR EXCEPTION

I. NAME OF APPLICANT Metropolitan Area Planning Commission
MAILING ADDRESS 104 South Main PHONE _____
NAME OF AUTHORIZED AGENT L. L. Little, Secretary
MAILING ADDRESS _____ PHONE _____
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF _____
(OWNER, TENANT, LESSEE, OTHER).

II. APPLICATION IS MADE FOR AN EXCEPTION AS PROVIDED IN SECTION
Ord. No. 27-189
28-04-180 A.17, CODE OF THE CITY OF WICHITA, KANSAS (ZONING
ORDINANCE); TO PERMIT THE INSTALLATION ~~OR CONSTRUCTION~~ OF _____
a mobile home ON PROPERTY ZONED "RB", LOCATED AT
NE corner of St. Clair & Irving AND LEGALLY DESCRIBED AS:
Lots 46 and 48 on Lincoln St. (now Irving), Garfield Addition
_____ IN THE CITY OF WICHITA.
(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE)

- III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT:
- A. ACKNOWLEDGES RECEIPT OF AN INSTRUCTION SHEET RELATING TO THIS APPLICATION FOR AN EXCEPTION.
 - B. AGREES TO CONFORM TO ALL REQUIREMENTS OF THE APPROPRIATE SECTION OF THE ZONING ORDINANCE IF THIS APPLICATION IS APPROVED;
 - C. ACKNOWLEDGES THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THE DATE OF THAT DECISION.

Metropolitan Area Planning Commission
APPLICANT

AUTHORIZED AGENT
L. L. Little, Secretary

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING
APPEALS, _____ (A.M. - P.M.), _____, 19____,
TOGETHER WITH APPROPRIATE FEE OF \$50.00.

W. J. [Signature]
SIGNED