

BZA 19-64 - Mildred Rule Olson re-
quests variance of setback require-
ments - 904 Shadyway
77 W Cor Carlow + Shadyway

Bza Approved 4-28-64
No appeal filed

May 11, 1964

Mrs. Mildred Rule Olson
904 Shadyway
Wichita, Kansas

Dear Mrs. Olson:

Re: Case No. BZA 19-64

On April 30, 1964, we advised you that the Board of Zoning Appeals had approved your request for a variance of the rear yard setback on property generally located on the northwest corner of Carlos and Shadyway. We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before May 8, 1964.

The City Clerk has advised that no appeal was filed on or before that date, 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

RESOLUTION NO. BZA 19-64

WHEREAS, Mildred Rule Olson, 904 Shadyway, Wichita, Kansas, requests a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, to allow a rear yard setback of 10 feet rather than 20 feet as required in the ordinance, on property generally located on the northwest corner of Carlos and Shadyway, and legally described as follows:

Lot 27, on Shadyway, in Shady Nook Addition, in the City of Wichita, Sedgwick County, Kansas.
Generally located on the northwest corner of Carlos and Shadyway; 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 28th day of April, 1964; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as in this particular situation the property is sufficiently unique and different from the surrounding property; and further, the property is located on an odd-shaped lot and it appears there is no problem pertaining to adequate light and air in relation to abutting properties; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners inasmuch as no one appeared in opposition and further, the adjoining neighborhood is rather compact in nature; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as the extra building space is needed so that the applicant's mother can have a room to herself and live in a certain degree of privacy and comfort; and

WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance requested be approved and the Superintendent of Central Inspection be authorized to issue the appropriate permit, subject to the following:

1. The attached garage shall have a rear yard setback of not less than 10 feet and a roof overhang of not more than one foot.
2. Construction shall be completed within one year from the effective date of this approval or the permit shall be null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1964.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Board of Zoning Appeals

May 7, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 19-64

Attached is a copy of Resolution No. BZA 19-64, covering action taken by the Board of Zoning Appeals in connection with the above-numbered case, which case was heard by the Board on April 28, 1964. An appeal may be filed in your office on or before May 8, 1964. If an appeal is filed, please advise.

Jack H. Galbraith
Secretary

JHG:ber

Attachment

April 30, 1964

Mrs. Mildred Rule Olson
904 Shadyway
Wichita, Kansas

Dear Mrs. Olson:

Re: Case No. BZA 19-64

This is to advise you that at its regular meeting of April 28, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to allow a rear yard setback of 10 feet rather than 20 feet as required by the ordinance, on property generally located on the northwest corner of Carlos and Shadyway.

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

1. The attached garage shall have a setback of not less than 10 feet and a roof overhang of not more than one foot.
2. Construction shall be completed within one year from the effective date of this approval or the permit shall be null and void.

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 May 8, 1964.

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 May 8, 1964, the decision of the Board will be final.

Page 2 - Mrs. Mildred Rule Olson
April 30, 1964

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 G. Finch
City Clerk

SECRETARY'S REPORT**CASE NO. BZA 19-64**

GENERAL LOCATION: Generally located on the west side of Woodland between Shadyway and 13th Street.

LAND USE: The property in question is presently occupied by a single family home and an unattached garage. The existing land use to the north is single family and a duplex; east is single family and duplex; south is the Little Arkansas River; and west is duplex and single family.

EXISTING ZONING: The property in question is zoned "A" Two Family. The existing zoning to the north, east, south and west is zoned "A" Two Family.

REQUEST: The request is for a variance to allow the construction of an attached garage to occupy ten feet of required 20 foot rear yard setback area. The Variance is within the jurisdiction of the Board to grant provided all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and not ordinarily found in the same zoning district;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners;
3. The strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant represented in the appeal;
4. The variance desired is not against the public interest.

The applicant has submitted a plot plan and a statement of justification which are included as Attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

The applicant has requested that she be allowed to utilize ten feet of the required rear yard setback of 20 feet for construction of an attached garage and an addition to her home. The present unattached garage or accessory structure is located approximately in the same position that the proposed garage and addition to the house will be. The existing garage does comply with the building setback requirement but once it is attached to the house the rear yard setback requirement is increased to 20 feet.

Page 2 - Secretary's Report
Case No. BZA 19-64

UNIQUENESS

The applicant has stated that the property is unique in that the lot is too small. It is the general feeling of the Secretary that in this particular situation the property is sufficiently unique and different from the surrounding property. As this property is a corner location, there is no problem pertaining to adequate light and air in relation to abutting properties.

EFFECT ON ADJACENT PROPERTY OWNERS

It is felt there will be no adverse **affect** on any of the adjacent or abutting properties, as the overall character of the neighborhood is rather compact in nature.

HARDSHIP

The applicant states that the extra building space is necessary so that her mother can make her home with the applicant in comfort and with a certain degree of privacy. Based on this, it is recommended that hardship be found to exist.

EFFECT ON GENERAL WELFARE

It is the opinion of the Secretary that granting the variance will not adversely affect the general health, welfare and prosperity of the community. In particular, in regard to sight distance, it is felt that the existing house is set back sufficiently from the intersection of Woodland and Shadyway and the location of proposed addition to the house does not vary to any large extent from the site of the existing garage.

Based on the foregoing, it is the recommendation of the Secretary that this application be approved and that the Superintendent of Central Inspection be instructed to issue a building permit for an attached garage having a setback of not less than 10 feet, and having a roof overhang of not more than 1 foot, subject to construction being completed within one year from the effective date of this approval.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

SECRETARY'S REPORT

CASE NO. BZA 19-64

GENERAL LOCATION: Generally located on the west side of Woodland between Shadyway and 13th Street.

LAND USE: The property in question is presently occupied by a single family home and an unattached garage. The existing land use to the north is single family and a duplex; east is single family and duplex; south is the Little Arkansas River; and west is duplex and single family.

EXISTING ZONING: The property in question is zoned "A" Two Family. The existing zoning to the north, east, south and west is zoned "A" Two Family.

REQUEST: The request is for a variance to allow the construction of an attached garage to occupy ten feet of required 20 foot rear yard setback area. The Variance is within the jurisdiction of the Board to grant provided all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and not ordinarily found in the same zoning district;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners;
3. The strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the applicant represented in the appeal;
4. The variance desired is not against the public interest.

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COMMENTS BY THE SECRETARY

The applicant has requested that she be allowed to utilize ten feet of the required rear yard setback of 20 feet for construction of an attached garage and an addition to her home. The present unattached garage or accessory structure is located approximately in the same position that the proposed garage and addition to the house will be. The existing garage does comply with the building setback requirement but once it is attached to the house the rear yard setback requirement is increased to 20 feet.

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The applicant has stated that the property is unique in that the lot is too small. It is the general feeling of the Secretary that in this particular situation the property is sufficiently unique and different from the surrounding property. As this property is a corner location, there is no problem pertaining to adequate light and air in relation to abutting properties.

AFFECT ON ADJACENT PROPERTY OWNERS

It is felt there will be no adverse affect on any of the adjacent or abutting properties, as the overall character of the neighborhood is rather compact in nature.

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The applicant states that the extra building space is necessary so that her mother can make her home with the applicant in comfort and with a certain degree of privacy. Based on this, it is recommended that hardship be found to exist.

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Based on the foregoing, it is the recommendation of the Secretary that this application be approved and that the Superintendent of Central Inspection be instructed to issue a building permit for an attached garage having a setback of not less than 10 feet, and having a roof overhang of not more than 1 foot, subject to construction being completed within one year from the effective date of this approval.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

CASE NO. BZA 19-64

16 NOTICES MAILED APRIL 9, 1964 FOR MEETING APRIL 28, 1964

Mildred Rule Olson
904 Shadyway

Seward R. & Ila M. Phipps
1319 McLean Blvd., N.W.

Mary Gwendolyn Smith
905 West 13th Street

Charles M. & Lucille M. Crain
911 Parker Avenue

Ethel L. Armagost
915 West 13th Street

R. H. & Wilma C. McElroy
922 Shadyway

Josephine A. and George H. Bruce
4505 East Lewis

Rufus S. & Flora Kirk
914 Shadyway

Wilbur W. & Freida L. Arbuckle
1313 Woodland

Augie E. Nelson
Viola, Kansas

Myrtle Marie Diller
1424 Burns

S. S. McDonald
1514 Wedgewood Drive

Floyd O., Sarah N. & Clyde E. Moore
3225 West 15th Street

Rose Mary Lubbers
1342½ Woodland Avenue

Allie Mae Graves
828 Shadyway

Harry W. Stanley
820 Shadyway

4
904 Shadyway
Wichita, Kansas
March 31, 1964

Board of Zoning Appeals
City of Wichita, Kansas

Gentlemen:

The need for this variance arises because of the small size of Lot #27 in Shady Nook Addition.

What we would like to do is to tear down our existing two Car garage (which is 18feet wide) and add to our house a family room, lavatory, storage and a two car garage with a one-half story over for two small bedrooms. The new North or rear wall of the new garage would be approximately in the same location as our existing North wall of the garage.

The reason we need this extra space is so that my mother can make her home with us in comfort and a certain degree of privacy.

Thank you for your consideration of this matter.

Very truly

Wickie R. Olson
(Mrs. R. E. Olson)

Case No. BZA 19-64
Attachment #1

BOARD OF ZONING APPEALS
Room 401 City Building Annex
104 South Main
Wichita, Kansas

20
5

April 9, 1964

VARIANCE TO ADJOINING PROPERTY OWNERS

Case No. BZA 19-64

An application has been filed by Mildred Eule Olson, 904 Shadyway, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, requesting a Variance to allow a rear yard setback of 10 feet rather than 29 feet as required in the ordinance, on property zoned "A", and legally described as follows:

Lot 27, on Shadyway, in Shady Neck Addition, in the City of Wichita, Sedgewick County, Kansas. Generally located on the northwest corner of Carlos and Shadyway.

This application has been assigned Case No. BZA 19-64, and will be considered by the Board of Zoning Appeals on Tuesday, April 28, 1964, 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.

Jack H. Galbraith
Secretary

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

April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 19-64

An application has been filed by Mildred Rule Olson, 904 Shadyway, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, requesting a Variance to allow a rear yard setback of 10 feet rather than 20 feet as required in the ordinance, on property zoned "A", and legally described as follows:

Lot 27, on Shadyway, in Shady Mook Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Carlos and Shadyway.

This application has been assigned Case No. BZA 19-64, and will be considered by the Board of Zoning Appeals on Tuesday, April 22, 1964, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 19-64
FILED 3-31-64

APPLICATION FOR VARIANCE

I. Name of Applicant Mildred Rule Olson
Mailing Address 904 Shadyway Phone Am 5-0424
Name of Authorized Agent Not applicable
Mailing Address _____ Phone _____
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other) 2.12.590.2

II. The variance requested is To allow 10 feet Backyard
Setback in place of 20 feet.

for property located 904 Shadyway, Wichita, Kansas.

and legally described as: Lot # 27 in Shady Nook
Addition to Wichita, Kansas

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

(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; Yes
- 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; Yes
- 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; Yes
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions. Yes

(Mrs. R. E.) Mildred Rule Olson
Applicant

Homeer Brunk

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
4 (a.m. - p.m.), March 31, 1964, together with
appropriate fee of \$50.00.

T21-402

James W. Howe
Signed

STATEMENT OF RECORD 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 lying within a radius of
 200 ft. of: Lot 27, on Shadyway,
 in Shady Nook Addition to Wichita,
 Kansas.


Fidelity
Title
Company,
inc.

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

Lot	Street	Addition	Owner
1	13th.	Shady Nook	Seward R. & Ila M. Phipps, ux 1319 McLean Blvd., NW
2	"	" "	Mary Gwendolyn Smith 905 W 13th St.
3	"	" "	Charles M. & Lucille M. Crain, 911 Parker Ave. ux
4 & 5	"	" "	Ethel L. Armagost, 915 W 13th St.
Lot 22 E of a line beg at a pt 15.625' E of NW cor Lot 22 to a pt 19.375' E of SW cor Lot 22 & all Lot 23, Shadyway in Shady Nook Addition			R. H. & Wilma C. McElroy, ux 922 Shadyway
Lots 25 & 26, Shadyway, Shady Nook Add.			Josephine A. Bruce George H. Bruce 4505 E. Lewis



Lot	Street	Addition	Owner
24	Shadyway	Shady Nook	Rufus S. & Flora Kirk, ux 914 Shadyway
27	"	" "	Mildred Elberta Olson 904 Shadyway
28	"	" "	Wilbur W. & Freida L. Arbuckle, 1313 Woodland ux
29(exc W 50')	"	" "	Augie E. Nelson, sgle Viola, Kansas
29 (W 50')	"	" "	Charles M. & Lucille M. Crain, ux 911 Parker
Beg at SW cor Lot 29; th S 20 ft; E 50 ft; N 20 ft; W 50 ft to beg. Sec 17-27-1E.			Charles M. & Lucille M. Crain, ux 911 Parker
Beg 150 ft S of SW cor Carlos & 13th St; th W 150 ft; S 20 ft; E 150 ft; N 20 ft to beg exc W 50 ft. NW $\frac{1}{4}$ Sec 17-27-1E.			Augie E. Nelson, sgle Viola, Kansas
Beg 170 ft S of SW cor Carlos Ave. & 13th St; th W 150 ft; S 60 ft; E 150 ft to beg Sec 17-27-1E.			Augie E. Nelson, sgle Viola, Kansas
Beg 230 ft S of SW cor Carlos Ave. & 13th St; th S 20 ft; W 150 ft; N 20 ft; E to beg. NW $\frac{1}{4}$ Sec 17-27-1E.			Wilbur W. & Freida L. Arbuckle, ux 1313 Woodland
Beg at SE cor Carlos & 13th St; th E 50 ft; S 175 ft; W 50 ft; N to beg., NW $\frac{1}{4}$ Sec 17, Twp 27, R 1 E.			Myrtle Marie Diller 1424 Burns
Beg 200 ft W of SW cor Bitting & 13th St. th S 175 ft; W 50 ft; N 175 ft; E to beg. NW $\frac{1}{4}$ Sec 17, Twp 27, R 1 E.			S. S. McDonald 1514 Wedgewood Drive
Beg 150 ft W of SW cor Bitting & 13th St. th S 175 ft; W 50 ft; N 175 ft; E to beg., exc beg at SE cor Lot 2, Morgan's Add; th E 10 ft; N 25 ft; SW to beg.			Floyd O. Moore, Sarah N. Moore & Clyde E. Moore 3225 W 15th St.
Lots 2 & 4, Carlos Ave., Morgan's Add.			Rose Mary Lubbers, sgle 1342 $\frac{1}{2}$ Woodland Ave.
Lots 6 & 8, Carlos Ave., Morgan's Add.			Claude W. & Vivian M. Palmer, ux No Address Available
Lot 10, (N 15 ft of W 75 ft) on Carlos Ave., in Morgan's Add.			Claude W. & Vivian M. Palmer, ux
Lot 10 (S 10 ft of W 75 ft) & W 75' Lots 12, 14, 16, 18 & 20, Carlos Ave., Mor- gan's Add.			Allie Mae Graves 828 Shadyway
The E 65 ft of Lots 10, 12, 14, 16, 18 & 20, Carlos Ave., Morgan's Add.			Harry W. Stanley 820 Shadyway

Dated at Wichita, Kansas this 23rd day
of March, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell
Sec. OEM

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hea. Mvr.	Hea. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
B7A	50.00

Name _____

Address _____

Type R712 Due Date 5

Comments: _____

Date 3-31-64 By G. H. [unclear]

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA 2, KANSAS
ZIP CODE 67202

19-64

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

3146

1301 S. Main Road

Rufus S. & Flora Kirk

914 Shadyway

Wichita, Kansas



RETURN TO WRITER



RETURN TO WRITER

