

BZA 19-77 - Lucille Stoops re-
quests a variance to reduce the
required side yard from 6' to 5'
adjacent to the south property
line on property located at the
northwest corner of Murdock & Ter

POSTED
5-2-77
C.I.V.
MAYOR
6-23-77

ACTION

BZA 19-77 COMMITTEE

Approved

DATE 5-24-77

M.A.P.C. _____

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

BZA 19-77 - Lucille Scoops re-
quests a variance to reduce the
required side yard from 6' to 5'
adjacent to the south property
line on property located at the
northwest corner of Murdoch & Fern

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

April 29, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 19-77

An application has been filed by Lucille Stoops, 803 North Terrace, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 5 feet, on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 335 and 336, Belmont Park, Wichita, Kansas. Generally located at the north-west corner of Murdock and Terrace Drive.

This application has been assigned Case No. BZA 19-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 24, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 19-77

WHEREAS, Lucille Stoops, 803 North Terrace, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the south property line from 6 feet to 5 feet on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 335 and 336, Belmont Park, Wichita, Kansas.
Generally located at the northwest corner of Mur-
dock and Terrace Drive.

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 May 24, 1977, 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 this addition was approved by the Office of Central Inspection 23 years ago and has been in existence since that time; 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 there is only a 1 foot differential, adjacent to the side street of the property and there would be virtually no change in the distance the structure sets back from the property line; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the wall of this room/porch is in need of repair and yet to repair it without enclosing it would not make it useable to the applicant; 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 due to the fact that there would be no change in the location of the wall from that which has existed for 23 years; 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 adequate space for the passage of light and air is available; 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 has been found to exist.

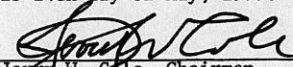
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 5 feet, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 335 and 336, Belmont Park, Wichita, Kansas.
Generally located at the northwest corner of Mur-
dock and Terrace Drive,

be approved subject to the following condition:

1. The south side yard setback shall be reduced from 6 feet to 5 feet for only that portion of the yard where the existing porch is located, as shown on the survey of subject property dated April 4, 1977.

ADOPTED AT WICHITA, KANSAS, this 24th day of May, 1977.



Jerry W. Cole, Chairman

ATTEST:



Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

June 14, 1977

Ms. Lucille Stoops
803 N. Terrace Drive
Wichita, Kansas 67208

Re: Request for Variance
Case No. BZA 19-77

Dear Ms. Stoops:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 24, 1977, in connection with your request for a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 5 feet on property zoned the "A" Two Family Dwelling District and generally located at the northwest corner of Murdock and Terrace Drive.

This Resolution reflects the official action of the Board to approve the request and sets out the condition of approval. It is forwarded to you for your information and files.

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

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bb
Encl.

cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Maintenance, Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE May 20, 1977



TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Mary Pitman, CPO Administrative Aide

SUBJECT BZA 19-77 (Murdock and Terrace)

At their meeting on May 17, 1977, CPO Neighborhood Council "I" took action to recommend approval of BZA 19-77.

Mary Pitman

Mary Pitman
CPO Administrative Aide

MP:rh

NOTED:

A handwritten signature in black ink, appearing to read 'DF' or 'David Furnas', written over a horizontal line.

David Furnas
CPO Coordinator

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

May 25, 1977

Ms. Lucille Stoops
803 N. Terrace Drive
Wichita, Kansas 67208

Re: Request for Variance

Dear Ms. Stoops:

At the regular meeting of the Board of Zoning Appeals on May 24, 1977, your request for a variance to reduce the required side yard setback adjacent to the south property line from 6 feet to 5 feet on property zoned the "A" Two Family Dwelling District, and generally located at the northwest corner of Murdock and Terrace Drive was considered.

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

1. The south side yard setback shall be reduced from 6 feet to 5 feet for only that portion of yard where the existing porch is located, as shown on the survey of subject property dated April 4, 1977.

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.

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bh

cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection (Maintenance)

SECRETARY'S REPORT
CASE NO. BZA 19-77

APPLICANT: Lucille Stoops, 303 N. Terrace, Wichita,
Kansas.

AGENT: N/A

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
side yard setback adjacent to the south prop-
erty line from 6 feet to 5 feet.

GENERAL LOCATION: Northwest corner of Murdock and Terrace Drive.

ZONING: Subject property and all surrounding properties
are zoned the "A" Two Family Dwelling District.

LAND USE: Subject property and all surrounding properties
are developed as single family residences.

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, prosperity, 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 1 foot variance of the south side yard setback, reducing it from the required 6 foot to 5 foot, for the purpose of enclosing an existing screened porch.

Subject property is located at the northwest corner of Terrace and Murdock and is developed as a single family residence. A remodeling of this home 23 years ago included an addition to the south side of the house to within 5 feet of the property line. This ad-

SECRETARY'S REPORT
CASE NO. BZA 19-77
Page 2

dition was planned to be used as an enclosed sun room, however, screen wire was eventually used instead of windows. Over the years, the increase in traffic at this intersection with its corresponding noise and fumes has made the intended use of this room or porch undesirable. As a result of brickwork pulling away from the house, the applicant must have the south wall of this addition reworked. In the process she desires to enclose the room with windows rather than screen so that it might be used for its original purpose as a sun room.

The side yard setback requirement in the "A" Two Family Dwelling District is 6 feet, the same today as it was 23 years ago. The applicant recalls dealing with an inspector who approved the original remodeling at a 5 foot setback requirement. It would be difficult to determine all that transpired at that time, but suffice it to say that the structure has been in existence for 23 years with a 5 foot setback.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may be found to exist in this instance inasmuch as this addition was approved by the Office of Central Inspection 23 years ago and has been in existence since that time.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance desired would not adversely affect the rights of adjacent property owners inasmuch as this is only a 1 foot differential, adjacent to the street side of the property and there would be virtually no change in the distance the structure sets back from the property line.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the wall of this room/porch is in need of repair and yet to repair it without enclosing it would not make it useable to the applicant.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as there would be no change in the location of the wall from that which has existed for 23 years.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of this variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate space for the passage of light and air is available.

SECRETARY'S REPORT
CASE NO. EZA 19-77
Page 3

RECOMMENDATION:

It is the opinion of the Secretary that the above 5 conditions can be found to exist and it is, therefore, recommended that the variance be granted as requested, subject to the following conditions:

1. The south side yard setback shall be reduced from 6 feet to 5 feet for only that portion of yard where the existing porch is located, as shown on the survey of subject property dated April 4, 1977.
-

27 notices sent applicant and adjoining property owners
10 notices sent to MAPC members
1 notice sent to CPO
39 total notices sent on BZA 19-77, 5-2-77

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

April 29, 1977

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Case No. BZA 19-77

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It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Lucille Stoops

Mailing Address 803 North Terrace 67208 Phone 686-8048

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

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

II. The variance requested is a reduction of the required side yard from
the 3 ft. extension was approved 22 years ago
for enclosure at 5 ft. from property line on Murdock. Screen was used instead
at the time, but because of problems set out in statement, windows must be
installed. Repair work to do this will be contained at 5 ft., the requirement
when built. If extension were being made now, the requirement would be 6 ft.
six feet to five feet adjacent to the south property line.
for property located at 803 North Terrace JB

and legally described as: Lots 335 and 336, Belmont Park Addition

in the City of Wichita; and which is presently zoned A - 2 family

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.

Lucille Stoops
Applicant

N/A
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:00 (a.m. p.m.), 4:25 1977 together with appropriate fee of \$50.00.

N W corner Murdock & Terrace

T9-402

5748

Larry Johnson
Signed

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

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I. Name of Applicant Lucille Stoops

Mailing Address 803 North Terrace 67208 Phone 686-8048

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

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Lucille Stoops
Applicant

N/A
Authorized Agent

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

Signed

Twenty-three years ago I had remodeling done to my home fronting Terrace which included an extension of 3 feet on the Murdock side for an enclosed sun room. This was 5 feet from the property line as required and approved by the inspector at the time. However, it was decided to use screen instead of windows which the inspector said could be installed at any time later.

Murdock was then a dead-end street two blocks west and had practically no traffic, also there was not much traffic on Terrace, and it was quiet and pleasant. A few years after construction, a street was cut through by the McDonald Golf Course which made Murdock the first through street south of Thirteenth.

I planned to install windows several times because so much traffic noise and dust from the street, also fumes from the cars, and Terrace is a stop street, made it impossible to use it as a porch. I have had many repairs made but the 28-inch high brick work continued to tip and break and pull away from the house.

Just a few years ago I spent \$350.00 for repairs which proved useless. It is in such condition now that more work must be done and the wall rebuilt. I plan to contain it 5 feet from the line. I don't feel that I can afford to put more money into something I cannot use, unless it is enclosed, as I haven't used it in 17 years, and, of course, as a screened porch it is of no value to the property either.

As mentioned in the application, if the extension were being built now the requirement would be 6 feet from the property line on the Murdock street side, but as my home is on the corner, this extension 5 feet from the line could not affect any other property owner in the neighborhood.

Rucille Steaps

OWNERSHIP LIST

Lots	Addition	Property Owner
327	Belmont Park Addition	✓ Orlando Krause and Ruth L. Krause 5002 East Central, Apt. 3 67208
328,329	Same	<i>mail red</i> ✓ Donald J. Kolar & Novalee 5308 Lambsdale 67208
330,331	Same	<i>mail red</i> ✓ Glenn A. Moore & Osythe D. Moore 815 N. Terrace 67208
332,333,334	Same	✓ Donald Gene McKasson and Robert N. Buzzi 405 N. Pershing 67208
335,336	Same	✓ Edna Lucille Stoops 803 N. Terrace 67208
337,338	Same	✓ Paul E. Shidler & Mary Elizabeth 4402 East Murdock 67208
339,340	Same	✓ Hugo E. Pfortmiller & Delores 806 N. Crestway 67208
341,342	Same	✓ Steven J. Kendall & Sheri L. 1888 South Hydraulic, Apt. 139 67211
343,344	Same	✓ Raymond P. Speer 820 North Crestway 67208
345,346	Same	✓ Paul M. McFarland and Joan 16227 East Kellogg 67230
241,242	Same	✓ Geraldine R. Taggart & Russell K. 116 West Lincoln Wellington, Kansas 67152
243,244	Same	✓ Gladys P. Willhite 120 South Battin 67218
245,246	Same	<i>Living ONE</i> <i>925-1-11</i> ✓ Hazel F. Schmitt, Address Unknown
247,248	Same	<i>34-1-11</i> <i>4-1-11</i> ✓ Lucille Brodie 818 N. Terrace 67208
249,250	Same	✓ Jerry L. McFadden & Geraldine 817 N. Terrace 67218
237,238	Same	<i>not in C.D. not in phone book</i> ✓ Richard Monfort & Eleanor J. 5D Address Unknown
239,240	Same	✓ Lewis G. Baker and Virginia M. 801 North Pershing 67208

Lots	Addition	Property Owner
247,248	Overlook Addition	✓ Andrew C. Menas and Ardath C. 642 North Terrace 67208
249,250	Same	✓ Eldon Keith Dunn and Clarita M. 652 North Terrace Drive 67208
251,252	Same	✓ Ernest A. Steiner and Gertrude I. 427 North Quentin 67208
253 & N $\frac{1}{2}$ 254	Same	✓ H. P. Moon and Faye Moon 1648 Garland 67203
S $\frac{1}{2}$ 254 and all 255	Same	✓ Melba E. Mather and Claude E. 655 North Terrace Drive 67208
256, 257	Same	✓ G. J. Sparks and Nell P. Sparks 649 North Terrace Drive 67208
lot 258	Same	✓ Carl Bauman and Edith Bauman 645 North Terrace 67208
lot 331	Same	✓ William F. Garhan and Harriet E. 644 North Crestway 67208
332 and S $\frac{1}{2}$ 333	Same	✓ Jenivie C. Palmour 650 North Crestway 67208
N $\frac{1}{2}$ lot 333, all 334	Same	✓ Orland A. Curfman and Elva M. 652 North Crestway 67208
335,336	Same	✓ William B. Smith Jr. & Dorothy J. 654 North Crestway 67208



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

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

A 200 foot radius of: Lots 335 and 336,
Belmont Park, an Addition to Wichita, Kansas

as shown by the records on file in the Office of the Register of Deeds
of Sedgwick County, Kansas, on the 18th day of April, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

A handwritten signature in cursive script that reads 'Mary Gable'.

Vice President

Order No. 249505
wh

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

April 29, 1977

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It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

19-77

WICHITA - SEDGWICK COUNTY
W S C
BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

*not in CD
not in SO*

NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
MUNGER

Donald J. Kolar and Novalee
5308 Lambdale
Wichita, Kansas 67208



Important!
Notice of Hearing
Enclosed

BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

April 29, 1977

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Jack H. Galbraith
Secretary

A-77

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



**NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
MURGER**



Orlando Krause and Ruth L. Krause
5002 East Central
Apartment 3
Wichita, Kansas 67208

Important!
Notice of Hearing
Enclosed

Form 22-1

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
BZA Variance	50.00

Name Lucille Staps

Address 803 N. Terrace

City AA 407 103 Due Date 4/25/77

Comments:

Date 4/25/77 By [Signature]