

BZA 19-65 - Ruth L. Barnett
requests EXCEPTION to permit
mobile home on WS Santa Fe
between 13th and 14th Streets
and 14th Streets

P-5
Pisro
9-13-65

ACTION

DEAL
6-22-65

Eya COMMITTEE App

M.A.P.C. _____

M.C.C./D. CO. C. _____

July 6, 1965

Mrs. Ruth L. Barnett
1413 North Santa Fe
Wichita, Kansas

Dear Mrs. Barnett:

Re: BZA 18-65

On June 24, 1965, we advised you that the Board of Zoning Appeals had approved your request for an exception to allow the placement of a mobile home on property located generally on the west side of Santa Fe between 13th and 14th Streets.

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 2, 1965.

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 the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 1 8 - 6 5

WHEREAS, Ruth L. Barnett, 1413 North Santa Fe, Wichita, Kansas, requests an Exception, as provided in Section 28.04.182.3, Code of the City of Wichita, Kansas, to allow a mobile home to be located on property legally described as follows:

Lots 107 and 109, on Santa Fe Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas;

Generally located on the west side of Santa Fe in an area between 13th and 14th Streets;
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 June 22, 1965; 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

WHEREAS, the property in question is zoned "E" Light Industrial; and

WHEREAS, Section 28.04.182.3, Code of the 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

WHEREAS, the Board considered the reasons submitted by the applicant in support of the finding of hardship, and found that a hardship does exist in that the mother of Mrs. Ruth L. Barnett, (Lillie May Cox), is in extremely poor health and under the constant care of a physician, who has submitted to the Board a statement that Lillie May Cox is of advanced age and requires almost constant attention, and that it is desirable that she live near her daughter (the applicant) in order that she may receive proper care and attention.

NOW, THEREFORE, Be it Resolved by the Board of Zoning Appeals that the Superintendent of Central Inspection be authorized and directed to issue a permit for a mobile home on property legally described as:

Lots 107 and 109, on Santa Fe Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas;

Generally located on the west side of Santa Fe and in an area between 13th and 14th Streets,

subject to the following:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mrs. Ruth L. Barnett (Lillie May Cox). Whenever Mrs. Barnett's mother no longer occupies the mobile home, it shall be removed from the lot.

2. The location of such mobile home shall conform to all lot area, height and setback requirements of the "B" Multiple family zoning district.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1965.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

June 24, 1965

Mrs. Ruth L. Barnett
1413 North Santa Fe
Wichita, Kansas

Dear Mrs. Barnett:

Re: BZA 18-65

This is to advise you that at its regular meeting of June 22, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to the ordinance to allow the placement of a mobile home on property located generally on the west side of Santa Fe between 13th and 14th Streets.

It was the decision of the Board to approve this request, subject to the following:

1. The mobile home may remain on the property as long as it is occupied by the mother of Mrs. Barnett. Whenever Mrs. Barnett's mother no longer occupies the mobile home, it shall be removed from the lot.
2. The location of such mobile home shall conform to all lot area, height and setback requirements of the "B" Multiple family zoning district.

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 2, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed, and if none has been, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
cc: Glen Lytle, Superintendent
of Central Inspection
Robert Finch, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 18-65

APPLICANT: Ruth L. Barnett, 1413 North Santa Fe

GENERAL LOCATION: West side of Santa Fe between 13th and 14th Streets

LAND USE: Existing on subject property: single family. North and west is single family; south is parking and wholesale meat and retail food store, and east is the railroad tracks and milling.

ZONING: Subject property is zoned "E". North, south and east is "E" and west is "B"

REQUEST: Exception, as provided in Section 28.04.182.3, Code of the City of Wichita, to allow a mobile home to be located on said property for a temporary period of time.

JURISDICTION: The Board has jurisdiction to consider the request under the provisions outlined in Section 28.04.182.3, Code of the City of Wichita. Before the exception can be granted, the Board must find that a hardship exists which cannot be alleviated without granting this permit.

COMMENTS BY THE SECRETARY

It is pointed out in the statement of justification that the applicant desires to place a mobile home on her property for a temporary period of time in order that her mother, who is a widow and in ill health, can live close by so that she can receive the constant care and medical attention needed.

The applicant filed for a variance; however, the staff corrected and advertised the application for an exception. Consequently, it is only necessary that a case of hardship be shown before the exception can be granted.

According to the plot plan submitted with the application, there appears to be sufficient vacant area on the lot for the 10' x 40' mobile home. It is also the opinion of the Secretary that from the statement submitted, a hardship can be found to exist. Therefore, it is recommended that the exception be granted subject to the following conditions:

Page 2 - Secretary's Report
Case No. BZA 18-65

1. The mobile home may remain on the property as long as it is occupied by the mother of Mrs. Barnett. Whenever Mrs. Barnett's mother no longer occupies the mobile home, it shall be removed from the lot.
2. The location of such mobile home shall conform to all lot area, height and setback requirements of the "B" Multiple Family zoning district.

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Page 2 - Secretary's Report
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2. The location of such mobile home shall conform to all lot area, height and setback requirements of the "B" Multiple Family zoning district.

CASE NO. BZA 18-65

14 NOTICES MAILED JUNE 3, 1965

MEETING JUNE 22, 1965

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

20

June 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-65

An application has been filed by Ruth L. Barnett, 1413 North Santa Fe, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting an Exception to allow a mobile home to be located on property zoned "E" - Light Industrial, and legally described as follows:

Lots 107 and 109, on Santa Fe Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas.

Generally located on the west side of Santa Fe between 13th and 14th Streets.

This application has been assigned Case No. BZA 18-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 22, 1965, at 2:00 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.

Jack H. Galbraith
Secretary

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

June 4, 1965

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 18-65
FILED 5-20-65

Exception
APPLICATION FOR VARIANCE

I. Name of Applicant Ruth L. Barnett
Mailing Address 1413 N. Santa Fe Phone AM 5-7610
Name of Authorized Agent N.A.
Mailing Address N.A. Phone N.A.

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

II. The *exception* variance requested is permission to place a mobile home or house
trailer on the south 16 feet of the rear 66 feet, more or less, of
applicant's property to provide a shelter for applicant's ailing
mother who must be under her constant attention. (28.04.182.3)
for property located 1413 N. Santa Fe, Wichita, Kansas
On the west side of Santa Fe between 13th
& 14th streets

and legally described as: Lots 107 and 109, on Santa Fe, in North
Park Addition to Wichita, Sedgwick County, Kansas,
in the City of Wichita; and which is presently zoned _____.
(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.

Ruth L. Barnett
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
10:30 (a.m.) - p.m.), May 20, 1965, together with
appropriate fee of \$50.00.

James W. Howe
Signed

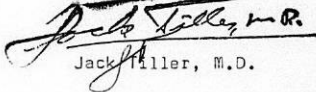
JACK TILLER, M.D., A.A.S.P.
5101 E. KELLOGG
WICHITA, KANSAS 67218

May 7, 1965

TO WHOM IT MAY CONCERN:

Mrs. Lillie Cox is under treatment for diabetes mellitus and a heart condition, and she has been for several years. Because of her advanced age and medical condition, it is imperative that she live near her daughter, Mrs. Ruth Barnett, in order that her medication of insulin injections can be administered daily.

Sincerely,


Jack Tiller, M.D.

JT:mmb

APPLICANT'S STATEMENT

The applicant requests a variance, on the basis of hardship, from the provisions of Section 28.04.120, A, ¶2, (b) of the Code of the City of Wichita which prohibits the placing of a mobile home or house trailer on her property which is zoned "E" light industrial. Applicant herewith submits a sketch, drawn to scale, showing that she proposes to place such trailer on the rear 66½ feet of her lot.

The reasons for this request, and the hardship basis upon which it is made are as follows: Applicant's mother, Lillie May Cox, is in extremely poor health and under the constant care of a physician. A letter from her physician is hereto attached. By reason of her poor health and diabetic condition, which requires that this applicant administer insulin injections to her each day, applicant's mother must not be left alone and must be in the company of others at all times. Applicant's father, Floyd Cox, who resided with her mother, passed away on April 20, 1965, and it is now necessary that Lillie May Cox move so that she may be near the applicant. There will be sufficient funds from the settlement of the estate of Floyd Cox to acquire a house trailer or mobile home and to place it at the rear of applicant's lot, if a variance is granted permitting the same.

It is believed that this application will meet the requirements of Section 2.12.590.2 in the following manner:

(a) The condition or circumstance from which this request arises is unique, for the hardship reasons above described, and also, in that, by reason of the exclusive nature of industrial zoning now in effect in Wichita, applicant is prevented from using her property in a manner which, prior to the exclusive industrial zoning, she could have used it. The condition from which the request for variance arises is not ordinarily found in "E" zoning districts because such districts are primarily used for industrial uses and the peculiar circumstances giving rise to this request would not ordinarily be encountered.

(b) The granting of this variance will not adversely affect the rights of adjacent property owners or residence because this neighborhood is already, and has been for many years, devoted to mixed economic uses, including residential, commercial, milling and railroad. Surveys conducted by the Urban Renewal Agency and the Metropolitan Area Planning Commission, in connection with the Community Renewal Plan, have rated it to be in either a deteriorating or semi-deteriorating condition. Thus, the location of the house trailer on applicant's property will not increase the encroachment of residential into an industrially zoned area, as applicant's lots have been devoted to residential use for at least 50 years before the concept of industrial zoning.

(c) Applicant submits that her explanation of the hardship faced by her and by her mother, set out above, as well as the attached physician's letter, fully support the existence of condition (c).

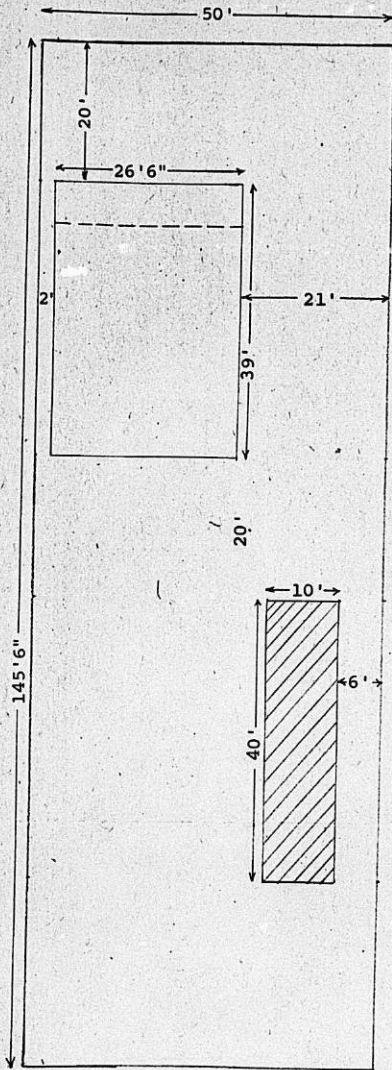
(d) Nothing in the plan of applicant for the location of this house trailer could possibly have an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. On the contrary, applicant submits that these causes will be supported by the granting of this variance in that she is attempting to assist her aged mother during her reclining years, and since the loss of her father, to have a place to live close to her where she may live in decency and dignity and still be under the constant care of applicant, who must administer her mother's insulin injections. Also, to the south and west of applicant's property (i.e. the area closest to the proposed house trailer location) is located the parking lot and buildings of a wholesale meat and retail food company which will certainly not be adversely affected.

For all of the above reasons, applicant respectfully requests the issuance of permit for variance.

Ruth L. Barnett
Applicant

S K E T C H

SANTA FE STREET



Shaded area is location of house trailer proposed.

SCALE: 1 inch equals 16 feet

OWNERSHIP LIST

Lot	Street	Addition	Property owner
91	Santa Fe	North Park Add.	Mabel Bishop ✓ 1441 N. Santa Fe Mary Bishop <i>no address</i> Address unknown Lenora Whitney <i>no address</i> Address unknown
N 10' of 93	"	"	"
S 15' of 93	"	"	William A. Rush <i>no address</i> Sarah Fern Rush Address unknown
95	"	"	"
97	"	"	Mildred Fowler ✓ 1425 N. Santa Fe
N 15' of 99	"	"	"
N 5' of S 10' of 99	"	"	Faye E. Martin <i>no address</i>
S 5' of 99	"	"	✓ Russell Martin 6207 E. 8th Harold Smith ✓ Darlene Smith 11817. Pinnerest Address unknown
101	"	"	"
N 10' of 103	"	"	"
S 15' of 103	"	"	Carl M. Bird ✓ Nettie P. Bird 1415 N. Santa Fe
105	"	"	"
107	"	"	g Ruth Barnett) applicant Address unknown
109	"	"	"
111	"	"	Carl Bells Market, ✓ a partnership consisting of Carl A. Bell, Marlam R. Bell, George L. Bell, Fred L. Bell and Jack D. Bell 604 E. 13th St.
113	"	"	"

Continued page 2

Lot	Street	Addition	Property Owner
90	St Francis	North Park Addition	Lillian M. Erdwein ✓ 1440 N. St. Francis
92	"	"	Edward Andrews ✓ Evelyn Andrews 1434 N. St. Francis
94	"	"	"
96	"	"	"
98	"	"	V. W. Nobles Nettie B. Nobles <i>no address</i> Address unknown
100	"	"	"
102	"	"	"
104	"	"	H. W. Smith ✓ Daisy Hull Smith 1424 N. St. Francis
106	"	"	"
108	"	"	J. D. Walker ✓ Helen L. Walker 1414 N. St. Francis
110	"	"	"
112	"	"	Carl A. Bell ✓ 604 E. 13th St.
114	"	"	"
2		Mentzer's Subdivision	"
4		"	"
6		"	"
8		"	"
10		"	"
12		"	"
14		"	"
115		Roser's Sub.	Floyd Cox ✓ 1401 N. Santa Fe
117		"	"
119		"	Carl A. Bell, Mariam R. Bell, George L. Bell, Fred L. Bell & Jack D. Bell d.b.a. Carl Bell's Market 604 E. 13th St.
121		"	"
123		"	"
125		"	"

Continued page 3

Lot	Street	Addition	Property Owner
13		Parmenter's 2nd Add.	Ralston-Purina Co. ✓ 710 E. 13th St.
14		"	"
15		"	"
17		"	"
19		"	"
21		"	"
23		"	"
25		"	"
27		"	"
29		"	"
31		"	"

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of

Lots 107 and 109, on Santa Fe. Avenue, in North Park Addition to Wichita, Sedgwick County, Kansas.

as shown by the deeds on file in the Office of the register of Deeds of Sedgwick County, Kansas, on this 7th day of May, 1965 at 7:00 o'clock P. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

J.R.M. Mann
Vice-President

order No. 124263

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
<i>Exp. (check items)</i>	<i>50.00</i>

Name *Richard Kowalski*

Address *1416 W. Santa Fe*

Type *2-713* Due Date

Comments:

Date *5-20-65* BY *R. Kowalski*