

BZA 19-72 Urban Construction and Development, Inc. requests variance for a covered stairway and for an enclosed carport in an area south of English and between Rutan and Vassar

Post 60
22-1-72
6-1-72

M.P.C.
C.I.
8-15-72

ACTION

DATE

1-25-72

BZA COMMITTEE Approved

~~M.P.C.~~

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

RESOLUTION NO. BZA 19-72

WHEREAS, Urban Construction and Development, Inc., 786 North Ridge Road, Wichita, Kansas, by James R. Schaefer, 800 Brown Building, Wichita, Kansas, requests a variance as provided in Section 2.12.590.C., Code of the City of Wichita, to reduce the required front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet, on property zoned "B" Multiple Family, and legally described as follows:

Lot 3, Park and Maple, College Hill Addition to Wichita, Sedgwick County, Kansas. Generally located in an area south of English between Rutan and Vassar.

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 July 25, 1972, 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 property is bounded on three sides by streets and therefore must maintain a front yard setback adjacent to each street; 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 enclosed carport and the enclosed stairway will be separated from the properties to the north, east and west by streets and landscaped yards and the carport structure will be approximately 36 feet from the south property line; 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 10 off-street parking spaces would have to be eliminated and the residents would be deprived of the protection of a covered stairway; 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 applicant desires to provide off-street parking in excess of that required by the zoning ordinance and the proposed covered stairway will only occupy 20 feet of the required front yard setback and adequate yard areas will remain to provide a feeling of open space; 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 proposed structures can be effectively screened from adjacent residences; and

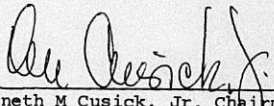
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

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 front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet, on property zoned "B" Multiple Family, and legally described as follows:

Lot 3. Park and Maple, College Hill Addition to Wichita, Sedgwick County, Kansas. Generally located in an area south of English between Rutan and Vassar.

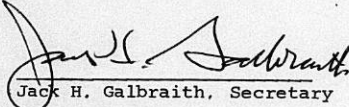
be approved for only those areas proposed to be encroached upon as indicated on the submitted plan, subject to the east side of the carport adjacent to Vassar being constructed of a solid material so as not to permit lights from automobiles shining onto the property to the east; and subject to the remaining 15 foot setback area being landscaped with trees, shrubs, and grass.

ADOPTED AT WICHITA, KANSAS, this 25th day of July, 1972.



Kenneth M Cusick, Jr. Chairman

ATTEST:



Jack H. Galbraith, Secretary

August 1, 1972

Mr. James R. Schaefer
800 Brown Building
Wichita, Kansas 67202

Subject: Case No. BZA 19-72
Request for Variance

Dear Mr. Schaefer:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 25, 1972, in connection with your request for a variance to reduce the required front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet on property zoned "B" Multiple Family, and generally located south of English between Rutan and Vassar, etc.

This Resolution reflects the official action of the Board to approve your request for only those areas proposed to be encroached upon as indicated on the submitted plan, subject to the east side of the carport adjacent to Vassar being constructed of a solid material so as not to permit lights from automobiles shining onto the property to the east; and subject to the remaining 15 foot setback area being landscaped with trees, shrubs, and grass. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call this office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw

cc: Urban Construction and Development, Inc.
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

August 1, 1972

Mr. James R. Schaefer
800 Brown Building
Wichita, Kansas 67202

Subject: Case No. BZA 19-72
Request for Variance

Dear Mr. Schaefer:

At the regular meeting of the Board of Zoning Appeals on July 25, 1972, your request for a variance to reduce the required front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet, on property zoned "B" Multiple Family, and generally located south of English between Rutan and Vassar, was considered.

It was the action of the Board to approve this request for only those areas proposed to be encroached upon as indicated on the submitted plan, subject to the east side of the carport adjacent to Vassar being constructed of a solid material so as not to permit lights from automobiles shining onto the property to the east; and subject to the remaining 15 foot setback area being landscaped with trees, shrubs, and grass.

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 concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw

cc: Urban Construction and Development, Inc.
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. RZA 19-72

APPLICANT: Urban Construction and Development, Inc.

AGENT: James F. Schaefer

REQUEST: Variance pursuant to Section 2.12.590.B. Code of the City of Wichita to reduce the required front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet.

GENERAL LOCATION: In an area south of English between Putan and Vassar.

ZONING: Subject property is zoned B" Multiple Family, properties to the north and west are zoned "AA" Single Family and "A" Two Family to the east and south is "A" Single Family.

LAND USE: Subject property is undeveloped; north and west is single and two family; east and south is single family.

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 owner represented in the application.
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 front yard setback adjacent to the east property line from 20 feet to 15 feet in order to construct an enclosed carport. The applicant is also requesting a variance of the required front yard setback adjacent to the north property line from 20 feet to 10 feet to allow the construction of an enclosed stairway.

A plot plan submitted with the application proposes a total of 36 dwelling units to be constructed on the site with a total of 56 off-street parking spaces provided. Only one space per dwelling unit is required by the zoning ordinance.

Uniqueness:

It is the opinion of the Secretary that the site is unique inasmuch as the property is bounded on three sides by streets and therefore must maintain a front yard setback adjacent to each street.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variances would not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed enclosed carport and the enclosed stairway will be separated from the properties to the north, east and west by streets and landscaped yards and the carport structure will be approximately 36 feet from the south property line.

Hardship:

It is the opinion of the Secretary that it is difficult to find a hardship, however, if the variances were not granted 10 off-street parking spaces would have to be eliminated and the residents would be deprived of the protection of a covered stairway.

Public Interest:

It is the opinion of the Secretary that the granting of the variances would not affect the public interest inasmuch as the applicant desires to provide off-street parking in excess of that required by the zoning ordinance and the proposed covered stairway will only occupy 20 feet of the required front yard setback and adequate yard areas will remain to provide a feeling of open space.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variances would not be opposed to the spirit and intent of Title 28 inasmuch as variances can be justified in circumstances such as this where the proposed structures can be effectively screened from adjacent residences.

Recommendation:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variances can be found to exist, and therefore, it is recommended that the variances be granted for only those areas proposed to be encroached upon as indicated on the submitted plan. subject to the east side of the carport adjacent to Vassar being constructed of a solid material so as not to permit lights from automobiles shining onto the property to the east; and subject to the remaining 15 foot setback area being landscaped with trees, shrubs, and grass.

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

July 5, 1972

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 19-72

An application has been filed by Urban Construction and Development, Inc. pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback adjacent to the east property line from 20 feet to 15 feet; and to reduce the required front yard setback adjacent to the north property line from 20 feet to 10 feet, on property zoned "B" Multiple Family Dwelling District, and legally described as follows:

Lot 3, Park and Maple, College Hill Addition to Wichita, Sedgwick County, Kansas. Generally located in an area south of English between Rutan and Vassar.

This application has been assigned Case No. BZA 19-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1972, 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

7-5-72 sent 46 notices for 7-25-72 meeting
sent 8 notices to Planning Commission
jed.

BOARD OF ZONING APPEALS

CASE NO. BZA 19-72

CITY OF WICHITA, KANSAS

FILED 6-26-72

APPLICATION FOR VARIANCE

I. Name of Applicant Urban Construction and Development, Inc.

Mailing Address 786 North Ridge Road, Wichita phone 942-1133

Name of Authorized Agent James R. Schaefer

Mailing Address 800 Brown Building, Wichita phone 262-4403

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is a 10' by 20', located 60' east of
Rutan Street, encroachment into 20' from English Street setback
for a covered stairway; and a 5' encroachment into the 20' set-
back on Vassar Avenue for an enclosed carport,
for property located between Rutan Street and Vassar Avenue,
from English Street ^{South} ~~North~~ 301'.

and legally described as: Lot 3, Park and Maple, College Hill
Addition to Wichita, Sedgwick County, Kansas.

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

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.



Urban Construction and Development, Inc.
Applicant

By: James R. Schaefer
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:50 (a.m. - p.m.), June 26 19 72 together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley
Signed

STATEMENT FOR JUSTIFICATION OF VARIANCE

We are herewith submitting this statement with the application for variance as set forth in said application and in support thereof state as follows:

Because of the dimensions of the ground in question upon which the proposed improvements are laid out as shown by the sketch plat filed herewith, and in order to improve the aesthetic value of the property, the requested variance for stairway is submitted. There is no other possible way to lay out the stairway and retain the proposed construction without unduly crowding the area in question and still retain sufficient parking facilities, which are required by the nature of the improvements and which are considerably in excess of that required by ordinance.

The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners inasmuch as both the variance for the stairway and the variance for the carport are separated from the adjacent property owners not only by a setback but also by streets. Both the stairway and the carport are entirely enclosed and there will be landscaping protecting the view thereof.

The strict application of the setback requirements provided in Title 28 of the Code of the City of Wichita from which a variance is requested, would cause a hardship upon the owner of the property for two reasons.

1. With regard the stairway, the location other than that of the property site would restrict the walk area provided or would compress the buildings into a smaller area which would not be to the best interest of the residents.

2. Without the required variance for the carport along Vassar Avenue which restricts the parking space available to

residents of the units and inasmuch as the proposed apartments are of high quality, it is felt by the owner that there should be parking space in excess of that required under the ordinance for the benefit of the tenants.

Applicant does not feel that the requested variance for either the stairway or carport will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the area.

That the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinances of the City of Wichita inasmuch as there will still remain sufficient setback which will be screened from the property owners across the street in question so as not to interfere with their rights.

In summation, applicant respectfully submits that the minor variance requested will result in an improved site improvement without adversely affecting any property rights in the area.

URBAN CONSTRUCTION AND DEVELOPMENT, INC.

By: James A. Schaefer
Their Attorney





OWNERSHIP LIST

Lot	Addition	Property Owner
1	Murdock Addition	✓ Roland L. Krause & Marjorie V. Krause 230 S. Rutan 67218
2 exc S 8'	Same	✓ Mamie B. Wettig 242 S. Rutan 67218
S 8' Lot 2 All Lot 3	Same	✓ Jewell J. Gist & Dorothy P. Gist 248 S. Rutan 67218
5	Same	✓ N. H. Neville & Letha V. Neville 153 N. Brookside 67218
8	Same	✓ George A. Reed & Helen G. Reed Address Unknown 559 Longford
9	Same	7-10-79 make Revised ✓ F. Leon Alley & Mary L. Alley 233 S. Vassar 67218
10	Same	✓ Dennis A. Laird & Linda D. Laird Address Unknown 1915 W. McArthur
11	Same	✓ Marguerite S. Bliss 229 S. Vassar 67218
23	Uptown Addition	✓ Jen-Rentals, Inc. c/o Mrs. Wilma Jennings 5051 E. Lincoln St Apt 10F 67218
24	Same	Ⓟ Same
N 50.75' Lot 2 on Rutan	B. D. Allens Addition	✓ Ellen M. Klingsieck 215 S. Rutan Avenue 67218
S 11' Lot 2 & N 40' Lot 4 on Rutan	Same	✓ John B. Wooley & Colleen Lee Wooley 146 S. Fountain Avenue 67218
S 10' Lot 4 All Lot 6 on Rutan	Same	✓ Robert W. Berry & Marian R. Berry 227 S. Rutan Ave. 67218

Lot	Addition	Property Owner
8 on Rutan	B. D. Allens Addition	✓ Enos Fry & Virginia M. Fry 233 S. Rutan Avenue 67218
10	Same	✓ Secretary of Housing & Urban Development Washington, D. C.
12 on Rutan	Same	✓ Daisy L. Hayes Address Unknown <i>2261 S. Kansas Ave</i>
14 on Rutan	Same	✓ Mrs. Olive M. Goering 256 S. Rutan 67218
12 on English	Same	✓ Carl Chuzy & Tola Chuzy 204 S. Parkwood Lane 67218
14 on English	Same	⓪ Same
16 on English	Same	⓪ Same
18 on English	Same	⓪ Same
20 on English	Same	⓪ Same
22 on English	Same	⓪ Same
1	Fegtleys 2nd Addition	✓ Albert Anthony Herbst Elizabeth Herbst 657 N. Fountain 67208
2	Same	⓪ Same
3	Same	✓ Walter T. Wainscott Irma Carolyn Wainscott 238 S. Vassar Avenue 67218
4	Same	⓪ Same
5	Same	✓ Leah C. Hillyard 6220 E. Murdock 67208
6	Same	⓪ Same
7	Same	✓ Arthur W. Fegtley 248 S. Vassar 67218
8	Same	⓪ Same

Lot	Addition	Property Owner
6 & N $\frac{1}{2}$ 7	Samuels Addition	✓ Robert E. Bennett & Joann B. Bennett 142 S. Rutan 67218
S $\frac{1}{2}$ 7 All 8 & 9	Same	Lavonna J. Milner Address Unknown (None found)
10	Same	✓ Max Millard Menges & G. Sue Menges 150 S. Rutan 67218
11	Same	Ⓟ Same
12	Same	✓ Lloyd N. Farris & Helen E. Farris 3416 E. English 67218
14	Same	Ⓟ Same
16	Same	✓ Paul L. Whisenhart & Paula L. Whisenhart 6824 E. Orme 67207
18	Same	Ⓟ Same
20	Same	Ⓟ Same
22	Same	✓ Frederick Timothy Bishop & Sharon K. Bishop 6422 Cottonwood 67207
24	Same	Ⓟ Same
13	Same	✓ Leonard L. Herman & Celesta A. Herman Address Unknown <i>2328 E Harry</i>
15	Same	Ⓟ Same
17	Same	Ⓟ Same
All Lot 19 & Lot 21 exc E 3 $\frac{1}{2}$ '	Same	James R. Ralston Address Unknown (None found)
E 3 $\frac{1}{2}$ ' 21 All Lots 23 & 25	Same	✓ Angelo V. Fiataruolo Sandra Fiataruolo 3327 Oakland 67218

*notice Oct
67-10-70*

Lot	Addition	Property Owner
3 Park & Maple	College Hill Addition	Urban Construction & Development, Inc. 786 N. Ridge Road 67212
N $\frac{1}{2}$ of N $\frac{1}{2}$ of E $\frac{1}{2}$ Lot 2 Clifton & Cedar	Same	<i>Present to 311 S. Clifton 17-10-1972</i> Cathleen McCarthy 311 S. Rutan 67218
1 on Clifton	Clifton Avenue Addition	Paul L. Irwin & Shirley A. Irwin 144 N. Fountain 67208
2 "	Same	Same
3 "	Same	Same
4 "	Same	Same
5 "	Same	Same
6 "	Same	Same
7 "	Same	Mary Jane Simpson 307 S. Clifton 67218
8 "	Same	Same
9 "	Same	Same
10 "	Same	Helen P. Brown 309 S. Clifton 67218
11 "	Same	Same
12 "	Same	Same
13 on Vassar	Same	Harry W. Moxley and N. Eileen Moxley <i>(None found)</i>
14 "	Same	Same
15 "	Same	Wayne M. Armstrong & Zelma Armstrong 1809 West 18th St. 67203
16 "	Same	Same
17 "	Same	Ollie H. Jenkins 210 S. Vassar 67218
18 "	Same	Same

Lot	Addition	Property Owner
S 50' Lot 19 & S 50' of W 18.94' Lot 20 on English	Clifton Avenue Addition	✓ Otis Lee Vanderpool & Barbara M. Vanderpool 206 S. Vassar 67218
N 100' of W 39.47' Lot 19 on English	Same	✓ Leland Spencer and Margaret Rogers Spencer 3501 East English 67218
E 20.53' of N 100' of Lot 19 & W 18.94' of N 100' of Lot 20 on English	Same	✓ Nancy R. Lackey 3505 East English 67218
E 40' of Lot 20 & W 13' of Lot 21 on English	Same	✓ Scott H. Gasche & Wilhemina E. Gasche 3507 East English 67218
E 11' of Lot 21 on English	Same	✓ Paul L. Irwin and Shirley A. Irwin 144 N. Fountain 67208
4	Brinker Addition	✓ Frank J. Skach and Anita L. Skach 251 S. Clifton 67218
5	Same	✓ Earl V. Phillips 3510 E. English 67218
6	Same	✓ Ruth Elnora Frey Address Unknown 902 W 635
7	Same	✓ Olney E. McKee and Barbara J. McKee 3402 E. English 67218
8	Same	✓ Winifred Hecht Lorreta Hecht and Catharine Dettle 3331 Oakland Avenue 67218

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

Lot 3, Park and Maple, College Hill Addition
to Wichita, Sedgwick County, Kansas

as shown by the records in the Office of the Register of
Deeds of Sedgwick County, Kansas, on this 22nd day of June,
1972 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

John Peyton
ant Vice President

Order No. 191639
ct

THE CITY OF WICHITA



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

RETURN
TO
WRITER



7



19-72

Frederick Timothy Bishop
& Sharon K. Bishop
6422 Cottonwood
Wichita, Kansas 67207

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

Handwritten initials

THE CITY OF WICHITA



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

RETURN
TO
WRITER



19-72

F. Leon Alley &
Mary L. Alley
233 S. Vassar
Wichita, Kansas 67218

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

Form 273-1

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

Name _____

Address _____

Type _____ Due Date 11 30

Comments: _____

Date 11 20 76 By [Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 1