

BZA 16-70 - Vernon & Geraldine
Guy request VARIANCE to reduce
rear yard setback from 20 ft. to
15 ft. at 3019 Wellington Place.

POSTED
5-28-70
MPL
E I
5-28-70

BZA 6-23-70 Approved

Map No. 5451
 Sec. 32
 Twp. 26
 Range 1E

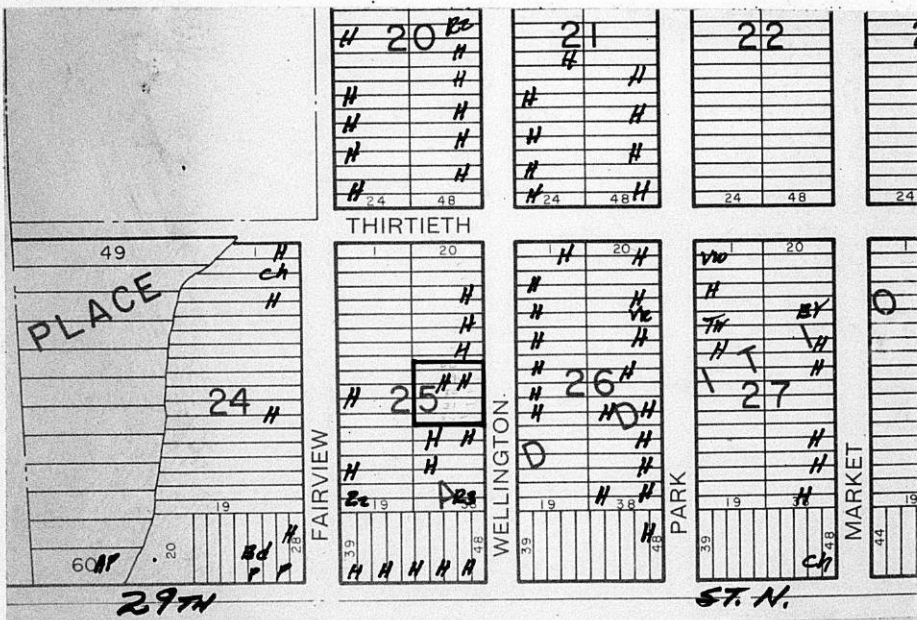
BZA 16-70
 SCZ-
 CU-
 Filed

AREA DATA:

1. Acres: 0.35 (120 ft. by 130 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM & VAC 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 BZA 16-70

WHEREAS, Vernon & Geraldine Guy, 3019 Wellington Place, 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 15 feet, on property zoned "AA" Single Family, and legally described as follows:

The South 15 feet of lot 28 and all of lots 29, 30, 31, 32, Block 25, Jones Park Addition, to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area between 29th and 30th Streets.

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 June 23, 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 existing house 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; 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 proposed addition will not extend nearer to the rear property line than the existing structure; 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 applicants desire only to expand the facility so as to provide better living conditions for their daughter and her 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 inasmuch as the variance requested 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 the same rear yard setback will be maintained that presently exists; and

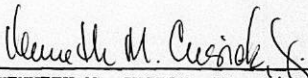
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 20 feet to 15 feet, on property zoned "AA" Single Family, and legally described as follows:

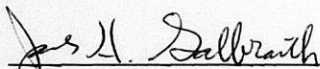
The South 15 feet of lot 28 and all of lots 29, 30, 31, 32, Block 25, Jones Park Addition, to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area between 29th and 30th Streets.

be approved for only the north 40 feet of the application area.

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1970.


KENNETH M. CUSICK, JR., Vice Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

July 31, 1970

Mr. & Mrs. Vernon Guy
3019 Wellington Place
Wichita, Kansas 67204

Subject: Case No. BZA 16-70
Request for Variance

Dear Mr. and Mrs. Guy:

Enclosed is a signed copy of a Resolution adopted by the Board of Zoning Appeals on June 23, 1970, in connection with your request for a variance to reduce the required rear yard setback from 20 feet to 15 feet, on property zoned "AA" Single Family and generally located on the west side of Wellington Place in an area between 29th and 30th Streets.

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

Enclosure

cc Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

June 23, 1970

Mr. and Mrs. Vernon Guy
3019 Wellington Place
Wichita, Kansas 67204

Subject: Case No. BZA 16-70
Request for Variance

Dear Mr. and Mrs. Guy:

At the regular meeting of the Board of Zoning Appeals on June 23, 1970, your request for a variance to reduce the required rear yard setback from 20 feet to 15 feet, on property zoned "AA"-Single Family and generally located on the west side of Wellington Place in an area between 29th and 30th Streets, was considered.

It was the action of the Board to approve this request for the north 40 feet of the application area.

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
Secretary

JHG:ls

cc Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 16-70

APPLICANT: Vernon & Geraldine Guy, 3019 Wellington Place,
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 15 feet

GENERAL LOCATION: On the west side of Wellington Place in an
area between 29th and 30th Streets

ZONING: Subject property is zoned "AA"- Single Family as are
those properties to the north, east, south and west

LAND USE: Subject property is occupied by two single family
residences with single family residences 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 20
of which variance is requested will constitute unnecessary
hardship upon the property owner represented in the applica-
tion.
4. That the variance desired will not adversely affect the
public health, safety, morals, order, convenience, pros-
perity 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 of the required rear yard setback from 20 feet to 15 feet in order to add an additional bedroom to an existing one bedroom home which is occupied by the applicants' daughter, husband and two sons.

In viewing a small scale drawing submitted with the application, it may be seen that the present structure is L shaped and the proposed addition would simply "square off" the house and would not protrude into the required rear yard any further than that portion which is presently nonconforming.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing house 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 an adverse effect on the adjacent property owners or residents inasmuch as the proposed addition will not extend nearer to the rear property line than the existing structure.

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 applicants desire only to expand the facility so as to provide better living conditions for their daughter and her family.

Page 2 - Secretary's Report
Case No. BZA 16-70

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the variance requested 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 in that the same rear yard setback will be maintained that presently exists.

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 required rear yard setback from 20 feet to 15 feet for only the north 40 feet of the application area.

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

June 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS
OF CORRECTION OF GENERAL LOCATION

Case No. BZA 16-70

An application has been filed by Vernon & Gerladine Guy, 3019 Wellington Place, 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 20 feet to 15 feet, on property zoned "AA"-Single Family, and legally described as follows:

The South 15 feet of lot 28 and all of lots 29, 30, 31, 32, Block 25, Jones Park Addition, to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area between 29th and 30th Streets.

This application has been assigned Case No. BZA 16-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 23, 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 E. GALBRAITH
Secretary

26 Copies Mailed 6-4-70

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

June 3, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

CASE NO. BZA 16-70

An application has been filed by Vernon & Geraldine Guy, 3019 Wellington Place, 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 20 feet to 15 feet, on property zoned "AA"-Single Family, and legally described as follows:

The South 15 feet of lot 28 and all of lots 29, 30, 31, 32, Block 2E, Jones Park Addition, to Wichita, Sedgwick County, Kansas. Generally located on the west side of Wellington Place in an area between 28th and 29th Streets.

This application has been assigned Case No. BZA 16-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 23, 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

36 Copies mailed 6-3-70

WILLIAM L. KORBER

OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

State of Kansas

SS

May 21, 1970

County of Sedgwick

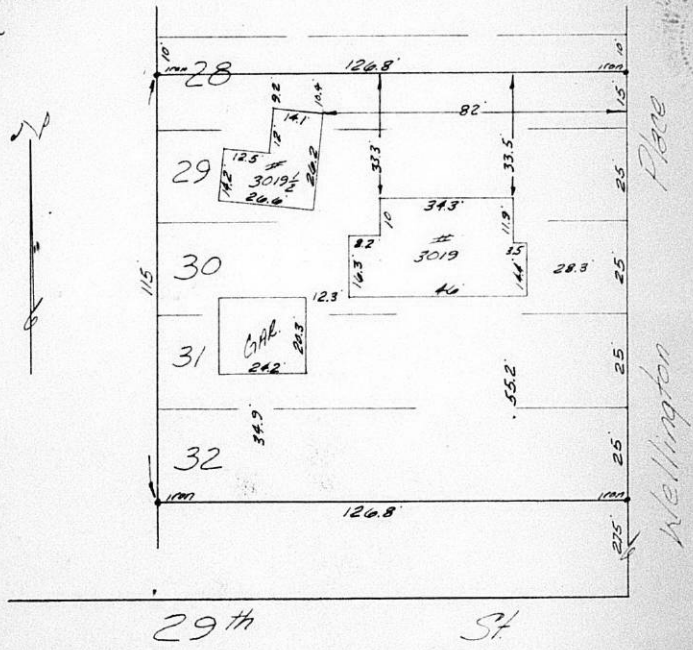
We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 21st day of May, 1970 survey Lot 28 except the north 10 feet and all of Lots 29-30-31-32, Block 25, Jones Park Addition to North Wichita, Kansas.

On said lot is house Nos. 3019 and 3019½ and a garage which are 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.

William L. Korber
Surveyor

Plot Plan



BOARD OF ZONING APPEALS

CASE NO. 16-70

CITY OF WICHITA, KANSAS

FILED 5-25-70

APPLICATION FOR VARIANCE

I. Name of Applicant Vernon & Geraldine Guy
Mailing Address 3019 Wellington Place 67204 Phone TE 81061
Name of Authorized Agent _____
Mailing Address _____ Phone _____
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is Change from 20 ft. to 15 ft.
distance from back of house to property line ato add bedroom
to existing house.

for property located 3019 Wellington Place
W. side of Wellington, north of 29th
and legally described as: 15 ft. of lots 28 and all of lots
29, 30, 31, 32 Block 25 --Jones Park Addition

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

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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Vernon Guy Geraldine Guy
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:00 (a.m. - p.m.), May 25 1970 together with appropriate fee of \$50.00.

T9-402

Jack W. Galbraith
Signed
ls

Wichita Kans
MAY 25, 1970

TO: BOARD OF Zoning

Gentlemen,

We wish to Add A Bedroom To AN existing House. We purchased This PROPERTY 2 YRS AGO AT WHICH TIME BOTH Houses WERE SITUATED AS NOW. The SMALL House is A ONE Bedroom, L shaped House AND we wish TO MAKE IT SQUARE WITH 2 Bedrooms. IT WILL IMPROVE THE APPEARANCE OF THE PROPERTY AS WELL AS ELIMINATING A TRASH COLLECTING AREA. OUR DAUGHTER, HER HUSBAND + 2 BOYS ARE AT PRESENT RESIDING IN THE HOUSE. THE ADDITION WILL NOT IN ANYWAY AFFECT ANY NEIGHBORING PROPERTY.

Thank you

Mrs. Mrs. Vernon Guy

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 within a 200' Radius of:
 Lot 28, Except the North 10' and all of
 Lots 29-30-31 & 32, Block 25, in Jones
 Park Addition to Wichita, Sedgwick County,
 Kansas.



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.)

LOTS	BLOCK	ADDITION	OWNER
Lot 6	24	Jones Park Addition	E. F. & Rosalee Hines 2419 N. Arkansas. 67204
Lots 7-8-9	24	" " "	Lillie R. & Cecelia Wood 1175 Coolidge. 67203
Lots 10-11	24	" " "	E. K. & Myrtle Hinkle 620 Goebel. 67206
Lots 12-13-14-15	24	" " "	H. R. & Lillie Goble Box 85, Benton, Ks. 67017
Lots 16-17	24	" " "	Kenneth R. & Doris G. Hill 318 West 29th St N. 67204
Lots 1 & 2	25	" " "	Erlaine Bowman 1442 N. Emporia. 67214
Lots 3 & 4	25	" " "	Belford & Miora R. Kerns 3045 Wellington Place. 67204
Lots 5-6-7-8-9-10 11-12-13-14-15	25	" " "	Sherman H. & Ruth J. Scott 3038 Fairview. 67204



LOTS	BLOCK	ADDITION	OWNER
Lots 16 & 17	25	Jones Park Addition	Alice I. & Kenneth K. Stafford 3020 Fairview. 67204
Lots 18 & 19	25	" " "	Roy W. & Hazel N. Zickefoose 3011 Wellington Place. 67204
Lots 20 & 21	25	" " "	Elaine Bowman 1442 N. Emporia. 67214
Lots 22 & 23	25	" " "	Delford & Flora R. Kerns 3045 Wellington Place. 67204
Lots 24 & 25	25	" " "	Alfreda Thrush Marxmiller 3031 Wellington Place. 67204
Lots 26-27 & N 10' of Lots 28	25	" " "	David E. & Reta F. Guy Box 192, Wellsville, Ks 66092
S 15' of Lot 28 & all of 29-30-31-32	25	" " "	Vernon L. & Geraldine Guy 3017 Wellington Place. 67204
Lots 33 & 34	25	" " "	Essie T. Trimble 2521 Bob White Rd. 67204
Lots 35 & 36	25	" " "	Jose T. Espinoza 3013 Wellington Place. 67204
Lots 37-38-39-40-42-43	25	" " "	Roy W. & Hazel N. Zickefoose 3019 Wellington Place. 67204
Lots 44 & 45	25	" " "	Charles C. & Odell M. Rogers 214 West 29th St. 67204
Lots 46-47-48	25	" " "	Roy W. & Hazel N. Zickefoose 3019 Wellington Place. 67204
Lots 1 & 2	26	" " "	Mark G. & Mary C. Perez, Jr. 3052 Wellington Place. 67204
Lots 3 & 4	26	" " "	Marcas & Mary Perez 3052 Wellington Place. 67204
Lots 5 & 6	26	" " "	Vernon W. & Marie Hale 3048 Wellington Place. 67204
Lots 7 & 8	26	" " "	Earl H. & Lois H. Jones 3044 Wellington Place. 67204
Lots 9 & 10	26	" " "	Chester C. & Mae E. Yelton 3040 Wellington Place. 67204
Lots 11-12-13	26	" " "	DeRoy & Rose Marie Warhurst 3016 Wellington Place. 67204
Lots 14 & 15	26	" " "	Gail Martin 1501 N. Meridian. 67203
Lots 16-17-18-19-39-40	26	" " "	Max W. Ranney 736 Dayton. 67213
Lot 41	26	" " "	Nadine Louise Runsey 1043 N. Dellrose. 67208.


Fidelity
Title
Company,
inc.



No. 5327.

Dated May 25, 1970, 7:00 A.M.

FIDELITY TITLE COMPANY INC.
 By *Frank R. Rawlin's*
 Vice-Pres. FH

WILLIAM L. KORBER

OFFICE OF
BAUGHMAN CO.
Surveyors

RONALD G. WAYMIRE

2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

State of Kansas }
County of Sedgwick) SS

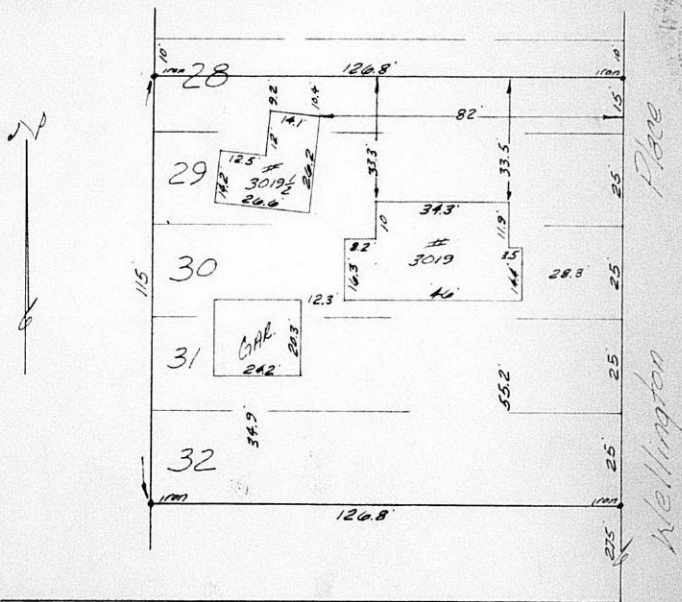
May 21, 1970

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 21st day of May, 1970 survey Lot 28 except the north 10 feet and all of Lots 29-30-31-32, Block 25, Jones Park Addition to North Wichita, Kansas.

On said lot is house Nos. 3019 and 3019½ and a garage which are 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.

William Korber
Surveyor



Noted:
S-25-70
TFB.

29th

St

Wellington Place

Form 273-021

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
Plan	1.53

Name *H. J. ...*

Address *5019 Wellington Pl*

Type *R-71-C* Due Date *5-25-70*

Comments:

Date *5-25-70* By *Lee*

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

June 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS
OF CORRECTION OF GENERAL LOCATION

Case No. BZA 16-70

An application has been filed by Vernon & Gerladine Guy, 3019 Wellington Place, 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 20 feet to 15 feet, on property zoned "AA"-Single Family, and legally described as follows:

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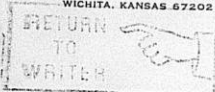
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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



- Moved, left no address
- Moved, left no number
- Moved, not forwardable
- Addressee unknown *et H*

~~E. F. & Rosalee Hines
2419 N. Arkansas
Wichita, Kansas 67204~~



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

June 3, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER



- Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

E. F. & Rosalee Hines
2419 North Arkansas
Wichita, Kansas 67204



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

June 3, 1970

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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER



- Moved, left no address
 No such number
 Moved, not forwardable
 Address unknown

Jessie T. Trimble
2521 Bob White Road
Wichita, Kansas 67204



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

June 3, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

RETURN
TO
WRITER



R. Check
not here

Jimmie R. & Cecelia Wood
1145 Coolidge
Wichita, Kansas 67203



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

June 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS
OF CORRECTION OF GENERAL LOCATION

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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
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WICHITA, KANSAS 67202



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~~1145 Coolidge~~
~~Wichita, Kansas 67203~~



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

June 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS
OF CORRECTION OF GENERAL LOCATION

Case No. BZA 16-70

An application has been filed by Vernon & Gerladine Guy, 3019 Wellington Place, 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 20 feet to 15 feet, on property zoned "AA"-single Family, and legally described as follows:

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David E. & Reta F. Guy
Box 192
Wellsville, Kansas 66092



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

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

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Wichita, Kansas 67204

