

BZA 19-74 - David Stuckey requests
exception for mobile home - NS 47th
St. S. in an area between Turnpike
and Madison

POSTED

6-26-74

ACTION

DATE

2.23.74

BZA COMMITTEE

denied

M.A.P.C.

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

EIGHT 100' NEFW

2 "AA"

Map No. 5642
Sec. 15
Twp. 28
Range 7E

BZA- 19-74
SCZ- _____
CU- _____
Filed _____

- AREA DATA:
1. Acres: 0.34 (69 ft. by 220 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
West UNDEVELOPED & LAND TURNING North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
Taken by _____ Date _____ Time _____



August 1, 1974

Mr. David L. Stuckey
4805 South Minneapolis
Wichita, Kansas 67216

Subject: Case No. BZA 19-74
Request for Exception

Dear Mr. Stuckey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 23, 1974, in connection with your request for an exception to permit the installation of a mobile home on property zoned the "E" Light Industrial District and generally located on the north side of 47th Street South in an area east of the Kansas Turnpike.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Scott Stuckey, 4805 S. Minneapolis 67216
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 19-74

WHEREAS, David L. Stuckey, 4805 South Minneapolis, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the installation of a mobile home on property zoned the "E" Light Industrial District and legally described as follows:

The east 69 feet of Lot 1, Scott Stuckey Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 47th Street South in an area east of the Kansas Turnpike.

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 23, 1974, consider said application; and

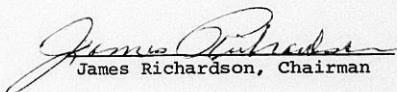
WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit placement of a mobile home, on any property in any district except the "AA" Single Family Dwelling District, subject to conditions outlined in Section 28.04.182.3, Code of the City of Wichita.

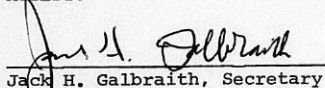
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be denied for installation of a mobile home, on property zoned the "E" Light Industrial District, and legally described as follows:

The east 69 feet of Lot 1, Scott Stuckey Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 47th Street South in an area east of the Kansas Turnpike.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

July 24, 1974

Mr. David L. Stuckey
4805 South Minneapolis
Wichita, Kansas 67216

Subject: Case No. BZA 19-74
Request for Exception

Dear Mr. Stuckey:

At the regular meeting of the Board of Zoning Appeals on July 23, 1974, your request for an exception to permit the installation of a mobile home on subject property which is zoned the "E" Light Industrial District and generally located on the north side of 47th Street South in an area east of the Kansas Turnpike, was considered.

It was the action of the Board to deny this request.

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: Scott Stuckey, 4805 S. Minneapolis 67216
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

Wichita Planning Commission

My present shop was built behind the house at 2214 East 47th Street South so that it would be convenient and would protect it from prowlers and burglars. My prior shop at 2212 East 47th Street South, and now occupied by the Gene Hensley Company, was burglarized twice and about \$800.00 in tools and equipment stolen. Police records show these thefts and several prowling reports. Randy Bemis, employee of Gene Hensley Company, drove in late one evening and saw a prowler which got away.

The house in which I lived at 2214 East 47th Street South burned and had to be destroyed in the last part of March 1974. I now have no way to protect my shop, the equipment in it or the funny car (a special racing car) which I am finishing to be called "The Message" It will be driven by Phil Bolin, a minister, before crowds estimated at over 4 million people to bring the message of Jesus Christ to the people of this country.

The Gene Hensley Company, at 2212 East 47th South, would like for me to watch his building in which he has expensive heating and air conditioning equipment. Harold Brown of ConCrete Products, at 2216 East 47th South, has equipment and supplies stored outside at his place. He would like for me to watch his place.

This funny car has expensive parts which young racing owners would like to steal. We respectfully ask permission to park a trailer near this shop for the use of one or more watchmen.

This trailer will watch and protect the properties of

Harold Brown 2216 East 47th South
Dave Stuckey 2214 East 47th South
Gene Hensley 2212 East 47th South

Respectfully Submitted

David L. Stuckey
David L. Stuckey, Owner

Nancy C. Holmes
Nancy C. Holmes, Owner

Approved by:

Gene Hensley

Harold Brown
Harold Brown

SECRETARY'S REPORT

CASE NO. EZA 19-74

APPLICANT: David L. Stuckey, 4805 S. Minneapolis, Wichita, Kansas.

AGENT: Scott Stuckey, 4805 S. Minneapolis, Wichita, Kansas.

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the installation of a mobile home on subject property.

GENERAL LOCATION: North side of 47th Street South in an area east of the Kansas Turnpike.

LAND USE: Subject property is occupied by a custom car building shop; to the north is vacant land; east and south are single family dwellings; west is a heating and air conditioning business.

ZONING: Subject property is zoned the "E" Light Industrial District as are those properties to the north, east and west. Property to the south is zoned the "AA" Single Family Dwelling District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.182.3 can be complied with.

COMMENTS BY THE SECRETARY:

The Board of Zoning Appeals has the authority to permit as an exception the placement of a mobile home on any property in any district except the "AA" Single Family Dwelling District on a temporary basis provided that the applicant can show due cause that a hardship exists and that this hardship cannot reasonably be alleviated without the granting of this permit. Section 28.04.182.3 further stipulates that the Board shall determine a reasonable time limit for each individual case; that the location of such home shall conform to all lot area, height and setbacks of the zoning district in which located and the off-street parking requirements of the Ordinance; and that the Board may include additional conditions as deemed necessary to include such things as extraordinary setbacks, landscaping and installation of utilities.

Secretary's Report
BZA 19-74
Page Two

In his statement of justification the applicant states that his shop was built behind an existing house on subject property for convenience and protection from burglary. Earlier this year the house was destroyed by fire. In justifying the hardship in this case the applicant states that he now has no way to protect his shop and contents from burglary. He is in the business of custom car building and states that his equipment and various car parts are expensive and provide particular inducement for burglary. The applicant is requesting an exception to permit the placement of a mobile home on subject property to serve as a watchman's residence for the above mentioned shop and for adjoining properties to the east and west.

The house that was destroyed by fire was built prior to the annexation of the property to the City and was considered a legal nonconforming use. Under the nonconforming use regulations of the Code of the City of Wichita, any nonconforming building that is destroyed by fire to the extent of more than 50 per cent cannot be reconstructed unless it conforms to all restrictions for the district. Subject property is zoned the "E" Light Industrial District, which excludes single-family dwellings except as a residence for a watchman, provided that such dwelling is located on a tract used for an industrial purpose. The custom car building business would not be considered an industrial use, (first permitted in "C" Commercial) therefore the residential dwelling unit could not be reconstructed.

Mobile home exceptions have previously been granted, but usually associated with hardship involving the care of invalid or elderly relatives. This is not to say that hardship could not be shown in other ways. In this case, however, it would seem that protection from burglary could reasonably be alleviated by other means such as proper lighting, protective fencing, burglar alarms, watch dogs, etc. without granting this exception to permit a mobile home which by all indications would be the applicant's residence. It is the intent of the zoning ordinance to discourage residential dwellings within industrial districts and any other use mixes of a conflicting nature.

RECOMMENDATION

It is the opinion of the Secretary that a hardship does not exist that cannot reasonably be alleviated without the granting of this permit and therefore it is recommended that the request for the placement of a mobile home on subject property be denied.

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

July 1, 1974

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 19-74

An application has been filed by David L. Stuckey, 4805 South Minneapolis, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the installation of a mobile home on property zoned the "E" Light Industrial District, and legally described as follows:

The east 69 feet of Lot 1, Scott Stuckey Addition to Wichita, Sedgwick County, Kansas, Generally located on the north side of 47th Street South in an area east of the Kansas Turnpike.

This application has been assigned Case No. BZA 19-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 23, 1974, 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 Notices mailed to
adjoining property
owners 4/10 Notices
mailed to m a p c
on 7-2-74*

5642

BOARD OF ZONING APPEALS

CASE NO. 19-74

CITY OF WICHITA, KANSAS

FILED 6-25-74

APPLICATION FOR EXCEPTION

✓ 718 N 47th St
in an area that
is unimproved

I. Name of Applicant DAVID L. STUCKEY
Mailing Address 4805 So. MINNEAPOLIS Phone 5240763
5240616 SHOP
Name of Authorized Agent SCOTT STUCKEY
Mailing Address 4805 So MINNEAPOLIS Phone 5240763 ⁵²²⁻¹⁴⁷⁷ _{AW}

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

II. Application is made for an exception as provided in Section

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of MOBILE HOME

_____ on property zoned

E, located 2214 E. 47th St South

_____ and legally described as: EAST 69'

OF LOT 1 SCOTT STUCKEY ADDN TO CITY OF

WICHITA SEDGWICK Co Ks

_____, in the City of Wichita.

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 all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. 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.

Applicant David L. Stuckey
Authorized Agent Scott Stuckey

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:35 (a.m. ~~P.m.~~), June 25, 19 74, together with appropriate fee of \$50.00

Signed E. Lynn Shockey

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
1		Scott Stuckey Addition	Nancy Carolyn Holmes ✓ 4844 South Madison 67216
			Frank Dean Stuckey Address Unknown
1		S & G Industrial Add.	L. Jay Gilbert & Marieta ✓ 4736 South Madison 67216
2		Same	Same
3		Same	Same
4		Same	Erma Snyder ✓ 4815 South Spruce 67216
1	D	South Hydraulic Park Second Addition	Frank L. Novascone & Regina ✓ 3821 East Central 67208
2	D	Same	Abraham Serrano & Cruz M. ✓ 4815 South Madison 67216
1	C	Same	Edwin B. Stephens & Fern ✓ 4800 South Madison 67216
		Beginning 477 feet East and 20 feet North of the Southwest corner of Government Lot 7, SW $\frac{1}{4}$ of Section 15-28-1E, thence East 131 ft, parallel to the South line of Lot 7, thence at right angles North 211 feet, thence at right angles West 131 feet, thence South 211 feet to point of beginning	Harold E. Brown and Betty ✓ 2216 East 47th St. South 67216

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

A 200 foot radius of: A portion of Lot 1, Scott Stuckey Addition described as: Beginning at a point 425 feet East of the Southwest corner of Government Lot 7, thence North parallel with the West line said Lot 7 a distance of 146 feet, thence Northwesterly to a point on the North line of said Lot 1, Scott Stuckey Addition 386 feet East of the West line of Government Lot 7, thence East 91 feet more or less to the Northeast corner said Lot 1, Scott Stuckey Addition, thence South to the Southeast corner said Lot 1, thence West to point of beginning, except that portion dedicated for 47th Street South

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 20th day of June, 1974 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Isalle

Vice President

Order No. 214852
wh

THE CITY OF WICHITA, KANSAS
CENTRAL INSPECTION DIVISION
DEPARTMENT OF PUBLIC WORKS

File No. _____
Date 6-25-74

LICENSE APPLICATION FOR OPERATION OF A MOBILE HOME PARK
(Submit in triplicate)

New
Existing _____

APPLICATION IS HEREBY MADE for license to operate a Mobile Home Park (one or more mobile homes or house trailers) in conformance with the ordinances of the City of Wichita, Kansas. I hereby certify that the statements made on this application and the attached exhibits are true and correct to the best of my knowledge.

North Turkey
Signature of Applicant

Signature of Owner

Legal Description of Proposed Park:
East 69' Lot 1 North Turkey Ave.

Owner: Dwight Holmes & Frank Turkey
Address: 4805 S. Kansas Tel: 5240763

If Applicable:
Name of Park: _____
Address: 2214 E. 47th St Tel: 524 0056

Name of Operator: _____
Address: _____ Tel: _____

Number of Spaces: Mobile Home 1 House Trailer _____

Water: City Sewage: City _____ Fuel: Public
Private _____ Private Private _____

Electricity: _____

Applicable to parks accommodating one or more HOUSE TRAILERS only:

Sanitary Facilities:

No. of toilets(M) _____ No. of lavatories(M) _____ No. of showers or tubs(M) _____

No. of toilets(F) _____ No. of lavatories(F) _____ No. of showers or tubs(F) _____

Required Exhibits: Plat of proposed park (in triplicate). Min. Scale 1" equals 30'.
Include: Park dimensions.

Number, location and size of spaces.

Location and size of buildings, sewers, water lines, gas lines,
sewage disposal system and water supply wells.

Applicable to new parks only: Layout shall include topographical contours,
drainage and grading plans.

OFFICE USE ONLY:

In compliance with park layout requirements: _____ Electricity: _____

APPROVAL

WICHITA-SEDGWICK COUNTY HEALTH DEPT.

CENTRAL INSPECTION DIVISION

By _____

By 1510104

Date _____

Date _____

KA-247

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

Name

Address

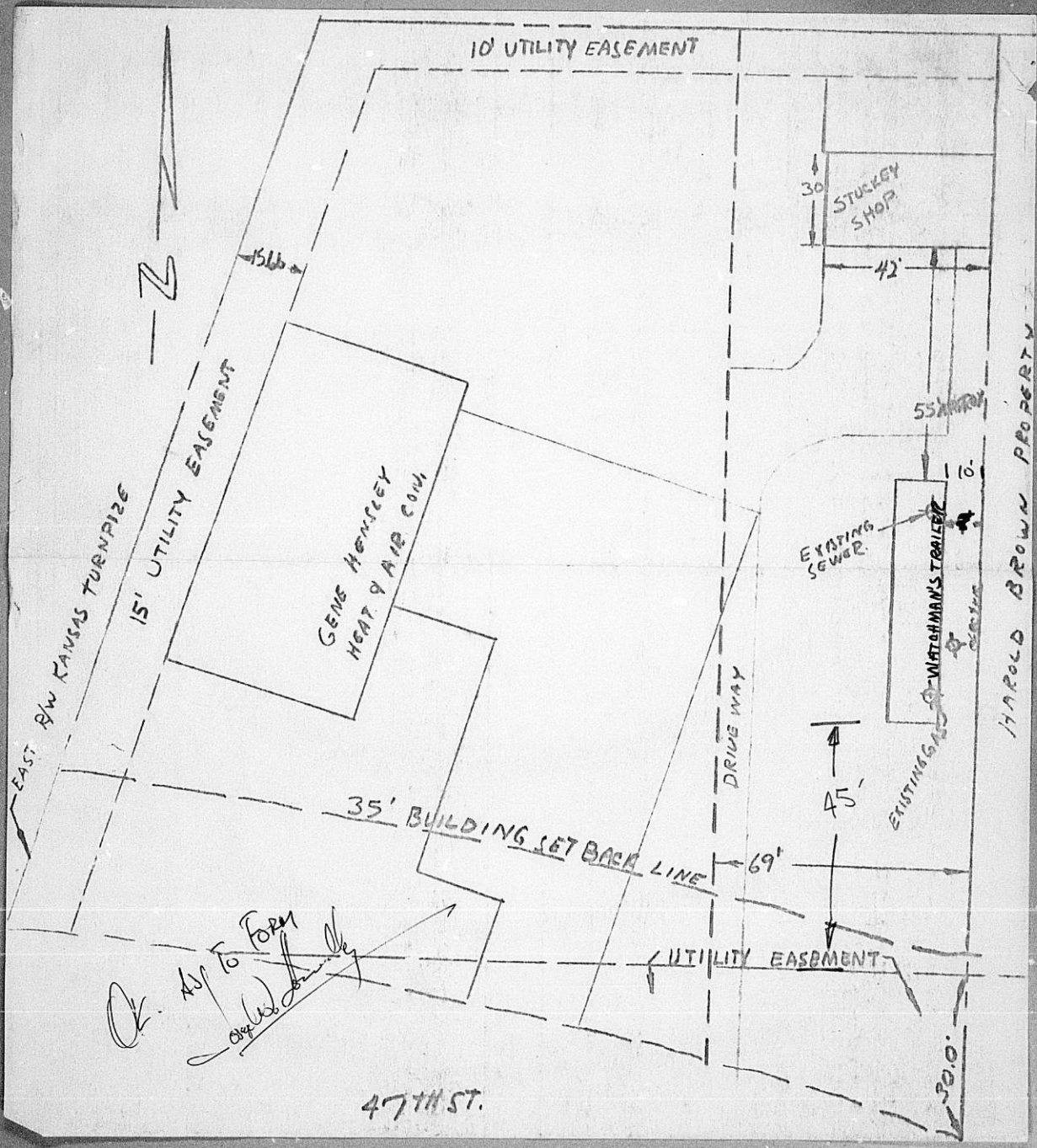
Type

Due Date

Comments:

Date

By



10' UTILITY EASEMENT

STUCKEY SHOP

15' UTILITY EASEMENT

GENE HENSELEY
HEAT & AIR COND.

EXISTING SEWER

WATCHMAN'S TRAILER

DRIVE WAY

35' BUILDING SETBACK LINE

45'

UTILITY EASEMENT

HAROLD BROWN PROPERTY

47TH ST.

Q. As to Form
over [unclear]



EAST 8W KANSAS TURNPIKE

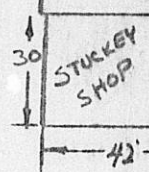
156'

55'

69'

30.0'

10' UTILITY EASEMENT



15' UTILITY EASEMENT

GENE HENSEY
HEAT & AIR COND.

EXISTING SEWER

EXISTING GAS
WATCHMAN'S TOWER

HAROLD BROWN PROPERTY

DRIVE WAY

35' BUILDING SETBACK LINE

69'

UTILITY EASEMENT

45'

30.0'

OK
As to Foley
[Signature]

47711 ST.