

BZA-14-68 - Ronald K. Smith requests variance to reduce sideyard setback on property located on the west side of Clifton, north of Kellogg

POSTED
5-1-68

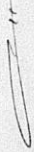
ACTION

BZA COMMITTEE Approved DATE 5-28-68

M.A.P.C. _____

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

M Z M ✓
E Z M

10-11-69


RESOLUTION NO. BZA 14-68

WHEREAS, Ronald K. Smith, 451 S. Clifton, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback on the south side of the rear half of the lot from 3 feet to 0 feet, on property zoned "AA" Single Family Residential and legally described as follows:

Lots 5 and 7, on Clifton Avenue, in Park Avenue Subdivision of Block 4, Grandview Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Clifton, north of Kellogg.

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 28, 1968, 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 existing garage was constructed prior to existing setback requirements; 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 a rear yard or open space of 19 feet will remain whereas only 5 feet is required by ordinance; 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 existing structure has been nonconforming for years and the applicant wishes only to expand and modernize the facility; 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 granting of the variance would not affect the public interest; 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 an adequate rear yard will be maintained; 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.

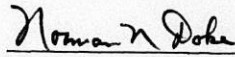
Page 2
Resolution No. BZA 14-68

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the required side yard setback on the south side of the rear half of the lot from 3 feet to 0 feet on property zoned "AA" Single Family Residential and legally described as:

Lots 5 and 7, on Clifton Avenue, in Park Avenue Subdivision of Block 4, Grandview Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Clifton, north of Kellogg.

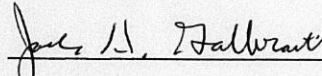
be approved for only that portion presently in violation and the west 6 feet adjacent thereto.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1968.



NORMAN N. DOKE, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

June 3, 1968

Mr. Ronald K. Smith
451 South Clifton
Wichita, Kansas 67218

Subject: Case No. BZA 14-68
Request for Variance

Dear Mr. Smith:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 28, 1968, in connection with your request for a variance to reduce the required side yard setback on property zoned "AA" Single Family Residential, and generally located on the west side of Clifton, north of Kellogg.

This Resolution reflects the official action of the Board and indicates the reasons for approval. 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:js
Attachment

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

May 29, 1968

Mr. Ronald K. Smith
451 South Clifton
Wichita, Kansas 67218

Subject: Case No. BZA 14-68
Request for Variance

Dear Mr. Smith:

At the regular meeting of the Board of Zoning Appeals on May 28, 1968, your request for a variance to reduce the required side yard setback on the south side of the rear half of the lot from 3 feet to 0 feet on property zoned "AA", and generally located on the west side of Clifton, north of Kellogg, was considered.

It was the action of the Board to grant the variance to reduce the setback from 3 feet to 0 feet for only that portion presently in violation and the west 6 feet adjacent thereto.

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.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 14-~~67~~⁶⁸

APPLICANT: Ronald K. Smith, 451 S. Clifton, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback on the south side of the rear half of the lot from 3 feet to 0 feet.

GENERAL LOCATION: On the west side of Clifton, north of Kellogg.

ZONING: Subject property is zoned "AA" Single Family Residential as are the properties to the north, east and west and "A" Two-Family zoning to the south.

LAND USE: Subject property is occupied by a single family residence as are the properties to the north, south, east and 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 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 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).

Page 2 - Secretary's Report
Case No. BZA 14-68

The applicant is requesting a variance of the required sideyard setback from three feet to 0 feet for the rear half of subject property along the south property line. The existing garage which is nonconforming because of the sideyard requirement on the south, is in an older part of town and was constructed prior to the 3-foot sideyard requirement for accessory structures when located on the rear half of a lot.

The applicant, in his statement of justification, points out that he is requesting this variance in order to add 6 feet to the rear and two feet on the north of the existing garage to provide room for two cars, a work bench and a small storage space.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing garage is located in an older part of town in which nonconforming setbacks are not uncommon due to construction of the buildings prior to existing setback requirements.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not have a particularly adverse effect on the adjacent property owners or residents inasmuch as the proposed addition on the rear of the garage will still leave a rear yard or open space of 19 feet, whereas only 5 feet is required by ordinance for accessory structures when located on the rear half of the lot.

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 existing structure has been nonconforming for years and the applicant wishes only to expand the facility to be comparable in floor area to which more modern garages are constructed.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest.

Page 3 - Secretary's Report
Case No. BZA 14-68

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of this variance will not be opposed to the general spirit and intent of Title 28 as an adequate rear yard will be maintained.

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 setback from 3 feet to 0 feet for only that portion presently in violation and the west 6 feet adjacent thereto.

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

May 8, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 14-68

An application has been filed by Ronald K. Smith, 451 S. Clifton, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback on the south side of the rear half of the lot from 3 feet to 0 feet, on property zoned "AA" Single Family Residential, and legally described as follows:

Lots 5, and 7, on Clifton Avenue, in Park Avenue Subdivision of Block 4, Grandview Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Clifton, north of Kellogg.

This application has been assigned Case No. BZA 14-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 28, 1968, 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

*PD N's
mailed
5-8-68*

BOARD OF ZONING APPEALS

CASE NO. 14-68

CITY OF WICHITA, KANSAS

FILED 4-30-68

APPLICATION FOR VARIANCE

1. Name of Applicant RONALD K SMITH
WICHITA, KANS 67218
Mailing Address 451 So CLIFTON Phone MUS-1805
Name of Authorized Agent N/A
Mailing Address N/A Phone N/A
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other)

- II. The variance requested is SETBACK — BACK-HALF OF LOT
to reduce the required sideyard setbacks on the south
side of the rear half of the lot from 3' to 0'
for property located AT 451 So. CLIFTON, WICHITA, KANSAS
on the west side of Clifton, north of Kellogg.
and legally described as: LOTS 5 AND 7, CLIFTON AVENUE,
PARK AVENUE SUBDIVISION OF BLOCK 4, GRANDVIEW ADDITION TO
WICHITA, SEDGWICK COUNTY, KANSAS
in the City of Wichita; and which is presently zoned AA.

(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Ronald K Smith
Applicant

N/A
Authorized Agent

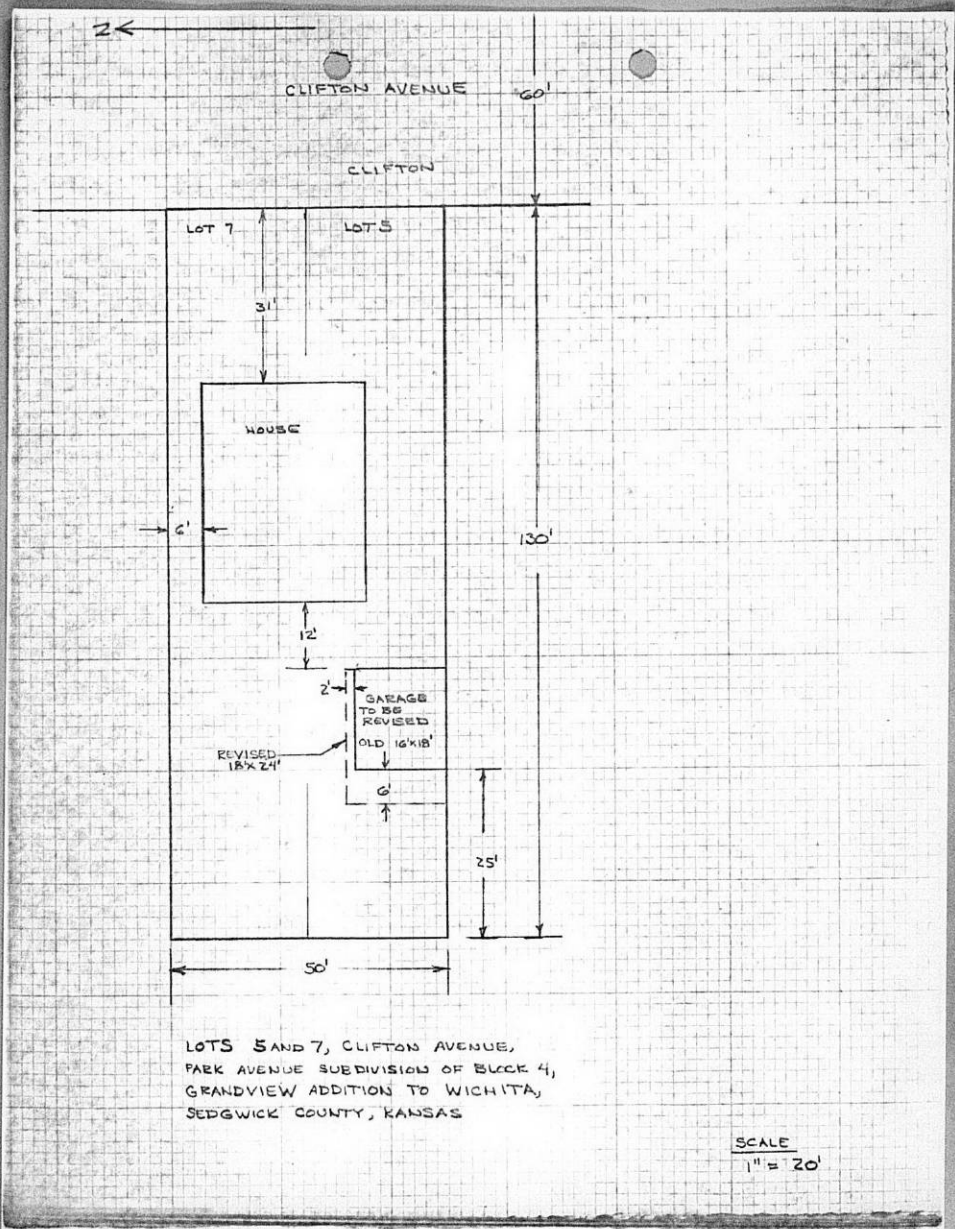
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
10:00 (a.m.) - p.m.), 4-30, 1968, together with
appropriate fee of \$50.00.

Lynn Shirley - J
Signed

Variance

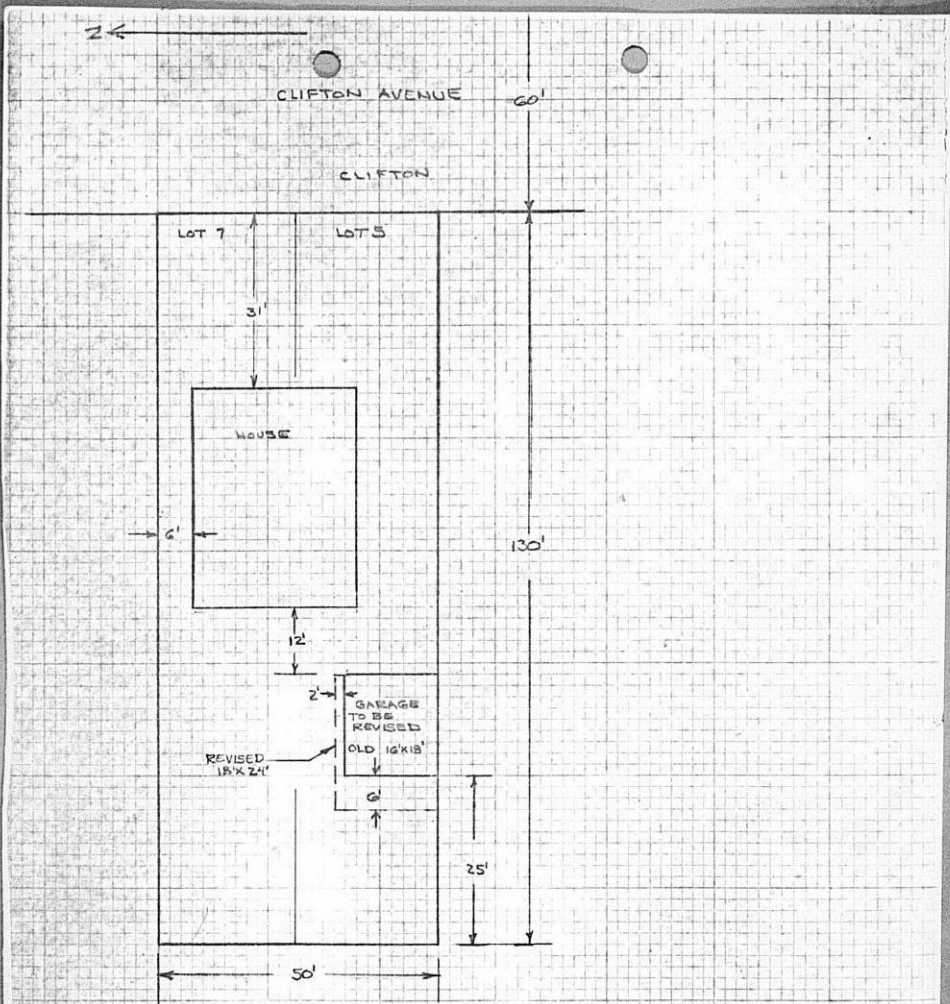
The garage is to be enlarged to accommodate two larger cars, a work bench and small storage space. To do this at a minimum cost it ~~must~~ be set as proposed on the attached sketch.

- (A) This is an older part of town and the existing garage was probably built prior to setback requirements.
- (b) The enlargement (6' west and 2' north) will leave adequate open space. Zoning ordinance only requires that I leave 5 feet from the rear property line whereas I will be leaving 19 feet.
- (c) The larger garage will accommodate 2 larger cars which is becoming a necessity with the family. It will also ^{will} help the economy; higher priced cars - higher car tax, higher insurance etc.
- (d) This south wall coincides with the existing south wall which has existed for more than 15 years, therefore the variance desired will not adversely affect the public health, safety, morals, order, convenience, 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).



LOTS 5 AND 7, CLIFTON AVENUE,
 PARK AVENUE SUBDIVISION OF BLOCK 4,
 GRANDVIEW ADDITION TO WICHITA,
 SEDGWICK COUNTY, KANSAS

SCALE
 1" = 20'



LOTS 5 AND 7, CLIFTON AVENUE,
 PARK AVENUE SUBDIVISION OF BLOCK 4,
 GRANDVIEW ADDITION TO WICHITA,
 SEDGWICK COUNTY, KANSAS

SCALE
 1" = 20'

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - 11 FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licse.	Mech.
Oil Well	Pav. Cits	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		<u>\$50.00</u>

DESCRIPTION AMOUNT

B3a application

Name Ronald K. Smith
Address 451 So. Clayton
Type R71C Due Date _____
Comments: _____

Date 4-30-68 By Joyce Smith

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
 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 within 200' Radius of
 Lots 5 and 7, on Clifton Avenue, in
 Park Avenue Subdivision of Block 4,
 Grandview Addition to Wichita, Kansas.

3
Fidelity
Title
Company,
inc.

And from such examination find that the owners there-
 of are as set opposite the description of the property below, viz:

LOTS	STREET OR BLOCK	ADDITION	OWNER
1 (Exc S 8') & all of 3	Clifton Ave	Park Avenue Sub	Lee Donald & Mary E. Myer ✓ 407 S Tanna Blvd 67218
5 & 7	" "	" " "	✓ Ronald K. & Phyllis L. Smith 451 S Clifton 67218
✓ 9 & 11	" "	" " "	Howard E. & Wilma I. Gilmer ✓ 441 S Clifton 67218
13 & 15	" "	" " "	Mary M. Miles <i>No address found</i>
17 & 19	" "	" " "	James L & Patricia Harvey ✓ 7316 E Kilbuck 67207
21 & 23	" "	" " "	R. L. & Martha J. Shidler ✓ 442 S Clifton 67218
2 & 4 (Exc E 50')	Vassar Ave	" " "	Glenn E. & Dorothy Beedles ✓ 452 S Vassar 67218
E 50' of 2 & 4	" "	" " "	✓ Perry O. & Thelma Steele 921 N Crocker 67203
6 & 8	" "	" " "	Glennie W. & June M. Brown <i>No address found</i>
10 & 12	" "	" " "	Anthony & Vickie L. Crawley ✓ 601 N Poplar 67214
14 & 16	" "	" " "	Forrest W. & Opal W. Pyle ✓ 442 S Vassar 67218
18 & 20	" "	" " "	✓ Bessie M. Fulks (Smith) 436 S Vassar 67218



LOTS	STREET OR BLOCK	ADDITION	OWNER
22 & 24	Vassar Avenue	Park Avenue Subdivision	Deer Saylor 5735 E Mt. Vernon 67218
1 & 3	Block 3	Merriman Park 6th Place	Naomi Wickham <i>No address found</i>
5 & 7	" "	" " " "	Chas. R. & Lena Rohrback 482 S Clayton 67218
9 & 11	" "	" " " "	Ray B. Eck 436 S Clayton 67218
13 & 15	" "	" " " "	Daymond & Martha Shidler 477 S Clayton 67218
17 & 19 Exc E 47 1/2'	" "	" " " "	Bess Thiele 4041 East 1st 67208
E 47 1/2' of 17 & 19	" "	" " " "	Beth Harriet Stone 1667 S. Edgemon 67218
10	Block B	Frederick's Addition	Helen M. Millhaubt <i>No address found</i>
1	Block C	Longview Terrace Add	Geo. L. & Mary Bell 515 S. Yale 67218

Beg 40 Rods E of NW cor of NW 1/4 of
26-27-1E, S 40 rds, E 153', S 200',
E 504', N to Kellogg St., W to Beg.
Exc W 20' for St & Exc N 38' for hi-way

Catholic Diocese

424 N. Delany
67202

Dated this 29th day of April, 1968, 7:00 A.M.


Fidelity
Title
Company,
inc.

No. 88449

FIDELITY TITLE COMPANY INC.

Frank R. Haskins
By Vice-Pres FH

